Lawyers, Lawyers Everywhere: Downsizing and Reshaping the Law School to Deal with the Lawyer Glut

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Recommended Citation
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Is it reasonable for law schools to continue to produce so many graduates? Dean Barry B. Boyer thinks not.

"Law schools are graduating too many people," Boyer says. "We really don't want to be feeding that problem. If we can become slightly smaller — say, downsize to about 600 total students, instead of the current 780 — that would be closer to what our markets say we should reasonably produce.

"A smaller law school would enable us to utilize our faculty and resources in a better way, and it would permit us to start building quickly toward the New Curriculum."

Despite financial and political pressures to keep the Law School accessible to New Yorkers, the University has approved an enrollment target of 210 students for the entering class in the fall of 1995. Recent first-year classes have been about 260 students.

"To implement the New Curriculum and provide a higher-quality legal education, we must have better faculty-student ratios," says Boyer. The New Curriculum, he says, is "not set up in such a way that we can do it piecemeal. Since we are limited by budget constraints in adding new faculty positions, we must shrink class sizes to meet our goals.

"In addition, our preference is to graduate only as many lawyers as the marketplace can reasonably absorb.

"Our studies indicate that 210 graduating lawyers from UB will have a strong chance of being appropriately placed. While we are pleased with our employment rate of 88 percent last year, which is above the national average, we want all our graduates to get jobs, not just most of them."

According to many concerned observers, the oversupply of lawyers in America is causing crises of competence and ethics for the profession. An all-too-common scenario occurs when a new law graduate can't find a job, hangs out a shingle and struggles to build a clientele, while juggling college loan payments, a secretary's salary and overhead.

These new lawyers often are unsure how to file papers in court, maintain a decent cash flow, or do many of the things that an experienced lawyer knows how to do. Then into the office walks a client with a complicated problem — one the novice lawyer doesn't have a clue about how to handle.

Does he or she take the case? Unfortunately, the answer is usually, "Yes."

The number of U.S. lawyers grew by about half during the 1980s, to 729,000, and the figures continue to rise.

"By the year 2000 they expect to have 1 million lawyers in America," says Irving M. Shuman '54, senior partner in the Buffalo firm Gross, Shuman, Brizdle & Gilfillan. "That's one lawyer for every 250 people. We don't need that many."

Traditionally, new graduates have acquired practical skills through mentoring relationships while on the job. Law schools focused on teaching analytical skills.

"But as competition in the legal profession increases, and as the recession and cost-consciousness squeezes the amount of legal business available, the transition of law students into the legal profession is tougher," says Dean Boyer.

"The time-tested practice of a senior attorney mentoring a new recruit in the ways of the profession just doesn't
happen that often anymore,” he says. Many graduates work in solo practices, or small firms, or take work on a project-by-project basis, which limits these mentoring relationships. And even graduates working in large law firms find there are fewer opportunities for mentoring.

“The hourly billing rate and the number of billable hours have become the end rather than the means,” Shuman says.

“In the '70s there were maybe a dozen law firms in America with 100 lawyers or more,” he says. “Today there are hundreds of them. As large firms get bigger, they get big clients that they can bill for services rendered by junior lawyers. They mark up their rates and they work these junior lawyers into the ground.

“They’re working 60 or 70 hours a week. Yes, they’re making good money, but they have no quality of life. And they’re not really learning to be good lawyers, because unless they stay in the specialized niche they’re in, they have limited marketability elsewhere.”

Another effect of this “daisy chain,” Shuman says, is a loss of that intangible known as collegiality.

“It takes the personal relationship out of the profession,” he says. “It used to be that you could talk to your opponents, negotiate and try to figure out what’s best for the clients.

“Now they throw papers at you, because they have to do things they can bill for.”

William F. Savino 75, general partner in the Buffalo law firm Damon and Morey, says he can’t count the number of times an inexperienced lawyer from outside the firm has called him to ask rudimentary questions of practice: How do I serve papers? How do I bill someone?

“There are vast numbers of people opening up on their own or in groups of two and three, without any knowledge of how to run the business of a law office, and with minimal knowledge of how to practice as lawyers,” Savino says. “And when you have big college debts and overhead costs, there are huge disincentives to turn away cases.

