

Advice for the Law's Lost Generation

by Tony Tuntasit

It was the end of the mentoring dinner. A rising 2L sat down to eat his third plate of Pad Thai; he still had the metabolism to eat heartily and my friend and I, enviously, encouraged him to eat. For an hour we gave unsolicited advice about the law: find partners you like working for; contribute to your 401K; don't try to keep up with "the Joneses"; exercise; be nice, it is a small legal community; take every clerking opportunity seriously; find a hobby; if you have a chance to travel while in school, do it. As he finished eating, he asked quietly what we thought of the job market. He had read that it was a very bad job market and now wondered whether law school was still a good investment.

I wanted to tell him to stop reading the news. But I too had seen the headlines: "The Lawyer Surplus, State by State"¹; "Is Law School a Losing Game?"²; "Lawyers Settle...for Temp Jobs"³. During the recession, legal jobs were lost like those in the rest of the economy. Private firms furloughed newer hires. Fragile budgets froze hiring in the public sector. To cut costs, work was sent to contract attorneys or done by computer algorithms. Many new lawyers have large school debts⁴—the cost of law school rising 317 percent since 1989 compared to a 71 percent increase in undergraduate costs over the same period⁵—and the demand to repay loans exacerbates the pressure to find a job. One writer referred to lawyers entering the workforce after the recession *Une Generation Purdue*; I imagined apparitions of graduates disappearing forever.

I thought the headlines were hyperbole but when I looked at the numbers, they were bad. Economic Modeling Specialist Inc. estimated that 53,508 people passed the bar in 2009. On av-

erage 26,239 jobs are created annually, thereby creating an annual deficit of 27,269 jobs.⁶ The National Association for Law Placement showed that the employment rate for law school graduates nine months after graduation in jobs where you need a law license dropped below 70 percent, a Mendoza Line that the percentage had been above for the prior eight years.⁷ Compounding the imbalance, between 2008 and 2010 more people applied to law school⁸ thinking the law a historically safe career. Only recently has there been a drop in enrollment, and newspaper headlines have dispelled the illusion of stability.

Some graduates are angry. Feeling misled, one sued her school.⁹ Others have publicly walked away from their debts.¹⁰ Some enrolled in graduate school to defer their loans. Critics have called for the American Bar Association to reexamine its accreditation practices¹¹ because they believe there are too many law schools. The battle for jobs is stiff and employers can choose from many resumes. In the Tampa Bay area candidates have historically hailed from Florida schools but now resumes are sent in from the Northeast and the West. Recently, a friend hosted a recruiting lunch in Tampa and met a candidate who had flown in from Texas in hopes of an interview. Combine the tight economy with the reality that first-year attorneys are not profitable and the fact that firms hire on potential, and you have a dismal job market.

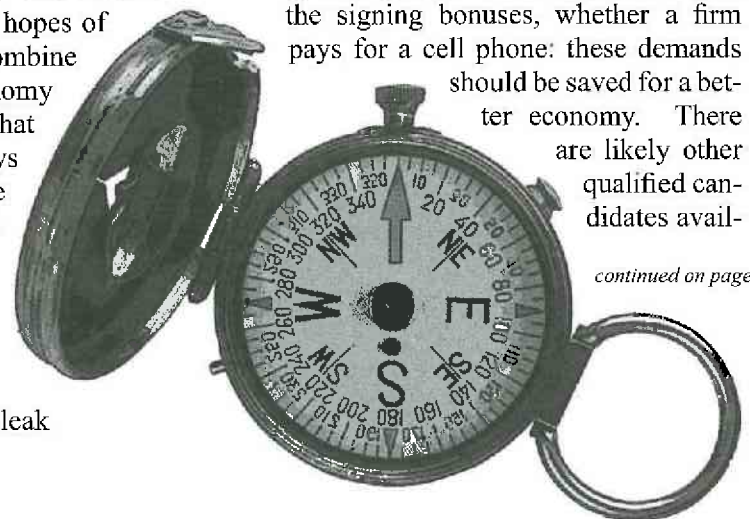
With the bleak

landscape for new lawyers resembling an Edward Gorey illustration, it is crucial for new lawyers to focus on what they can control and hone those oft-mentioned but still fundamental skills. Cynthia M. Winter, a third-year family law and bankruptcy attorney at *Anton Castro Law* in Florida who recently moved from Orlando to Tampa, emphasized the need for experience: "Get clinical experience. Practical experiences." It was a tough job search with employers still hesitant to hire, but employers wanted to talk to Ms. Winter because of her skills. Ms. Winter says her ability to draft pleadings, her familiarity with the legal environment (she has worked in law firms since high school), and her ability to quickly learn bankruptcy law helped her find a job.

"Getting your foot in the door is very important," says Grace Yang, a shareholder at *GrayRobinson, P.A.* in Florida. Ms. Yang sees many resumes weekly and says it is important to find ways to stand out: "Network. Neighbors, friends, parents. You never know who can help make that connection and who can be your cheerleader."

