Class Divisions and Hierarchies within Major Law Firms

By BCG Attorney Search

Summary: Learn more about how major law firms are divided into classes and hierarchies in this article.

Who Ranks Highest in a Law Firm?
The King, which is the Managing Partner (or law firm CEO) at the top. This is the person who is the face of the Kingdom and who is held out as being in charge.

Nobles, who are the other partners and have "land" (i.e., own a percentage of the firm). The land that nobles had under their control would be equivalent to the percentage of a law firm received by equity partners. Very few people are made equity partner in large law firms, and the equity partner is a rarified position.

Knights (the salaried associates, income partners, and counsel attorneys in the firm). The salaried attorneys in the firm are very respected for the work that they do. The very best knights and the ones who make the largest sacrifice for the nobles, over the longest period, can become nobles, but it is rare that this ever occurs.

The Guilds (accounting, human resources and their junior helpers and assistants, staff attorneys, paralegals, and other professionals in the firm). In the largest kingdoms, there were always more guilds and more assistants and helpers in the guilds. The same thing goes for law firms. In the largest law firms, there are more and more professional guilds to service the kingdom, and they are developing all the time.

Serfs. The serfs were bound to the land in medieval society and were like slaves. Serfs might be considered the people without significant professional skills inside of a law firm (break room help, people in the copy room, filing assistants, receptionists, and so forth), but who are employed by the law firm full time.

Peasants. Peasants were free and sometimes had skills, but often did not. The peasants inside of a law firm would be contractors who do things like clean up the trash, as well as people brought in for short-term assignments such as contract attorneys, contract secretaries, and contract paralegals. They are the lowest status because they have no attachment or ongoing permanent relationship with the firm.

There is a great deal of emphasis today on the importance of diversity and inclusion within law firms. This is a very important issue and merits substantial discussion. But one aspect of the issue that is rarely discussed—and should be—relates to divisions and inequality between attorneys and staff within law firms.

Law firms are admirable in wanting to have more diversity among their attorney ranks. But at the same time, they often operate under a two-tiered social structure, where attorneys are at the top and staff are at the bottom. Moreover, the people at the top (the attorney class) are generally less diverse than the people at the bottom (the non-attorney class).

As law firms continue to become more diverse and inclusive among their attorneys when it comes to gender, race, religion, LGBT and other minority status, they should also pay attention to the class and other distinctions that exist between attorneys and staff. These distinctions end up marginalizing people who perform vital business services that support the work of attorneys and help ensure the profitability of the firm. They should not be treated like second-class citizens. These distinctions also perpetuate a class-based system in which the "important" people are often less diverse than the people who service those people. This creates a negative self-reinforcing cycle that favors heterosexual white men and disfavors everyone else.

The issue of class is neither new nor unique to law firms. For example, Karl Marx observed in The Communist Manifesto that, "The history of all hitherto existing society is the history of class struggle."

A. DIFFERENT CLASSES AND HIERARCHIES WITHIN LAW FIRMS
Large law firms are massive institutions with a myriad of different people working there. There are far more than just attorneys working in law firms.

**Professional Services versus Business Services**

At their most basic level as economic institutions, large law firms are comprised of people providing professional services (legal work) and people providing business services (adjuncts to legal work, such as document production, recruiting, and marketing).

What most people think of when they think of the practice of law is a group of attorneys doing legal work—not a group of non-legal professionals doing everything else necessary to make the legal work possible in a complex and competitive international marketplace. Because of the emphasis on "lawyering" as the skill law firms sell, many outsiders look at law firms and believe that the work done by staff is less important than the work done by attorneys. Perceptions like this, which exist in the minds of attorneys as well as outsiders, serve to create a class-based system within law firms in which attorneys come out on top and the non-attorneys who support them fall to the bottom.

**Hierarchies within the Two Classes**

Law firms are further divided into sub-hierarchies within the lawyer and staff classes. For example, within a law firm's professional services class, there will be attorneys of different rank and status, with equity partners at the top, associates in the middle, and contract attorneys at the bottom. Similar hierarchies exist within the business services class. A firm's chief financial officer is likely to be at the top, for example, while the copy room clerk is going to be at bottom.

