Career Development and the Practice of Law

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A. Career Choice and Institutional Goals: A Difference in Interest

In a society of opportunity, and one that stresses personal choice, careers are an important measure of fulfillment. Though the world seems to be slowly closing in on us, we sanctify the values of individuality. We want and expect that each and every one of us can fulfill our potential and our expectations in the commitment we choose in life. One of these commitments is to a career. Career development is supported by educational opportunity and then job opportunity. Ours is, after all, an egalitarian society and, more than most societies, we reward interest, initiative and talent. We expect and encourage the young person to "make something of himself," and in large measure what he makes of himself is his choice.

These lofty sentiments, when translated into real life, are abridged somewhat. There is not, of course, endless individual opportunity. The economics of the society we live in has something to do with that. We don't necessarily have spaces for all the teachers who wish to teach, nor in a relatively free economy, do we necessarily employ large numbers of engineers with consistency. There are periods of economic sparsity. In an inflationary economy, the education of talent, especially professional education, becomes expensive and not everybody can afford the career he or she would like to choose. Newer life styles and changes in personal value infiltrate traditional goals and expectations, and not everybody thinks it's important to pursue a career or just one career.

Nonetheless, from the time we are cradled in our families, most of us are encouraged to think that we have substantial rights of personal choice in the matter of career fulfillment or work. The middle class child is given encouragement and opportunity to pursue a career; the working class child is made to feel that there are different job opportunities; and there are relatively few in a seg-

The Journal of the Legal Profession

ment we may call the poverty class who are disillusioned about all opportunity in life and who learn not to care.

The ideal of self-fulfillment through career and work is indeed a well-nurtured sentiment but, more than anything else, as individual lives unfold it runs up against the hard reality of the institutions that provide the education and the employment. They are run a certain way, from tradition, from developed notions as to what is best, and from the need to serve certain goals, most notably service and profits. They are organized, as a socialist ideal would you believe, to pursue a certain goal, and individual talents and capabilities are submerged or molded to serve this goal. Let us be more specific. In pursuing education toward a career the individual may have some choice in where he attends but very little choice, if any, in what he learns. With peripheral exceptions—a radical educational design here and there—in his professional education he is subjected to something called curriculum, and course and credit requirements, and certification in terms of these requirements. He doesn’t choose what or how he is to learn—he is regimented to a time and a place and a program that defines what his education is to be if he is to be later acknowledged in his career choice.

Similarly, when he comes to seek employment, the individual—the individual lawyer, for example, will find that his skills and talents are molded to particular needs and functions determined by the law firm that employs him. The law firm is organized—though that’s not always the appropriate term—in terms of a hierarchy of authority and some general control and direction of operations and functions. Personnel, including managerial and professional personnel, subserve this process according to certain traditions, or concepts of efficiency or idiosyncratic preferences asserted by those with the most substantial proprietary interest. The neophyte lawyer in the law firm may have the illusion of autonomy, and he may have chosen his profession in part because he sought autonomy in this sector of his life experience, but he will quickly discover that, a law firm being like law school, his autonomy is tailored to the demands of a common institutionally determined interest. He must carry out particular functions defined by the law firm or, where the law firm is less imposing, defined by the client in order to earn a fee or a salary. The free enterprise system stops short of being free when one of necessity seeks employment and agrees to an indenture of service to an institutional employer
so that one may earn a living. No wonder many lawyers seek to be self-employed, but today this is a risky matter and not likely to be paved with any notions of personal economic security and the opportunity to enjoy substantial material benefits in life.

Now what does all this mean in terms of career development, this clash of sorts between the aspirations of the individual and the institution organized around the common aim of service and profit? A closer examination will delineate some of the problems and suggest some of the possibilities for accomodation that are available.

B. The Evolution of Career Choice

Personal work careers are like marriage in that they are thought to reflect a permanent choice of association and to be stable and continuous in character. The truth is somewhat harsher. In these times of greater uncertainty the initial choice of career is but a first step in an individual's search for fulfillment. There are several critical points in the development and evolution of a career that raise serious issues which persons themselves and professionals who guide careers ought to be concerned about. Among those who guide careers I would include teachers, and career counselors and placement specialists, and employers and supervisors. I propose that we examine some of the critical points in the development and evolution of a lawyer's career.

