

BOOK REVIEW

A Satire of Law Firm Employment Practices

ANONYMOUS LAWYER. By Jeremy Blachman. New York: Cambridge University Press, 2004. Pp. 312.

Reviewed by Miriam A. Cherry*

*“We’re a law firm. Time is billable. The client doesn’t pay for small talk. Every minute you spend away from your desk is a minute the firm isn’t making any money off your presence, even though you’re still using the office supplies, eating the muffins, drinking the coffee, consuming the oxygen, and adding to the wear and tear on the carpets. You’re overhead. And if you’re not earning your keep, you shouldn’t be here.”*¹

Jeremy Blachman’s new book, *Anonymous Lawyer*, is a black-humorous stab at the hearts and souls of large elite law firms everywhere (if firms had such things as hearts and souls).² The novel had its beginnings as a weblog, with someone named “Anonymous Lawyer,” ostensibly a hiring partner at a large elite law firm, posting entries on the internet. Anonymous Lawyer’s posts discussed everything from over-the-top summer associate outings complete with fireworks and drunken debauchery³ to lamenting Daylight Savings Time and the loss of hundreds of billable hours.⁴ In December 2004, the author of the blog was revealed to be Jeremy Blachman, not a hiring partner at all, but rather a student at Harvard Law School with a flair for creative writing.⁵ A book deal ensued, and the result is *Anonymous Lawyer*, a full-fledged novel that retains the irony and wit of the original blog. The result is a book that is an awful lot of fun, although the

* Associate Professor, University of the Pacific – McGeorge School of Law; B.A., 1996, Dartmouth College; J.D., 1999 Harvard Law School. Appreciation to Brannon Denning, Amy Landers, Thomas O. Main, Craig Manson, Angela Onwuachi-Willig, and Robert L. Rogers for their comments. Thanks to Ben Eilenberg and D. James Bjorkman for assistance with research.

¹ JEREMY BLACHMAN, *ANONYMOUS LAWYER* 3 (2006).

² The book also is accompanied by the Anonymous Law Firm website, a satire of “typical” law firm websites. Anonymous Law Firm sells itself as a “firm with clients,” extols the virtues of its Baghdad office, and has fictitious lawyer biographies. See www.anonymouslawfirm.com.

³ <http://anonymouslawyer.blogspot.com/2006/06/firm-launched-our-online-job.html>.

⁴ <http://anonymouslawyer.blogspot.com/2005/04/this-is-terrible-day.html>.

⁵ Sara Rimer, *Revealing the Soul of a Soulless Lawyer*, N.Y. TIMES, Dec. 26, 2004, at 1 (revealing Anonymous Lawyers’ identity).

book seems to lead to the conclusion that working as an associate at a large elite law firm is simply awful.

In this review essay, I want to discuss why the blog struck a chord with so many readers, and why the novel *Anonymous Lawyer* contains a serious message about employment at law firms. While the novel is certainly amusing, it is at the same time a frontal assault on firms that are portrayed as parasitic, dehumanizing, and morally bankrupt. To be sure, Blachman's book is not the first, and will surely not be last, to poke fun at the expense of law firms. Rather, it belongs in a long tradition of satire about the practice of law, and more generally, authoritarian and hierarchical workplaces.⁶ As one commentator put it, satire "is more than parody, burlesque, or simple humor, in that satire implies ridicule of folly and vices that have a social significance and ill effect."⁷ Blachman's version, however, has a substantially nastier tone than previous lampooning of law firms, and it is my contention that the change in tone is probably due to changes that have taken place in the "industry" for legal services.⁸

This review essay will provide a brief overview of the novel and will then analyze two intellectually engaging points that the novel implicitly raises. First, I want to place *Anonymous Lawyer* within the tradition of satire surrounding the legal profession. Specifically, I compare Blachman's novel to John Jay Osborne Jr.'s earlier novel *The Associates*, which also takes large law firm life as its subject.⁹ Second, I want to examine how this novel fits into the literature that describes working life at a large elite law firm. *Anonymous Lawyer* highlights the issues of associate turnover, work-life imbalance, and workplace hierarchies that seem to characterize employment at large law firms. Ultimately, I conclude that *Anonymous Lawyer* adds – humorously and in blatant terms – to the formal academic discourse on law firm culture. With these objectives in mind, I turn now to a brief summary of the novel itself.