**Resentment Exists Between and Among the Various Classes**

One of the byproducts of the increasing complexity of law firms is the emergence of resentments and divisions. The stratifications and hierarchies within law firms have become fertile ground for resentment among people of different classes and social standing:
- Partners resent those trying to become partners.
- Associates resent partners.
- Staff resent attorneys.
- Attorneys resent staff.
- Contract attorneys resent associates, counsel, and partners.
- Associates resent each other because they are competitive with each other to become partners.
- Partners resent each other for taking a larger share of the profits than they believe each deserves.

The average law firm is a combustible mix of class warfare, resentment, and issues that eat up people in the profession. Nowhere is this stress more prevalent than in the major American law firm. If you have any doubt about any of this, just read the headlines in any legal tabloid, lawyer blog or staff blog. This resentment is everywhere you turn.

**B. THE TREND TOWARDS SPECIALIZATION**

**Specialists Who Provide Business (Non-Legal) Services within Law Firms**

Traditionally, partners inside of law firms had roles in finance, human resources, and other "non-lawyer" roles necessary to running a law firm. Even today, in the majority of small law firms, the lawyers often do many functions that would be provided by legal secretaries and other professionals inside of larger law firms. But large law firms operate on a different paradigm—the larger the firm, the more specialized a staff it will have with non-lawyer business professionals providing services that the law firms consider would be a bad use of attorney time to do.
The largest firms have a huge array of specialists and others who do work that attorneys might otherwise do in smaller law firms. Here is a sample of the kinds of specialists employed by the largest law firms:

1. Mail Room Supervisors and Staff,
2. Kitchen/Break Room Supervisors and Staff,
3. Copy Room Supervisors and Staff,
4. Word Processing Supervisors and Staff,
5. Court Runner Supervisors and Staff,
6. IT Department Supervisors or a Chief Technology Officer and Staff,
7. Records Room Supervisors and Staff,
8. Supervising Receptionists and Receptionists,
9. Secretarial Supervisors and Different Levels of Secretaries,
10. Head Librarians and Other Librarians,
11. Directors of Human Resources and Human Resources Staff (Often Separate Human Resources Directors and Staff for Attorneys, Paralegals and Legal Secretaries),
12. Accounting Supervisors or a Chief Financial Officer and Staff,
13. Public Relations Director and Staff,
14. Practice Area Business Development Heads and Staff,
15. Chief Marketing Officers and Staff,
16. Social Media Director and Staff,
17. Training Director and Staff,
18. Chief Financial Officer and Staff,
19. Law Firm Administrator and Staff,
20. Head Docketing Clerk and Staff,
21. Head of Security and Staff,
22. Head of Travel Department and Staff,
23. General Counsel and Staff,
24. Head of Retirement Benefits and Staff,
25. Head of Health Benefits and Staff,
26. Head of Payroll and Staff,
27. Head of Conflicts and Staff,
28. Head of Design (for brochures, website, and materials) and Staff, and
29. Head of Outsourcing and Staff

The only limit to the number of staff positions that can be created is the creativity of the law firm in finding new needs for staff.

The larger the law firm, the more specialist staff it will have. For example, practice area business development professionals are becoming increasingly common in major New York law firms. These professionals, who often are attorneys, do nothing but concentrate on doing things like developing presentations for attorneys, researching potential clients, making sure attorneys are aware of breaking developments in a given practice area, and assisting attorneys with generating business. In smaller law firms, this sort of job would be the role of simply an individual attorney, or a small committee formed for this purpose.

There are a lot of tasks that attorneys need to do that can be better served by business development professionals in a given practice area:

Over time, the business development specialist will become more adept at identifying potential clients. The business development specialist will learn what clients are worth spending time on. The business development specialist will become more familiar with the practice area and what is important and what is not.
The business development specialist will be able to continually refine presentations to make them more and more effective.
The business development specialist will become familiar with how peers in other firms are operating to make their firms successful.
The business development specialist will begin to know all of the "player law firms" and "player attorneys" in the space and be able to track who is getting certain clients, which clients are happy with a given firm, and which may not be.
The business development specialist will do all of this much more inexpensively and at a much lower cost than an attorney.

