

# Why I Am A Lawyer

JOSEPH L. DALY\*

## I. A TOUGH DECISION TODAY

If you substituted words like “woman,” “black,” “Jew,” or “homosexual” for the word “lawyer” in lawyer jokes, you might risk being arrested.<sup>1</sup> No one loves a lawyer.<sup>2</sup> While there are many

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\* Professor of Law; Hamline University, School of Law; St. Paul, Minnesota. Many thanks to my research assistants, Melissa Coleman and Asher Silkey. 1998.

1. Lawyer jokes are found everywhere, even on the Internet. For example, R.C. Ogden sent a collection of some of the old classic lawyer jokes, which were submitted by R.C. Ogden, to electronic mail addresses on its mailing list. R.C. Ogden, *Oracle Service Humor Mailing List* (visited Sept. 16, 1998) <<http://www.oracle-humor@lyris.oracle.mor.com>>. Some of the jokes include:

What’s the difference between a lawyer [woman, black, Jew, or homosexual] and a trampoline?

You take off your shoes to jump on a trampoline! [Not so funny when one substitutes a word like “woman” for “lawyer!”]

How can you tell when a lawyer [woman, black, Jew, or homosexual] is lying?

Her lips are moving.

How do you stop a lawyer [woman, black, Jew, or homosexual] from drowning?

Shoot him before he hits the water.

Hear about the terrorist that hijacked a 747 full of lawyers [women, blacks, Jews, or homosexuals]?

He threatened to release one every hour if his demands weren’t met.

Santa Claus, the tooth fairy, an honest lawyer [woman, black, Jew, or homosexual] and an old drunk are walking down the street together when they simultaneously spot a hundred-dollar bill. Who gets it?

The old drunk, of course, the other three are mythological creatures.

2. In a public opinion poll conducted for the American Bar Association, only 22 percent of people thought “honest and ethical” applied to attorneys, and 48 percent of people thought that three in ten lawyers “lack ethical standards necessary to serve the public.” Thomas A. Dye, *Law School’s Contribution to Civility and Character*, LAW

professions that have lost their luster, the law profession has become so tarnished in the eyes of the public that almost any joke about a lawyer is acceptable.<sup>3</sup> Neither cruelty nor outright hatred are deemed inappropriate in the context of a lawyer joke.<sup>4</sup> Being a lawyer today is harder than it was yesterday, and it is getting harder all the time.

Law school applications reflect this change in perception about the legal profession. Many law school deans have been troubled in recent years over the rapid decline in the number of law school applicants.<sup>5</sup> Between 1990 and 1997, applications decreased 27% from 99,300 to 72,300.<sup>6</sup>

With so little honor associated with the law profession these days, one must wonder why any person aspiring to do something respectable with her or his life<sup>7</sup> would choose to be a lawyer.<sup>8</sup> To become a lawyer today,

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PRAC. MGMT. Oct. 1996, at 41. "Lord love a lawyer? He must, you know. Who else does?" DAVID MELLINKOFF, *THE CONSCIENCE OF A LAWYER* 1 (1973).

3. "There is widespread dissatisfaction with the legal profession on the part of the public and among lawyers themselves." Dye, *supra* note 2, at 41.

4. The public image of lawyers and the law according to some people has been characterized by Dicken's "the law is an ass." See Andrew S. Watson, *The Quest for Professional Competence: Psychological Aspects of Legal Education*, 37 U. CIN. L. REV. 91, 104 (1968) [hereinafter Watson, *Quest*].

5. According to Athornia Steele, an associate dean at Capital University Law School, law schools feel pressed into admitting more at-risk students. See Katherine S. Mangan, *Students' Odds of Getting Into Law School Improve, but Their Qualifications Drop*, THE CHRON. OF HIGHER EDUC., Jan. 23, 1998, at A41.

6. Despite the decrease in applications, the number of spots for law students between 1990 and 1997 has decreased only slightly from 44,104 to 43,245. See *id.* at A41.

7. Professor Karl Llewellyn explained the sharp decline in the popularity of lawyers:

Lawyers are specialists in a craft too intricate for easy understanding; lawyers therefore appear to be suspect to those ignorant of the profession and even to specialists in other disciplines. "The more highly skilled and delicate and strange his work, the more we may use him in our time of need; [but] the less we love him. Does your heart warm to the surgeon as he . . . [snaps] on his rubber gloves, and asks you whom to notify?"

