Chapter 1

Professionalism versus Commercialism

Hyatt Legal Services and Jacoby and Meyers, the early leaders in for-profit legal clinics, began with a remarkably similar vision. Len Jacoby and Steve Meyers were classmates at UCLA Law School in the early 1970s. Inspired by the political values of the movement to provide legal servies to the poor, in 1972 they opened three offices in easily accessible, lower-middle-class communities in the greater Los Angeles area. The California bar brought charges against them, claiming that they were violating the professional code by using a fictitious name, Jacoby and Meyers Legal Clinic, and that they had transgressed the lines of permissible solicitation by holding a press conference to talk about their law business. When they were temporarily suspended from practice, the incident had the ironic effect of propelling the firm into the national limelight. The California Supreme Court eventually ruled in its favor, holding that even though their practice might "create an atmosphere of commercialism rather than professionalism," the partners had the right to use these tactics.[1]

In 1977 the question of advertising reached the U.S. Supreme Court. The Court held in *Bates* that lawyers may "advertise prices at which services are performed" and that the use of the terms "legal clinic" and "very reasonable" prices are not misleading.[2] Thereafter, Jacoby and Meyers were among the first to advertise widely on television. At Hyatt Legal Services the story is told that on the day the Supreme Court handed down the *Bates* decision in 1977, Joel Hyatt, a graduate of Yale Law School, packed his bags at the prestigious Wall Street law firm of Paul Weiss, Rifkind, Wharton, and Garrison and returned to his hometown of Cleve-

land to open a storefront law office and plan an expansion of his services to other cities.

A commercialized approach to doing business and getting clients requires risk-taking and innovation to stay ahead of the competition. "Jacoby and Meyers and Joel Hyatt taught very important lessons . . . [and] today more lawyers see the legal field as just another business," according to the *Wall Street Journal* (September 6, 1994). Indeed, new, even more innovative law firms forced Jacoby and Meyers and Joel Hyatt to close many storefront offices around the country because they could not match the "small, local firms [that] . . . started competing at Jacoby and Meyers' prices" (*Wall Street Journal*, September 6, 1994; see also *National Law Journal*, September 5, 1994). In this increasingly competitive market, it is reported that Jacoby is now suing Meyers, claiming that Meyers " 'undertook a deliberate course of action to isolate' " Jacoby from the remains of their business (*New York Times*, October 20, 1995).[3]

Creators of for-profit prepaid plans (a form of quasi-insurance) drew upon advances in the direct mail industry, as well as a relaxation of professional rules following a number of Supreme Court decisions.[4] Like medical insurance, these plans claim to protect consumers should they require extensive legal representation. Firms such as Hyatt Legal Services, Signature Group, and Nationwide, the major players in the business, market prepaid legal services to working and middle-class consumers. While there are variations across the plans, each one retains a network of participating attorneys and sells plans to consumers who gain access to an attorney's services at a "reduced" fee (see Seron 1992). With some flamboyance, one Long Island attorney explained to me that he got involved with prepaid legal plans because he saw them as part of a "socialist-activist" strategy. Combining the social movements to provide legal services to the poor with the consumer movement and with advertising and telemarketing captured the "fresh creative infusion from the counterculture [when] hip young people . . . began to invade" advertising, beginning in the 1970s (Ehrenreich 1989:175–76).

More recent conflicts over appropriate advertising and solicitation involve the Internet. When two attorneys from Arizona, Laurence A. Canter and his wife, Marsha S. Siegel, advertised their services over the global computer network, the initial challenge to their solicitation came, interestingly, from other Internet users because it "violated the unwritten rules of the electronic global community by sending unsolicited commercial messages" (*New York Times*, April 19, 1994; p. D1). Despite the threat of disconnection from Internet, the legal team tried to advertise again. In an in-

teresting twist, Siegel reported receiving "obscene phone calls and 'carloads' of magazines to which she never subscribed" after their second Internet advertising campaign. However this controversy is resolved, it underscores the broader development: "Entrepreneurial" professionals continue to find new and creative tools to expand their service businesses.[5]

Other attorneys are extensively advertising "free" 800 telephone numbers to expand their services. In a highly controversial step, Robert L. Shapiro, attorney for O. J. Simpson, installed a toll-free line (incorporating the numbers on Simpson's football jerseys) to take information on the case and, of course, to solicit other business. Thus, even if one does not have a tip for Shapiro about the case, it is possible to get additional information about legal representation (*New York Times,* July 23, 1994).