The benefits of specialization transcend business development specialists, of course, and can be seen in every area in which the largest law firms are allocating non-legal work to help the firm be as profitable as possible. When someone is doing a lot of one thing day in and day out, that person tends to become quite proficient at that thing. He or she will see things that others will not and avoid mistakes and ways of thinking that others will not.

In the largest law firms, specialists are the norm instead of multitaskers. Large law firms have specialist legal recruiting coordinators, for example, who do nothing but recruit new attorneys to join the law firm. In the largest law firms, these specialists may be non-practicing attorneys who formerly worked with the firm or another firm and have now made a career in this field. The specialist legal recruiting coordinator is typically highly competent and knows what he or she is doing. These specialists communicate with each other, go to conferences, and are constantly learning about the work. Large law firms use professional legal recruiting coordinators because it forces everyone to do one thing and specialize.

Specialists Who Provide Professional (Legal) Services within Law Firms

This principle of specialization also applies with respect to the legal work large firms do for clients. Instead of having attorneys do every sort of work, an attorney will specialize in a given practice area (corporate, for example).

In the largest law firms in the largest markets (such as New York City), there will even be a greater specialization within practice areas (the corporate attorney will not be a corporate generalist but, instead, may be a specialist in one aspect of capital markets work).

From the standpoint of a client, having an attorney concentrate on one sort of work means that when the attorney is doing the work, the attorney is going to be more efficient and produce a better result for the client. The idea "pitched" to clients (and that the largest clients have come to expect) is that while the given attorney may have an outrageous billing rate, this attorney will be many times more efficient than an attorney who is not a specialist, will be cheaper in the long-run (because he or she will not need to spend hours figuring everything out), and will get a much better result for the client because the specialist attorney will not miss all of the issues along the way. This is, in fact, a good argument and in my experience, it is often true: The most expensive specialist attorneys are often worth the extra money because of their hyper-specialization in a given practice area.

In smaller firms, both staff and attorneys tend to do more multitasking. A secretary might double as a recruiter. A corporate attorney might also do tax. This is one reason very few large companies use smaller law firms for work. The smaller law firm may end up being more expensive because it will take more time researching and figuring out issues. The smaller law firm may also lack the ability to understand the complexity of the client's problem. As law firms get larger and larger, they become more and more specialized.

**C. THE DIVIDE BETWEEN STAFF AND ATTORNEYS**

Despite the professionalism of many staff members, a divide exists between attorneys and staff inside of law
firms. Staff report that many attorneys inside of law firms often act and believe that staff are "beneath them" and not doing work that is as important as the work attorneys do. This feeling and class division is something that runs through most law firms in the staff-attorney relationship.

Attorneys may think this way in part because of the way in which they are judged by their law firms and the way they judge each other:

**Associates are judged by hours billed and chances of making partner.** The hours of every associate in a law firm are measured and reported. Hours are needed to get bonuses and stay employed. The chances of making partner are related to an attorney's hours billed, strength of background, business development potential, and quality of work.

**Partners are judged on amounts of business, collections, and hours billed.** Partners are under a lot of pressure to generate business. The most powerful partners inside of any law firm are those with the most business--the ones who can give work to other associates and partners.

Both partners and associates judge themselves (and each other) on the quality of their educations and accomplishments (law schools, trials won, deals done, clients brought in, presentations, titles in the community, social standing in the community, and social standing in the firm, among other things). Each law firm has a system of values and requirements that it uses to judge its attorneys and by which the attorneys inside of the firm judge each other.

Due to the peculiar way in which attorneys judge themselves and each other, it is hardly surprising that attorneys view people who do not directly generate fees as less valuable. Even partners without business are made to feel like second-class citizens inside of most law firms.