Allen Hartman, *Lawyers Practice 'Humanity' as much as Technique*, CHI. DAILY L. BULL., Jan. 15, 1992, at 2. Although a doctor can increase his chances of finding a cure by increasing his knowledge, that is not the case for a lawyer. "He is a specialist in the conflict of interests between men. Fifty percent of all the cases that are brought to . . . [the lawyers] are lost. [And in most instances, there can be only one winner and one loser]." *Id.*

8. Despite the negativity associated with being a lawyer, many people still choose to be lawyers. In 1983, there was one lawyer per 375 people, which was a 46 percent increase from 1976, when there was one lawyer per 545 people. See Ian R. Macneil, *Bureaucracy, Liberalism, and Community—American Style*, 79 Nw. U. L. REV. 900, 909-10 n.35 (1984).

The number of lawyers has continued to increase, with a ratio of one lawyer per 320 people in 1991. See *Legal Educ. and Prof. Dev.—An Educ. Continuum*, July 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR 15 [commonly referred to as the MacCrate Report].

students must have a firm desire to be an attorney and a steadfast willingness to accept social opprobrium.<sup>9</sup>

## II. LAW SCHOOL

The journey through law school is the aspiring lawyer's access to the legal profession. So what is it that happens at these institutions that arguably transforms<sup>10</sup> the average, decent person into someone<sup>11</sup> so unworthy of respect that she becomes the subject of cruel and hateful jokes?<sup>12</sup> Law students do not enter law school with those malevolent characteristics<sup>13</sup> that the public loves to ridicule.<sup>14</sup>

Dr. Andrew Watson, a psychiatrist at the University of Michigan with a joint appointment in the medical and law school, made it his academic interest to study first-year law students. He has identified common characteristics which separate first-year law students from the general population, including altruism,<sup>15</sup> a high need for certainty, an increased concern over the expression and non-expression of aggressiveness, and

9. The commitment of the study of law subjects students to various risks such as: "encountering matters which cannot be changed, meeting respected persons with different ideals, and the general feeling of doubt stimulated by dealings with others in the profession who do not share the same values, and who appear to be mainly interested in the pursuit of 'the buck.'" Watson, *Quest, supra* note 4, at 104.

10. "A subtle process of professionalization occurs during law school without being addressed or even acknowledged," that transforms a lay person into a lawyer. ELIZABETH DVORKIN ET AL., *BECOMING A LAWYER: A HUMANISTIC PERSPECTIVE ON LEGAL EDUCATION AND PROFESSIONALISM* 1 (1981).

11. "Law students frequently fail to consider fundamental questions about the identity they are assuming and its relation to their values." *Id.* at 1.

12. The adversarial nature of practicing law has inevitable psychological consequences that can destroy trust, ethics, and relationships. *See Dye, supra* note 2, at 41.

13. A study reported in the 1986 AMERICAN BAR FOUNDATION RESEARCH JOURNAL found that students who entered law school had similar psychological attributes to the general population. However, after a year of law school, students had higher levels of obsessive-compulsive behavior, depression, anxiety, hostility, phobic anxiety, paranoid ideation, social alienation, and isolation. These symptoms got worse during law school and did not decrease during the first two years after law school. The study concluded that the law school experience was responsible for these conditions rather than the law school's selection of individuals with these characteristics. *See Dye, supra* note 2, at 42.

14. There are, however, three characteristics that differentiate lawyers. These include the prominence of verbal aggression, the concern for human justice, and the exercise of privileged curiosity into the lives of others. *See Watson, Quest, supra* note 4, at 94-95.

15. Many law students view themselves as doing work that will be very beneficial to society. *See id.* at 104.

the incorporation into their identity<sup>16</sup> of a model for professional behavior.<sup>17</sup>

When students enter the classroom, their motivations become subject to the goals and objectives of their professors.<sup>18</sup> Since most law students have never consulted a lawyer, unlike medical students who universally have consulted a doctor, the law student's typical first view of "professionalism" is the law professor.<sup>19</sup> Most law professors have the following professional objectives: (1) to teach students legal knowledge and help them develop the skills necessary to engage in the lawyering process; (2) to guide students in dealing with their feelings; and (3) to give students a healthy attitude about some of the tough issues surrounding the practice of law.<sup>20</sup>

The law student devotes most of his time to gaining knowledge. A law student has only three years to absorb a tremendous amount of substantive, procedural, and practical knowledge. What are the elements of negligence? What is the objective theory of contract formation? How much power may Congress delegate to an administrative agency without violating the separation of powers doctrine? These are typical of the thousands of questions to which law students must have the answers in order to pass the bar examination and become lawyers.