1. The Learning Experience. The learning experience changes the patterns of interest in a law student from the time he enters to the time he leaves law school. For this, we have some empirical evidence. In 1977, Professor Thomas Shaffer of the Notre Dame Law School and I published a book called Lawyers, Law Students and People in which, among other things, we reported how law student interests and expectations of their career changed. Here are excerpts from our published summary of the differences between first year and third year students.

Beginning law freshmen idealize about law but are unclear about personal uses or ways of implementing it. They seek practical legal skills and broad knowledge. They also expect to influence society and help others through their work as lawyers. They think laymen view lawyers as shysters, manipulators

and money hungry, but they themselves see lawyers as intelligent, capable, and helping professionals.2

The law school seniors, by comparison, are not as idealistic . . . They seek conventional, established group law practice. They see legal education as giving them practical legal skills and the benefits of political and social contact. They think laymen see lawyers as shysters, manipulators and money hungry, but they themselves have no clear, consensual perception of lawyers as a group.3

It is reasonable to assume that the differences in interest and expectation between entering and leaving law school are accountable to the character of the law learning experience.

In 1957, or more than twenty years ago, Professor Leonard Eron of the Department of Psychology at Yale University and I published our account of changes in certain law student attitudes and sentiments during the course of, and implicitly on account of, their legal education.4 We studied what we deemed to be the effects of legal education on students’ humanitarianism, cynical dispositions and state of anxiety. Briefly, our findings were that seniors in law score significantly lower than law freshmen on a scale measuring cynicism, seniors score significantly higher than freshmen on a scale measuring humanitarianism, and both seniors and freshmen score about the same on a scale measuring anxiety.5 These findings contrasted significantly with our observations of what happened to medical students during the same interval of time and at the same place. The law students score significantly higher than medical students in cynicism, there is no significant difference between the two groups in the measure of humanitarianism, while law students as a group are significantly more anxious than medical students.6

Law students are not unaware of changes that occur in them because of the kind of indoctrination that legal education represents. Professor Shaffer and I reported, with permission, from some of the diaries that law students kept in the course of their legal education. One first year student said,

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2. Id. at 102-03.
3. Id. at 103.
5. Id. at 435.
6. Id.
The professionalization process (in law) seems to spirit its graduates into a mold. I don't like it. . . I don't want people to stereotype me. My stereotype of lawyers is not one that has individuality, but still they ('they' not 'we') seem to wear a uniform of dress, of personality, of life style. I want to be known as me, a certain type of person, and also a lawyer by trade, not a lawyer and thus a certain type of person. I'm not sure I have anything to worry about (I don't exactly endure sleepless nights thinking about this, of all things!) but I have noticed many a briefcase, many a suit, less individuality among third year students.7

Another, a third year student, said,

Lawyers and law students are a rather obnoxious group. From the first day of law school they are taught to argue; they are taught to take issue with whatever another says. Soon they progress to a higher stage where they analyze and dissect everything that someone says. . . . I think that we do this not so much to find the truth, but just for the sake of arguing and pointing out frailties. . . .8

Another student said:

Different situations in law school really frighten me. It seems that many people are losing their sense of humanity and becoming very—shall I say—professional in their attitudes toward life and what part love will play in their lives. The logical, rational lawyer appears to be gaining among my classmates. I wonder what my own reaction will be. I fear that perhaps my own weakness will draw me into a pattern similar to theirs. I am happy that I can keep my head together. Do I want to fit in? I presently do not want to fit in if (lawyers) are so warped as to lose human perspective. That is not what life has led me toward. If need be, a removal from their reality may help me to restore a reality for myself.9

Perhaps the most devastating comment about legal education comes from one of the great luminaries of the law teaching profession and one of the great legal minds. Professor Karl Llewellyn, writing first in 1930 and then repeating himself in 1950 in The Bramble Bush, which he deemed to be a guide to the legal educa-

