

## Tomatoes Don't Move

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On a day-to-day basis, I am a relatively serene person. I'm glad to have finally rediscovered my tranquil side because for five years it was notably absent. I was, after all, a practicing lawyer. Do you remember the scene in *Tootsie* where Sydney Pollack, an agent, tells Dustin Hoffman that he can't get him any work because no director anywhere will work with him? Dustin Hoffman's character, Michael Dorsey, is "difficult". In fact, he is so difficult that he gets fired from a commercial because, when playing a tomato, he refuses to sit down.

"Tomatoes don't move," Michael tells his agent in self defense.

I identified with Michael Dorsey's irritation when I worked in BigLaw. The inanities of large firm culture really seemed to overwhelm me. Unlike Michael, I never vocalized my disdain (okay, almost never), but I would constantly stew over things that were clearly misguided and ask myself "why in God's name would you choose to proceed that way?" There were usually some expletives thrown in there, too. I just found certain things rankling.

For instance, I worked at one firm where there seemed to be a strong and perplexing aversion to research memos. I was told early on that my particular section really didn't do those. What then, I asked, should I type in their stead? Oh, nothing, I was told--just give me the cases you find. Okay dokey, I said to myself, so, if I am to understand this correctly, you want me to print out cases from Westlaw and hand them to you without any analysis? Well, I guess I can do that. But you might want to hire someone else for the task--say, for instance, a monkey (albeit a smart monkey)--because I could train a monkey to enter search terms on Westlaw and hit the print button. I think I actually saw that on Animal Planet. And, by the way, what are you going to do with the cases once you get them? Come into my office and ask me why I think a certain case is relevant? If that's the case, wouldn't it really be a time-saver in the end to have me draft a short little memo?

What elicited an even a bigger "why?" was the next step in the process--writing the brief. Not that I would know much about that process since the partners in my section rarely trusted associates to draft anything. In the mind of my section heads, briefs were too beautiful, too sacred to be sullied by the dirty hands of the salt mine workers. Funny, I thought. Aren't drafting memos and briefs the bread and butter of associate life? Who, then, you may ask, would draft the briefs if not the obvious contenders? The partners, of course. That's odd, I said to myself. At other firms partners would rather stick hot poker in their eyes than sit in front of the computer and cite cases in a brief.

All of this is to say that the partners in my section did a lot of work that clients do not typically pay partners to do. Why these particular clients were willing write us a check every month was beyond me. Again, "why, why?" It's also to say that I ended up doing a lot of things that clients didn't typically pay mid-level associates to do, i.e., document review and performing the monkey routine on Westlaw. I felt stuck in a phrase, watching the skill set I had accrued flag. I didn't take one deposition or argue one motion when I worked there--both activities in which I had gained experience in the past. In my mind, if I continued down this road, then, like Michael Dorsey, I would soon be unemployable.

I noticed that other associates around me didn't tend to be bothered by these things to the extent I was. They kind of laughed along with me when I pointed out these disturbing trends, but they didn't seethe with anger. I kind of felt I was the only person who wasn't waltzing through life in a daze.

In truth, I was the one in a daze. The business management in my section was not going to change, no matter how asinine it seemed. I don't to this day waver when I characterize my former section as poorly and inefficiently run. There is, after all, a problem when partners are billing 2300 hours/year and associates cannot meet their 2000 billable hour requirement. However, I was the one that would have to change--not my

actions, but the level of distance I chose to put between myself and the situation. If I couldn't manage this task, I would have to make a more significant change. I eventually did the latter by leaving the practice of law. And I started dressing in drag.