At the same time, students of law must develop a myriad of skills they will need as effective lawyers. Students must be capable of analyzing any given case, following Congress' codification or reversal of common law principles, and shepardizing cases to ensure the cases have not been overruled. They must also become skilled at speaking in public, asserting or defending a position orally and in writing (even a position the student finds obnoxious) and interviewing clients.<sup>21</sup>

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16. The professional identity of lawyers is integral to determining what the law itself and the practice of law means for society. See DVORKIN ET AL., *supra* note 10, at 1.

17. See Watson, *Quest*, *supra* note 4, at 101-04.

18. Dr. Watson explains that in order to understand the process of legal education, it is necessary to understand the attributes of the faculty. See *id.* at 106-07.

19. The form and process of legal education is crucial to shaping the professional behavior of future lawyers. See Andrew S. Watson, *Lawyers and Professionalism: A Further Psychiatric Perspective on Legal Education*, 8 U. MICH. J.L. REFORM 248, 250 (1974) [hereinafter Watson, *Lawyers and Professionalism*].

20. Lawyers are faced with many tough issues and emotional conflicts about which they may have strong personal feelings such as abortion, the death penalty, defending a guilty client, welfare benefits, government regulations, and capitalism, to name a few.

21. The MacCrate Report identifies the skills and values that law students should develop in law school. The skills are problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and alternative dispute resolution procedures, organization and management of legal work, and recognizing and resolving ethical dilemmas. The values are providing competent representation, striving to promote justice, fairness, and morality, striving to

Some, but by no means all, law professors will attempt to provide guidance to students to help them work through their conflicting attitudes and feelings<sup>22</sup> about vexing issues they may face.<sup>23</sup> For example, should a defense lawyer zealously strive to get a child molester acquitted on a constitutional error if she truly believes the defendant is guilty?<sup>24</sup> What is the balance between the need for security and order and the need for liberty when it comes to the pursuit of happiness in a constitutional democracy; and in light of that balance, should criminals be sterilized if they are known to possess a gene that has a high probability of producing criminal traits?<sup>25</sup> If a client provides information of his intent to inflict serious bodily harm or death on a third person, should a lawyer tell the authorities or keep her duty of confidentiality to her client?<sup>26</sup> Lawyers are faced with these issues and many others like them during the practice of law. Law students must confront and ponder these issues in the classroom before they are forced to make difficult decisions while practicing outside of a safe learning environment.<sup>27</sup>

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improve the profession, and professional self-development. See A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, *supra* note 8, at 138-41.

22. Lawyers develop the ability to put aside their personally held beliefs in order to identify and respond to legal issues. Even in arguing policy, there is not necessarily a connection between the lawyer's personal beliefs and the legal argument. See DVORKIN ET AL., *supra* note 10, at 2.

23. The professional identity of a lawyer is partially shaped by the guidelines chosen as to what is appropriate and inappropriate to legal education. See *id.* at 1.

24. "Every lawyer at some point must answer the question 'how can you represent a guilty (or liable) person?'" See John Kaplan, *Defending Guilty People*, 7 U. BRIDGEPORT L. REV. 223 (1986). The legal system is dependent on everyone being represented is a typical response, but this explanation does not satisfy many people. People need to realize that lawyers need to consider long-term systemic interests in making individual moral choices. See Kenneth Mann, *Defending White-Collar Crime*, 120 (1985). However, lawyers "sometimes forget that systemic interests do not outweigh all other societal values." Fred C. Zacharias, *Reconciling Professionalism and Client Interests*, 36 WM. & MARY L. REV. 1303, 1340-41 (1995).

25. The sterilization of certain felonious habitual criminals is unconstitutional. See *Skinner v. Oklahoma*, 316 U.S. 535 (1942).

26. When an attorney must decide the moral implications of disclosure and non-disclosure, the attorney must also consider competing self-interested considerations such as civil liability, loss of business and reputation, and personal danger. See Leslie C. Levin, *Testing the Radical Experiment: A Study of Lawyer Response to Clients Who Intend to Harm Others*, 47 RUTGERS L. REV. 81, 82 (1994).