With limited exceptions, most non-lawyers inside of law firms are doing "non-billable work." Because this work does not translate directly into money, the existence and continued survival of staff needs to be justified on other than direct economic terms (i.e., one hour of time does not immediately translate into a set amount of money). Because their work does not lead directly to profit, attorneys may not always appreciate and understand the importance of the myriad of tasks and work that staff do. However, the work done by staff is in fact very critically important to the profitability and success of the firm, as it enables attorneys to function, earn more money, and more effectively service clients.

Law firms that have been able to scale typically realize the importance of the work that staff do and consistently develop new staff positions to enable their staff to work more effectively. Many of the largest law firms even have non-lawyer staff that earn as much (or more than) many non-equity partners within the firm.

An added problem that contributes to the reduced status of staff within law firms is that because they are cost centers (i.e., they do not directly generate fees through billable hours), their jobs are more vulnerable to being reduced or eliminated than the jobs of attorneys who can bill hours. When a law firm is considering laying off people to save money, the first to go are often staff and not lawyers. Lawyers are typically closer to "their own kind" and are most interested in saving each other's jobs. A law firm's reputation also can suffer greatly when it lays off attorneys and yet staff layoffs rarely merit mention.

Law firm staff end up losing their jobs first because they do not generate fees directly. In the largest law firms, staff also can make very high salaries, and law firms will happily eliminate these positions to save money.

**D. DIFFICULTIES WITH FIRMS' ABILITY TO HIRE AND APPROPRIATELY VALUE STAFF**

Many law firms lack the expertise or ability to effectively hire and manage staff. While most law firms understand how to hire attorneys, staff hiring is completely different and not all law firms understand this as well. When law firms are constantly creating new positions, and have no experience with hiring certain types of staff, mistakes are bound to happen.
Because law firms do not always understand how to hire or manage staff, they may often have issues with:

**Making sure their staff are productive.** Law firms are run and owned by attorneys who measure the productivity of attorneys based on the hours they bill. Law firms cannot measure the productivity of most of their staff in the same way, and some law firms may not have the means to measure the productivity of staff due to this.

**Providing proper reviews and feedback to staff.** Law firms understand how to review attorneys, but may have issues providing the same sort of feedback to staff.

**Staff retention.** Law firms cannot retain people when they are not experts in managing them.

To grow and scale, law firms need effective systems for doing each of the tasks described above. Law firms (especially large law firms) are not easy to run, and there are many moving pieces. Law firms constantly have issues managing non-attorneys as well as managing attorneys.

Because staff do not have the same educational or other accomplishments as attorneys, the value of staff needs to come from something other than educational or other accomplishments. The staff inside of law firms create their value from doing their jobs well, of course. However, the value of staff in law firms also comes from other factors, such as:

1. How much attorneys inside of the law firm rely on them,
2. How much the attorneys in the firm trust them,
3. How close they are to attorneys with power over the attorney's employment, and
4. Their ability to be good bureaucrats inside of the law firm, which does not require measurement based on the direct value of their production.

In the largest law firms--especially those with large institutional clients--staff members can insulate themselves by creating fiefdoms and becoming increasingly bureaucratic. It is amazing to me how bureaucratic many of the large law firms have become and how much inefficiency ends up creeping into their systems. Unfortunately, this can result in staff becoming overpaid, underworked, receiving massive benefits, and becoming masters in politics and looking busy.

These are some additional characteristics of staff within firms:

There are countless positions, and many of these positions appear unnecessary and often are. In many large law firms, this is allowed to occur because lawyers time is so valuable that they simply are not watching the people below them.

Because they are sometimes seen by attorneys as not creating as much value as attorneys, staff tend to rely on bureaucracy more than they might otherwise need to in other organizations to stay employed.

Staff have little employment security and are often let go with little or no notice and shown the door--a much different prospect than attorneys face.

Mistakes that staff make are often treated more harshly than the mistakes of attorneys. This is because lawyers can understand and identify with attorneys who make mistakes, but the same cannot always be said for the mistakes made by staff.

Finally, because they were inside of law firms and law firms have unlimited resources to throw at legal problems--and staff know this--staff have little legal recourse if they are dissatisfied.