8. Id. at 160-61.
9. Id. at 197-98.
tion process, said, "The hardest job of the first year is to top off your common sense, to knock your ethics into temporary anesthesis. Your view of social policy, your sense of social justice—to knock these out of you along with woozy thinking."\textsuperscript{10}

Shaffer and I concluded that legal education, if it is not a de-humanizing process, at least does little or nothing to nurture and cultivate humane dispositions and a concern for others in those trained to the law. The implication for how clients are treated by lawyers is sad indeed. The implication for a lawyer's career development is also sad, though, often out of practical necessity, most stay and only a few leave. The newly fashioned lawyer has learned to contemplate a sense of power, and enjoyment and satisfaction, out of his analytical skills and increasing familiarity with the law. He is primed, upon leaving law school, to seek and intellectually master the challenges of the purely legal problems he has learned about. He only needs a place to work and needs that the problems, in the usual legal form, be presented to him. His dispositions of concern and generosity toward humanity may have been dulled, and he may insulate himself from some of the more unfortunate things that can happen to other human beings through his and others purely legal ministrations, but these are matters that recede into the personal unconscious. They become of concern only when and if, at some point in his professional career, the lawyer undertakes some kind of self-examination.

2. The Crisis of Job Procurement. The young lawyer's enthusiasm for his law career, directed or redirected by legal education, is quickly confronted by the economic realities of a larger society. Scarcity has come increasingly to replace opportunity, and this applies to the need for professional services as well. It is true that most graduates of elitist law schools have no such problems about the possibility or choice of employment as a lawyer. I regard this stark inequality of opportunity among graduates of different law schools, fostered by employment practices, encouraged by prestigious law firms and other select employers, and lauded by the more fortunate law schools, as a doubtful social value, but it is a reality to be reckoned with.

Even before, and well before, he leaves law school the typical neophyte faces the anxiety of not knowing whether, when, where or

how he may pursue his chosen career. This almost bewildering uncertainty, after such finely honed professional training intended to instill confidence and a sense of mastery, can be devastating. It is like coming up for air after having been submerged for three years and discovering that the air is foul. Clearly, this is a time for counsel, a time when many law students may need to make an agonizing reappraisal of their opportunities to pursue what interests them and of their possibilities for fulfillment through a law career. The matter sometimes reduces itself to finding a job. It is also a time when students need to develop ancillary skills, the ancillary skills of how to find a job.

There is a need for the law student to develop self-knowledge, to know what it is that he or she feels about success in life, about means of fulfillment, and about the things that mean most and are enjoyed most. There is a need to perceive how one is affected by the anxieties and frustrations that attend growing up professionally and finding one’s place in life. It is within this framework that pursuing a career or even just seeking a job makes sense. The unthinking neophyte, who is concerned only to learn the law and get a job, will pay later in the form of bewilderment, uncertainty or dissatisfaction about where his life is taking him. That is, this is the likely occurrence unless, as one fictional but knowledgeable lawyer forecast to a young associate, the emergent lawyer is satisfied to be “just a piece of high-priced circuitry.”

The crisis of job procurement is a threat to the young lawyer. It is, at the same time, a challenge to the career counselor, the placement advisor and the prospective employer. The “caveat vendor” attitude young lawyers must take toward finding employment is hardly sufficient notice or adequate preparation for the contemplation of a career in a civilized society. Career counselors need to counsel, and that means that they need to know how to counsel applicants to make self-appraisals and be realistic about what is likely to satisfy and endure in the way of employment. Placement advisors need to do more than shuffle cards and correspondence, and arrange interviews. If one regards the employment process as a mechanical matter to be endured and of little personal consequence, consider this remark about an employment interview by a third year student at Notre Dame Law School which Professor Shaffer and I reported in our book. The student-interviewee:

It bothered me that my answers didn’t seem to sway him (the interviewer) from his chosen path, and seemed to him to be
pertinent and indicative of my ability to handle myself under "pressure." I didn't feel this at the time. I guess I have just become good at the interview game. All of which makes me wonder what the process of seeking employment is doing to me as a person.\textsuperscript{11}