Each of these strategies reflects innovative marketing ideas of the moment and pushes the boundaries of state bar regulations.[6] As a former Jacoby and Meyers attorney suggested, "in its day" the idea that "law is a business," that it is "possible to market to middle-class consumers," that "offices can be opened in malls," or that "paralegals could be used for a host of straightforward legal matters" were "novel." Similarly, ads on the Internet or getting your name in the paper through a clever marketing scheme are "novel." As the inevitable demise of Jacoby and Meyers suggests, that is the key: to solicit legal business through clever, provocative, catchy, and ever-changing concepts.

Although the profession's authority (through bar associations) to control client-getting has slipped in the last few decades, it continues to regulate formal admission into the profession. Almost all lawyers share the experience of law school, where they continue to learn through a case method and are imbued with the values of a shared professional community. Beginning in the 1870s there were moves to restructure access to the profession through education, including a requirement that one must have an undergraduate degree before commencing professional education and then complete a law school degree. Today, aspirants may follow various routes into the profession, from Harvard or Yale to proprietary and night school programs, but virtually all must acquire that law degree in order to sit for the bar and represent a client in a court of law.[7] Lamenting a decline in the ideals of lawyers, Anthony Kronman writes about the importance of legal education as the initial and most important building block of a shared professionalism:

> A lawyer's professional life begins the day that he or she starts law school. . . . However diverse their professional experiences may be in other re-

> spects, therefore, lawyers still share at least one thing in common: they have all been law students at one time or another, and it is as students that their professional habits take shape.
>
> The single most prominent feature of twentieth-century American legal education is its heavy reliance on the so-called case method of instruction. (1993:109–10)

A legal education and the bar examination are the formal hurdles that define the profession's rite of passage. Despite a more open embrace of commercial strategies to get business, all lawyers are stamped by the rigors of professional legal education, Kronman reminds us. The question arises, in what way do the decision to be a lawyer and the rite of passage into the profession leave their mark? Do these attorneys expect to be men and women of commerce or of law?

The Decision to Become a Lawyer

For most practitioners, the call of the mobility escalator emerges as the defining ingredient in the decision to go to law school. Both older and younger attorneys might explain that they commuted to college and worked their way through school.[8] When it came to finding a career, many reported, they selected law because it would be "lucrative" or "respected." Seymour Kaplowitz, a solo lawyer in Manhattan, told the story that his father, who owned a small business in Brooklyn, came home from seeing his lawyer in about 1947 and reported that he was charged $250. He turned to his son and said "That's it. . . . I think it would be a good idea if you became a lawyer."[9]

A group of attorneys from a range of social backgrounds spoke of having been on their way to get another degree: They were "definitely going to continue [their] education"; they were very "career motivated"; or they were going to enter a profession—it was just a matter of which one. As David Friedman, an entrepreneur in Queens, put it, echoing others, Jewish boys become either doctors or lawyers, "unless they are really retarded—then they become accountants." Vincent Federici explained, "I was the oldest of a very large Italian family without tremendous education, and the oldest of a large number of grandchildren. I was sort of the star. Ergo, education. Ergo, law school." They made it clear that they had had aspirations to be a professional—a doctor, lawyer, or accountant—and several joked about having chosen law because they could not stand the sight of blood or the boredom of numbers. All those whose fathers were lawyers reported that this too was a positive influence.

An equally common refrain revolved around a process of "backing into" the specific decision. It was, for example, a "natural progression" from their undergraduate studies in sociology, political science, English, history, journalism, or psychology. In a slightly more cynical vein some said that they "crossed out" other options, that it was the "line of least resistance," or that it was "getting to the crunch" of graduation and law school was still available. Here too, however, the underlying theme was gearing one's career toward a profession. Many attorneys, then, men and women alike, decided to become lawyers because the law was, as Ann Stein summed it up, a "safe career."

Careerism was only a part of the picture. Another theme to emerge from these work histories was a concern to "be of service" and to "help" other individuals by working with them at moments of legal difficulty. Celebrating this point, Amy Moskowitz, an associate in a small firm in suburban Queens, said: "Just from the little bit you've seen here, I'm a very . . . hands-on, person-to-person kind of person. And I felt that I either wanted an area like law, where I could make a difference, or I wanted to pursue psychology."