From my perspective, this is what I witnessed while an attorney inside of major law firms. Attorneys sometimes took the staff for granted, did not treat them well, and let them believe that they were "fungible" in many respects and could be replaced. Attorneys would be extremely impressed with the backgrounds of other attorneys inside of the law firm, but nowhere near as impressed with the backgrounds of the staff. In fact, very few people talked about the staff at all. Everyone seemed more interested in the lives of attorneys. The staff operated in a universe where jobs were less secure, where they were thought of less, where most
made drastically less money, and where they were taken for granted. I am not saying I agree with any of this--I definitely do not--but this is what I witnessed.

At the same time, I noticed there were certain paralegals, secretaries, and others in the firm who were treated better than others--and on whom partners relied and kept close to get their work done. I also see this in some cases in my role as a legal recruiter when I help partners move firms. In these cases, the partners are clear that they want certain staff members (such as their secretary or a group of paralegals) to move with them. The level of support these partners receive is so outstanding that they often believe they could not succeed without their trusted staff members.

But, of course, this does not always happen. Paralegals are rarely brought along unless they are experts in doing legal work in practice areas such as immigration, trust and estates, trademark, and a few other select practice areas where attorneys rely on them for substantive work that can be highly leveraged into dollars. In most of the cases where paralegals are brought along, the work that is done is "flat fee" and not necessarily billable work.

E. WHY LEGAL STAFF MEMBERS ARE HELD BACK

Here are some of the perceptions that attorneys have of staff members that serve to reinforce the status of staff as "second-class citizens" and to hold them back in law firms:

**Most legal staff will never become practicing attorneys.** Very few legal staff will ever go to law school. Therefore, they will always do only non-billable work.

**Most legal staff will never make anywhere near as much money as attorneys.** Attorneys in large law firms make a lot of money. Legal staff will never earn as much, and due to this, they never will feel as financially valued inside of law firms as attorneys.

**Most attorneys do not believe the legal staff is as intelligent as attorneys.** Attorneys often believe that legal staff is not as intelligent as they are, simply because they do not have the same educational and other qualifications that attorneys have. This is not true, of course, as intelligence is not dependent on education. Nevertheless, this belief controls how legal staff is treated and how many attorneys seem to think about them inside of major law firms.

**Most legal staff do not work as hard.** Very few professionals work as hard as attorneys--especially in the largest law firms. Legal staff are in positions where they are not judged by how many hours they bill but by other criteria. While secretaries, paralegals, and other legal staff often receive overtime and work long hours, the majority of legal staff members can work regular 9-to-5 type jobs.

**Most legal staff do not have as good of educational qualifications as attorneys.** Most legal staff are not attorneys, did not attend the sorts of top schools that attorneys did, and did not perform as well in school as many attorneys did. Even if a legal staff member has excellent educational qualifications--including having gone to a prestigious law school--most attorneys do not take non-practicing attorneys as seriously as they take people who are in associate, partner, and counsel roles within the law firm.

As a result of this, a two-tiered system exists in most law firms. A sort of class system develops, where attorneys are at the top and staff members are at the bottom. The attorneys who own the means of production are the equity partners. They are at the very top of the pyramid.

F. THE LARGE AMERICAN LAW FIRM AND THE GREAT CHAIN OF BEING

Aristotle created a descending chart of all living things. These went from the most complex to the least complex. The chart ranked evolution from the most important to the least important. This ranking system became known, in the Middle Ages, as the "Great Chain of Being." The large American law firm is more consistent with the Great Chain of Being in the Middle Ages than it might be with the average American business. Unlike a major corporation--where someone can start out in the mailroom and work to eventually
become the Chief Executive Officer—a staff person without a law degree will not have any possibility of the same sort of upward mobility in his or her career. Almost all of the serious upward mobility and rewards inside of a law firm are reserved for the attorneys.

In the Great Chain of Being, the World was ordered to God and the Angels at the top and the rest as falling below them. The role of people was determined based on where they fell in this order: At the top of the Great Chain of Being was the King—considered God manifested in human form. Beneath the King were a descending lot of nobles, knights, people in various guilds/professions (guilds of tailors, bakers, carpenters, shoemakers, butchers, and similar people), peasants, and then serfs. The guilds were further subdivided into master tailors, more junior tailors, and apprentices.