And then there is the employer, whose primary interest, remember, is in filling the gaps of the employing organization with young slave laborers or service specialists or procurers of new business. The dominant bias of the employer, unfortunately, is that new lawyers are mere instruments of institutional efficiency and progress. As Craig Littlefield, a young associate in Osborne's fictionalized account of law practice titled The Associates, says to his friend Sam Weston, who is also a young associate in the law firm, "You are, as they say at the large firms, cannon fodder. One of thirteen young gentlemen hired directly from law school this year to slave at Bass and Marshall. Your function is to be obsequious. To wait. To obey. We do nothing."\textsuperscript{12} Employers of young lawyers have not yet begun to consider what their obligation is to bright and inherently sensitive young people to provide challenge and satisfaction in work, and how to go about doing this. The proper intention is not only to meet the needs and aspirations of the employing institutions but also the needs of the individual employed, this in a society that places heavy value on individualism and opportunity.

3. Conformity in Law Work. Career development and work assignment are often at odds with one another to some lesser or greater degree. It is in the nature of the work assignment that some thing or some one other than oneself is being served. This is both congenial and productive if the worker embraces the objective and enjoys the work. However it is all too characteristic that the worker is merely or mostly doing what is required, and there may or may not be personal value to him in it. This is no less true for young lawyers in practice than it is for others who are granted employment.

Richard Kluger writes of the experience of a young lawyer in a small law firm in his recently published fictionalized account of law practice, called Star Witness.\textsuperscript{13} The young lawyer is Tabor Hill, a

\textsuperscript{11} T. SHAFFER & R. REDMOUNT, supra note 1, at 100.
\textsuperscript{13} R. KLUGER, STAR WITNESS (1979).
brilliant and challenging young female attorney. Tabor Hill says,

> For months I had been assigned the most mundane legal matters to execute in the partners’ behalf, thereby freeing them for more lucrative activities. I would draw a will for Maynard Lamport, search a title for Dan Kettering, take depositions for Sparky Grier, and draft contracts for Gil Serini, all with a minimum of supervision and even less contact with the clients. It was not very stimulating work but I performed it well and without whimpers. No one patted me on the head—or the fanny. I was simply sustaining the mandatory effort to master the hardware of the trade. A less exhilarating spell I had never logged.\(^\text{14}\)

Even the formidable Cosmo Bass, the crusty octogenarian founding partner in Osborne’s fictionalized large Wall Street law firm of Bass and Marshall, noted the problem. In his reminiscences over a rare lunch with a young associate in the firm, Sam Weston, he says, “I was angry (at the desultory clerking experience with Justice Holmes) perhaps the way you are angry at times when you are assigned some point of law that you consider trivial, or asked to fetch some document. Naturally, you resent these tasks. Many of our young men do. They wish to write. They wish to compose. They wish to know the whole, and ignore the parts. I felt all these frustrations myself.”\(^\text{15}\)

Conformity in the character of professional work, especially early in one’s career, may have some redeeming learning value. There is also another kind of conformity, a kind of conformity to institutional custom and behavior, that may be of more questionable value. Sam Weston, in Osborne’s *The Associates*, says: “Anyone with any sense knows that tie tacks are not acceptable at a Wall Street firm. They don’t kick you out for it but they are not going to make someone a partner unless they feel comfortable taking him to a lunch club.”\(^\text{16}\)

Craig Littlefield, also a young associate with Sam Weston in the firm, makes further observations about “our internal law of the firm.” He notes,

> There are intelligible rules, of course. You must wear a suit, not a sport coat. You must never, never talk about the firm

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14. *Id.* at 110.
16. *Id.* at 97.
with anyone, especially in the elevator. But there is only one direction to the flow of the rules that govern our little world: it is straight down, for Cozzie (Cosmo Bass, the founding partner) and the Wednesday partnership meeting.17