⁶ Satirical and humorous depictions of work and offices loom large in the popular imagination. These satires run the gamut from the popular movie *Office Space* to the comic strip *Dilbert*, to the television series *The Office*.

⁷ Peter Goodrich, *Satirical Legal Studies: From the Legists to the Lizard*, 103 MICH. L. REV. 397, 399 (2004).

⁸ See Marc Galanter, *Tournament of Jokes: Generational Tension in Large Law Firms*, 84 N.C. L. REV. 1437, 1445 (2006) ("The world of dignified reticence, little lateral movement, and enduring retainer relationships with loyal long-term clients has dissolved. In its place has arisen a world of rapid growth, mergers and breakups, overt competition, aggressive marketing, attorney movement from firm to firm, fears of defection, and pervasive insecurity."); see also *infra* notes [] to []. But c.f. Monroe H. Freedman, *The Good Old Days – For Good Old Boys*, LEGAL TIMES, Feb. 28, 1994 ("I have long suspected that the cant about a nonexistent age of "civility" and "professionalism" in the legal profession is at times merely a euphemized yearning for the days when lawyers were white males, when women served as their secretaries, and when blacks and other people of color operated elevators, brooms, and mops.").

⁹ JOHN JAY OSBORN, JR., *THE ASSOCIATES* (1979).

I. Anonymous Lawyer's Tale

The novel is, as its names implies, the story of Anonymous Lawyer, its protagonist and narrator. Part of what makes this book such a compelling read is its unique point of view. While there are many disgruntled associates willing to talk about their situations – one need only look at the greedy associates website to hear from them¹⁰ – there are comparatively few accounts from the perspective of a law firm partner. Within the first page or two, the reader quickly realizes that he or she would, never, ever, ever, in a million years (ever) want to be the associate assigned to work for this partner. Anonymous Lawyers' tale begins with him saying that he sees a poor hapless associate in the hallway, stealing his secretary's candy.¹¹ Worse yet, he vows that he will remember the candy incident in great detail when it is time for him to cast his vote on who will make partner.¹² Almost immediately, he shares with readers his nicknames for the associates at the firm, which, far from being cute, are actively cruel: "The Short One, The Dumb One, The One With The Limp, The One Who's Never Getting Married, The One Who Missed Her Kid's Funeral[.]"¹³

After this introduction, the reader follows Anonymous Lawyer through several e-mail exchanges with his Anonymous Niece about weblogs, which ultimately result in Anonymous Lawyer starting his own blog.¹⁴ This allows Anonymous Lawyer to vent his day to day issues and frustrations – anonymously, of course – on the internet.¹⁵ Although his decision to blog is never particularly well-explained, or even remotely believable, Anonymous Lawyer's fateful decision does provide a plot device that allows for a tie-in with the original blog postings. Most of his blog posts have to do with the law firm, how little the associates are working, how the associates whine about work-life balance, and how the associates are not giving up enough of their personal lives to promote the firms' interests.¹⁶

These types of comments struck a chord with blog visitors - an audience familiar with the law firm environment. Blachman's choice of a curmudgeonly partner as narrator made his blogging effort stand out. At the same time, Blachman's ability to create a believable "voice" for Anonymous Lawyer is somewhat hampered by Blachman's own

¹⁰ See Greedy Associates, www.greedyassociates.com (last visited Oct. 10, 2006) (website for sharing salary news, as well as other information of concern to law firm associates).

¹¹ BLACHMAN, *supra* note [] at 1 (2006).

¹² *Id.*.

¹³ *Id.*

¹⁴ *Id.* at 11-13.

