

5 Myths Attorneys Believed When They Started Out

By Jack Karp

Law360 (July 14, 2021, 10:02 AM EDT) -- Many people think being a successful lawyer is all about arguing in court, racking up billable hours and thinking about the law 24 hours a day.

Attorneys who spoke with Law360 Pulse about these misconceptions said that they started out with the same ones. Though they quickly learned that those impressions were inaccurate, they're still happy in their jobs.

Of the attorneys who responded to Law360 Pulse's recent Lawyer Satisfaction Survey, 69% said they are satisfied or very satisfied with their jobs, and 75% reported they would still go into the law if they had it to do again.

Here, Law360 Pulse speaks with attorneys about five popular myths they harbored when they started out, and why they like practicing anyway.

It's All About Arguing in Court

Perhaps the biggest misconception about practicing law is that it all takes place in a courtroom.

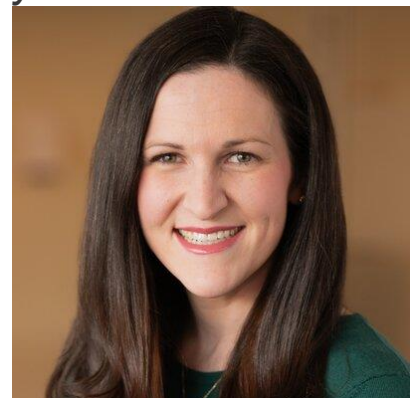
Lawyers told Law360 Pulse that they, too, believed they'd be spending far more time in court when they first went into the law.

"I thought being a litigator was akin to 'Law & Order' and 'My Cousin Vinny,'" said Laura McNally, a partner at Morgan Lewis & Bockius LLP. "And then you realize that it's not."

Attorneys pretty uniformly said they spend more time on writing, business development and advising clients than they do on litigating.

"It's certainly not where we spend the majority of our time," said Kirkland & Ellis LLP partner Leslie Schmidt, despite the fact that she is a litigator. "Most of the time we're spending developing our case, developing our arguments, getting the evidence we need, figuring out our strategy."

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LAURA MCNALLY
Partner, Morgan Lewis

Employment attorney Stacy Bunck of Ogletree Deakins Nash Smoak & Stewart PC said she spends about 25% of her time on nonlitigation matters like employee handbook reviews, investigations and guiding her clients to avoid litigation. She spends another 25% of her time managing the firm's Kansas City office.

In 20 years of practice, she has handled only seven jury trials and arbitrations, she said.

And one of the biggest and most rewarding parts of being an attorney has turned out to be advising clients, said Sonal Hope Mithani, a principal at Miller Canfield Paddock & Stone PLC.

"My business card says 'attorney and counselor at law,' and there's a big component that is counseling clients and helping them understand the problems that they're facing that many, many times does not involve walking into a courtroom at all," Mithani said.

It's All About Billable Hours

Being an attorney is also less about racking up billable hours than some young lawyers may have first thought.

When she's prepping for a trial, for instance, McNally actually bills a lot of hours, she said, but in other weeks, she may be taking continuing legal education courses, having meetings or catching up on administrative work.

"It very much varies by the life cycle of the cases that you're working on," she said.

Billable hours are important and necessary, but client development, building skills and pro bono work can be just as important, attorneys said. Some firms even treat hours spent on pro bono cases as billable hours, several attorneys pointed out.

Overall, Law360 Pulse's survey found that billable-hour requirements are not as onerous as they are reputed to be, with 63% of survey respondents saying they are satisfied or very satisfied with their firms' requirements in this area.

Especially after the past year, firms are increasingly working to make sure associates don't suffer from burnout, said McNally, who added that having some crazy billable-hour number "just gets people being concerned about you."

"The billable hour is there, and you do as a young attorney probably need to spend time on that if you want to succeed," said Mithani, but many firms, including her own, "value more than just the billable hour."

Stress Levels Go Down Once You Make Partner

Thirty-four percent of attorneys in Law360 Pulse's survey reported being stressed all or most of the time. While many might hope to see their stress level go down once they make partner, that's likely not going to be the case.

"Stress levels don't decrease once you make partner. It's just a different type of stress," said one respondent. "Instead of worrying about making partner, you now worry about growing business, being able to feed associates work, and shouldering the client's win or loss."

That assessment is accurate, according to partners themselves.

"We all recognize that this is an extremely stressful, fast-paced industry, and that doesn't just magically go away when you make partner," said McNally.

While associates focus on getting a discrete project or task done, partners are responsible for the overall case, pointed out Mithani. And while associates are accountable to the partner they're working under, partners are accountable to clients and other partners.

The good news is that as more experienced attorneys, partners have hopefully learned coping strategies to manage that stress, attorneys said.

"Does it go away? Definitely not. It changes, but I do feel like I'm more and differently equipped to handle it," said McNally.

Women Can Have It All

The idea that female attorneys can "have it all," managing a successful career and a family at the same time, is another supposed myth.

But while balancing the two is definitely difficult, female attorneys say the situation is more nuanced than simply choosing between career and family and sacrificing one.

For starters, it depends on what "having it all" means. Some attorneys want a family, while others have different outside pursuits or interests.

"I think the word 'all' in that means different things to different people," said Schmidt.

And it's not just female attorneys, or even just parents, who struggle to find work-life balance, McNally said.

Being a parent and a lawyer is difficult no matter your gender, and that's why an increasing number of firms are offering parental leave to both men and women, she added.

In fact, 82% of survey respondents said management at their firms was very or somewhat considerate of their family obligations.

"This myth that women can have it all and that everything's going to be perfect all the time, yeah, that's a myth," McNally said. "It's a myth for everybody, whether you're a parent or not."

But the opposite is just as untrue, some attorneys said.

Many people think that to be successful, a lawyer has to "eat, breathe, sleep the law 24/7," Mithani said. It's a misconception she believed herself when she started her career, but it has turned out not to be the case.

"Some of the best lawyers I know are really well-rounded people who are able to succeed professionally and personally and give due attention to all of their obligations in their lives," she said.

It's All About the Pedigree

Some still think that despite all the talk of diversity, elitist attitudes prevail in the law, limiting success to those who've attended top law schools and clerked for federal judges.

But attorneys told Law360 Pulse they believe the field is more varied. While having a pedigree may help a young lawyer get a foot in the door, plenty of lawyers with dedication and skill do succeed even though they don't have a T-14 school or a judicial clerkship on their resume, they said.

"There are plenty of terrific lawyers that I work with that do not have 'the pedigree,'" Mithani said.

In fact, according to Ogletree's Bunck, who herself attended a public law school that was not ranked in the top 14, only two of the 16 attorneys currently practicing at Ogletree's Kansas City office have done a federal judicial clerkship, and none attended a top-14 law school.

What may better predict success, or at least job satisfaction, is having an accurate idea of what being a lawyer entails, these attorneys said.

Schmidt's father was a lawyer and she was fortunate enough to watch him work when she was young, she told Law360 Pulse. And McNally spent time as a floating secretary at a law firm before entering law school, so she also had fewer misconceptions about being a lawyer, she said.

That previous exposure allowed both attorneys to get an accurate picture of what they were getting into, something they're both grateful for.

"If you come into something with a lot of preconceived notions about how it's going to be, then you're more likely to be potentially let down," said McNally, "and that's no fun."

--Editing by Pamela Wilkinson and John Campbell.

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