One of the characteristics of medieval society was conformity. The world was considered divided into these groups, and everything functioned only so long as people were willing to stay in these groups and understood that was their place. The serf needed to understand that he would always be a serf and the butcher that he would always be a butcher. The butcher could not become a carpenter. With limited exceptions, people were born into their positions, and this was their role in this life. Medieval society only functioned as it did when everyone bought into the idea that the world works this way.

It must be stressed that I am not endorsing the “Great Chain of Being” or its merits in the law firm context or any other context. I am using it as a metaphor to explain how law firms function and why they are so institutionally impervious to making measurable changes when it comes to advancing equality (and often diversity as well) among the classes that exist in law firms.

In the same way that medieval society was organized under the Great Chain of Being, so too is the modern large law firm:
The large law firm operates with the Managing Partner (or law firm CEO) at the top—the King. This is the person who is the face of the Kingdom and who is held out as being in charge. Beneath the managing partner are nobles, who are the other partners and have "land" (i.e., own a percentage of the firm). The land that nobles had under their control would be equivalent to the percentage of a law firm received by equity partners. Very few people are made equity partner in large law firms, and the equity partner is a rarified position.

Next are the knights (the salaried associates, income partners, and counsel attorneys in the firm). The salaried attorneys in the firm are very respected for the work that they do. The very best knights and the ones who make the largest sacrifice for the nobles, over the longest period, can become nobles, but it is rare that this ever occurs.

Next are the guilds (accounting, human resources and their junior helpers and assistants, staff attorneys, paralegals, and other professionals in the firm). In the largest kingdoms, there were always more guilds and more assistants and helpers in the guilds than there were knights and nobles. The same thing goes for law firms. In the largest law firms, there are more and more professional guilds to service the kingdom, and they are developing all the time.

Next, come the serfs. The serfs were bound to the land in medieval society and were like slaves. Serfs might be considered the people without significant professional skills inside of a law firm (break room help, people in the copy room, filing assistants, receptionists, and so forth), but who are employed by the law firm full time.

Next, come the peasants. Peasants were free and sometimes had skills, but often did not. The peasants inside of a law firm would be contractors who do things like clean up the trash, as well as people brought in for short-term assignments such as contract attorneys, contract secretaries, and contract paralegals. They are the lowest status because they have no attachment or ongoing permanent relationship with the firm.

As was true with the organization of medieval society, there is very little upward movement in a major law firm. The serfs and peasants are very unlikely to ever become guild members, guild members are very
unlikely to become knights, knights are very unlikely to become nobles (equity partners), and nobles are very unlikely to become kings. The law firm is a medieval sort of institution, and the larger a law firm becomes, the more medieval it becomes.

The nobles own the firm and set the rules that make this sort of noble-rewarding system self-perpetuating. Nobles do not want their land carved up and given to more land owners. They want to keep things the way they are so that they stay in power and can continue to get as large a share of the profits as possible.

The knights of a law firm also try to keep each other down and undermine each other. The work of a knight can be extremely difficult. According to one attorney in a blog:

I lasted five years, and once my student loans were paid off, I got the hell out. It was demoralizing, working like a dog doing mundane work and my vitality was slipping day by day. The hours and stress were killing me.

I got into the office at 8:00 am and left at 10:00 pm every day, plus I would also work one day on the weekends. I would work about 70-80 hours a week. The stress was unbelievable, especially coming from senior associates and partners in the firm. Everyone was biting each other heads off to get ahead. The senior associates viewed you as competition to become a partner and they would treat new associates like slave labor.

[Before I joined] my law firm showed us brochures with smiling associates, promised us interesting work, and the infamous "work life balance" bullshit. It was shocking because you are their slave and then they send you back to your old law school to recruit new people.


Not only do nobles treat knights poorly, and knights treat each other poorly, nobles and knights also treat members of guilds, serfs, and peasants poorly. In fact, lawyers may treat staff even worse than they treat each other. According to one law firm administrator in a blog:

In my role as a firm administrator, I endure constant complaints from lawyers about trivial issues. The issues may be real (printers out of ink, conference rooms without the right color of notepads, parking spaces not allocated according to seniority, and the like), yet the treatment of my staff and me can be horrendous. I have never witnessed similar treatment to another lawyer in the firm. So why is it OK to treat 'non-lawyers' this way?