¹⁵ *Id.* at 11.

¹⁶ *Passim.*

limited work experience. Although many of the small details are certainly there, excessive time in both the book and the blog are spent on the summer associate program – because all of Blachman’s experiences were confined to the summer programs. And, while many of the issues that *Anonymous Lawyer* satirizes are ones that associates have long levied, much of the humor comes from over-the-top behavior that few law firms would likely tolerate.

The book is almost completely centered around Anonymous Lawyer’s observations; the plot appears to be mostly an afterthought. Not much happens, but then, not much needs to happen. It is enough entertainment simply to read Anonymous Lawyer’s rants, raves, and complaints about everything from the laziness of the associates, to the general stupidity of those around him, to several ridiculously extravagant summer associate events that he has planned. For example:

Last night’s scavenger hunt was a wild success. No team found more than two-thirds of the items and they all went away feeling like failures. That’s exactly what we aim for. A couple of the items were too easy. All of the teams found an associate who’d been in the office for thirty-six hours straight, and an unsent suicide note. A couple of the items were too difficult. None of the teams found a piece of sporting equipment in the office or an ethnic minority. We’ll know for next year.¹⁷

Aside from these rantings, the reader learns that Anonymous Lawyer does have a family, but that he seems both emotionally detached and frankly, belittling, to his Anonymous Wife (who goes on buying sprees to fill her otherwise emotionally empty life) and Anonymous Kids (who will eventually keep a number of therapists employed).¹⁸ But mostly the novel contains acerbic observations on work, life at the law firm, the associates, and other related topics.

To be sure, there are a few plot elements, most of which boil down to a rivalry between Anonymous Lawyer and “The Jerk.”¹⁹ The aforementioned Jerk is another partner whose office is exactly seven square feet smaller than Anonymous Lawyers’ office.²⁰ Both compete for the position of chairman of the firm, after the firm’s chairman suffers a stroke and dies.²¹ Ultimately, it is this competition with the Jerk for the chairman’s position that leads to Anonymous Lawyer’s downfall. Of course, it is

¹⁷ BLACHMAN, *supra* note [] at 217.

¹⁸ *Id.* at 153-54.

¹⁹ *Id.* at 222-24.

²⁰ *Id.* at 51.

²¹ *Id.* at 142-44. The chairman calls for an ambulance only after he sends an email to all the lawyers at the firm requesting coverage for his big client. *Id.*

Anonymous Lawyer's tragic flaw – his compulsion to express himself on the internet – that contributes to this particular outcome. As readers, we sympathize, because however distasteful we find him, we have been pulled into Anonymous Lawyer's bizarre world of competition and hierarchy. At the same time, readers also rejoice at the outcome, too, because Anonymous Lawyer is nothing if not the paradigmatic personification of Holmes' "bad man."²² With that summary, I turn now to placing the book within the tradition of legal satire.

II. Anonymous Lawyer and the Tradition of Legal Satire

Anonymous Lawyer is part of a rich tradition of legal satire. In his article "Satirical Legal Studies: From the Legists to the Lizard," Peter Goodrich chronicles this history, describing a genre that has been around for virtually as long as there have been laws.²³ As Goodrich describes at length, legal satire often takes the form of an argument against unjust laws, the "system" itself, or particular modes of thinking within judging or the legal academy.²⁴ In addition, I would add that there is a fairly well-developed oeuvre that satirizes the legal profession itself. Whether it is lawyer-jokes,²⁵ or the books and TV shows around *Rumpole of the Bailey*,²⁶ the fact is that there is a long tradition of satire about the legal profession preceding *Anonymous Lawyer*.

For the purposes of situating *Anonymous Lawyer* in this tradition, I compare it to the satirical novel that I found to be most telling and relevant, both in terms of style and subject matter, John Jay Osborn, Jr.'s *The Associates*.²⁷ While Osborn is perhaps best

²² Oliver W. Holmes, Jr., *The Path of the Law*, 10 HARV. L. REV. 457, 461 (1897).

