

THE Legal Ethics & Malpractice Reporter

*A monthly commentary on current ethical issues in law practice
for members of the Kansas and Missouri Bars*

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About This Publication

THE *Legal Ethics & Malpractice Reporter (LEMR, for short)* is a free, monthly publication covering current developments in ethics and malpractice law—generally from the perspective of the Kansas and Missouri *Rules of Professional Conduct*. Founded in 2020, this publication was envisioned by KU Law professor Dr. Mike Hoeflich, who serves as its editor in chief. In partnership with Professor Hoeflich, JHC’s legal ethics and malpractice group is pleased to publish this monthly online periodical to help attorneys better understand the evolving landscape of legal ethics, professional responsibility, and malpractice.

In addition to the digital format you’re presently reading, we publish *LEMR* as mobile-friendly blog articles [on our website](#). We also share a digest newsletter to our *LEMR* email subscribers whenever a new issue is published. (You may [subscribe here](#) if you aren’t already a subscriber.)

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FEATURE ARTICLE

Money, Money, Money

THE *Rules of Professional Responsibility* do not say much about lawyer compensation. Rule 1.5 requires that fees charged to clients be either reasonable or not unreasonable depending upon each jurisdiction’s wording of the Rule. Of course, fees charged to clients are intimately related to lawyers’ ultimate compensation. But the *Rules* don’t say anything specific about salaries.

Over the past quarter century, lawyer compensation has increased enormously. In 1979, when I began to work full time at Cravath in New York City, I earned \$30,000 per year with the possibility of a small bonus (in my case, \$3,000). In today’s money, that \$33,000 is worth \$151,000. In 1979, Cravath and the larger New York City firms generally paid lawyers more than most other firms (a few boutique firms paid a bit more,).

The salaries for associates at the largest American law firms have recently just been announced. First year Cravath associates will now be paid a base salary of \$235,000 per year. Indeed, the new big firm associate salary scale, according to Larson Maddox, is:

Associate Year	Base Salary	Total Compensation
1st Year	\$235,000	\$261,000
2nd Year	\$245,000	\$275,000
3rd Year	\$270,000	\$342,500
4th Year	\$320,000	\$415,000
5th Year	\$385,000	\$500,000
6th Year	\$410,000	\$540,000
7th Year	\$440,000	\$580,000
8th Year	\$455,000	\$595,000

Source: Larson Maddox Regulatory & Legal Salary Guide, 2026, updated to reflect the Milbank-led market raise first reported on 2 June 2026. Base figures reflect the reported

market scale of \$235,000 to \$455,000, effective 1 July 2026. Total compensation assumes year-end bonuses hold at prior levels, as the raise applies to base salary only.

Partner salaries are more difficult to access unless one subscribes to expensive law business surveys, which I don't. But law-oriented blogs like Above the Law and Bloomberg frequently discuss higher salaries, and it appears that the highest salaries range in the \$5-10 million dollar annually range. Recent reporting indicates some law firms having been starting bonuses for "star" lateral hires as high as \$20 million dollars.

Of course, these are not the salaries most lawyers earn. According to Zip Recruiter, the average lawyer salary nationwide is \$100,626 in 2026. In Kansas, the average lawyer salary is \$89,744. Doing the math, one sees that the highest paid partners at the top law firms in the United States earn in one week almost double what the average lawyer in Kansas earns each year.

That salaries at the largest firms nationally are so high (indeed, astronomical) **is not unethical**, at least so long as paying those salaries does not cause fees to become unreasonable. But just because such lawyer compensation is ethically justifiable *under current rules* does not mean that such compensation will not create a perception problem for the entire profession—or that a perception problem will not lead to new rules.

Historically, changes in lawyer ethics codes have often been initiated by public outrage over lawyer and judicial behavior. One of the primary reasons why written codes of ethics, including the 1908 ABA code, were drafted and adopted was public anger over lawyers representing railroads. In the 1970s, public outcry over the Watergate scandal and the number of lawyers involved in it led to wholesale changes in law and disciplinary rules nationally.

The large firms that now pay significant compensation to both associates and partners do not have to worry about clients' suing them or filing disciplinary complaints against them. The clients who tend to use firms are sophisticated, many are corporations, and they know what they are being asked to pay far in advance of engaging. But these salaries may very well create problems for much smaller law firms and lawyers.

First, increasing media coverage of very high lawyer compensation may make clients who are actually paying significantly more competitive rates think

that their own lawyers also are charging high fees and paying young lawyers too much. It is necessary to disabuse most clients of this notion, or to educate them that, but for very small pockets of the industry, lawyers are not generally becoming rich from their professional practices. Media coverage of what lawyers actually earn in Kansas and Missouri and other states could help. Appointment of a Bar committee to examine lawyer fees and compensation and issue a report to show that fees and salaries are reasonable could also let the public know that most lawyer income is not sky high. Indeed, when average lawyer salaries are looked at in hourly terms, they are often lower than those of master plumbers.

