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Introduction

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Introduction

*Kent D. Syverud**

It took courage for Professor Patrick Schiltz to write the article that opens this symposium issue of the *Vanderbilt Law Review*. At the Notre Dame Law School, where Professor Schiltz teaches, as at the Vanderbilt University Law School and all elite schools, most graduates go to work in private practice, most often at large law firms. Professor Schiltz's portrayal of lawyers at such firms—as rich, overworked, unhappy, and often unethical—ought to be provocative and profoundly troubling to alumni at Vanderbilt and elsewhere. It will also be troubling to Deans, who struggle mightily each year to convince alumni to give money to their schools and to persuade aspiring students that the expense of a legal education is justified by the opportunities and quality of life a legal career affords. To take on alumni and deans at one blow—and in a readable law review article that will actually be read—takes courage, even for a tenured professor.

Professor Schiltz's article carries on an honored tradition of professorial critique of the practice of law. The transition from practice at a law firm to an academic career is a difficult one, and it often affords the law teacher much greater opportunity to reflect on law firm life than those who have remained in practice. For some, that reflection is bittersweet. The daily struggle that Professor Schiltz describes, of hard work and at times tedious assignments that are nevertheless regularly punctuated by ethical dilemmas, can be truly enervating, and can be missed. Oliver Wendell Holmes, Jr., when he himself left the practice, wrote:

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But after all the place for a man who is complete in all his powers is in the fight. The professor, the man of letters, gives up one-half of life that his protected talent may grow and flower in peace. But to make up your mind at your peril upon a living question, for the purposes of action, calls upon your whole nature.¹

No doubt many lawyers who have left the crucible of large firm practice (and many former managing partners) share the worries that Professor Schiltz articulates so well in the article that follows. And they struggle with them. The better lawyers and associates at large firms will read and react to Professor Schiltz's article, and to the thoughtful comments that follow it. But it would be hubris for any of us to believe that the dilemma Professor Schiltz confronts is one he, or any of us, escapes by pursuing a different legal career, in academia or in another line of practice. It is an unfortunate truth that, if you are to bring your whole nature to bear on an important living question, you end up working extraordinarily hard, often on tedious details, and you face ethical decisions every step of the way. The balance of family and career is one we all face, whether we are representing capital defendants or revising a law school curriculum, and the more passionately we take our work the tougher the tradeoffs become.

Professor Schiltz's article therefore has more general applicability than may be immediately apparent. Indeed, one could argue that large law firms are at the cutting edge of changes in the legal profession that will soon reach into every niche and specialty—changes in how fees are earned, how business is obtained, how lawyers are managed, and how work is done. Solutions to the problems Professor Schiltz identifies may be particularly vital as wider segments of the profession confront the economic forces that have made large law firms the way they are today. Law firms and the legal profession, for all the turbulence, remain today remarkably unchanged compared to most other businesses and professions, including (to name a few) medicine, banking, accounting, and engineering. Higher education (including law schools) may be one of the few areas that has changed less. If this symposium helps us to figure out how to enable lawyers, in a dynamic economy, to lead happy, balanced, and ethical lives, the answers will be useful not only where Professor Schiltz once worked, but where he works now. I therefore applaud his efforts, and join all at the Vanderbilt Law School in following the conversation this symposium should provoke.

1. Oliver Wendell Holmes, *Law in Science and Science in Law*, reprinted in 3 THE COLLECTED WORKS OF JUSTICE HOLMES 406, 412 (Sheldon M. Norick ed., 1995).