²³ Goodrich, *supra* note [] at 399.

²⁴ *Id.* at 399-400 ("In the last century, satire played a varying yet visible role in scholarly movements critical of law ranging from legal realism to law and economics, from legal anthropology critical legal studies. The accessibility and humor of satirical legal studies afforded it unusual scope. Satire transcended the established political and doctrinal boundaries that defined legal studies.")

²⁵ Marc Galanter, *Changing Legal Consciousness in America: The View From the Joke Corpus*, 23 CARDOZO L. REV. 2223, 2237 (2002) ("For the present, the contours of joking about lawyers have changed radically. From specific foibles to general condemnation the tone of joking about lawyers has moved from ribald mockery to scorn and aggression. The changes in joking about lawyers have tracked both a decline in public esteem for lawyers and an increase in their presence and visibility.")

²⁶ *See, e.g.* JOHN MORTIMER, *THE FIRST RUMPOLE OMNIBUS* (1984); JOHN MORTIMER, *THE SECOND RUMPOLE OMNIBUS* (1988).

²⁷ JOHN JAY OSBORN, JR., *THE ASSOCIATES* (1979) [hereinafter OSBORN, *THE ASSOCIATES*].

known as the author of *The Paper Chase*²⁸ and the creator of the infamous Professor Kingsfield, the law professor almost everyone loves to hate,²⁹ in this later novel Osborn took a humorous look at life of large law firm associates. While *The Associates* is also a satire about law firm life, comparing it with *Anonymous Lawyer* is like comparing a bread knife to a chainsaw. *The Associates* includes a love story, and ends on a hopeful note, whereas there is no such reprieve granted anyone in *Anonymous Lawyer*.

The Associates shares many of the same elements as *Anonymous Lawyer*. Neither novel is plot driven, what little there is in both novels revolves around the law firm. Certain other themes are also shared. Under the direction of the remote and distant firm founder Cosmo Bass, the three central associates pull all-nighters,³⁰ work on litigation and corporate matters, and deal with difficult partners.³¹ Somewhere in the midst of this, one of the most abusive partners, who has a penchant for screaming at associates in the hallway, has a heart attack, rather like the chairman of Anonymous Law Firm.³²

The protagonist and narrator of the story is a newly minted Harvard Law School graduate, Sam Weston.³³ He falls in love with fellow associate Camilla Newman, with whom he shares a tumultuous romantic relationship.³⁴ While working for an excessively demanding litigation partner, Sam Weston befriends Craig Littlefield, a Yale Law School graduate who bounces around the library, comically writing briefs and legal memos while high on speed.³⁵ Littlefield is ultimately fired because a legal brief he wrote contains no citations to cases, only to Cicero and Wittgenstein.³⁶ Littlefield, however, has the last word when the *Yale Law Journal* accepts his brief for publication and he wins a position as an assistant professor at Yale Law School.³⁷ Meanwhile, Weston and Newman

²⁸ JOHN JAY OSBORN, JR., *THE PAPER CHASE* (1978).

²⁹ *But see* Michael Vitiello, *Professor Kingsfield: The Most Misunderstood Character in Literature*, 33 Hofstra L. REV. 955 (2005) (arguing provocatively that Professor Kingsfield was misunderstood, rather than evil).

³⁰ OSBORN, *THE ASSOCIATES* at 13, 28, 89, 143, 224.

³¹ *Id.* at 150.

³² *Id.* at 184-86.

³³ *Id.* at 3.

³⁴ *Id.* at 18-25.

³⁵ *Id.* at 28.

³⁶ *Id.* at 218-19.

³⁷ *Id.* at 247-48.

overcome the silly arguments they had, fall in love, and promote themselves to partners (in both law and life) by opening their own law firm and getting engaged.

