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Message from the President

By Alan J. Lefebvre, Esq., President, State Bar of Nevada



MAYBE REPARATIONS ARE OWED?

The law student debt-scandal will be another “dropped shoe” to assess when the economic history of the last 15 years is written. Those harnessed and indentured by law school debt have been financially maimed by this catastrophe to our profession and, while it affects them individually, its load will burden the law and shape the practice itself in ways that commentators have yet to imagine. Opportunities missed in early practice because of debt-related issues are tragic. Imagine having to skip a judicial clerkship or reject a congressional internship in order to jump directly into a marginally better paying job.

It is easy to be smug, to believe that, even if you’d gone to law school in the modern climate, you would have been safe from this peril and would have known better than to enslave yourself to student loans of gargantuan proportions. But I know that I’d dreamed of becoming a lawyer since the age of five and, like many in today’s younger crowd, I would likely have signed on the bottom line to make that dream come true.

The numbers are astounding: the average tuition at a public law school went from \$8,419 per year in 2001, to \$22,115 annually in 2011. The not-so-pretty numbers from private law schools, like my own school (USF), are nauseating. (Among graduates from the University of San Francisco’s class of 2011, 79 percent have a debt averaging \$137,234, and only 34 percent of the same class are employed in the legal field full-time!) We know where the money went: higher salaries and fewer teaching hours by the tenured elite... many of whom will soon get a lesson in macro-economics. It will be painful; I would be very, very concerned, were I a legal academic.

The only short-term solution for those already working in our profession is an income-based repayment plan; you guessed it, the ABA has a program that can be found at http://www.americanbar.org/groups/legal_education/resources/student_loan_repayment_and_forgiveness.html.

Sooner rather than later, the entire profession needs to come to grips with the plague of debt that is clouding the future of our profession. Not for a moment does anyone think an income-based repayment scheme will work, but let’s put some energy into grappling with the issue. Some ideas need to be tossed around and a real solution needs to emerge. Firms with new lawyers who are starting their careers with such financial stress need to address the issue. How? I don’t have that answer, but the pall cast by this burden must be devastating to the spirit, especially when carried along with the other pressures of early practice and settling into “adult” life after school. The debt itself will inform the choices of the young and slow them as they make their way.

How will this burden affect the law and the profession?

First, be glad none of us are in the medical field, navigating what those poor doctors must be suffering. We have our own professional maladies, but they are not as bad as those of young MDs.

Younger lawyers will likely flock to the public sector, but they will be under siege there, as benefits are chipped at, salaries attacked, once-lush retirement plans

thinned and the defined benefit at an early age curbed. Shell-shock will encourage them to wish their careers away, rushing to the gate of retirement; that is a consideration I never had, wrestling joy out of the demands of serving clients but deriving job satisfaction no other job could likely supply. Ralph Denton commented to me once that he had no idea how lawyers could become overcome with stress: “What a job! People come to you with their seemingly impossible problems, and we get to fix it and make it right.” That attitude is one we all need to emulate. (To think they pay me to do what I do every day!)

Those remaining in private practice will face uncertainty in law firms built on the traditional legacy model; most will be OK, but the competition for clients will be relentless.

The small firm/solo paradigm will flourish as legacy costs are shed, and technology will pave the way to leaner operations, without staff, phone attendants or well-appointed office suites. The bane of copy machine rental and postal meter expense will be the stuff of lore and stories that leave younger lawyers laughing (like telling a new lawyer about the glory of “Shepardizing cases:” “OMG! You are kidding me. You did what?”) Law schools are adapting quickly to make future graduates “practice-ready,” as technology and clinical programs tap into law firm experience by looking outward to adjuncts and mentorship models take hold. The bond from law schools to the profession should grow robustly as the challenges will be lifelong; the term “old school ties” will actually mean something.

All in all, it might be a better world for the legal professionals. Think of the traditional lawyer-model Atticus Fitch. True, compensation will not push the envelope as it has in the go-go days of the late 20th century. The motivation of most lawyers has never been money. If money had been the driving motivation, the business world of Jack Welch and Warren Buffet was always available to satisfy that thirst.

But what of the clients?

Services may become more affordable, as in the mid-1950s and ‘60s, before the era of BIGLAW. Is this a possibility? Models like Half-Price Lawyers, Glenn Truitt’s local shop, may become the paradigm. Innovation and adaption will be the only remedy. It is an uncertain future. If we shrink from it, it will overtake us.

Lawyers’ rightful place as community and political leaders cannot fade at the risk of a society with less lawfulness and less civil discourse. Cade, in “Henry VI, Part 2,” sounded the cry of those who want to overthrow an ordered society; his first rule of business was to choke our profession. We must not give those who think to do likewise the opportunity.

Cade envisioned an autocracy paying fealty to him, where his laws, made arbitrarily by one man, ruled the day. Make no mistake, those forces can overtake us, masked in fixed smiling faces.

Jack Cade: Be brave, then; for your captain is brave, and vows reformation. There shall be in England seven halfpenny loaves sold for a penny: the three-hooped pot; shall have ten hoops and I will make it felony to drink small beer: all the realm shall be in common; and in Cheapside shall my palfrey go to grass, and when I am king, as king I will be...

All: God save your majesty!

Jack Cade: I thank you, good people: there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers and worship me their lord.

Dick the Butcher: The first thing we do, let’s kill all the lawyers.

Jack Cade: Nay, that I mean to do! ■