There is, however, another issue with the increasing lawyer salaries—how it affects young lawyers’ expectations and perceptions. According to Zip Recruiter, starting lawyer salaries in Kansas range from \$41,900 to \$121,600. They print a number of details about this data:

While ZipRecruiter is seeing salaries as high as \$123,521 and as low as \$41,917, the majority of Entry Level Lawyer salaries currently range between \$70,500 (25th percentile) to \$91,900 (75th percentile) with top earners (90th percentile) making \$116,832 annually in Kansas. The average pay range for an Entry Level Lawyer varies greatly (by as much as \$21,400), which suggests there may be many opportunities for advancement and increased pay based on skill level, location and years of experience.

Some law students are tempted by the comparative numbers. Every year, excellent law graduates from our regional law schools go off on a quest to seek fame and fortune in the big urban firms in the hope that someday they will be lawyer “rock stars” earning millions every year. Many law students come to equate high salaries with professional excellence (i.e., the higher the salary, the better the lawyer and the firm).

In the end, while only a small number of firms that pay extraordinary salaries and charge extraordinary fees, thanks to media coverage, more and more of the general public may begin to think that lawyers are increasing economic inequity in the nation. If restraint is not taken within the profession on its own terms, it may be forced by uproar resulting in new legal and ethical restrictions.

The LEMR wishes to acknowledge the assistance of Professor Stephen Sheppard in this article.

AUTHORITY

Capacity Conflicts

In its Ethics Opinion 2026-2, the Alaska Bar Association has again raised interest in a subject that pops up in lawyers' minds every few decades: the "capacity problem." The capacity problem occurs when lawyer caseloads get so great that they produce an ethics problem. Whether because of economic pressure on lawyers to bill more or government lawyers who are assigned excessive workloads while dealing with staffing shortages, many lawyers can find themselves overwhelmed. Sometimes, the demands are so significant that lawyers are unable to represent their clients with the competence demanded by Rule 1.1 or unable to devote sufficient time to their clients as required also by Rules 1.3 and 1.4.

It could be said that Rule 1.7(a)(2) addresses this specifically:

- (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
 - (2) there is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

The reasoning behind classifying a workload overload under Rule 1.7(a)(2) is the concept that, when one has too many clients to handle them all competently, then the lawyer is, in fact, "materially limited" as to each client by the multiplicity of clients as a whole.

Ethics Opinion 2026-2, the Alaska Bar Association reiterates the opinion of the Alaska Supreme Court that "[a]s a caseload increases, the attorney's ability to bring to each case the thoroughness and preparation necessary to provide competent representation may diminish." *Office of Public Advocacy v. Superior Court, First Judicial District*, 566 P.3d 235, 249 (Alaska 2025). The Alaska Supreme Court notably concluded that the Office of Public Advocacy was required to represent indigent clients who could not be represented by the public defender agency because of a conflict of interests—including "a conflict of interest due to lack of capacity." *Id.* at

252.

One of the greatest difficulties in the application of Rule 1.7(a)(2) to workload issues is how to determine that a heavy caseload is too great and becomes a capacity problem. The Alaska Opinion adopts the guidance of ABA Formal Opinion 06-441. Although the ABA Opinion focuses primarily on public defenders and work overload, its principles are clearly applicable to all lawyers. Opinion 06-441 states:

Rule 1.3 states that a lawyer's workload "must be controlled so that each matter may be handled competently." The Rules do not prescribe a formula to be used in determining whether a particular workload is excessive. National standards as to numerical caseload limits have been cited by the American Bar Association. Although such standards may be considered, they are not the sole factor in determining if a workload is excessive. Such a determination depends not only on the number of cases, but also on such factors as case complexity, the availability of support services, the lawyer's experience and ability, and the lawyer's nonrepresentational duties. If a lawyer believes that her workload is such that she is unable to meet the basic ethical obligations required of her in the representation of a client, she must not continue the representation of that client or, if representation has not yet begun, she must decline the representation.

Today, many firms are adopting AI and reducing the number of human lawyers. Their assumption seems to be that AI can do many tasks formerly done by lawyers and that the caseloads of the human lawyers can be increased. This assumption is being challenged every day with more and more court documents containing fictitious cases (so-called hallucinations) and errors due to overdependence on AI. To the extent that this will lead to unexpectedly higher workloads on lawyers who discover that AI use may not reduce lawyer time as hoped for, lawyer capacity and workloads may again become an ethical problem. In such a scenario, Alaska Opinion 02-2026 and ABA Opinion 06-441 become even more important.

ETHICS & MALPRACTICE RESEARCH TIP

New Articles on Legal Malpractice & Ethics

1. Josh Chafetz, *Corruption and the Supreme Court*, 36 Yale J.L. & Human. 165 (2025).

In this Article, Georgetown University Law Professor Josh Chafetz examines the United States Supreme Court justices' rhetoric about corruption and the consequences of their rhetorical choices.

2. *Colloquium: The Professional Socialization of Lawyers*, 94 Fordham L. Rev. 1255 (March 2026).

The entire collection of articles collected for Fordham Law Review's March 2026 colloquium on The Professional Socialization of Lawyers provides excellent reading—and thinking—material.

A BLAST FROM THE PAST

The Comic Blackstone

Man, as we are all aware, is a creature endowed with reason and free will: but when he goes to law as plaintiff, his reason seems to have deserted him: while, if he stands in the position of defendant, it is generally against his free will; and thus, that “noblest of animals,” Man, is in a very ignoble predicament.

Gilbert Abbot à Beckett, *The Comic Blackstone* 15 (1863).



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