There are some notable differences in the two novels, however. In *The Associates*, the focus, is, as the name implies, on the associates who work on the firm, not on any of the partners. The characters are considerably more sympathetic than in *Anonymous Lawyer*, and consequently, the reader actively rejoices when Littlefield lands his faculty position and Weston and Newman pair off. *Anonymous Lawyer* is not merely *The Associates* told from the perspective of a partner. The crucial difference is the tone in which both stories are told, which is partially a product of the time in which they were written.

In *The Associates*, the law firm of Bass and Marshall is portrayed as a high pressure environment. The partners are portrayed as excessively demanding and some ridiculous scenes ensue, especially when the associates accidentally proofread out the “upside down ampersand” of the one of the investment banks the night before a rights offering.³⁸ But, at the same time, one has the sense that merit counts at Bass and Marshall, and that hard work will result in success and promotion. Although ultimately all three of the associates leave the firm, Weston and Newman become law partners themselves, hoping that they can eventually replicate the success of Bass and Marshall.³⁹ They are essentially following the path of Cosmo Bass, the founder of the firm, when he struck out on his own, in his own earlier response to greedy and begrudging partners.

In contrast, the law firm in *Anonymous Lawyer* is only a meritocracy in the barest sense. The partnership decision seems to rest on any number of factors, including insanely high billing targets, personal grudges, and who can avoid the ire of difficult partners. The lawyers in *The Associates* would often talk about cases, precedents, themes in the law, and they seemed intellectually engaged. The lawyers in *Anonymous Lawyer* never talk about substantive legal issues; all they seem to discuss is billing and what fancy restaurant they will go to for lunch. But billing by itself is also insufficient, unless one brings in clients. One particular associate is especially singled out. As *Anonymous Lawyer* muses:

She thinks she'll be a partner someday – she thinks she's earned it – but she won't. She puts in the hours, but no one thinks she'll ever be able to land a client. She doesn't know she isn't on the partner track, but we'll tell her eventually, after we wring a few more 2800-billable-hour years from her. We string the associates along sometimes. It's good business.⁴⁰

³⁸ *Id.* at 148.

³⁹ *Id.* at 269.

⁴⁰ BLACHMAN, *supra* note [] at 24.

Compared with the calculated exploitation that these comments reveal, the difficult partners who yell in the hallway in *The Associates* seem almost quaint and mild-mannered. *Anonymous Lawyer*, on the other hand, is out to show what a cutthroat business this is - this business of law - and one can simply not afford the niceties that were the domain of a previous era.

In part, it would appear that the difference in tone between these two books is the result of the passage of time and developments in the legal profession during the intervening years. *The Associates* was published in 1979, and, while the move to a more bottom-line oriented approach was then already well underway, that trend vastly accelerated in the intervening years.⁴¹ The provision of legal services has become more like a business and less like a profession – a development that many have lamented⁴² – and this undoubtedly is reflected in the tone of these two satires. A large law firm may not have been the right place for these three particular associates – but one has the sense that if they had wanted to stay and had truly dedicated themselves to the task, they could have had the option to stay. And that is not necessarily true for the firm environment in *Anonymous Lawyer*.

III. A Critique of Law Firms as Employers

Anonymous Lawyer derives much of its humor from making fun of particular aspects of employment practices at large elite law firms. *Anonymous Lawyer* often mentions how expendable associates are; how he can find particularly difficult tasks that will make associates extremely unhappy; and how in order to make partner, one must sacrifice any and all interests outside of work, including family. The very reason these comments are humorous – indeed, they form the center of this black comedy - is because they reflect uncomfortable aspects about working life in particular law firms, problems that have long been part of associate complaints. The most central points that the book makes concern the high turnover rates among workers, the lack of work-life balance, and the hierarchies within law firms.

