

# Outsourcing Satisfaction

BY JUSTINE GUDENAS

In perfect dress-down-Friday chinos, plaid shirt and loafers; short brown Mitt Romney hair; beautifully capped teeth, and bright smile, he looked like a young man with a front row future. His targeted networking friendliness belonged to someone climbing a straight and probably narrow ladder to success. I had no idea how narrow.



After approaching with a glass of wine for me, he introduced himself as a lawyer, and then related the nature of his practice.

In the seven years since graduating law school, he, and the majority of his law school friends, worked solely for outsourcing firms, and had no plans to ever change their employment. They were all glad to have

good jobs. In his case, the hours were flexible; the compensation adequate; the law firm clients pleased with his results. He reviewed depositions, then wrote summaries and reports on them. He didn't believe it necessary for him to know the nature of the lawsuits for which the depositions had been taken, and he had never seen any of the actual human beings who spoke in the depositions. There was no reason for him to ever meet any witness or litigant. And he didn't miss the experience.

I understand that you can't miss what you don't know. Still, the perimeters of his outlook surprised me.

We've all noticed the increasingly depersonalized direction of legal practice. But until I spoke with this man, I hadn't considered that, in their professional capacities, many young lawyers might never meet the human beings involved or see more than parts of a case. My curiosity was piqued to investigate.

In responding to a 2010 American Bar Association survey, 85 percent of law firms refused to answer whether they outsource. But if you search want ads, you'll see that the most plentiful legal positions offered are for "outsource attorney" or "outsourcing attorney." Forrester Research estimates that by 2015 legal process outsourcing in India will grow to \$4 billion; in the U.S. far more since most of it is hired domestically. Coordinate this information with the Briefs on page 6 in this issue: legal salaries have plunged and the job market is brutal. As options for recent law school graduates grow more limited, legal outsourcing is expanding.

Originally confined to document research and preparation, it now includes in personal injury law, for instance, new claims processing, medical evidence evaluation, claims settling and

closing, in addition to deposition reviews. That's a lot. It explains why outsource lawyers are needed. And the fragmentation of legal work will continue and intensify.

But these findings make me worry for the future.

Many of us are familiar with the 1990 Johns Hopkins University study that compared more than 100 occupations, and found lawyers to lead the nation with the highest incidence of depression. The ABA estimates that one in five U.S. lawyers suffer from alcoholism or substance abuse. Lawyer dissatisfaction is on enough minds that, as a subject, it has been - and is currently being - examined by experts in many fields; and books like "Running from the Law: Why Good Lawyers Are Getting Out of the Legal Profession" by Deborah Arron (2003) are selling.

What will become of the practice of law if dissatisfaction mounts? Isn't quality tied to satisfaction?

It is now known that lack of human interaction is bad for one's health. And recent studies have shown that to the extent a lawyer's professional input feels disconnected from the final judicial outcome, the lawyer is in danger of becoming dissatisfied.

So how long can a lawyer toil away piecemeal and far removed from the human beings directly involved in the cases and be satisfied?

What will become of the practice of law if dissatisfaction mounts? Isn't quality tied to satisfaction? What kind of law do dissatisfied lawyers practice?

These questions were in the back of my mind when I read Professor Rulli's cover story in this issue. It compellingly demonstrates the wide-ranging economic benefits of civil public interest law, an area suffering for lack of lawyers (although, as you will read in this issue, it is one area where salaries have increased). I remembered that, ironically, the highest rate of personal satisfaction has been found among those who work for such organizations too poor to outsource. And not only because they typically meet face to face with live human being litigants, but also because, as Professor Rulli writes, "As business-driven decisions increasingly dominate legal practice, pro bono legal assistance keeps the profession centered on core values like equal justice under law and the fair administration of justice that the Conference of Chief Justices calls the 'cornerstones of our democracy.'"

Maybe public interest attorneys have a chance to act like the old-fashioned gladiators for justice that lawyers once perceived themselves to be. ■

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