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Are Most New Lawyers Doomed To Become Temps?


If you are interested in examining the current state of the legal profession in the United States, look no further than Cheaper by the Hour by Robert A. Brooks. The book looks at attorneys who work as independent contractors, hired by law firms (through a placement agency) on an as-needed basis for specific assignments. The material for the book comes from two sources, the author’s personal work history as a temporary attorney and interviews with twenty attorneys with whom he labored during the four years he was employed as a temporary lawyer while getting his doctorate in sociology. The personal focus is significant. His research is based on the projects he worked on, the conditions he worked under, the people he worked with, the firms he worked for and the placement agencies that hired him. Although he tries to present some of the pluses of the temporary lawyer equation, Brooks clearly finds the current situation unpalatable at best.

The book starts out with a consideration of the hypothesis developed by Harry Braverman in Labor and Monopoly Capital (1974). Braverman’s premise is that in the last forty years, work has become increasingly degrading: that fewer skills are needed and that various tasks have been “unbundled” so that instead of looking at a transaction as a whole, one looks at its various components and parcels the work out so that different tasks can be done by different people. This phenomenon is combined with a sense of greater job insecurity among American workers. Brooks, an Associate Professor and Chair in the Department of Criminal Justice, Worcester State University, applies this concept to the temporary lawyer. Although some argue that legal work requires a great deal of expertise that cannot be parcelled out and split into components, Brooks shows that much legal work is fairly simple, standardized and rote. As examples he offers the drafting of documents. Further, complex issues, such as anti-trust actions and mergers and acquisitions can be separated into component parts.

Enter the temporary attorney industry. Originally sold as a way for lawyers to have flexibility in the workplace, placement agencies have marketed the temporary lawyer as a way for law firms to have a more cost-effective workplace. The industry has grown considerably in recent years, a combination of an on-going economic recession, a glut of law school graduates and a growing sense that much legal work can be done on an on-needed basis. This is particularly true of document review, a task on which most temporary lawyers work.

In any legal proceeding, each party is permitted to ask the other party to give them documents that are relevant to the case or issue at hand. Although there are some documents that do not have to be given, for example: those based on attorney-client privilege, discovery allows each side to get large numbers of document to support their position or assist in meeting a client’s objectives. The number of documents requested is dependent on the matter that is being dealt with. In a contested divorce, documents may include tax returns, business records, medical history, pension valuation and real estate appraisals. A merger or acquisition requires the corporation to inform the Department of Justice and the Federal Trade Commission of the plan. The agencies can request information, requiring documents relating to all pertinent elements of the deals and the companies that are contemplating the deals. There are thousands of documents that go through document review.

Law firms hire temporary lawyers to do this work. According to Rogers, the work is tedious, boring and mind-numbing. Working conditions appear to be lousy. Attorneys are required to work as long as it takes to get the job done. They work often in airless spaces, with few breaks. Much of the book describes the work experiences of the various temporary lawyers. None of them are happy with the salary, work conditions or the work itself. However, there is an overwhelming sense of resignation. It’s as though they are simply stuck in a system for which there is no way out. According to those interviewed, there are no flexible hours or flexible working conditions. You have to work to get the job done, often involving 12 hour days. There is no appreciation, no autonomy, no satisfaction.

The growth and success (according to the bottom line of many law firms) of temporary lawyers has led to the development of outsourcing legal work to other countries, notably India. Reading Cheaper by the Hour, it appears that the temporary lawyer business is growing and will continue to do so. Working conditions, health insurance and salary will continue to be issues for those doing the work. Rogers points fingers at many players, including placement agencies, law firms and the lawyers themselves. He does not provide any answers, but he gives the reader a lot to think about.

Martha Weisel is an Associate Professor of Legal Studies in Business at Hofstra University

REGIONAL LABOR REVIEW, vol. 15, no. 2 (Fall 2012) © 2012 Center for the Study of Labor and Democracy, Hofstra University
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The world of work is rapidly changing, as are modern relationships among workers, between workers and labor unions, and between labor and management. Labor Studies is an interdisciplinary program designed to offer students up-to-date understanding of today’s workplace in an international context. The valuable skills acquired will prove useful in careers in labor unions, government, labor law, education, and human resource management.

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HOW to REGISTER

Registration is easy: By telephone: if you wish, you may register using a major credit card by calling: 516/463-5993; By Internet: download a reg. form from the web site: www.hofstra.edu/ce. Mail or fax it to: 516-463-4833. Cost: Only for this special non-credit certificate, course tuition is just $450. Courses may be taken for credit at the standard rate.

For more information on the program, email laborstudies@hofstra.edu, or visit our website: or visit our website: www.hofstra.edu/laborstudies

Hofstra University’s Labor Studies Program invites you to an important conference:

The White House and Working America
“What the 2012 Election Means for Our Jobs”

WHEN: Wednesday, Nov. 14, 2012: 10 am-4 pm
WHERE: Hofstra Student Center, Multipurpose Room, Hofstra University, Hempstead, NY

SPEAKERS INCLUDE:

Kirsten Gillibrand, U.S. Senator, NY (invited)
Timothy Bishop, U.S. Congressman, House Education & Labor Committee
Roger Clayman, Executive Director, LI Federation of Labor
Lawrence Mishel, President, Economic Policy Institute, Washington DC
Luis Valenzuela, President, LI Immigrant Alliance
Michael Zweig, SUNY Stony Brook & author, The Working Class Majority

Information on speaker schedule, registration, and other details will be available soon online at: hofstra.edu/laborstudies. Or email: laborstudies@hofstra.edu.
Local & National Events: Fall-Winter 2012

NY METRO

Sept. 8 – Labor Day Parade. Starts at 10 am. Saturday, at Fifth Avenue and 44th Street, Manhattan. For info., see www.nycclc.org or call 212-604-9552.

Oct. 10 – Day of Dialogue IX. At Hofstra University, 9 am – 10 pm. For detailed schedule of panels and speakers, visit: www.hofstra.edu/cce, or contact: Co-directors Professor Greg Maney (Gregory.A.Maney@Hofstra.edu, ext. 3-6182) or Mario A. Murillo (Mario.A.Murillo@hofstra.edu, ext. 3-6062).

Oct. 16 – Presidential Debate at Hofstra. President Barack Obama will debate his Republican challenger in a town-hall format. All tickets allocated to Hofstra will be distributed to current Hofstra students. For media information, contact the Office of University Relations: 516-/463-6600.


NATIONAL

Jan. 4-6, 2013 – Annual National Meetings of Labor & Employment Relations Association (formerly IRRA) at ASSA Meetings at Marriott Hotel, San Diego, CA. Theme: New Economic Realities: Risk, Inequality & Workplace Relations.” For info. call: 608-202-2762, or visit www.leraweb.org

April 17-20, 2013 – Annual National Meetings of United Association for Labor Education (UALE) in Toronto, Canada at Metropolitan Hotel. Theme: “What Are Workers Saying?” For info. visit www.uale.org

RELEASE DATES FOR MONTHLY LABOR MARKET INDICATORS

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NOTE TO READERS:
If you know of upcoming labor-related meetings or conferences, collective bargaining contract expirations or renewals, or other events you would like considered for our next Calendar, please send us a brief description, together with the time, place, contact person, and their telephone number. Either fax this information, with a cover sheet addressed to Regional Labor Review, to fax # 516-463-6519; or email us at: laborstudies@hofstra.edu.