A. The Expendable Associate and Law Firm Labor Economics

⁴¹ See, e.g. ABA Commission on Billable Hours Report 3-5 (2001-2002) (available at <http://www.abanet.org/careercounsel/billable/toolkit/bhcomplete.pdf>) (describing increase in billable hours since the 1970s); AMERICAN BAR ASSOCIATION, COMMISSION ON WOMEN IN THE PROFESSION: LAWYERS AND BALANCED LIVES: A GUIDE TO DRAFTING AND IMPLEMENTING WORKPLACE POLICIES FOR LAWYERS 5 (1990) (“The extraordinary increase in expected billable hours over the last fifteen years, from 1,300 to 1,500 to in excess of 2,000, is making it extremely difficult for lawyers to pursue . . . other interests [such as pro bono work, political work, continuing legal education and other teaching]”); William G. Ross, *The Ethics of Hourly Billing by Attorneys*, 44 RUTGERS L. REV. 1, 3 (1991) (discussing increase in billing).

⁴² See e.g. Galanter, *supra* note [].

The labor economics of most large law firms have been described differently by various commentators. Numerous articles have written about the “tournament of lawyers” in large elite law firms.⁴³ In other words, many associates are hired, and only a few can become partners.⁴⁴ Associates compete for these few spaces, with a significant amount of voluntary attrition, as well as a number being dismissed every year or in the years directly leading up to the partnership decision.⁴⁵ Anonymous Lawyer, as the hiring partner at the firm, comments sarcastically on attorney attrition and dissatisfaction:

We have students lining up to hand us their resumes, yet we’ve got a 30 percent annual turnover rate. And it’s not just us. It’s everywhere, all our peers, the whole industry. That makes my job a bit of a challenge. How to stay positive about selling students on the excellence of this place when we have to make sure the boxes of copier paper aren’t tied up with rope – because the rope is just too tempting. One hanging every so often is to be expected, but when there’s another one every time we get new office supplies it starts to get a little difficult to work.⁴⁶

It is both surprising and perhaps even a bit refreshing to hear Anonymous Lawyer “tell it like it is”: that, contrary to law firm promotional brochures and websites, attrition and

⁴³ See, e.g. Marc S. Galanter & Thomas M. Palay, *Why the Big Firms get Bigger: The Promotion-to-Partner Tournament and the Growth of Large Firms*, 76 VA. L. REV. 747 (1990); David B. Wilkins & Mitu G. Gulati, *Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Law Firms*, 84 VA. L. REV. 1581 (1998).

⁴⁴ Galanter & Palay, *supra* note [] at 783 (“Firms can conduct the tournament in various ways, so long as they promote a fixed percentage of associates in the end and they offer a total compensation package competitive in the market for associates. Some firms may eliminate associates at given intervals (say, yearly); others may make decisions more randomly; while still others, at least in theory, might wait until the end of the tournament to notify the losers. The precise rules depend upon the incentives the firm wants to maintain, the structure of its compensation package, and firm culture. But by eliminating some associates early on, the firm improves the chances for partnership of the surviving associates, thereby increasing, for a given money wage, the expected value of the survivors' total compensation) (internal citations omitted).

⁴⁵ *Id.*

⁴⁶ BLACHMAN, *supra* note [] at 6.

firings are commonplace.⁴⁷ To put it another way, Anonymous Lawyer points out in a colloquial way what many commentators had described in the purely academic terms of the “the tournament,” that is, that many large law firms use a “weed out” model.

Many of the lawyers that are hired have extraordinary and impressive credentials. Yet, the typical law firm hiring model often fails to utilize their talents in an effective manner. Instead, lawyers are trained, often at considerable expense, only to be let go when the economy takes a downturn or when it becomes evident that they are not landing the clients or billing the hours that would lead to partnership.⁴⁸ Many large firms have created “alumni” programs to capitalize on the network effects of having many people formerly associated with the law firm.⁴⁹ But while these alumni may enjoy networking with those who are also no longer associated with the firm, are these networks effective? Will they actually refer business to the firm that in many instances fired them, pushed them out, worked them so hard that they had to quit, or otherwise made them feel unwelcome? All of these are concerns that Anonymous Lawyer presents in a humorous, but sadly bleak, manner.

