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## Book Review [Law v. Life: What Lawyers Are Afraid to Say About the Legal Profession]

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## BOOK REVIEW

LAW V. LIFE: WHAT LAWYERS ARE AFRAID TO SAY ABOUT THE LEGAL PROFESSION. By Walt Bachman. Rhinebeck, NY: Four Directions Press. 1995. Pp. 140. Hardcover. \$17.95.

*Reviewed by Mark V. Isola\**

Even before I entered law school, I knew the potential benefits of becoming a lawyer — the challenge, the excitement, the power, the prestige, the idealism, the money. In large measure, I have found all of these and more as a law student and lawyer.

This book deals with other lessons, those I wish I'd learned in law school, but didn't.<sup>1</sup>

Thus writes Minnesota attorney Walt Bachman in the introduction to his book *Law v. Life: What Lawyers Are Afraid to Say About the Legal Profession* [hereinafter *Law v. Life*]. Though the title sounds impressive, the above quoted language more aptly summarizes the contents of the book: it is Bachman's opportunity to share his observations about the practice of law. The reader learns in the introduction that these observations are borne out of Bachman's diverse, twenty-five year career as an attorney. Bachman essentially did it all: big firm practice, small firm practice, civil litigation, criminal litigation. It was during this diverse career that Bachman realized that the practice of law involved rules and guidelines not taught in law school. In *Law v. Life*, Bachman synthesizes those rules and guidelines into nine practical lessons lawyers should know.

In chapter one, Bachman discusses his first lesson: though the client has more at risk in a legal dispute, the attorney more often gets the ulcer.<sup>2</sup> Bachman believes that a

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\* Associate, Binder & Malter, San Jose, California; B.S. 1988, Santa Clara University; J.D. 1991, University of California at Davis.

1. WALT BACHMAN, *LAW V. LIFE: WHAT LAWYERS ARE AFRAID TO SAY ABOUT THE LEGAL PROFESSION* 13 (1995).

2. *Id.* at 20.

lawyer's constant worrying about the potential negative outcome in a case causes the lawyer to suffer more health and stress-related problems than the client. Moreover, writes Bachman, lawyers will often agonize over a file but never act on it. Instead, the lawyer will continually avoid working on that particular file, a syndrome Bachman labels Lawyer's Avoidance Syndrome (LAS). Bachman discusses how even the best lawyer can allow LAS to lead to ulcers over a particular case.

In chapter two, Bachman writes about zealous advocacy in his second lesson: law is the only profession in which one is ethically obligated to hurt people.<sup>3</sup> Bachman points out that it is a lawyer's responsibility to obtain the best result for his or her client at the expense of the opposing party.

In chapter three, Bachman proposes his third lesson: that law school is designed to depress law students through a three-step process.<sup>4</sup> First, the case study method exposes students to the risks of life — students are fed a steady diet of cases filled with grave disaster and human injury. Second, law students are taught to glorify dispute — law professors indoctrinate students to question every assumption and fact. Third, law students are taught to put aside moral opinions in favor of advocacy. For example, professors will force a discussion on abortion to focus only on the legal logic of *Roe v. Wade*, not the moral correctness of abortion.

In chapter four, Bachman discusses a more mundane lesson: in modern litigation, more time is spent on discovery and research than in the courtroom.<sup>5</sup> As Bachman explains, although there are more attorneys now than in the past, fewer trials are taking place. Thus, attorneys are expending more time on the pre-trial aspects of litigation: discovery, research, and motions.

In chapter five, Bachman proposes his fifth lesson: people from dysfunctional families perform better in law school and as lawyers.<sup>6</sup> Bachman contends that traits one acquires from healthy families, such as honesty, sharing, and open communication, are detrimental to attorneys. Therefore, those from dysfunctional families, those who learned to be

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3. *Id.* at 36.

4. *Id.* at 52.

5. *Id.* at 63.

6. *Id.* at 77.

distrustful and secretive, are naturally better in law school and as attorneys.

In chapter six, Bachman reviews the age-old public scorn for lawyers, ranging from Shakespeare ("The first thing we do, let's kill all the lawyers") to today's contempt-laden jokes ("Q. What do you call 10,000 lawyers at the bottom of the ocean? A. A good start."). Bachman believes, as he writes in his sixth lesson, that the greater the demand for legal remedies, the greater the public's scorn of lawyers.<sup>7</sup> Bachman argues that in today's society people will continue to hire lawyers to address every perceived injustice. This, in turn, will lead to greater contempt for lawyers, even though the lawyers are simply fulfilling the desires of their clients.