Then there is another kind of conformity, or custom, issuing from the partners and those in charge to the underlings in the law firm. Senior Associate Robert Lawrence explains to his junior in the pecking order, Sam Weston, “They’re going to yell at you,” he said, “You’re going to make mistakes and they’re going to yell. You drop a comma, and the client spots it when the prospectus is already printed. You ought to hear Rolls yell.”18 Sam himself notes another bit of customary supervisory behavior. After spending all night researching a case for a partner, and feeling spent, tired and depressed, he observed, “I was susceptible during transitions like the one from law school to law firm. Unsettled, unstable, easy prey. I wanted to be liked, needed rewards. I’d even have taken a grade. That was how low I felt. A full night’s work. No kind words. Nobody to even look at it.”19

Negative consequences flow from the way law firms appear to conduct human relations within their business. The harm is both to the law firm and to the careers of the lawyers, and others, in the firm. From outside the law firm it may not be so visible, but from within, there is likely to be a sense of distance and even hostility between people, fear and its accompanying loss of initiative, a lack of good morale and, ultimately, there may be a loss of stability. There may be conflicts among personnel that result in dislocations within the firm and there may be an unnecessarily high rate of lawyer turnover. This is a very high price to pay for what is purportedly a matter of discipline and decorum. For the individual lawyer, there is a lack of support and opportunity and suppression of motivation and interest. There may also be personal confusion and disillusionment.

Camilla Newman, another associate of Sam Weston’s, asks: “The firm. What does this place do to people? Like if they fall in love? How does it warp them? Why can’t they get it together here?”20

17. Id. at 159.
18. Id. at 76-77.
19. Id. at 15.
20. Id. at 21.
Sam, too, is perplexed. He asks: “If we’re all in competition (referring mostly to the associates in the firm), how do we work together without trying to screw each other over?” Though he was able to survive, it was a blow to Sam. He said,

At times, I felt a driving desolation at the firm, a feeling of being caged in and of being very, very far away from home. I tried to explain that the thirty-seventh floor is a distant city and all these people rush around you, and you don’t know what to make of them, you can’t talk to them, there isn’t time, and you can’t slow them down. And you start conversations, and the partners look at their watches, wondering about the time sheets, and if the talk is to be charged to the client or not, and if it’s not being charged then why are they having it?

The effects of the conformity of which I speak are both foreseeable and visible to the young lawyers whose careers are involved. From the point of view of the law firm bright dissidents are perceived as “not working out.” From the point of view of the young lawyer the frustrations of an exaggerated and insensitive conformity are dissatisfaction and a desire for change. Given the cards as they are now stacked, or practice as it now too frequently is, there are two choices. In Osborne’s *The Associates*, Sam Weston says, “Once they fully trained you, whipped you mentally into shape, it might be impossible to get untrained.” There is a loss of self. In Kluger’s *Star Witness*, law partner Sparky Grier says to the bright young associate, Tabor Hill, “In real life there’s a choice between slavish compliance and outright rebellion.” It is significant that in both fascinating works of semifiction, the only proximate accounts of what it is like to practice law from the perspective of law office employment, the young protagonists in each case ended up leaving their established law firms to enter into a partnership practice with a trusted friend.

4. Mid-Career Crisis. The long-sighted view of a lawyer’s career takes us from law school, as a reasonable point of departure, to early placement as an associate in a law firm, and then to ultimate partnership, but it does not end there. Careers, notably professional careers, tend to span an adult life time. What remains

21. Id. at 77.
22. Id. at 108.
23. Id. at 109.
24. R. KLUGER, supra note 13, at 121.
after one becomes partner in a law firm? For some, it is the endless challenge and fascination of surmounting legal problems or giving service to clients. For others it is a base upon which to enter business, or politics, or become a jurist. For many, if not most, there comes a time in a single-minded career, such as law, where boredom sets in, interest waivers or is displaced, and, however imperceptibly, service deteriorates. It is a kind of mid-career crisis. Professor Raymond G. Kuhlen, a psychologist, explains it this way: “Once he has mastered his job, the typical adult is neither stimulated nor required to master new skills or understanding. The sameness of stimulation—whether on the job, in recreation, in marriage, and sex—may be an important factor in the apparent decline of certain motivational tendencies such as curiosity.”