27. A law school education should mobilize emotional conflicts so that they are experienced, apprehended, and handled with the appropriate perspective. See Watson, *Lawyers & Professionalism*, *supra* note 19, at 265.

### III. HUMAN PAIN AND HUMAN CONFLICT

The key facet of lawyering<sup>28</sup> with which law students inevitably collide, which is rarely, if ever, formally discussed in the classroom, is that the profession is entirely about dealing with the reality of human conflict.<sup>29</sup> Everything a lawyer does is an effort to either prevent or resolve some type of dispute. Any incoming ideology about “love conquering all” is quickly shattered. Imbedded in every case the law student reads is the reality that human conflict<sup>30</sup> is inevitable<sup>31</sup> and painful, no matter how much love there is, no matter how ideal a relationship seems, and no matter how many precautions are taken to avoid conflict.<sup>32</sup>

Medical students are faced with a similar reality. Many come to school with idealistic, altruistic notions about making people well, or at the very least, eliminating or alleviating their suffering. When medical students learn that some suffering is inevitable because it is the nature of the human body to experience pain, they must quickly adjust their philanthropic motivations. Ultimately, medical students and doctors have to learn how to help their patients mitigate or eliminate their suffering even though the reality is every patient will ultimately die. Each new doctor must come to grip with the inherent despair in life and death.

In the same way, law students must come face to face with the reality of human conflict.<sup>33</sup> Conflict is unavoidable when free-willed human beings live together in society.<sup>34</sup> In the United States, where diversity is

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28. “‘Lawyer’ implies disputes, actual or potential, with emphasis on rights, with feelings of zero-sumness, with a sense of the appropriateness of binary solutions, and always with overtones that something has gone or is likely to go wrong.” Macneil, *supra* note 8, at 909 n.35.

29. “Individuals cannot exist without community and . . . no community can ever totally . . . deprive them of their individual nature,” therefore there is “constant conflict between individual and communal values.” *Id.* at 935.

30. Conflict is a universal aspect of our biological nature. *See id.*

31. Everyone lives in a community, and the foundation of community is the principle of sacrifice to others and unselfishness. However, this conflicts with the individualistic aspect of humans. Since selfishness [individualism] and unselfishness [community] are in conflict with each other, there is a constant state of tension [human conflict] in life. *See id.* at 900 n.5.

32. Conflict is “unchangeable by anything other than alterations in our genetic constitution of a nature almost beyond imagining, much less physically possible.” *Id.* at 901 n.5.

33. Lawyers must know more than just technical aspects of the law. It is not enough for lawyers to be just technicians. Lawyers need not only technical prowess but also significant depth and breadth of knowledge in the subject of “humanity.” *See Hartman, supra* note 7, at 20.

34. Lawyers deal with conflict everyday and are experts in conflict. Lawyers may represent the predator or the prey or mediate the conflict. Nevertheless, conflict is part

deeply embedded in our culture, and where each person is uniquely important, equal to others, and endowed with unalienable rights to life, liberty, and the pursuit of happiness,<sup>35</sup> conflict is certain to arise.<sup>36</sup> When lawyers represent clients, they are charged by the United States Constitution to act in such a way as to “form a more perfect Union, establish Justice, insure domestic Tranquility . . . and secure the Blessings of Liberty . . . .”<sup>37</sup> In light of the public’s general view of the legal profession today, one must wonder just how many lawyers do, in fact, act, and how many law students are taught to act, in ways that affirm these goals.

#### IV. SKILLS AND ATTITUDES EMPLOYED TO DEAL WITH CONFLICT

In the recent past, the skills and attitudes which lawyers and law students typically brought to the table when they helped a client resolve a conflict were similar to those that characterize combatants and warriors. Lawyers tend, even today, to assume an adversarial position. They size up their opponents, view them as adversaries, determine what it will take to defeat them, and bill their clients accordingly. Even though litigation appears to be a civilized process of law (Rules of Evidence, Procedure, and Ethics), it is, in fact, a form of civilized warfare.

But today’s society has become sickened by the warrior methodology of conflict resolution. Although litigation falls short of bombing and killing, which are features of war, it allows for and even encourages aggression and an active, attacking offense and defense, which can hurt,

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of the daily legal fare, just as it is in nature. Society and nature are very similar. In both, the bigger fish try to eat the littler fish. The same principles apply to humanity. The strong and greedy try to take the scarce resources unless someone or something intervenes. This is where lawyers come in. “The law of man moderates the harsh law of nature in society.” Daniel Kornstein, *The Lawyer Fish*, N.Y.L.J., July 18, 1991, at 2.