B. Work-Life Balance

Another salient issue that *Anonymous Lawyer* tackles is the lack of work-life balance at many large law firms. There has been a great deal of scholarship on this topic that attempts to define the problem and to help discern solutions.⁵⁰ Many articles examine the work-life question through the lens of gender inequality.⁵¹ Female attorneys

⁴⁷ See, e.g. William D. Henderson, *An Empirical Study of Single-Tier Versus Two-Tier Partnership in the Am Law 200*, 84 N.C. L. REV. 1691, 1693 (2006) (describing law firm labor economics).

⁴⁸ Bruce A. Green, *Professional Challenges in Large Firms Practices*, 33 FORDHAM URB. L.J. 7, 12 (2005).

⁴⁹ Charles Toutant, *Law Firms Leverage Alumni to Drum Up Business*, NEW YORK LAWYER, August 4, 2005 (available at <http://www.nylawyer.com/display.php/file=/news/05/08/080405g>).

⁵⁰ See, e.g. Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effect of Billable Hour Requirements*, 69 UMKC L. REV. 239 (2000); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999); James J. Alfini & Joseph W. Van Vooren, *Is There a Solution to the Problem of Lawyer Stress? The Law School Perspective*, 10 J. L. & HEALTH 61 (1995/1996) (noting increased billable hours' contribution to attorney stress). Professor Joan C. Williams heads the Center for WorkLife Law at University of California, Hastings, which has a number of innovative initiatives around the issue of work-life balance. See <http://www.uchastings.edu/?pid=3634> (last visited Oct. 10, 2006).

⁵¹ See, e.g. JOAN CHALMERS WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT (2000); Cynthia Fuchs Epstein, *Women in*

often face even more of a time-crunch because of the “double burden” expectation of unpaid work at home.⁵² Although there have been many calls for change, and many law firms have created “work life balance” committees to try to address these issues, the problems still exist and in many instances seem to have become more entrenched.⁵³

The fact that some associates are trying to achieve a balance between work and home life places them solidly on Anonymous Lawyer’s hate list. For example, Anonymous Lawyer talks about one particular (male) lawyer who is dubbed “The One Who Loves His Kids”:

He’s one of the ones who tries to sneak out early on Fridays, 7:00 or so, to make it home for dinner. Yesterday I saw him take off at 3:30 – I was on the way to the bathroom when he was heading out, and he clearly took pains to avoid me. He did a 180-degree turn in the middle of the hallway, with his briefcase and the bankruptcy code under his arm. Never said goodbye, so how was I supposed to know he’d left?

So I went in there at about 4:00 and stuck a Post-it note on his computer asking him to see me as soon as he’s back. I put the date and time on it. “Check in as soon as you get this,” I wrote. “I have some important work for you to take

the Legal Profession at the Turn of the Twenty First Century: Assessing Glass Ceilings and Open Doors, 49 KAN. L. REV. 733 (2001); Mark S. Kende, *Shattering the Glass Ceiling: A Legal Theory for Attacking Discrimination Against Women Partners*, 46 HASTINGS L.J. 17 (1994); S. Elizabeth Foster, *Comment: The Glass Ceiling in the Legal Profession: Why Do Law Firms Still Have So Few Female Partners?*, 42 UCLA L. REV. 1631 (1995) (analyzing singular career path as factor preventing women from attaining partnership status, and also analyzing prominent cases); MONA HARRINGTON, *WOMEN LAWYERS* (1995) (discussing career paths of women lawyers as told in first-person accounts, as well as barriers left to overcome).

⁵² ARNIE RUSSEL HOCHSCHILD, *THE SECOND SHIFT* 33-39, 43-44 (1989) (describing studies concerning division of household labor and childcare responsibilities between husbands and wives).