Fred McMorrow, a journalist writing in *Midolescence: The Dangerous Years*, gives the matter a different emphasis.

The middle age crises is that time when a man recognizes and/or rejects the truth about himself, that for better or worse, he has reached the point at which he has achieved, if not all he thought he would achieve in life, just about all he ever will. For decades he has been conditioned to live in a steady ascent... Now he has reached a leveling off, the end of growth.

The phenomenon of mid-career crisis is not, of course, limited to lawyers, or to any occupational group. I have seen established physicians, with patients in their reception area waiting to be attended, delaying as long as possible while they read the stock market quotations in the newspaper. It may simply be that few of us have the commitment of the kind of scientist who will passionately study the sex habits of 50,000 fruit flies for his entire professional career. It may be that some of us, to use the current vernacular, become “burned out.” We need either occasional or frequent sabbaticals, or a new career. There is a point beyond which we are not optimal in our performance. It may also be that, for most, any routinized activity simply will not survive boredom. There is yet another intriguing possibility, and Gail Sheehy has suggested it in her book called *Passages*. In a chapter of the book, titled “Locked In”, she says of professionals (it is male professionals in

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the studies about which she reported but increasingly it could be females as well), “They make solid commitments in their twenties, but without crisis or much self-examination.” Journalist Henry Still elaborates, “A man usually feels trapped—that he has permitted himself to be closed in a box of social position, affluence or duty to his family and community and is helpless to escape to the occupation and environment which seem to promise more personal satisfaction.”

There are, of course, many, mostly unexamined reasons for mid-career crisis or the all too familiar phenomenon of dissatisfaction with work. It is a topic that exceeds our bounds here. The point is, as Sheehy’s observation suggests, that sufficiently probing career counseling, especially at or shortly before the point where one undertakes a career commitment, may be especially important to satisfaction and the quality of later performance. An opportunity may be missed, in the selection, placement and utilization of the lawyer, and in the structure of law practice. There may be a failure to prevent foreseeable career crisis and institutional employment problems because of the lack of careful consideration of the relation of person to job and job to person. At the very least, the failure is an unnecessary boredom and perhaps ineptness such as that described by the poet Kenneth Fearing in Walter Kerr’s book, *The Decline of Pleasure*:

> You have forgotten the monthly conference. Your four o’clock appointment waits in the ante-room. The up-town bureau is on the wire again. Most of your correspondence is still unanswered, the bills have not been paid, and one of your trusted agents has suddenly resigned. And where are this morning’s reports? They must be filed at once, at once. It is an hour you do not fully understand, a mood you have had so many times but cannot quite describe. It is a fantastic situation repeated so often it is commonplace and dull. It is an unlikely plot, a scheme, a conspiracy you helped to begin but do not, any longer, control at all. . . When they dig you up, in a thousand years, they will find you in just this pose,

28. *Id.* at 208.  
One hand upon the buzzer, the other reaching for the phone, eyes fixed upon the calender, feet firmly on the office rug.”

C. Reformation: Some Views and Ideas

Few could deny that the world of law practice is changing at a rate that would have been inconceivable a generation ago. Professor Louis M. Brown, in a recent article in the *Utah Law Review*, has documented some of these changes and set the challenge to new forms and styles of practice. Among the changes he notes are more para-professionals being utilized for fact gathering, computerized legal research, increased specialization in law practice, law offices with various kinds or categories of personnel (both lawyer and non-lawyer), the need for more professionalized law office administration, national law offices, the prospect of a full service professional office with non-legal as well as legal specialists, more preventive law practice, the prospect of increasing departmentalization of professional operations within law firms, group legal services, single client law practice and, perhaps ultimately, a free market for legal services in which lawyers may no longer have a monopoly. Professor Brown, in the context of emerging changes in the lawyer-client relationship induced by new modes of practice, says, “We ought not to fear such changes nor seek to deter their occurrence, but rather to take account of how our law practice might accommodate, and even be improved by, the change that is inevitable.”

