

# Editorial Opinion

## *Then and Now: Meeting the Challenges*

By Elizabeth England



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I am Betsy England and I have recently begun my term as Chair of the State Bar Litigation Section. In thinking about this article, I began to focus on the issues facing lawyers given the present business climate and recent recession. What are the effects of this recession on law firms and lawyers? What generally are the major issues facing the legal practice in this new business climate?

As most of you now know, unemployment hovers at between 10 and 15% in California. My husband, who runs Pier 39, a major tourist attraction in San Francisco, claims that means that between 85 to 90% of all people in California are employed. So, many people are still working, but for most of us, life has changed.

Law firms seem to be reacting to the recession in various ways. We

have seen some well-known large firms simply disappear. We have seen substantial layoffs and “deferments” of newer lawyers coming into the larger firms. There are simply not as many job opportunities for new or inexperienced lawyers. Accordingly, not only will they not have jobs, but their training will not be occurring as regularly.

When I started practicing law in 1978, virtually everyone got a job by the end of the third year. This included people from the top to the bottom of the class who became employed with larger firms, smaller firms, sole practitioners, government agencies or other in-house legal jobs. If you wanted to work as a lawyer, there was a job.

We are now seeing partners and older lawyers continuing to work much longer. This is due in part to advances in the medical field that allow us to continue to work longer and because retirement accounts have declined dramatically.

What is the effect of this new group of people who simply do not retire? Partners do the work that they normally would have handed to junior attorneys, who therefore do not get the practical experience needed.

Further, recent rate sensitivity has now become a major factor in the law firms. Firms now utilize one secretary for four or five lawyers. There are new ways to bill, such as fixed-price billing which rarely occurred five years ago. One large firm recently announced that it will hire lawyers at a lower billing rate who will do routine work. But the client

will be billed for higher rates for other non-routine services.

I ask myself what does this mean to members of the Litigation Section? It means that new lawyers will experience the practice of law entirely different than we did. While technology is creating new challenges, lawyers must still find the time to learn their craft.

New lawyers need to be trained both technologically and in specific areas of law. How will this be done? The Litigation Section is a leader in dealing with these issues. We present excellent educational programs on numerous topics at reduced prices. We present webinar programs throughout the year which allow lawyers easy access on line. These programs are not just inexpensive but easy to view. We offer past programs at reduced prices so that young lawyers can obtain the continuing legal training they need.

We watch the dollars we spend carefully while striving for diversity. We are always looking for better ways to deal with the challenges facing our profession. We need your ideas and your assistance. I urge you to apply to the Executive Committee to help our members meet the future with success.

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