

BOOK REVIEW

“The Destruction of Young Lawyers: Beyond One L”

By Douglas Litowitz

Reviewed by Deborah Weinstein

We are practicing in a time of renewal of the value of public service in the profession – what Douglas S. Houghton, Chair of the ABA Standing Committee on Bar Activities and Services, calls a “Renaissance of Idealism in the Legal Profession” – and enlightened law firm management and marketing departments are actively seeking ways to enhance opportunities for lawyers to become involved in public service and contribute to the public good.

More and more law firms have attorneys charged solely with coordinating pro bono activities and give “credit” for the hours so expended. While not all firms have jumped onto the public service bandwagon and the community’s need for pro bono representation is very far from being met, both our clients and our professional associations are encouraging an increase in civic engagement, service on nonprofit organizations’ boards and more pro bono representation.

These activities express our professionalism and speak to the desire of lawyers, especially young ones, to contribute to the community, make the legal system more accessible and work for a system that is fair and just.

The fact that this commitment to public service is increasingly part of contemporary law firm practice is entirely ignored by author Douglas Litowitz in his recently published book, *The Destruction of Young Lawyers: Beyond One L*. Litowitz’s thesis is that the contemporary practice of lawyering in firms destroys young lawyers. The lynchpin of his arguments is that the practice, especially in firms, “stands in the way of justice,” thereby forcing “young lawyers to work at cross purposes to the very reasons they choose to become lawyers.” (p. 93)

This dynamic, he asserts, along with a wide-ranging host of other evils the profession perpetrates on young lawyers, has made our young lawyers “pathologically unhappy.” Or, as he describes it:

“Young lawyers are morosely unhappy by every conceivable standard. . . . Through ignorance and greed, the legal profession has designed a complicated system of education, licensing and practice that drives young lawyers into fear, alienation and self-hatred. . . . All of these factors add up to a nightmarish situation for young lawyers . . . a boring and expensive

education; a crushing debt burden; a pointless but mandatory bar exam; exhausting jobs with little opportunity for partnership; shocking rates of anxiety, depression and alcoholism: all amid an atmosphere of public hatred. . . **What gets lost is the very thing that makes law attractive in the first place – the chance to use one’s intellectual ability to secure justice for a client.**

(p.15) [emphasis supplied]

Litowitz’s position, taken to its logical extreme, would be that firms should discontinue recruiting at law schools for fear of causing our young lawyers to suffer from willful self-destruction and other manifestations of mental illness!

From start to finish, Litowitz’s book is a scathing diatribe of the profession, especially as practiced in firms and one that portrays every dimension of the practice in the worst possible light. He has written, by far, the most detailed and contemptuous account of the practice imaginable. In all, it is difficult if not impossible, to find one good or positive statement in his book about practicing in a firm. As a result, *The Destruction of Young Lawyers* is a very unpleasant read, sometimes bordering on the painful.

Litowitz’s arguments fail for the same reasons that make his book agonizing. His descriptions are a wholly one-sided. He omits any mention of the positive and rewarding aspects of lawyering or the many advantages law firm practice offers new attorneys. He disregards the value of training, the availability of role models and mentors, the use of technology to work more efficiently, the opportunities to practice under supervision of more experienced attorneys and the ability to contribute monetarily to not-for-profit efforts.

Pro bono representation is pooh-poohed as a “common defense mechanism for big-firm lawyers” to “demonstrate to themselves and others that their values have not been compromised” and a “valiant attempt to undo what a lawyer does on behalf of paying clients.” (p.142)

To be sure, law firm practice does have many, many down sides for young lawyers. Some of what Litowitz describes is true. His criticism of law schools and bar exams, for instance, as poor preparation for students who need to learn the nuts and bolts of practicing law is not a new idea nor one with which many would disagree. The life of a new associate in a law firm is fraught with many of the perils the author describes. Unpleasant things, oftentimes motivated by greed or arrogance, do happen as they do in many businesses. Getting and keeping clients and being financially profitable are all critical to the success of law firms and, consistent with Litowitz’s view, much of the practice today is in fact geared toward these priorities. Moreover, not all

associate attorneys who begin in large law firms should stay because it's not always a good fit.

Litowitz's thesis would have been more powerful and palatable if he had explored, in depth equal to his criticisms, ways to solve the problems he identifies. This he promises to do but in the end he devotes only a few pages to offering solutions for the many infirmities he identifies – solutions which, for the most part, are extremely unlikely to occur or of questionable desirability.

He suggests, for instance, that the root of many of the evils of law firm practice is that there are too many lawyers. To correct this problem, he calls on The American Bar Association to decrease these numbers by severely limiting access to law schools so as to reflect the market demand for services. To enable new lawyers to avoid law firm practice altogether, he suggests that low interest loans be made available to young lawyers so they can open solo practices immediately after graduation from law school.

One of the few notions where I believe Litowitz gets it right is his premise that many young people enter the profession with the intention of contributing as lawyers to the public good. When law firm clients ask me how best to recruit and retain young lawyers, I tell them that opportunities for public service and pro bono work are critical to hiring and keeping our best young lawyers.

Perhaps the value of *The Destruction of Young Lawyers* is simply as a reminder to the profession that our young lawyers are precious cargo. Given the newly-minted law firm paradigm as part profession, part business, it is particularly important to remember that what we want from young attorneys entering the profession is just what they are telling us during job interviews is their motivation to practice law: their strong commitment to justice and fairness for all. This is a valuable commitment that firms, other legal institutions and practicing attorneys would do well to safeguard and nurture.

Deborah Weinstein, Esquire, President of The Weinstein Firm, serves as Vice-Chair of the Philadelphia Bar Association's Board of Governors and chairs the Association's new Task Force on Law Practice Management. She also teaches an undergraduate course, "The Law at Work: Employment Law for Managers," at The Wharton Business School.