35. See THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

36. “Americans have special passions for individualistic rights, legal equality, and perfection . . . [and] individualism by its nature inevitably focuses on conflict and dispute.” Macneil, *supra* note 8, at 910.

37. U.S. CONST. preamble:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

*Id.*

injure, and outrage.<sup>38</sup> Trials take a psychic toll on the parties to the conflict, often leaving them wounded, scarred, stressed, and damaged beyond repair, even before the judgment is announced, regardless of whether they win. The legal profession has only recently begun to understand that litigation, contrary to popular belief, is not the only way, and certainly not necessarily the best way, to resolve disputes.<sup>39</sup>

Lawyers and law schools are beginning to realize that there are more positive, healthy ways to resolve many conflicts than the adversarial approaches that lead to litigation warfare.<sup>40</sup> There is a vital difference between asserting oneself strongly and being combative. Conflicts do not need to be negative and destructive of relationships.<sup>41</sup> Rather, conflicts can be opportunities to expand understanding and reach new solutions. Conflicts, while stressful, can bring about lasting, positive results. The growing field of Alternative Dispute Resolution (ADR) provides methods to resolve disputes in more humane ways than the adversarial, litigious approach. ADR provides a variety of opportunities to address the underlying needs of persons in a dispute, and creatively explores a variety of solutions that are beneficial to both sides.<sup>42</sup> Many ADR methods seek to bring people back together when the conflict has torn them apart, as opposed to driving them farther apart, which almost always occurs as a result of litigation.<sup>43</sup> ADR methods, like mediation

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38. Preparing for a client's case is like a soldier preparing his weapons for war. Little or no attention is paid to the life of the person in the way of winning. See LEONARD L. RISKIN & JAMES E. WESTBROOK, *DISPUTE RESOLUTION AND LAWYERS* 66 (1987).

39. When an acceptable result is eventually achieved from litigation, it often lacks a great deal of its value. The value is diminished by the significant amount of time that has lapsed, the expense of litigation, and the emotional stress that is interwoven into the litigation process. See *id.* at 13.

40. "In the Confucian view, [a] lawsuit symbolized disruption of the natural harmony that was thought to exist in human affairs." Leonard L. Riskin, *Mediation and Lawyers*, 43 OHIO ST. L.J. 29, 29 (1982).

41. In the Confucian view, "litigation led to . . . shameless concern for one's own interest to the detriment of the interests of society." *Id.*

42. There are five main motives for the current interest in ADR:

- 1) saving time and money and preventing judicial overload
- 2) better processes tailored to the needs of the participants
- 3) achieving better results by creating outcomes that serve the real needs and interests of the parties
- 4) increasing community involvement in dispute resolution
- 5) increasing access to justice.

See RISKIN & WESTBROOK, *supra* note 38, at 2.

43. Abraham Lincoln once said:

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often the real loser—in fees, expenses, and waste of time." In the same vein, Judge Learned Hand commented: "I must say that, as a litigant, I should dread a lawsuit beyond almost anything else short of sickness and death."



and conciliation, are more likely to help people realize all the areas in which they are in agreement, and such methods strive to encourage each person to affirm the humanity in the other person. After all, while the issues may separate them, their common interests join them. In short, ADR seeks to affirm those principles set forth by the framers of our Constitution: to “form a more perfect Union, establish Justice, insure domestic Tranquility . . . promote the general Welfare, and secure the Blessings of Liberty. . . .”<sup>44</sup>

Yet, even so, it is important for lawyers to litigate in order to “establish Justice.”<sup>45</sup> When it comes to human rights and human dignity, the attorney is often the only person standing between his client and the full power, might, and authority of the State. “Fifty million Frenchmen can be wrong.” Even the majority do not have unlimited power in a constitutional government which has a Bill of Rights. Sometimes it is moral, legal, and necessary for a lawyer to go into combat on behalf of one individual and to shout to the world, “No!” With the rise of international standards for the rights of all human beings, overriding even the age-old principles of state sovereignty to act toward their citizens as they please, all of the civilized world recognizes that every individual has the right to be treated in a humane manner. In order to achieve the “justice” about which the Framers of the Constitution wrote, warfare, whether in a courtroom or on the battlefield, is, on rare occasions, necessary. However, warfare is not a useful method for dealing with the types of conflicts people encounter on a daily basis. For example, the growing problem of road rage, where people are literally shot and attacked for doing something so small as forgetting to signal before they change lanes, shows how destructive employing an extremely adversarial method of resolving conflicts can be.<sup>46</sup> All the alternative dispute resolution mechanisms are valid methods to resolve conflict, and lawyers must know how to use them.

