

Did “Mindless Work” Help Foreshadow our 3L’s Woe?

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Recently, controversial author and University of Michigan law school graduate Ann Coulter commented on her experience working as a lawyer early in her career. She worked at a major, highly-respected firm in New York and then a public-interest law firm. She hated both jobs, noting: “at a big law firm you are doing so much mindless work and so much suck-uppery.” (Emphasis added.)



Regardless of your personal feelings about Coulter, how many lawyers out there haven’t either shared her feelings or known a close friend or colleague that did ... and ... is there a connection between Coulter’s experience and the recent tale from our anonymous 3L?

The “suck-uppery” part aside – office politics is hardly something unique to the legal profession – how long has it been an accepted (expected?) condition that “mindless work” is one of the tradeoffs that comes with landing an associate position at large firm? These positions are among some of the most competitive, highly compensated entry level jobs in the country and sought after by students that include the top-of-the-class at our highest rated law schools. Coulter’s description may not be universally true, but it’s certainly not unique.

How long did Firms believe that clients would continue to pay premium rates for young associates doing what they often describe themselves as “mindless” work? While “mindless” is certainly relative and, in some cases subjective (what is “mindless” to the top graduate at Harvard Law might not be the best way to get an objective measure of “mindless”) the basic underlying point is that the skillset of an intelligent, competitive, highly-educated resource is: (a) being dramatically underutilized; or (b) probably not needed in the first place for the task at hand. Killing flies with a sledgehammer.

Unchallenging work assigned to a junior lawyer has often been historically passed off as training, and sometimes there is truth in that, particularly when the junior is lucky enough to have an attentive senior partner willing to take the time to explain the “big picture” that accompanies her “mindless” task at hand. But let’s be honest: the work is also often viewed simply as something you must “get through” as part of working your way up the Firm ladder. However, whether it’s legitimate valuable training, old-school “dues paying”, or some combination of the two – someone has to pay for it, and it seems as though clients have become increasingly more reticent about it not being them, and that’s not unreasonable.

This all seems as though it’s been the case for years – the “mindless work” comments persist, and maybe that’s part of the problem. Firms have generally not been eager to pro-actively seek ways to address this. (By way of example – for those in Firms now – how often have you seen successful pro-active technology initiatives championed and implemented, ahead of your clients?) On balance, the approach has been more reactive – the Firms get dragged forward by necessity, and then it’s often too late. When a tough economy forced clients to finally draw a hard line and simply refuse to pay high rates for work that could either be handled more efficiently in another manner, or eliminated altogether, Firms could only survive by laying off associates and cutting back on associate hiring.

When Richard Susskind first wrote *The Future of Law* in 1996 (predecessor to his next work, *The End of Lawyers?* in 2008) it presented a real opportunity to start re-thinking how valuable legal

services could be delivered in different ways, embracing new technology and getting ahead of the curve. There will always be a need for skilled legal advice, but the manner in which that advice is delivered will undoubtedly evolve and change as available tools and technology change.

Unfortunately, in 1996 many Firms just didn't believe Susskind – some even asserting (vigorously, no less) that e-mail would NEVER catch on with lawyers, for all sorts of incredulous reasons. However, I suspect that most DID believe him, but just weren't economically motivated or willing to act immediately (read: clients would grumble, but still ultimately pay for those big junior associate rates, so no need to act yet). It takes guts to cannibalize existing business in order to ensure a healthy future. Some Firms started that several years ago – embracing things like practice management technology, document assembly tools, outsourcing, alternate billing methods and the like – but many didn't, and now they're stuck with one of the worst situations facing any business: having to cut existing personnel while also having to forego hiring the best and brightest new talent that otherwise constitutes the future.

And [that brings me back to our talented 3L who is](#), among many others, impacted – at least in part – by the business decisions (or lack thereof) made by firms over the past 10-15 years. To be sure, there are many other reasons affecting our student's situation, but this was one that Firms themselves could've controlled.

Personally, I truly believe our student will eventually succeed, and that several options will emerge. In-house jobs and cross-functional positions (positions that draw up legal skill coupled with another substantive skillsets like finance, accounting, engineering, etc.) will become increasingly in demand as companies find it both more economical, and more valuable to the business, to have that resource available on staff. A forward-thinking firm who planned well enough to be in a position to hire the best and brightest – likely offering work that is anything but "mindless" – may also soon emerge.

Also, it's quite possible that our student could decide, alone or with law school colleagues, to hang a shingle and thrive like so many highly successful members of our own successful Rocket Matter community. Smaller firms who are using affordable technology are leveling the playing field with the big guys, and clients continue to discover more and more that today's technologically savvy solo and boutique firms can measure up VERY well against their higher-priced, larger competitors.

What do you think? Do you think these expressions of "mindless work" was one of the harbingers that the profession should've heeded more closely ... one that contributed (at least in part) to the market faced by recent graduates and lawyers, in general?



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