⁵³ Susan S. Fortney, *I Don’t Have Time to be Ethical: Addressing the Effects of Billable Hour Pressure*, 39 IDAHO L. REV. 305, 309 (2003) (“the most obvious consequence of the hour derby is a time famine for attorneys who do not have enough time for themselves and their families. While the general work force struggles to balance work and personal life, the intense time pressure inherent in law practice exacerbates the problem for attorneys. In my study, 66% of the respondents reported that billable hour pressure had taken a toll on their personal life.”) Professor Fortney has also authored a report of a national study of attorneys entitled “In Pursuit of Attorney Work-Life Balance: Best Practices in Management.” [Has been ordered and will insert soon].

home tonight. Hope it won't be much trouble. Thx." It'll put the fear of God into him when he gets in today, just a bit. This is one tactic e-mail and voice mail have almost completely destroyed. Even if there was a way to change the date stamps on there, you know they're checking almost compulsively from wherever they are. But a Post-it note on the computer? It's perfect.⁵⁴

Anonymous Lawyer here takes the concept of "face time" to an extreme. He values not productivity, nor even the associate's ability to respond and perform work via phone or e-mail, but rather the ability to find someone in the office at any and every hour. Even with technology that makes telecommuting and other forms of remote work increasingly acceptable,⁵⁵ that does not suffice for Anonymous Lawyer. The reason for this may lie with Anonymous Lawyer himself – it is not so much a matter of the work getting done – but a matter of him controlling and exercising authority over the behavior of his subordinates.

The irony, of course, is that tracking the associates this way means that Anonymous Lawyer is also stuck in the office with them. One could say that if Anonymous Lawyer were truly that powerful, why would he even care about anything the associates did, so long as their work was turned in? Perhaps the answer here is humorous hyperbole. At the same time, under this exaggeration lies a serious concern about work-life balance, or lack thereof.

C. Hierarchies Within Law Firms

Another aspect of law firm life that Anonymous Lawyer satirizes is the hierarchical nature of law firms. To be sure, an attorney with more experience and seniority should, justifiably, expect additional perks to go along with the job. But, as Anonymous Lawyer points out, many of the partners at the law firm take the indicators of seniority extremely seriously, perhaps more than is warranted generally from business owners. For example, Anonymous Lawyer describes his pride in receiving a particular chair:

There are thirteen classes of chairs in the catalog for associates and partners to choose from, but no second-year associate can have a class III chair until all of the third-year associates have chairs from that category. The hierarchy dictates that we manage the chair situation or sixth-year associates will be getting chairs nicer than the ones the

⁵⁴ BLACHMAN, *supra* note [] at 51.

⁵⁵ Matt Villano, *Out of the Office, Into the Home*, N.Y. TIMES, Oct. 1, 2006 at 39 (discussing strategies for working at home, and telecommuting); Marek Fuchs, *Pay No Attention to the Man Behind that Home-Office Door*, N.Y. TIMES, March 20, 2005 at 8 (discussing strategies for working at home, and telecommuting).

partners have, and that's obviously an untenable situation. But if your chair breaks, you get to bypass the rules, and so I got a partner-level chair even though I was still an associate. I still have that chair. It's a good chair.⁵⁶

It is clear that power and authority, whether they are manifested in the type of chair that one sits in, or the size of one's office, are issues of importance to Anonymous Lawyer. His attitude seems to be that certain people are below him, and so he proposes "partners-only water fountains." Even though he admits that the "other partners may be weird" he at least knows that they "all have good health care and live in respectable neighborhoods." He wonders "what diseases the word-processing guy is going to pass along." While hierarchy is a – perhaps inevitable part – of the workplace, *Anonymous Lawyer* points out how it can get taken to an extreme. In doing so, it may set out an agenda for changing the more disturbing aspects of law firm culture.

III. Conclusion

It appears that the tone of law firm satire has changed over the years, becoming bleaker and darker. At the same time, the prospects for seeking work-life balance while working at a large law firm have become correspondingly bleak as well. The acerbic commentary of *Anonymous Lawyer* highlights these changes in the workplace. The extreme critique of *Anonymous Lawyer* lays down the gauntlet as to the problems that law firms face. Whether anyone in a position of power to do so will take up the challenge is perhaps the better question.

⁵⁶ BLACHMAN, *supra* note [] at 9.