In addition to those with career and service orientations, there were others who claimed that they selected law because they had just *always* wanted to be a lawyer, from the time they were little, even though many could not really explain it and had had "no idea what lawyers actually did." Some elaborated by noting that they had read a biography of Louis Nizer, Melvin Belli, or Clarence Darrow, that they had gone to watch trials, that they remembered Perry Mason. Two attorneys—Bruce Ross, a criminal lawyer at Jacoby and Meyers, and Denise Dewey—said they loved acting and this was the next best thing. A shared, almost romantic sentiment emerged from one group; as Robert Cohen, in a two-person Long Island partnership, put it with much pride, "Like a lot of people I always wanted to be a lawyer; what separated me from a lot of other people I've spoken to is that I did it! And, I went [to school] at night."

This diffuse sense of passion about the law was somewhat more commonly expressed by women. For example, Reva Ackerman, in a three-person Manhattan partnership, graduated from college in the 1950s and went to law school when her children were young. She noted that she had "always" wanted to be a lawyer but that "girls" could not pursue such a career in her day if they wanted to get married. Other women explained that they wanted the "intellectual challenge" and the opportunity for a career that offered "diversity" or "independence" (see Harrington 1994:42–43). A concern for autonomy was shared by some men but was slightly more typical of the women. Lest the wrong impression

be left, I should note that many women also acknowledged a much more down-to-earth reason for deciding to pursue the law—a practicality rooted in women's experience. Three who began their careers as legal secretaries had looked around and decided that they could be lawyers. Two reported knowing that they had to figure out a way to support themselves, and they did not want to be teachers. Mary Anne Gallister wanted to be a "cop," but her dad, who *was* a police officer, put roadblocks in her way. A number of younger women had felt that a law career was flexible enough to be combined with child rearing.

Men were more likely to claim that they selected law "because they liked to argue," or because of the influence of a "special" person. Art Strauss, an opinionated entrepreneur from outer Long Island, took the advice of his fourth-grade teacher, who said that "I talked too much and that I should be a lawyer . . . [and] the idea stuck in my head."

In sum, a concern to go down a careerist path defined by "real" professional work dominated the reasons why these solo and small-firm practitioners selected law, but this careerist bent was often seasoned by a concern to select a field where they could help people. Most of these men and women also sought careers in which they could enjoy two essential benefits of the professions: the respect of the community and independence from others. But at a more subtle level there were different tendencies between men and women. When a lawyer talked about being drawn to the law for reasons difficult to put into words, it was more likely to be a woman's voice. When a lawyer claimed to have gone into law because of liking to argue, it was more likely to be a man's voice.

The Paradox of Legal Education

Even though many of these attorneys reported that they worked in law offices during their law school days, they recall feeling ill prepared when they set out on their own. They were particularly sharp when the conversation turned to the substance and process of their legal education, which—the vast majority agreed—did not prepare them for work in the "real" world. There was overwhelming agreement that their law schools did not take the time to teach them how to deal with clients, handle a case in local court, or work with other lawyers. They did not learn, they agree, anything of a "practical" bent. Maisie Streep, a solo practitioner, explained that there was too much emphasis on appellate case law and not enough attention to trial preparation. After all, she said,

> you are probably not going to see any appellate work for years after you're out there. It's not what your average solo practitioner will be doing the first few weeks out in the field. . . . It's not a matter of knowing how to appeal cases; it's a matter of knowing how to try them in the first place. . . . They teach you how to [do] what you probably will be doing in five, ten years into practice, but they don't teach you how to actually do what you're going to do in your first couple of years.

Despite this very strongly held view about the inadequacies of their formal training, they were ambivalent about educational reform. There was an underlying sentiment that if they had to go through it and they made it, then others who want to be lawyers should have to go through it too. Law school may be like "boot camp," but it just seems to be necessary in order to learn to "think like a lawyer," they tended to agree. For example, Vincent Federici said, "I have no memories of law school [it was so miserable]. *Absolutely* none! If you told me *you* sat in the chair next to me in law school, I wouldn't deny it." Yet when asked later if law school was necessary for his current job he said, "Oh yeah. I think so. I think law school is a good experience with the practice of law. And, I'd recommend law school."

Most of these attorneys found law school irrelevant because most of it, they claimed, was too "theoretical."[10] "They teach you that whole stupid Socratic method." Law school would be better, Donald Irons claimed, if they did "less of that theoretical left-field thing." There were many variations on this theme. Law school is "training for torture," said Robert Rothman. "I don't know how [else] to describe it."

Nonetheless, they were not quite ready to advocate an alternative. Anthony Altieri captured this vacillation when he said that "as horrible as it is, I think you have to go through" it because, most agreed, the "basics" are necessary. The "basics" are "learning how to think like a lawyer," "knowing where to look things up," knowing the language, learning how "to use the books" (see Garth and Martin n.d.:39).

