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BOOK REVIEW

Matthew Desmond, Graham Moore

The Last Days of Night

Susie Salmon, reviewer

The Birth of BigLaw

The Last Days of Night

Graham Moore (Random House 2016), 368 pages

Susie Salmon, rev'r*

Are you a Biglaw attorney unhappy with your workload and your life? Graham Moore's *The Last Days of Night* suggests that you blame Thomas Edison.

The Last Days of Night is a novel about light bulbs, both literal and metaphorical. The plot follows green young attorney Paul Cravath as he represents George Westinghouse in patent litigation against Thomas Edison. At issue: Who invented the light bulb? (or, more precisely, Who invented the *working* light bulb?). Moore packs his plot with cinematic-worthy drama, intrigue, and romance—indeed, Eddie Redmayne has already been cast as young Cravath in the upcoming movie version—and Moore's screenwriter's instincts make for vivid set pieces, including an attention-grabbing and indelible opening scene. The rivalry between wily self-promoter Edison and gruff, no-nonsense Westinghouse drives the central story, but the narrative also illuminates the history of another industrial-age invention: the modern legal profession.

Most lawyers recognize the name Cravath. Some may even curse it as a symbol of what they believe to be destructive values at the center of the legal profession, values that infect the profession from the first days of law school, if not earlier. The firm that Paul Cravath founded—now Cravath, Swain & Moore—perennially sits atop lists of the best, most powerful, and most prestigious law firms in the United States.¹ The Cravath System,

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¹ See, e.g., Matt Moody, *Vault's Top 100 Law Firms for 2017*, VAULT RANKINGS & REVIEWS, (June 22, 2016), <http://www.vault.com/blog/vaults-law-blog-legal-careers-and-industry-news/vaults-top-100-law-firms-for-2017/> (Cravath ranked #1); Nicole Weber, *The 2015 Vault Law 100 Rankings Are Here!*, VAULT RANKINGS AND REVIEWS, (June 18, 2014), <http://www.vault.com/blog/vaults-law-blog-legal-careers-and-industry-news/the-2015-vault-law-100-rankings-are-here> (Cravath ranked #2, but article cites descriptions of firm as “the gold standard” and “the best of the best,” noting that Cravath “spent years in the No. 1 spot before passing its crown to Wachtell in 2004”).

which Paul Cravath invented early in the twentieth century, initiated many practices common to large American law firms.² The System relies on hiring only the top-ranked law students from the top-ranked schools, and the firm invests heavily in training and retaining them. All firm partners come from the firm's associate ranks; the System eschews lateral hires, who likely learned bad habits in their previous employment. Ironically, Cravath's firm led the associate-salary hikes in 1999 and 2016 that may ultimately spell the death of the Cravath System.³

We catch only nascent glimmers of that Cravath in *The Last Days of Night*. At its heart, Moore's novel presents a provocative meditation on what it means to be a lawyer and to represent a client. Moore—"the son of two lawyers who divorced and then married two other lawyers"⁴—really gets, on a practical level, what lawyers do. He understands the way a good lawyer's mind works and the type of close reading and dissection that underlie accurate legal analysis. His description of Cravath's parsing of the central legal issues in the patent dispute will resonate with any lawyer or law student, and that fidelity to real-world lawyering lends the story an authenticity that anchors the more sensational character sketches and plot points.

Moore's Cravath understands client service. Many chapters begin with him boarding the train in New York City to visit Westinghouse's operations in Pittsburgh. Cravath really digs into the business of invention, learning as much as he can about his client's operations and the science behind them. And sometimes the public-relations ramifications of a dispute rival the legal ones: Cravath finds himself at the New York state legislature advocating against execution by electric chair, not because he is a humanitarian, but because having the state use his client's alternating current to kill people would probably make people less likely to want it coursing through their homes and businesses.⁵

Most importantly, Moore's Cravath is—as all good lawyers are—a problem solver. And not every legal problem is solved in the courtroom or through legal argument. No spoilers here, but some lawyers might consider learning ballroom dancing instead of golf.

² See THE CRAVATH SYSTEM, <https://www.cravath.com/cravathsystem/> (last visited Mar. 31, 2017).

³ See Sara Randazzo, *A Closer Look at Cravath's New Salary Scale*, WALL ST. J.: L. BLOG (Jun. 6, 2016, 3:24 PM), <http://blogs.wsj.com/law/2016/06/06/cravath-raising-starting-salaries-to-180000/>; *Cravath and Salaries: Is It Déjà vu All Over Again?*, 13 (No. 9) OF COUNSEL 8 (May 2-16, 1994).

⁴ E.A. Hanks, *How "The Imitation Game" Screenwriter Graham Moore Made It In Hollywood*, BUZZFEED ENT. (Sept. 27, 2013, 9:03 AM), https://www.buzzfeed.com/eahanks/benedict-cumberbatch-alan-turing-graham-moore?utm_term=.yxx24eMYK#.qqa7OQLP8.

⁵ Moore graphically depicts the effects electricity can have on living beings, which makes for a few downright gory scenes. If you are a dog lover, you'll want to shift to skimming mode when you reach the series of vignettes that appear around page 200 of the text. You've been warned. You're welcome.

Moore even enlivens some of the more mundane aspects of law practice in a way that warms this Biglaw alumna's heart. Like any patent dispute—or, indeed, any complex litigation—the battle between Edison and Westinghouse involves an avalanche of documents. Daunted, Cravath hits on an idea inspired by Edison's factory of junior inventors: He hires a handful of Columbia Law 3Ls and sets them up in a windowless office to uncover the smoking gun.

Along the way, young Cravath errs in ways that illustrate the reasons behind some of the profession's ethical rules. In one example, his inexperience allows Edison's counsel to bamboozle him, nearly devastating Westinghouse's business (and setting the stage for some of the plot's more bizarre twists). He realizes that he should have involved more-experienced partners from his firm to compensate for his lack of competence, and he does so belatedly.

But Moore's page-turner is no dry dissertation on the minutiae of law practice. History gifts Moore with an array of vivid characters whose names we may know but whose personalities and actions may surprise those of us (myself included) whose knowledge of Thomas Edison dates to elementary school. Fragile genius Nikola Tesla makes a series of memorable appearances. Alexander Graham Bell plays a brief but pivotal role, as does J.P. Morgan. Westinghouse is not Cravath's only client; he also represents the brilliant, beautiful Agnes Huntington, an enigmatic opera star and socialite who becomes a confidante, love interest, and unlikely co-conspirator in the battle against Edison.

But how, you ask, is Thomas Edison to blame for the ills of Biglaw? In one of the metaphorical light-bulb moments in the novel, Cravath observes Edison's business model—that of a charismatic rainmaker and visionary who delegates the nuts-and-bolts of invention to a workshop of talented technicians—and ultimately co-opts it for his own profession. And thus the Cravath System is born.