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*Id.* at 13.

44. U.S. CONST. preamble.

45. Often the only means to achieve justice is by litigation in court. *See* RISKIN & WESTBROOK, *supra* note 38, at 13.

46. “The moral fervor we incline toward as advocates. . . [a]ll too often, . . . legitimates a moral blindness toward ‘the bastards’ on the other side, and toward the moral ambiguities and outright failures of our [legal] system.” DVORKIN ET AL., *supra* note 10, at 206.

## V. WHY DO IT?

So why do lawyers immerse themselves in the conflicts of others?<sup>47</sup> Certainly it is not always the monetary incentive that the public seems to believe. Many lawyers could make the same, or more, money<sup>48</sup> doing things that are far less painful<sup>49</sup> than placing themselves in the midst of other people's problems every day of the week.<sup>50</sup>

The point is that lawyers must be committed to a more perfect Union, establishing Justice, insuring domestic Tranquility, promoting the general Welfare, and securing the Blessings of Liberty.<sup>51</sup> These values are behind why lawyers do what they do. The conflicts that inevitably arise between human beings must be resolved in ways that will facilitate the growth of human individuals and social values. Despite what the lawyer jokes indicate, we in the profession must understand that the values enshrined in the Preamble of our Constitution really do mean something.<sup>52</sup> They mean the fulfillment of each of us, each of our children, and our society. They represent the hope of a life well and fully lived. They mean a country and a world of decency and respect for human values. Ultimately, they mean a world that permits individuals in society to pursue happiness in a social manner. It is lawyers, more than

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47. "The adversarial system by its nature breeds conflict. It brings out the most negative aspects of people's personalities. It breeds cynicism about human nature." Debra Baker, *Dream Weavers*, ABA J., June 1998, at 55-56. Additionally, lawyers face daily pressures related to billable hours, competition for business, back-biting among coworkers, and the demands of bosses, clients, and judges.

Complaints about stress, burnout and general job dissatisfaction among lawyers are not new. For years, studies have indicated that lawyers suffer from high rates of depression, anxiety and stress-related physical illness. In a 1995 survey of lawyers by the ABA Young Lawyers Division, only 21 percent of the respondents said they were highly satisfied with the practice of law.

*Id.*

48. The median starting salary for new law graduates nationwide in 1993 was \$36,000, and the national mean starting salary was \$43,200. See National Ass'n for Law Placement, *Class of 1993 Employment Report and Salary Survey 19* (1994).

49. "Lawyer-psychologist Benjamin Sells observes in his book *The Soul of the Law*: 'Lawyers are almost four times more likely to be depressed than the population at large.'" Dye, *supra* note 2, at 41.

50. "Society overlooks . . . the development of an impressive force of lawyers . . . who work without compensation to improve . . . justice for children, for the impoverished and for the betterment of our rules and laws." Hartman, *supra* note 7, at 2. Their principal client is society as a whole.

51. U.S. CONST. preamble.

52. The credit belongs to those who are actually in the arena, who strive valiantly; who know the great enthusiasm, the great devotion; and spend themselves in a worthy cause; who at the best, know the triumph of high achievement; and who, at the worst, if they fail, fail while daring greatly, so that their place shall never be with those cold and timid souls who know neither victory nor defeat.

*Great Quotations (Quotes) By Theodore . . .* (visited Sept. 16, 1998) <[http://www.cybernation.com/victoryquotations/authors/quotes\\_roosevelt\\_theodore.html](http://www.cybernation.com/victoryquotations/authors/quotes_roosevelt_theodore.html)>.

any other profession, who are charged with the knowledge, skills and attitudes to fulfill these values.<sup>53</sup> That is why I am a lawyer.

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53. "When it works properly, our law prevents or at least restrains the most odious consequences of the struggle for survival among men. In a phrase, we [lawyers] invoke 'right not might,' and in doing so, we embrace a multitude of moral concepts. To carry out this important task is the lawyers' lot." Kornstein, *supra* note 34, at 2.