These views about legal education create a social foundation for sharing "war stories" about survival, much like the experiences described by medical residents (Becker 1961; also see Harrington 1994:41–69) or military officers (Williams 1989). Legal education continues to imbue its graduates with the values of professionalism, especially the claim that law training is essential and special.[11] Formal training leaves a deep mark on professionals, who come away with a shared sense of their special status in the hierarchy of occupations. The profession's control over legal training acts as a strong social hedge against innovative alternatives in le-

gal practice. Attorneys, even those who take the most commercialized approach, do not escape the social effects of their legal education.

Getting Started

The question arises, if law school is necessary but did not fully prepare these attorneys for the practice of law, how *did* they learn to do their jobs? There were two fairly typical career trajectories. One group began by working for the government.[12] An equally notable group began as associates or employees of solo or small-firm practitioners; they often switched jobs any number of times and then moved on to set up their own practices, either alone or in partnership.[13] Less typical was the small group of those who began their careers in major Wall Street law firms before moving to smaller firms or, in some instances, solo practice. Finally, a few began in a variety of other positions: in the legal department of an insurance company, a general counsel's office of a corporation, a publishing company, or a nonlegal job.

A first job is the point where one learns the nitty-gritty practice of law, such as the difference between a "motion and the notice of a motion," "where the courthouses were," "what to say in the courtroom" and where to stand, and how to deal with "simple things [like] . . . haggling with a clerk at Supreme Court." Attorneys described three fairly distinct though not mutually exclusive strategies of coping with the initiation rites of professionalization.

First, some reported that they cultivated an informal network of attorneys and court officials on whom they could call to ask questions, copy legal forms, or clarify court procedures. Nora Charles-Cox explained with a laugh, "I made a lot of phone calls [and was] vaguely sensible enough to know to contact certain people" when questions arose. Reva Ackerman combined watching with asking questions and learned "from practice, . . . getting out there and doing it, and picking the brains of other people."

Second, others described a process of learning by watching other lawyers and then trying out what they saw, feeling their way as they went along. Ever clever, Maisie Streep "made the point of casually running into [attorneys] before [trial] and just sat down for an hour, talking about their cases. I found out a lot just by hanging out and schmoozing in the hallways." Some recall their early days as "trial by fire," being "thrown to the wolves," but most reported learning by trial and error—including making "mistakes." Donald Irons summed it up: "I'm fast on my feet, quick with the lip, and [I] watched and observed."

Third, a minority of attorneys learned through mentors. A popular image of solo and small-firm practice is that it is embedded in old neighborhoods where attorneys may trade on ethnic ties and a few lucky ones cultivated connections with local political machines to build a successful practice. Mark Valesquez of the Bronx and Daniel Friedman of Queens are the protégés of powerful, local political bosses who served them as mentors. Indeed, both Valesquez and Friedman have used these connections to build innovative, entrepreneurial storefront (Valesquez) and personal injury (Friedman) firms.

Others, including many women, reported that their "first boss" was a mentor, but the feelings attached to this experience vary widely. One group, men and women alike, described the relationship in positive terms; for example, perhaps "something clicks and . . . I seem to know what he wanted me to do. . . . So, we were on the same wave length that way . . . and he shared the benefit of his knowledge and experience with me." Catherine Bonner elaborated that the attorney she worked for, "my partner," would accompany her to meetings and then have a debriefing session afterward, asking her what she thought was going on; gradually, she noted, she began to speak at meetings and then go to them on her own.

Attorneys who began in government jobs often found mentors. For example, those who worked in district attorneys' offices described the entire job as one of learning practicalities, because the people there talked law all day long. Indeed, Denise Dewey had the good fortune to work with "an older woman, who was . . . one of the first women DAs appointed; she wasn't the head of the office, but she was one of the first women in the . . . office." Ann Rogers described clerking for a federal judge as a mentoring process both because of the way he handled his job and because of her opportunity to observe the work of so many lawyers. Others elaborated on the way mentoring may blend into role modeling if the mentoring attorney is "well respected" in the community, does first-rate work, or is a "perfectionist." Many pointed out that they have continuing relations with the first persons they worked for and that these individuals remain people they turn to for advice.