It also helps to have realistic expectations. With a still slow economy Ms. Yang says that it may be prudent to take a job and prove yourself before negotiating for higher pay and added benefits: "Show that you are dependable and willing to work hard. After you show that, then bring up additional compensation." The moving expenses, the signing bonuses, whether a firm pays for a cell phone: these demands should be saved for a better economy. There are likely other qualified candidates avail-

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able without similar requests. "A new graduate can have hopeful expectations for a good paying job," says Ms. Yang. "But they may also want to temper their expectations."

Peggy Nagae, a past NAPABA president and trial attorney turned consultant and executive, is frank about the hard work expected of lawyers when they are hired. "It is a given," she says, "that firms expect new lawyers to do high quality work." Ms. Nagae helps coach attorneys and executives to achieve hard business goals (reach *aggressive* goals, as she calls them) and says to be a successful lawyer you need to do more than good work. She offers a mantra: "Get curious"; suggesting the inquiry she prescribes is less an innate quality but more one that can be fostered through concerted efforts. "You need new skill sets to succeed than when you were a student," she says. "Lift your head up, get out of your office, talk to your colleagues, learn how to take advantage of the environment and see the opportunities around you, and find a mentor outside your firm to give you an outsider's perspective." New lawyers need to schedule these events into their all too busy workdays. "You have a short window of time to establish your reputation," she says, "sometimes as little as ninety days for lateral hires. You need to see what your colleagues are doing, learn what the expectations are in addition to high quality work, and then develop yourself fully. Be more interested in others, than interesting."

New lawyers should also consider learning soft skills like "Emotional Intelligence". As an in-house attorney who left private practice, I've learned to appreciate the need to develop Emotional Intelligence—a critical tenet in the corporate world—and the relevance of its concepts of self-awareness, self-management, social awareness, and relationship management; skills not typically emphasized in law school where the focus remains on analysis, advocacy, and acumen. Ms. Nagae notes, "We call them soft skills but they can be very hard skills to learn." Although "How

to Win Friends and Influence People" may be an outdated title, understanding people and managing relationships will never go out of style. Everything helps in this economy.

Recent graduates and new lawyers need the help of seasoned attorneys more than ever. They face tough odds. But the legal profession has been around for generations and will be around for generations more. Lawyers will adapt to the ever changing conditions; good counselors and advocates are always needed. We should mentor and guide new lawyers. Encourage them. Remind them that being a lawyer is a long-term career. New lawyers should remember to enjoy the journey, get as much experience as possible, and keep learning. And maybe go easy on that extra helping of Pad Thai.

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Footnotes:

1. <http://economix.blogs.nytimes.com/2011/06/27/the-lawyer-surplus-state-by-state/>.
2. <http://www.nytimes.com/2011/01/09/business/09law.html?pagewanted=all>.
3. <http://online.wsj.com/article/SB10001424052702303714704576383641752966666.html>.
4. On average \$68,827 for public educations and \$106,249 for private educations. <http://www.hartford-business.com/news/18330.html>.
5. http://www.nytimes.com/2011/07/17/business/law-school-economics-job-market-weakens-tuition-rises.html?_r=1&ref=general&src=me&pagewanted=all.
6. <http://www.economicmodeling.com/2011/06/22/new-lawYers-glutting-the-market-in-all-but-3-states/>.
7. <http://online.wsj.com/article/SB10001424052702304793504576434074172649718.html>.
8. According to U.S. News, law went from school 83,400 applicants in 2008 to 87,900 in 2010. In 2011, there was an 11.5 percent drop in the number of applicants from the year before at this point in the application process. But there is still time for applicants to apply. <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2011/03/18/law-school-applications-take-a-dip>.
9. <http://www.760kfm.com/story/14831984/san-diego-law-school-grad-sues-her-alma-mater-for-50-million?redirected=true>.
10. http://www.nytimes.com/2011/01/09/business/09law.html?_r=1&pagewanted=all.
11. <http://blogs.wsj.com/law/2011/07/12/law-school-accreditation-standards-questioned-by-u-s-senator/>.

In the NAPABA Lawyer Spring issue, Direct Members were recognized. We apologize for unintentionally leaving out names of several Silver Level Direct Members from our April 2011 list. We would like to recognize the following members:

Brian Matsui
Jason Murata
Kenneth Nakasone
Xudong Ni
Pam Occhipinti
Sam S. Oh
Noriko Elle Okamoto
Fiona W. Ong
Grace Pan
Charlotte Pashley
Sheldon Quan
Peter Quon
Leah A Ramos
Richard Ruger
Richik Sarkar
Lisa D. Schwab
Raymond H. Sheen
Michael Shen
Sudhir Shenoy
John Shin
Dorothy Siron
Sri Srinivasan
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Jeffrey T. Tao
Lynne Toyofuku
Phong (Jacques) N. Tran
Sonni Williams
Brian M. Wong
Simone Wu
Stephen Wu
Brad Yamauchi
Jay Yan
Bernice Louie Yew
Gerald Yoshida
Gary Yoshimura

NAPABA thanks you for your Direct Membership.