My assumption is that this comes from a position of arrogance. If one deems themselves as more capable than everyone else, why would they show them respect and consideration?

http://www.geeklawblog.com/2013/01/the-arrogance-of-lawyers-will-it-be.html

The problem with the way that law firms are organized is that people lower on the totem pole cannot possibly feel good about themselves and their roles. Most know that they can never advance beyond their current station and this cannot help but create resentment. Also, working with attorneys is not easy—non-attorneys are not trained to deal with attorneys in the way that attorneys deal with each other. In the law firm environment, the opinions of non-lawyers often are not respected or thought of highly and often good ideas are missed because lawyers are so focused on finding fault. One law firm administrator put it this way in a blog:

Lawyers seem to pride themselves on their ability to tear-down others' opinions. When a new concept is presented to them, instead of trying to understand the value of it, they focus on the details of the proposal looking for signs of weakness. As an example, in a client proposal, they are more likely to attack the grammar than considering the strategy of the proposed approach. Bad grammar to them is an indication of poor thinking and therefore an indicator that the suggested
strategy must be wrong. Looking for ways to disprove every suggestion leads to every suggestion being attacked and rejected. All it takes is two or three lawyers to be involved, and any idea can be torn to shreds. So this combination of arrogance and the tendency to attack instead of understanding makes lawyers poor business people.
http://www.geeklawblog.com/2013/01/the-arrogance-of-lawyers-will-it-be.html

At the very bottom of the totem pole may be the contract attorney. The contract attorney is someone who is neither a guild member nor even a serf. The contract attorney has no home at the firm and the contract attorney's pay and job is unreliable. Contract attorneys, paralegals, and other temporary employees may end up in positions inside of law firms that they never believed they would have after graduation. Without any stability, they may be forced to work in a different location each week and are paid a less-than-an-optimal amount to survive in these positions. According to an article in the Washington Post, The lawyers who are fighting for the same rights as janitors:

To a lot of people in the American economy, $25 an hour might seem like an excellent wage. When you’re chipping away at a mountain of law school debt, however, it can be woefully inadequate.

That's the situation facing tens of thousands of attorneys who didn't land the cushy corporate jobs they'd been expecting after graduation or even the type of non-profit gig that might have gotten their debt forgiven. Instead, they are freelancers, working gig by gig with law firms and staffing agencies.

In recent years, their wages have sunk so low that some of those attorneys -- in a world where long hours have been treated as dues to be paid on the way to a comfortable career -- are asking for the same overtime protections enjoyed by retail clerks and bus drivers.

They argue that the work -- combing through all the documents that emerge during the discovery phase of a lawsuit -- doesn't feel like the practice of law. It often takes place in hastily rented review rooms, with attorneys seated side by side, staring at computer screens to pick out pieces that might be relevant to the case. In the name of information security, employers often set rules about phone use, chatter with colleagues, and food consumption.

'I was told I couldn't eat a yogurt,' says Marc Steier, a former contract attorney who now works for a labor union. 'That's what's so disturbing -- it's the absolute disregard. The realities of being employed at most of these agencies are beyond the pale for what most people would consider professional.

G. DIVERSITY CONSIDERATIONS IN THE LAW FIRM HEIRARCHY

While it may be controversial to say so, based on my observations, the diverse and inclusive nature of people within the law firm ecosystem decreases the higher up the chain you go in the law firm hierarchy:
The King--the Managing Partner--is more likely to be a white male than a woman, or a person of color, or gay.
The Nobles--the Equity Partners--are much, much more likely to be white males than women, people of color, or gay.
The Knights--the Salaried Associates, Counsel and Income Partners--are much more likely to be white than diverse, or gay.
The Guild Professions--the Accounting Staff, Human Resources Staff, and other Professionals--are more likely to be white than diverse, or gay.
The Serfs--the Janitors, Receptionists and Break Room Staff--are more likely to be diverse than white.
The Peasants—the Contract Secretaries, Paralegals and Attorneys—are more likely to be diverse than white.