Other attorneys, however, reported negative experiences which, in some instances, forced them to change jobs several times in search of a more supportive environment for getting started. Renaud White acknowledged that he learned a lot in his first post but was treated like a "slave." And five women took the occasion to point out that older women were not helpful and, indeed, for various reasons served as negative role models.[14]

Overall, the experiences of these attorneys suggest that the transition from law school to first job is, as one might expect, eased for those men and women who have a mentor. Most of the men who did not have an individual to turn to for guidance, however, pointed out that they were able to fall back on a wider community of attorneys whose techniques they could watch, copy, and "clone." But for the women, a transition without a mentor or an initial negative experience often left little to fall back on. The absence of a mentor seems to carry greater significance for a women in getting started on her career—which, as we shall see, has later repercussions.

These attorneys reported that "getting started" took five years of either watching and doing, calling and asking questions, or mentoring and guidance. At the end of this process, said Reva Ackerman, the goal was "to have a business rather than merely be a lawyer." Alan Fine, a very perceptive trend-setter, dissected the elements of this "business" by describing the need to "learn" three things. First, he said, you need to know the law; second, you need to be a "good communicator," "be warm to people," so that you can "market" the practice; and third, you need to know "how to run an office effectively, and that's the whole idea of law practice management." Indeed, for a number of these attorneys the initiation rite led to their becoming lawyer-businesspersons.

In general, then, the attorneys interviewed agreed on the advantages of law as a career and on the necessary rites of passage: Law makes it possible to be your own boss, once you have completed the hurdles of law school and bar exam and have received some practical experience. But, as subsequent chapters will show in vivid detail, it is at the juncture of training and expectations that the pathways to practice begin to diverge.

Expectations

In discussing what they expected of legal practice and whether or to what extent the profession has met those expectations, most respondents shared the view that they began with unrealistic expectations tempered by a strong concern to run their own shops. They tended to weave a theme involving autonomy and control over their own offices, coupled with a desire for a legal practice with an "emotional component." The entrepreneurs were, different, however; their expectations revolved around a concern to use their training to develop a *business* in legal services.

Workplace Expectations: The entrepreneurial lawyers began their ca-

reers with a crystal-clear sense of what they wanted—and eventually got. Their expectations were grounded in jobs before or during law school, jobs that helped them sort out the commercial possibilities of legal practice. Many reported having worked as investigators for insurance companies, where they realized, as one put it, that this was one area where a "poor boy" could make a living because of the "contingency" structure, which permits attorneys to work without a retainer.[15] A number of others pointed out that they are doing what they expected—in general, "storefront" or solo practice.

With uncanny precision, Art Strauss and Sam Roth made it abundantly clear that they knew they would be successful because they are excellent salespeople: Strauss said to me that he could have been a hit selling hamburgers; Roth said it could have been pizzas. They were destined, the point is, to be successful, and law was the means to that end. In discussing expectations, then, the entrepreneurs differentiate themselves from their colleagues and express that difference in language that emphasizes the call of commercialism.

More typically, however, and echoing a view that they were unprepared for what law practice is all about, many said that they had expected to do "trial advocacy," practice "constitutional law," or do criminal work. Joseph Caputo, a partner in a three-person Manhattan firm, described the pull of criminal law this way: "When you're in high school, or college . . . you think it is more like a Perry Mason type of thing. And everyone, I'd say everyone in law school, . . . wants to be criminal lawyers and what have you, but by the time you finish with school you realize it's not [a] realistic possibility." Brian Dolan said that he "certainly disregarded any kind of Perry Mason thing" but agreed that there was a chasm between school and "real" work: "When I was in law school, we learned a lot of theoretical stuff, most of which is of no use to me in my practice anyway. And, most of what I know about law per se, in the fields that I practice in, I have learned since law school." Others reported that their expectations were just generally confused and often grandiose. With some laughter, and returning to the romantic pull of the law, Doretta Steinberg of Long Island added, again with humor, "You think, wow, I'm going to go to court! . . . Or, I'm going to help people, because I'm going to go to court. I'm going to be their champion." Seymour Kaplowitz hoped to be a "constitutional lawyer," but candidly admitted how "naive [that hope] was!"

But some did emphasize the practical: They had no idea what the practice of law was all about; they just wanted a job. That theme was also

an occasion to speak of family background. For many, being asked about their expectations for legal practice elicited comments about social class or community. They heard the question as an occasion to point out that because there were no lawyers in their family or in their social network, they had no concrete basis for an understanding of what it is that lawyers do on a day-to-day basis. Mark Valesquez, a Bronx entrepreneur, said that he expected "all lawyers [to be] well-to-do," because he had never known any personally.

