



Ain't No Cure For The Summertime Blues: Legal Remix

1 day ago

Editor's Note: *The author of this post is the founder and CEO of Legal Mosaic, a strategic consulting firm and a regular contributor to Big Law Business.*

By Mark A. Cohen, Chief Executive Officer, LegalMosaic

For those not old enough to remember Eddie Cochran's classic "Summertime Blues"— or the cover by The Who— listen to it on YouTube and it will put a smile on your face, if not propel you to abandon your desk and race into the sunshine. Guitar strumming he sings:

"I'm gonna raise a fuss, I'm gonna raise a holler About a workin' all summer just to try to earn a dollar"

While Big Law was probably the farthest thing from Cochran's mind when he penned the tune, it is apposite to the **well-publicized recent announcement** (<https://bol.bna.com/quinn-emanuel-shrinks-summer-associate-program/>) by Quinn Emmanuel that the firm is effectively pulling the plug on its summer associate program. Too bad for those second years who will lose out on the chance to earn a lot more than a dollar to help pay down student loans and to secure a bit of face time at the firm. But what's the big deal?

Consider the Source: Quinn Emanuel

Quinn Emanuel is one of the most profitable firms in the country, ranked second in profit-per-partner and third in revenue-per-lawyer in the AmLaw 100 rankings.

Why would such a financially successful firm abolish their summer program, an entrenched *rite de passage* among large law firms as well as a tried and true recruiting tool? John Quinn explained to the Wall Street Journal that:

"Especially when it comes to the trial work we do here, it's difficult to parcel out projects that fit within the two months summer associates are with us."

Fair enough, but what has changed and why now? The gutting of Quinn's summer program is symptomatic of more sweeping changes taking place in the legal marketplace.

Summer associate programs have always been BigLaw's version of campus visits by star athletic recruits. Both are wined and dined, receive star treatment, and are often given the "one day this could all be yours" pitch by senior management. Though some might argue that a stint as a summer associate also provides practicum experience —a chance to "get into the game and get your uniform a bit dirty"— the reality is that it's typically more of an extended interview where recruits are paid a substantial amount to show up.

For law firms, the program is a chance to vet future colleagues — most of whom receive offers — and to ensure that the stockpile of incoming talent is ready to plug into the machine. And so this conveyor belt from top law schools to Big Law has hummed for decades. Which begs the question — one more time with feeling: What's newsworthy about one very successful firm eviscerating what amounts to a boondoggle program?

It's Not the Summer Program; It's The Marketplace

Quinn Emanuel — and presumably other firms — no longer sees much value in the summer program, at least not at its present scale (there are currently 50 Quinn summer associates; this will be pared to 5-10).

Quinn commented that savings from the summer program are earmarked for increasing compensation packages for incoming associates, law clerks, and others. Translation: the ranks of incoming lawyers fresh out of law school will be thinned.

This raises some real issues: If the nation's second most profitable large firm is paring down its associate ranks, what does that say about other firms and the job prospects for top-tier law grads for whom firms like Quinn Emanuel were the presumed next stop in their career path?

Where will the next generation of talent come from in these firms when, increasingly, associate ranks are being pruned in favor of “project attorneys”, *ad hoc* responses to workload spikes, not long-term investments in the firm's future?

Bushwhacking a summer intern program and reducing associate hiring is a response to clients' unwillingness to continue the longstanding practice of paying for young associates' “on-the-job-training” — and, by extension, investing in their long-term relationship with the firm.

Law firms are unwilling to absorb those training costs because to do so would cut into profit-per partner (PPP). And PPP is *the* key metric upon which law firms rely to retain rainmakers as well as to snag valued (read: “big book”) laterals. Pressure to sustain PPP has caused material changes in the composition of most firms and has resulted in many adopting “the future is now” approach to staffing.

The class size of incoming associates is declining, mid-level associates are being pruned, and **service partners are either “de-equitized” or jettisoned (<https://bol.bna.com/service-partner-resurrected/>)**. Many large law firms have maintained or even increased PPP in part by abandoning the traditional “build the future from within” structure that created their brand.

Litigation, which Quinn Emanuel specializes in and has few peers, is no longer the eternal cash cow it once was because of numerous factors including: unbundling, the rise of alternative dispute resolution, fewer suits filed, more work being taken in-house, and software applications that reduce or eliminate lawyer billable hours for several “legal” tasks.