“They don’t know where to start, and very often they’re botching the cases.” The reputation of the profession as a whole suffers, he says, and such lawyers do not serve their clients well.

And there’s another danger, Savino says: Faced with pressing debts and little work, some young attorneys are tempted to dip into their clients’ trust funds. “Sometimes it’s out of desperation, sometimes it’s viewed as a temporary remedy, but then the money doesn’t come in to replace the ‘borrowed’ funds,” he says. “One way or another, it’s not good to have lawyers in often precarious financial positions handling clients’ money. There are too many temptations.”

The oversupply of new lawyers makes for a frustrating job search for many. “It’s painful to see people work very hard for three years in law school and then hit the wall in the job market,” says Dean Boyer.

Audrey Koscielski, assistant dean and director of the Law School’s Career Development Office, says competition is keen not only because schools are turning out so many lawyers, but because there are fewer opportunities.

“Public-interest jobs were once a good source of entry-level legal jobs, but have suffered tremendous budget cuts in the past year,” she says. “Also, the government is retrenching, and government was also a very good entry-level employer for graduates. That hiring has steadily decreased. Vacancies which would become available by attrition in the past aren’t there anymore, because there aren’t other positions for the more experienced attorneys to fill.”

Downsizing by government, corporations and some law firms has created a new type of competition for recent graduates: the displaced lawyer with experience and a track record. According to New England Legal Search, a Boston-based headhunter, most big law firms have laid off 10 percent of their attorneys in recent years. Some even have been forced to eliminate partners. Those lawyers have entered the job market and are competing for the same entry-level positions the new graduates are seeking.

Scott L. Rudnick ’93, who does public defender work for the Defender Association of Philadelphia, says the city might have more than a thousand applicants for a dozen legal positions.

“I think part of what happens in this kind of job market,” he says, “is that people who would not normally consider going into the public sector decide to go there. The private sector
shinks, and therefore it’s, ‘I can’t get this job, let me try the public sector.’”

Rudnick reports his own job search was aimed solely at public defender offices, because he’s interested in litigation. A mass mailing program shrinks, and therefore it’s, ‘I can’t get this job, let me try the public sector.’”

As tough as the job search is, many recent UB Law graduates have been fortunate enough to secure highly desirable positions.

James A. Lynch Jr. '94 is a first-year associate in the 580-member law firm of White & Case, in New York City.

“I did a very, very narrow search of the kind of work I wanted,” Lynch says. “It wasn’t just a random choice.”

He received an offer from White & Case, where he had worked after his second year of law school as a summer associate, and is practicing general corporate law and litigation.

Lynch praises the Law School’s Career Development Office as “very helpful” in arranging contacts between students and potential employers. “They act as a go-between between you and the employer, make it easy for the employers to obtain resumes and meet students.”

His classmate Andres Colon Perez searched more widely for a job after law school, and the search paid off, he says, with “11 or 12 offers.”

“I relied on databases like Westlaw and Lexis,” Colon Perez says. He followed a thorough plan that included identifying potential employers — using the criteria of their location and the type of legal jobs available — sending his resume, transcripts and a writing sample, and following up with a series of phone calls. If the database identified a UB Law alumnus at a particular firm, Colon Perez would approach that person as well.

“I also relied on the Career Development Office and on the information and job listings they provided,” he says. “That was very important. ... I think the key was spending a substantial amount of time doing it.”

From among those dozen job offers, Colon Perez chose the position of attorney for the court with the New York State Appellate Division, Fourth Department, in Rochester.

Colon Perez notes that a student’s experience weighs heavily in a potential employer’s decision. “From the very beginning you need to know exactly what an employer wants,” he says. “It’s very competitive. They consider grades, legal work, clinical experiences and other factors. The students must communicate those experiences.”

These recent alumni are finding their own way in the legal profession. But to address the problem of the profession’s diminishing ability to provide mentoring opportunities, the Law School’s New Curriculum will equip students with practical skills that will enable them to make the transition to practice more smoothly.

“By better preparing our students to function as attorneys, we can compensate in part for the dramatic changes that are taking place,” Boyer concludes.

“We have a responsibility to deal with these issues, and more importantly, to help our students succeed.”