The desire for autonomy that runs throughout the work lives of these attorneys began, for many, with their initial expectations. Martin Minkowicz, who shares space and a secretary with his father in a preponderantly working-class Long Island community, said, "I wanted my *own* practice. And working for someone else, no matter how well you get along with them, if you're the type of person who wants to work for yourself, it's a very hard thing to do." Others expressed the desire to be autonomous in the negative alternative: They knew that they did *not* want to work in a large firm. Daniel Levine "didn't want to be a cog in a wheel," and Renaud White knew "what [he] didn't like. . . . Corporate law seemed awfully dull!"[16] Solo practice, Deborah Vogel of Manhattan explained,

> gives me the opportunity to work for myself; I don't have a boss behind me and that's very nice. . . . I'm not a very corporate person; I'm work oriented, but I'm not political. I get mad, impatient, and bitchy when I work in a company where there are politics getting in the way of doing my work. That's very often not a good skill in a corporation.

These attorneys are *not* organizational men and women: Their professional quest emphasizes a search for independence, and they place an unusually high premium on feeling that they are in control of their workplace. Professional autonomy translates into controlling their place of work and helping people with "real" troubles. In discussing their expectations, they rarely mentioned a desire to be viewed as experts, as professionals respected for their broad or esoteric knowledge of the field.[17]

A small group of women reported that they modified their expectations about work because of children or other family obligations. Mary Anne Gallister, with solid legal credentials, acknowledged that "a lot of things changed . . . when I got pregnant. Once I knew that I was going to have a child . . . a big firm practice went out the window. I had no desire at that point to even look at the big firms." These women tended to

express this shift in expectations with practicality and straightforwardness.

Financial Expectations: Though there are variations, all these professionals play by the rules of American individualism. They are men and women who went to college and law school, learned the ropes, and set out on their own. They represent a characteristically American dream of hard work and upward mobility. For most, law has met their professional expectations, but what about their financial expectations?

Many claimed that they felt financially secure, but a closer examination of their explanations shows a more nuanced picture beneath the surface.[18] Three dynamics are at play: the realities of depending on clients with small cases, the vagaries of the economy, and the generation to which they belong.

First, the structure of this tier of legal practice is dependent on a client base of "one-shot" players. Vincent Federici, in his early fifties and among the most successful attorneys interviewed for this study, was deeply aware of this core dynamic: "The practice of law is worth nothing more than the sum client lists of the individual participants in the firm, at least in a small firm. And there's no guarantee that any of those clients will be with you tomorrow." These attorneys recognize that this structural factor within the organization of their work makes for insecurity.

Second, a downturn in a service economy may exacerbate the tensions of a one-shot client base. "Do I feel financially secure?" Victor Cutolo asked himself. "Given the nature of the economy . . . if anybody feels financially secure, they are a fool at this point. I really believe that!" In 1989 and 1990, when these attorneys were interviewed, the long-term realities of an economic downturn in the economy of the Northeast were very much on their minds. Cutolo and others enjoyed a vibrant suburban practice, they acknowledged, but also suggested that the heady days of growth were winding down. Further, like many of their colleagues, they never took the upturn for granted: "The cash flow problems are tremendous. . . . If my client on a case doesn't pay off her disbursements as they arise, I find myself carrying [her] to the tune of $5,000, $7,000. I don't have that kind of money to go without interest." It is like a "revolving door syndrome—that money will come in, but it's already going back out." In sum, Clifford Becker concluded, "No lawyer feels financially secure. . . . I think that's one of the rules of law. That's why lawyers are the way they are; I think they are very insecure. And I think they're insecure because their client base is not secure. There's no guarantees."

Even the upswing of the 1980s and the expansion of a suburban ser-

vice economy did not, in the final analysis, transform the core insecurity of this type of professional work. Cash flow, an uncertain client base, a vulnerability to the ups and downs of the market, and the very nature of legal work explain why most of these attorneys do not feel financially secure.

The third factor at work, the generation to which they belong, also conditions whether they feel secure and the degree to which law has met their expectations financially. For a cohort of older male attorneys, the structural dilemma that makes for insecurity is tempered by a sense that just as times may get hard, so they will improve. Capturing this sentiment, Seymour Kaplowitz, an age peer of Vincent Federici, reflected:

> There are bills that have to be paid every day; I don't know what financial security really means. Somebody once told me that if you have a dollar more than you need, you're financially secure. Maybe that's about it. I don't live in this world to pile it up and stack it up and read my bank books. I'm not interested in that. I'm interested in living my life as well as I can.