The implication follows that law firms, for reasons of productivity, stability and satisfaction, need to attend more to problems of size and scope, delivery of services, internal organization and good human relations. Correspondingly, the individual lawyer needs to identify more clearly his self-interest and pursue means and goals in his employment that contribute to a sense of fulfillment and accomplishment.

Given that there is currently so much flux and change in the matter of career development and the practice of law, it would do well to affirm certain distinctly human values.

1. The prime motivants to a successful law practice are opportunity, autonomy and challenge.

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2. The determinants of both competence and satisfaction in law practice lie in individual differences—in differences of interest, capacity and skill.

3. The structure of a law practice, and the opportunities it presents, is a primary vehicle for contribution and fulfillment of the practicing professional.

4. The practice of law is a distinctly human enterprise, both from within and without. It services humane values.

What does all this mean to those who aid and direct the working life of the young lawyer: the career counselor and the placement officer, the law firm’s personnel specialist and the managing partner?

The key, in all cases, is analysis and self-development. The young lawyer, in his long-term interest, ought not be seduced or panicked into taking a law job, however attractive this job might appear to be in dollar, prestige or activity terms. Phrased differently, long before the promise or prospect of a job has occurred, he should have been aided in self-examination and in taking personal inventory. The price of a failure to “know thyself”, as the Delphic oracle enjoined the Greeks, is too big a price to pay in professional interest and performance. Young lawyers, at the level of depth of understanding, aided by skilled counselors, may need to know and to understand why they are in law, what they wish to do with it, at different levels of consciousness, and how they intend to use it. Then, at another, more concrete level of experience young lawyers need to take inventory of themselves in such matters as their communication style and the kind of image they project to others, their method of approaching problems and clients, as a matter of personal ease and preference, the felt significance and relevance of their learning and prior work experience, and their patterns of vocational interest and sources of personal satisfaction in life. Professor John Holland, a vocational psychologist, has suggested a pattern of counseling that explores: (a) past personal experience, (b) finding personal strengths, (c) knowing one’s functional skills, (d) knowing one’s values and incentives, (e) defining one’s interests, (f) perceiving personal inclinations, and then (g) putting it all together.31 Professor Holland observed, in a profile of relative preferences and perhaps skills in vocational choice, that

there are those who (1) enjoy communicating with and helping people, (2) like to lead or work with people in an organizational structure and engage in organizational management, (3) enjoy precision activities and working with detail, (4) enjoy and perhaps are good at intellectual investigation and idea development and (5) are creative aesthetically, in writing or in other ways.\textsuperscript{32}

Counselors and placement specialists may, of course, confine themselves to the development of a selection and placement system that brings together young lawyers, and their denoted attributes and interests, with law firms, and their openings and location. One may even mount a regional or nationwide data processing system to facilitate the flow of this kind of communication and openness and possibility in the placement process. It is my bias, however, that counselors and placement specialists, in the interests of their student and law firm clients, should do more. They can, and some do, help students develop skills in the process of job seeking and job interviewing, sometimes in conjunction with some reflections on self. They can develop instruments—surveys, questionnaire procedures and the like—that aid the law students in the investigatory processes of self-development and that aid both law students and, ultimately, law firms, in the more descriptive process of inventorying interests, abilities and so forth. They can also develop or adapt personal counseling methods that are well-suited to the kind of probing that is essential for the young lawyer to “know thyself.” All of this, I submit, is the necessary and proper function of the personal and career counselors, and the placement specialist in the law school.

The admonition to young lawyers also applies, in important ways, to the law firm. “Know thyself.” Too often law firms are simply service or profit oriented operations without a soul, or, equally bad, without any cultivated sense of a broader or more profound direction or purpose. They are also, whether they advertently acknowledge this or not, organizations with more or less structure, and more or less refinement of function. This is a matter of increasing importance as law firms grow in size. They require, and they receive, management of some kind.

Law firms operate with mostly unarticulated premises about how they regard and utilize personnel, including lawyers, what they expect from them, what they offer them, and so forth. Law?