One of the major sources of debate inside of law firms is the diversity that exists among the knights, nobles, and kings. Among these three groups of the lawyer class, the knights (salaried associates, counsel, and income partners) tend to have the most diversity. The diversity among the "knights" is most evident and prevalent among those who are hired directly out of law school.

The reason that law firms are able to better make more diverse and inclusive hires at the entry-level is because they know that most of their entry-level hires will never become nobles. They can even make non-equity partners out of some of these knights—but they still are not nobles and own no land. The law firm can look "diverse" to the outside world when it is not. Report after report has noted that the place where diversity lacks the most is at the noble (equity partner) level.

Interestingly, law firms may even elevate the occasional diverse noble to a king. In fact, the few diverse knights who become nobles often have a much better-than-average chance of being elected to king by their firms to show the outside world that they are, in fact, diverse when they really may not be.

But neither hiring more diverse entry-level knights, nor making the occasional diverse noble a king, actually changes the fundamental, institutionalized, class-based and unequal nature of the large American law firm. When you look around at the average American law firm, what you typically see is the Great Chain of Being transferred 500 years later to the 21st Century. Walk around American law firms in large cities and you will see the most diversity at the bottom--among the serfs and peasants. There also will be a great deal of diversity among the guilds. But the further you get towards the top, the less likely you will find diversity. This lack of diversity is generally around class and racial lines. The average American law firm does not just have issues with diversity at the top and among its attorneys--issues regarding diversity run through its entire structure and the way it operates as a business. The divide that makes people of different races and colors feel left out in the attorney ranks of law firms also creates startling class differences that permeate the staffing of the law firm.

Conclusions

Missing from the discussion about diversity and inclusion in law firms is the discussion about class differences that exist and stem from the existence of professional and business services classes, and from sub-hierarchies within those classes. Law firms do not just have a problem with diverse attorneys being the exception and not the rule—they have an equally fundamental problem of certain people within law firms being treated as upper class citizens and others being treated as lower class citizens. As in society, it is often the upper classes who are the least diverse and yet the most powerful, and who have the power to perpetuate the system or change it.

Law firms are incredibly complex institutions and every member has a distinct and crucial role in the functioning and profitability of the enterprise. Without the clerk to file the brief on time, the most brilliant bet-the-company lawsuit would be lost. Without the paralegal to proof the prospectus, the most sophisticated securities deal would go bust. Without the business development professional to alert the clients to changes in the law, the most important client would be left hanging in the wind. True diversity and inclusion begins with understanding, appreciation and respect--of both staff and attorneys.

For more information about law firm diversity, see our Diversity Resources.

For more information about diversity, see the following articles:
Law Firm Diversity: They All Talk the Talk, But It's Harder to Walk the Walk
Why Upper and Lower Class Attorneys Rarely Succeed in Law Firms: How Race and Class Often
Learn more about law firm diversity in this in-depth book:

**Law Firm Diversity: How Race, Gender, Age, Social and Economic Divisions Impact the Hiring, Retention and Advancement of Law Firm Attorneys**

See the following articles for more information:

- Diversity in the Legal World - The Big Picture
- How Law Firm Websites Influence Retention of Diverse Attorneys
- Can Rethinking the "Billable Hour" Lead to More Law Firm Gender Equality?
- Where Do Law Firms Stand When It Comes to Gender Equality?
- General Counsels Join Law Firm Diversity Movement: Corporate Clients Use Incentives and Punishments to Inspire Diversity and Inclusion
- Law Firms' Continued Lack of Diversity: Scholars Provide Insight on Reasons and Solutions
- The Importance of Attracting and Retaining Gay Attorneys
- Why Are So Many Women Reaching the Top of Big Law Firms?
- Top 14 Ways Law Firms Can Recruit and Retain Minority Attorneys
- Steps to Attract and Retain Female Partners
- Learn How to Achieve Greater Success in Your Law Firm by Changing the Way You Hire Attorneys