Attorneys like Federici and Kaplowitz form a small group who came of professional age in the late 1950s and early 1960s; they recognize the structural insecurity of their practice but accept it as a fact of professional life. Not surprisingly, then, this third dynamic is closely tied to an attorney's age and life circumstances: A small group of older attorneys who have been successful were more likely to report feeling secure, because they have been around the block a few times.

For most of these men and women, however, the threat of insecurity permeates their professional careers and goes beyond the straightforward dynamics of age and generation. For those born during the baby boom, professional security is intertwined with marital and family status. Married baby boomer attorneys, especially the men, have taken steps to play by all the rules but feel close to the financial edge. For them, unlike their older male counterparts, establishing an independent professional niche is not adequate. Their female counterparts often report that their security depends on their spouse's earnings. Baby boomer singles, by contrast, are keenly aware that their security is tied to their limited obligations.

Some baby boomers, both men and women, claimed that they are secure because they are married and do not carry the full burden of earning a living: Leslie O'Donnell and Alan Gentile reported that they are secure because they enjoy a "joint income." Most married baby boomer

women tended to claim, however, that they are secure "because of my husband"—at least for right now. With a laugh, Carol Kronowitz explained, "I got a husband who is making several hundred thousand a year and, you know, it lets me do whatever I want. That's what makes me secure!" In a closely related line of argument, some women emphasized the life-style options that their professional work permits, making it possible to avoid "a longer commute" while also working with people who are enjoyable. Mary Anne Gallister did agree that she would like to earn more, but she also explained that she has "something at this firm that I don't think 99 percent of the other attorneys in New York have, and that is that at 5:00 I go home!"

Single baby boomer attorneys, both men and women, also link their security to their marital status, but with a different rationale. Comparing her sense of security after about ten years of practice with her prior expectations, Ruth Grusky said that when she was in law school she thought "lawyers are rich—lawyers and doctors are rich." But now she knows that "doctors are rich; not all lawyers are rich! At least not this one. But I'm satisfied. I have everything I can want, you know; I'm not that much of a materialistic person, but I'm not really wanting. I have a nice little apartment, rental. . . . It's not the lap of luxury, but it's okay." Asked if she could support a family, she laughed and added, "I could keep my expenses down, if I don't eat, if I don't have money for dinner [at a restaurant]. It's just me; it is not a little one that is going to starve." Similarly, Raymond Kennedy said, "Yes, [I am secure], but I'm single. If I was married and I had children, I think I'd have to make more money."

For many women married to successful baby boomer men, much of their sense of financial security actually comes from a spouse's handsome earnings or from a sense that they can control the scope of their work because they have support. For single attorneys whose earnings may be neither very predictable nor grand, security comes from knowing that they do not have to support anyone else. The married baby boomer men are the most tentative on the subject of security. Those few who do express a sense of financial well-being are likely to couch it in a discussion of their long-term professional agenda. Warren Seidman, one of the entrepreneurs, explained that he always follows the advice of his first boss: "'Don't put all your eggs in one basket.' So part of the reason that I feel good about the practice is that there's no account that if we lost it, we would be dead. . . . The concept of diversification is something that I've always been very careful to get in line." He is secure, he claims, because his practice is growing at a reasonable rate.

Much more typically, however, the married men do not share a sense of ease. Daniel Levine, another entrepreneur, explained:

> I'm working on a really narrow profit margin; I guess a lot of businesses are that way. I find that I often have to finance the practice through my own personal assets; because of that, it's very difficult to ever feel financially secure. At any one time, I can go from having a nice bank balance to having some significant debt—very, very quickly! . . . I would have to say that I probably will never feel secure while I still have young children—because of the nature of the practice.

Specifically, men who are dependent on one income reported a sense of financial insecurity. With some embarrassment, Charles Schultz said, "I have a two-year-old daughter and that transition is what makes me feel financially insecure. My wife is not working. We have all the expenses of a child."[19] Charles Hertz echoes these sentiments. Asked if he feels financially secure and earns enough he says, "Oh, absolutely not! . . . That's easy, no." Then he goes on to explain:

> But then I'm unusual. I don't think I'm typical. Well, I have a wife who doesn't work and I have two children. I have a house which . . . needs a lot of, you know, takes a lot of direct infusions of cash . . .
>
> I recently heard a good acronym for what I am: It's a sit-com. Have you heard this? Single-Income-Two-Children-One-Mortgage! . . . I *never* have enough money. I live in the hole at all times.[20]

Most younger practitioners, men and women alike, shared the views and experiences of their older counterparts: They tended to have been concerned to find a career that enjoys the respect of an esteemed profession and in which they could be of service to individuals with problems; and they tended to agree that law school and all that goes with it are a necessary obstacle course. But one very important marker distinguished the experience of older and younger attorneys. Most of these younger attorneys reported that they lack the fundamental security and sense of well-being that is supposed to come with playing by the rules for successful upward mobility (see, e.g., Newman 1993).

