



ATTORNEY SEARCH

*By Melinda Hudspeth*

### **Dear Firm, I Am Not Toilet Paper. Yours Truly, Laid Off Associate**

The legal landscape has changed. What was once fertile ground is now nothing but dust and endless desert. You may not have noticed, but law firms are laying off associates at alarming rates. Every day. In droves. It's unfair and unprecedented, and everyone is waiting for it to hit bottom because, currently, there is no end in sight.

The question becomes "how did it start and how do we end it?" And, wow if I could answer those questions, I'd win the Nobel Prize. Unfortunately, there are no easy answers no matter how much I'd love to win the Nobel Prize (The fame! The prestige! The prize money!) I'm still trying to figure it all out, but I've narrowed my scope. The question I'm more interested in is "how the hell do we begin to make our way out of all this mess?"

I was in the drug store the other day. I just wanted to buy one measly box of tissue. I chose one checkout line at CVS because there was only one person ahead of me. Granted, this person was also pushing a grocery cart (which brings up a separate issue - why go to the drug store if you need a grocery cart?) Despite the ominous grocery cart, I decided to persevere. The woman ahead of me was purchasing toilet paper. That's it, but so much of it that it necessitated a grocery cart.

As an aside, when I buy toilet paper, I generally buy in bulk. By bulk, I mean that I will at least buy a four-pack. But I do buy a pack for several reasons. Mostly it's because I don't want to find one remaining sheet after a large, fibrous meal. But secondly, I know that I save money if I buy an eight-pack instead of purchasing toilet paper on a roll-by-roll basis. I'm not an economics major, but I have learned that buying toilet paper one roll at a time is economically unwise and, frankly, can lead to uncomfortable moments.

So imagine my surprise when the cart-toting, TP-purchasing lady in front of me stepped up to the cashier and began removing individual rolls of TP one by one. Not a couple of rolls, mind you, a cart full. All of them the same price and each one identical to the next. The cashier did nothing to ameliorate the situation. The woman handed him one roll at a time, and he clearly never thought to ask her to count the rolls even though it was clear she was buying the same product in multiple. So, there I stood, as TP lady and never-in-a-hurry cashier made it down to the fiftieth and last individual roll while every other line in CVS had emptied at least ten customers.

"Why did she do this?" I asked exasperatedly (although, at the time, I phrased the question less politely and with more expletives). Yes, I know you need toilet paper, but isn't this a huge waste of time and money?

Truth is, there are many things in life that are inefficient and expensive. Most of them just don't present themselves as clearly as TP lady. I often wondered when I practiced law why certain things were being handled in inefficient and expensive ways because; it seemed to me everything was handled as such. I am not in a better position now than I was then to answer this question (hence no Nobel Prize for me - at least not in 2009). But I can point out some major problems, and perhaps some of them can pave the way to a new tomorrow (geez, I guess I am still aiming for the Nobel.)

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First, why did we ever start paying associates so much money? When the last pay bump occurred in 2007, first-year associates were making about the same money as senior federal judges who (a) are smarter and better qualified than most senior partners, and (b) had ungodly heaps of experience over junior attorneys?

Second, now that the economy has tanked and the business prompting such associate salaries is all but obsolete, why don't we turn our attention to changing a mode of operation that hinges upon a vast amount of business from very wealthy corporate clients (most of whom are currently filing for Chapter 11)?

Again, I don't have the answer, but I do know this: no associate asked to be paid a \$160,000 starting salary, and they would have gladly taken a major cut to ensure they would still have a job. I was still practicing law when first-year salaries got bumped to \$160,000, and while I wasn't going to tear my paycheck in half on principle, it did make me nervous. All of the associates I know became nervous (minus the minority of crazies who need medical attention). The general mindset was, "Yeah, I'll take it if you toss more money at me, but how can you afford to pay associates so much money and what are the consequences?" I'm happy to report that I didn't see the consequences while I was practicing, but they certainly unfolded in ways no one could have imagined. They have been dire.

So, again, no Nobel Prize for me - I haven't determined the genesis of the problem. Overpaying associates is merely a symptom. However, let's be frank. When deregulation, stupidity, and greed were running rampant, you, firms, bought into it hook, line, and sinker. More importantly, you profited from it. Sure, associates profited too, but the real money makers at the end of this proverbial heyday were the partners, and, by extension, the firms. So why associates should now face unemployment or actively fear unemployment is, well, baffling and unfair. It is predictable behavior, though, making law firms look exactly how the world perceives them, i.e., heartless, cruel, and existing solely from huge profits to feed greedy partners.

I don't know that the world's perception is accurate - I hope it is not, because I was a part of it and, to some extent, still am. It sounds naive, but I don't want to be part of something of which I'm ashamed. Sure, law firms can continue to make cuts in associate ranks without dealing with bigger problems that make the cuts necessary - overpaying associates, unbelievably high rates, and partners who do not generate business. Question is, at what cost?

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