

Should We Be Working Over 50 Hours a Week?

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The Professions Are Working Longer Hours While Other Occupations Are Working Less

Many people are aware of the increase in average individual income enjoyed by the American economy over the past four decades, but few are aware that leisure time has also increased over this period. At first, this seems somewhat paradoxical in nature; can Americans really be earning more money by working less hours? A closer look at the data, however, reveals an interesting explanation. The average work week in 1965 was 51 hours, including time spent commuting to and from work and various coffee and lunch breaks, and there was no statistically significant discrepancy in this average week across the socioeconomic spectrum. Today, the average work week including commuter time has shrunk to 40 hours per week, but this increase in leisure time has not been enjoyed equally in society. Ten percent of the labor force has actually *increased* their average work week by a staggering 14 hours over people of their same demographic category in 1965.¹

Who are these ten percent? Those in the professions are working considerably longer work weeks than their peers of forty years ago. The mean work week currently for a doctor, for instance, is 50 hours, comparing similarly to the 49 hour average week for both engineers and full-time professors.²

Work Week for Lawyers

According to the 2004 *After the JD* study jointly published by the American Bar Foundation and the NALP Foundation, the mean work week of a lawyer was 49 hours and the median was 50 hours, right on par with doctors, engineers and full-time professors. However, a significant portion of attorneys reported average work weeks in excess of 60 hours per week, and the percentage of respondents reporting over-60-hour-work-weeks per practice area breaks down as follows:

Practice Area	% Over 60 Hours of Work per Week
Private Firm (office of 251+ attorneys)	32%
Private Firm (office of 101-250 attorneys)	28%
Private Firm (office of 21-100 attorneys)	25%
Solo Practitioners	24%

¹ Steven E. Landsburg. "The Theory of the Leisure Class." Slate Magazine (January 9, 2007).

² National Science Foundation. "All In a Week's Work: Workweeks of Doctoral Scientists and Engineers." Available at <http://www.nsf.gov/statistics/infbrief/nsf06302/> (last accessed 5/22/2008)

Private Firm (office of 2-20 attorneys)	23%
In-House Counsel	16%
Non-Profit or Education	16%
Legal Services or Public Defenders	14%
Government	10%
Public Interest	7%

While the largest private firms are, perhaps expectedly, the most-likely to work over 60 hours per week, this number skyrockets to 39% in large markets like New York. For perspective, that means that roughly 4 out of 10 big firm attorneys in large markets are working roughly 1,040 hours per year more than the average American. Most importantly, the *After the Bar* study confirms what many of us already know about the profession: no matter the practice area, many of us fall in this over 60 hours of work a week group.³

Data from a 2007 ABA survey indicates that 49% of all lawyers have experienced an increase in the number of billable hours “in the last several years.” Presumably this trend toward higher billable hour expectations will continue, meaning that an even higher proportion of us will join the over 60 hours of work a week group.

Generational Differences Regarding a Longer Work Week

Not everyone is amenable to this increased work week, however. In an informal ABA survey conducted in 2006 polling 2,377 associates, 84 percent responded that they’d be willing to sacrifice income in exchange for a lower billable hour requirement.⁴ Quality of life issues and the consequent implication on the profession as a whole have become such a challenge, in fact, that some state bar associations are taking dramatic steps to confront these problems. In 2007, the New York State Bar Association took the initiative to form a Special Committee on Balanced Lives in the Law, commissioning an exhaustive research study comprised of numerous focus groups conducted around the state. Participants were strategically selected in order to obtain a diverse representation of attorneys of different ages, genders, races, firm sizes, and experience.

In addition to confirming the findings of the informal ABA survey mentioned above, the New York study, published in March of this year and adopted by the New York State Bar Association, also revealed a fascinating generational rift between the Baby Boomers and Generation X-ers now attaining partner status and running law firms and the Millennials who are being hired as younger associates. While the Generation X-ers, when starting practice as associates, weren’t particularly pleased with the high billable hours required by their preceding generation, they generally accepted the unbalanced conditions in pursuit of being made partner. Today’s younger generation of attorneys, however, exhibit no such intent. Law students and younger associates participating in this study disclosed sincere reservations that achieving a balanced life was acceptable in the eyes of

³ Ronit Dinovitzner, AJD Project. “After the JD” (2004).

⁴ Diane Curtis. “The Billable Hours ‘Intersect’ With The Professional Woes.” California Bar Journal (May 2008).

their superiors or even possible while pursuing successful careers as attorneys. This pessimism has resulted in this younger generation of attorneys maintaining no expectation or desire of becoming partners at a firm, the traditional carrot used to motivate younger associates to endure demanding billable hour goals, and presumably will lead to career burnout if not adequately addressed.⁵

Time for a Change in our Culture

This generational change poses a serious challenge to partners in law firms across the country. Reducing billable hour requirements has a direct impact on the bottom line of the firm, yet the attrition costs of losing one attorney can eclipse the loss of revenue from a reduction in the hours required. Should the senior leaders in our profession lunge for their calculators and engage in a cost-benefit analysis to determine at what point it would be less fiscally-responsible to continue to reduce hour requirements versus simply letting an associate go? Should senior attorneys and junior attorneys all make a more concerted effort to understand each other's expectations about life?

More fundamentally, we think it is time for us as a profession to reflect upon whether the continuing trend toward more hours at work for the last forty years and presumably even more work hours in the future is healthy for us as individuals and as a profession. From the law firm perspective, is this trend leading to sustainable excellence or just more lawyer burn out leading to client dissatisfaction? Is the firm simply a profit maximizing entity or a community of professionals with some responsibilities beyond profit maximization?

We conclude the trajectory the profession is on with respect to increasing hours at work is doing serious damage to us as individuals and as a profession. The New York State Bar Report found "What struck us as we reviewed the results of all the forums was that the attorneys' responses – regardless of their number of years in practice, practice setting, etc. – were consistent on one central point: they were all having a very difficult time achieving a balanced life in the law. Again we wish to emphasize that when we refer to a balanced professional and personal life, we embrace within the concept of personal life not only attention to private interests, family and friends, but also involvement in bar association, civic and community activities, all of which contribute to achieving a well-balanced life. Most felt that their life was not balanced (work dominates their time and attention at the expense of their personal life)."

⁵ New York State Bar Association, Special Committee on Balanced Lives in the Law. "Final Report" (March 7, 2008).