\textsuperscript{32} Id., Part III.
firm managers are frequently the oldest partners in terms of service, or the “owners” so to speak. Or, with some typicality, a law partner may be selected as “manager” because he is a very good lawyer, though this may say relatively little about his skills and qualifications to manage an organization of people with some diversity of roles and functions. The often primitive state of organization and management is best summarized by Professor Chris Argyris in his book Management and Organizational Development. Professor Argyris is a leading authority on organizational behavior. He said, “Management may have based the makeup of the organizational world on incorrect assumptions about human nature. Due to their power to make self-fulfilling prophesies, they may have created a world in which the “incorrect” assumptions actually become workable. Unfortunately, the cost for making incorrect assumptions may be uncommitted, uninvolved, lower-level employees who increasingly withdraw their concern for organizational health.”

Argyris, in his studies, provides numerous examples of the less than optimal utilization of personnel, their interests, skills and creativity. One such example is raised by a rhetorical question which he then proceeds to answer. “What inhibits participation?” he asks. He answers, “Directive, authoritarian leaders who are more production-centered than people-centered; whose initiation of action is significantly greater than their subordinates; who focus on initiating structure at the expense of concern for people, who create more dependence and submissiveness on the part of their subordinates.” Argyris states his essential brief in the following way: “The focus is on people, not because we are unconcerned about organizations but because people create and maintain organizations. Also, it is people who must design, accept and implement changes that are required to keep the organization in a healthy state.”

Professor Douglas McGregor, a leading student and theorist of organizational behavior, sees effective planning and organizational management as the means by which both organizational and personal goals are achieved. In a part of a book, titled “The Human Side of Enterprise,” the title having been taken from a book of the

33. C. Argyris, Management and Organizational Development 10 (1971).
34. Id. at 6.
35. Id. at xi (preface).
same name that he had published previously, he states, "The essential task of management is to arrange organizational conditions and methods of operation so that people can achieve their own goals best by directing their own efforts toward organizational objectives. This is a process primarily of creating opportunities, releasing potential, removing obstacles, encouraging growth, providing guidance."

One may ask, how does all of this emphasis on the human dimension as a force for productivity and satisfaction translate itself in the world of the law firm? The law firm has a life of its own, in some respects not unlike that of individual lawyers. It, too, needs to inventory or ponder its characteristics, practices, needs and purposes. What is its size and geographic distribution and, in relation to these considerations, what is its complement of personnel, lawyer and non-lawyer? How are personnel selected, organized and utilized, and how satisfactory is the arrangement? What kinds of practice does the law firm engage in, and how and on what basis are personnel selected for various areas of practice, and how satisfying is the arrangement from the point of view of both organizational efficiency and personal work gratification? What procedures are utilized, and how effective are the procedures, in the assignment of professional as well as non-professional personnel, paralegals and new lawyers as well as more experienced lawyers? What are the supervision practices in the firm and how effective are these? What are the performance expectations and standards, how are these determined and how are judgments of performance made and communicated? What opportunities exist, especially but not exclusively for lawyer personnel, for training, self-development and advancement? How clear, specific and articulated are the determinants for advancement in the law firm? What is the law firm's image projection and what are its growth and development projections? What is the structure of decision making and how are conflicts, especially between partners, handled? What communications systems, overt and covert, exist within the law firm?

It is especially the personnel specialist and the managing law partner or partners who need to address themselves more assiduously to these issues. They are in a position analogous to that of

the career counselor and placement specialist who must help the newly emerging lawyer to know and find himself. They must help the law firm to know and find itself.

There is, in the end, a convergence of interest and concern on the part of both the law firm and the individual lawyer relating to matters that each holds vital: productivity, opportunity and satisfaction. If there is a failure to merge in these matters there is a loss of vitality and there may be disaster. Lawyer and employee turnover and partnership breakups attest that the issues raised here are very real. We have just begun to scratch the surface in the imminent and important matter of personal and organizational well being in the practice of law. It all began here with a concern for career development in the context of the practice of law.