In chapter seven, Bachman turns to an issue familiar to almost every attorney in private practice: billable hours. Bachman contends in his seventh lesson that ten percent of a lawyer's soul dies for every 100 billable hours worked in excess of 1500 per year.<sup>8</sup> Bachman writes that obtaining billable hours in excess of 1500 per year requires an attorney to miss important family functions and social time in exchange for more time in heated debate or lonely research and writing. In addition, the nonbillable demands on attorneys increase the overall time impact such that even at 1500 billables per year an attorney is working hard.

In chapter eight, Bachman reveals his feelings about clients. Bachman believes that people who are "assholes" generally become litigation clients. Thus, Bachman's eighth lesson is that the number of assholes per capita is substantially higher within the group of a lawyer's clients than it is for the population at large.<sup>9</sup> While Bachman concedes that his observation may not be supported by scientific research, he does believe that an attorney must be prepared to argue strenuously on behalf of very unsympathetic clients.

In chapter nine, Bachman reviews the recent, rapid growth of lawyers and law firms. Despite this expansion, Bachman writes as his ninth lesson, the percentage of "asshole lawyers" remains less than the percentage of "asshole clients."<sup>10</sup>

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7. *Id.* at 92.

8. *Id.* at 107.

9. *Id.* at 124.

10. *Id.* at 133.

This short review of Bachman's nine lessons exhibits several of the book's strengths. One must compliment Bachman for addressing common complaints of practicing attorneys. His diverse career clearly exposed Bachman to many lawyers and numerous clients, which, in turn, exposed him to many of the shortcomings of the legal profession. Additionally, Bachman's use of interesting stories about himself and other lawyers makes it easy to understand the lessons he writes about. These anecdotes also make the book easy to read.

This short review of Bachman's lessons, however, also exposes the book's deficiencies, which outnumber its strengths. The fundamental weakness of Bachman's book is that if the reader is already a lawyer, or even a law student, he or she will not benefit from reading it. First, although the subtitle of the book is *What Lawyers Are Afraid to Say About the Legal Profession*, Bachman really only addresses issues which many, if not most, lawyers are anxious to discuss. Lawyers, often talkative by nature, will eagerly discuss their complaints about their profession. Furthermore, numerous articles and books published in the past few years have already chronicled lawyers' dissatisfaction with the profession.<sup>11</sup> Thus, to those already immersed in the practice of law, Bachman's lessons are not new. A second flaw with the book is that Bachman merely identifies common complaints about practicing law; he never proposes solutions to avoid falling prey to the same grievances. For example, as discussed above, Bachman proposes that LAS can come in many forms and ruin many attorneys. He even recites a story about a client file on which he could never force himself to work.<sup>12</sup> Bachman, though, never offers solutions on how to avoid LAS. Is it simply unavoidable? Is there a seven-step cure? Any sort of post-diagnosis insight would be helpful to lawyers and law students.

A third problem with the book is its lack of footnotes. For example, Bachman writes that "the majority of [today's] law students are not employed when they get their JDs"<sup>13</sup> and that "[m]ost law firms have tripled or quadrupled in size

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11. See, e.g., *Making It*, RECORDER, Dec. 15, 1995, at 1 (discussing partnership tracks, billable hour requirements, and lifestyle sacrifices).

12. BACHMAN, *supra* note 1, at 23-24.

13. *Id.* at 4.

since 1970."<sup>14</sup> Neither of these assertions are supported by citation to additional references. Repeated use of these types of unsubstantiated statements causes the reader, especially one who has been to law school,<sup>15</sup> to lose a certain amount of trust in Bachman's theories.

Similarly, Bachman's penchant for hyperbole causes the reader to lose interest in his lessons. Many readers will find it difficult to accept Bachman's theory that every 100 billable hours worked in excess of 1500 per year will cause ten percent of an attorney's soul to die. Achieving billable hours in excess of 1500 per year might require the attorney to miss out on a few social situations, but arguing that it causes ten percent of the person's soul to die overstates the point. These types of exaggerations cause the reader to lose interest in the book.

Because of these problems, *Law v. Life* is best suited for a person considering attending law school. A potential law student will benefit from Bachman's lessons and his exposé of law school and the law because that person may not have previously heard the common gripes lawyers make about their profession and probably will not be discouraged by the lack of footnotes.<sup>16</sup>

These criticisms are not intended to flatly state that the book is not worth reading. It is light reading so it will not be a heavy burden to finish it. It does shed light on the common problems of the law. It is just that if you are already a lawyer (and trying to squeeze the book in with the billable hour race) or a law student (and trying to squeeze the book in between job hunting and learning why Mrs. Palsgraf does not deserve compensation), then your time might be better spent on your other daily demands.

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14. *Id.* at 125.

15. As Bachman himself points out in lesson three, law students are taught to dispute everything. *Id.* at 54-55. See *supra* note 5 and accompanying text.

16. Even the lay person, though, may find the book to be another example of lawyers whining about the demands of their occupation. If so, Bachman has done lawyers a disservice.