Law schools, for whom job placement numbers have become a critical component of their all-important ranking (rank is to law schools what PPP is to law firms) might rethink their longstanding presumption — especially among the top-tier — that the vast majority of their students will have Big Law jobs waiting for them upon graduating.

What it means to be a lawyer today is very different than what it was even a few years ago, and the same can be said for what it means to be a law firm. No longer do law firms — as they have historically — presumptively perform all facets of a matter from start to finish. And with PPP — not the long-term future of the firm — as the key driver at most firms, is it any wonder that there is uncertainty for almost everyone at large firms *except* for rainmakers?

A Challenge and an Opportunity for Law Schools

Maybe the days of summer associate programs are fading into the sunset, but that does not mean that law schools or young lawyers must sing the blues. Big Law careers, after all, are the path of fewer than 15 percent of US lawyers — most of whom graduated from top-tier law schools.

New categories of “legal” jobs are opening up for *all* lawyers in — entrepreneurial ventures, legal technology companies, legal service providers, “alternative” law firms built on something other than the traditional model, as well as accounting firms and consultancies with “legal consulting” divisions.

Many millennials are opting for alternatives to large firms — those who could land such jobs and have the economic freedom to decline them — for lifestyle as well as pragmatic reasons, principally the statistical improbability of becoming partner. So what can law schools do to better position their students and recent alums for a challenging job market and a marketplace that no longer subsidizes postgraduate training?

It is critical that law students acquire both traditional and contemporary practice basics before they graduate. They must also develop a high-level understanding of the contemporary legal marketplace including its range of new and emerging career options and opportunities. The traditional “practice ready” basics include: how to draft a complaint, write a contract, prepare an engagement letter, and read a balance sheet. Then there are the contemporary basics such as project management, basic understanding of IT as it relates to the delivery of legal services, eDiscovery, cyber security, and a grasp of IP.

The entire legal ecosystem would benefit from law schools seeking out opportunities to partner with providers and consumers of legal services to bridge the current divide between the Academy and the marketplace.

This would result in a “win-win-win” because law students would be far more likely to secure employment upon graduation; law schools would forge closer ties with the greater legal community and produce more alumni/ae capable of a quick, seamless integration into practice (or other alternatives) as well as being able to give back.

Legal providers would have a pool of well-trained talent; and legal consumers could hire this talent for in-house positions and/or select from a wider array of providers staffed by lawyers with the skill sets required to help them solve their business and legal challenges.

Most of all, armed with these traditional and contemporary practice skills — and enabled by technology — lawyers could remedy the paradoxical problem of an already large and still growing number of unemployed and under-employed attorneys, and millions of Americans who cannot afford legal representation at current pricing levels.

Put another way, there is a great opportunity for more lawyers to serve clients in need of their services if those lawyers receive proper training, tap into existing technology, and provide representation at affordable pricing. The pricing *can* be made affordable and lawyers can still earn a good living by stripping out the cost escalators endemic to the traditional law firm model. Add to this mix a large pool of older, experienced attorneys who could provide mentorship and oversight and there exists a clear path for many more lawyers to do well and do good.

This would also help restore public trust in lawyers and enhance the standing of the profession.

Such innovative partnering is already taking place, and the initial returns are outstanding. Three notable examples include The DC Affordable Law Firm, in which Georgetown Law School collaborates with DLA and Arent Fox to train young graduates to provide “low bono” legal services to DC residents; The UnitedLex Legal Associate Residency Program in which the service provider partners with an initial group of four law schools to provide training and jobs to graduates who work on client matters introduced by participant law schools’ alumni and donor bases; and LawWithoutWalls, where students are trained holistically, acquiring skills linking law, business, and technology and are exposed to entrepreneurs, consumers, and providers in these fields who prepare them for today’s marketplace — and often extend job offers.

Conclusion

Quinn Emanuel’s decision to decimate — if not eliminate — its summer intern program is emblematic of the ongoing changes in the way many large law firms now operate.

The summer associate may become a remnant of the past, but new opportunities are popping up that better prepare students — even if they are shorter on pay and perks — for the contemporary legal landscape. The legal marketplace *will* have a cure for the summertime blues; just don’t expect the traditional law firm economic model to provide it.