* * *

Whether one views the practice of law as a commercial enterprise or a professional service depends on a number of factors. After all, powerful social forces militate against the view that law is a business. First, the de-

cision to become a lawyer is a decision to distinguish oneself from commerce. Second, the rites of passage—law school and first jobs—are powerful, if unpleasant, imprints that push lawyers to set themselves apart from others; these rites also stamp practitioners with a belief system that seeks to ensure conformity (see Smigel 1963). But gender, generation, and choice complicate a smooth socialization.

The dynamics of gender begin to splinter the rites of passage along at least two dimensions. The discussion of mentors and role models revealed some differences in early experiences: Women, new arrivals to the professional workplace, seemed to be more comfortable acknowledging that they had found mentors who often served as role models; and they are, perhaps, slightly less invested than their male peers in all the trappings of individual success. Women did, however, make a claim on a very important foundation of traditional professional practice. Many said that they selected law because its autonomy and flexibility make possible the combination of family and child-rearing demands, a rationale that is *never* raised by any of their male counterparts. Notably, conversations with most of these women, including the younger cohort, suggested that the decision to enter a traditionally male profession did not in any way assume that they thought about renegotiating work at home with their husbands or partners. The irony in this should not be overlooked: At bottom, most of these women actually share with their male counterparts a deeply traditional and conservative value orientation about "proper" if gendered roles.

The dynamics of generation have also left their mark. Younger cohorts believe that they cannot expect the same degree of financial security as their older counterparts. There is more competition among lawyers, and their earnings generate a less comfortable, less secure lifestyle. Evidence suggests that this may be the first generation whose members cannot improve on their parents' life style (Newman 1993). In a world that appears to be less financially rewarding, questions arise about the routes to professional success which have worked in the past.

Finally, choice intervenes. Despite all the strong messages to the contrary, attorneys may bring to their practice the expectation that law is a business. In addition to Steve Jacoby, Len Meyers, and Joel Hyatt, Daniel Friedman of Queens has capitalized on his political connections to build a network of "shops," augmented by systematic and regional advertising, to handle a personal injury practice. Similarly, Mark Valesquez of the Bronx began with local political connections and developed a storefront firm that is similar in many respects to Jacoby and Meyers. Warren Seid-

man, reflecting another facet of the Jacoby and Meyers legacy, claimed that he too brings good business sense to a political ideal that took hold in his student activist days of the late 1960s. And Sam Roth and Art Strauss are, they explain, salespeople first, lawyers second.

In various ways, attorneys in this group expect to challenge the traditional norms, values, and practices of the legal profession. Foremost, they tend to view law as an instrumental means to a very successful financial end. Underscoring a belief in their successful destiny, they tend to be opinionated, to give advice freely, to have flamboyant, gregarious personalities, and to use language with a punch. They also laid a foundation for their organizational designs at a very early stage in their careers and have taken careful and calculated steps toward their goals. Along various dimensions, their pathways to practice emphasize an increasingly accommodating boundary between commercialism and professionalism.

Much more typical among the attorneys interviewed, however, are those expecting to follow a tried-and-true professional trajectory. Repeatedly, these men and women told the familiar story of wanting to be independent, to work directly with people in solving their personal troubles, and to be respected pillars of their communities. After thirty years of private practice, Gerald Newhouse was still "enthusiastic" about his work, "loving it like a kid." Sheila Vittorelli said that a solo practice makes it possible to "support yourself in a practical way," to be "independent," and "to be of service to the community, both to the moral community and to your civic community."

Although there are differences between the entrepreneurs and their colleagues, and some differences between men and women, all the attorneys interviewed have experienced the problem of deciding whether to open an office of their own or join an existing practice. The entrepreneurs, building on their commercial orientation, set out to organize firms in the media market of New York. Most of their counterparts thought in terms of very small turf, such as the older neighborhoods in the boroughs of New York City or the suburban communities of the region; even in this cosmopolitan area, for the most part these are essentially local practitioners (Merton 1968). In an era of postindustrial growth, what are the opportunities for lawyers to fashion new kinds of work sites in emerging locales? Can the region accommodate all the new and old players?