The Practice of a 21st Century Lawyer

William Shakespeare once wrote, “the first thing we do, let's kill all the lawyers”. However, though William Shakespeare’s time as a scholar has long since passed, this fierce hostility towards lawyers still exists today. Because of this, it is imperative that one who is considering the profession of a lawyer to understand the true stressors that the job entails when deciding whether or not the career is workable or unworkable.

Before the latter can be considered it is necessary to divulge the history of this career to understand why the job entails what it does in the 21st century workplace. The profession of a lawyer has evolved greatly since it was originally practiced. The first lawyers date back to the 4th century in Athens; though they were not officially considered lawyers, people who were convicted of a crime chose a friend to plead their cause and those friends would act as the lawyers. A main difference between those lawyers and the ones who practice today is that in 4th century Athens people who represented their friends were not allowed to receive payment. However, by the beginning of the Byzantine Empire the career of a lawyer became a paid one and the profession quickly became a well established profession. (Jones)

Although the profession of a lawyer has always been well known and prestigious it has not always been an acclaimed one. In fact, the criticism surrounding the career as a lawyer began as early as the 1840’s. At that time, the public was concerned that there were too many lawyers and because of this, places like France even abolished the
profession until they realized that their judicial system could not function without people working as lawyers (Gawalt). However, the hostility and skepticism towards lawyers was at a height in the United States after the Watergate scandal. During this time, lawyers were criticized for operating “with essentially no regard for the negative impact of their efforts on the rest of the world,” (Ross). Many lawyers are criticized because situations like Watergate make all lawyers appear untruthful and immoral. Although it is the profession of a lawyer rather than the lawyers themselves that are being criticized; for the profession of a lawyer has an inherent contradiction in its job responsibilities.

The Watergate scandal did provide cause for the vast negative sentiments associated with lawyers, but more importantly it uncovered an important contradiction that lawyers must deal with in their professions. While a lawyer holds his client as a top priority when dealing with a case, according to the nature of the practice, a lawyer must also uphold his or her responsibility to the general public. The latter demonstrates that in situations like Watergate, lawyers must simultaneously be “loyal and fearless champion[s] of [their] clients” (Ross) as well as protectors of the best interests of the public. Moreover, in the Watergate scandal the best interest of the public is not consistent with that of the client; thus the criticism that has risen from scandals such as Watergate was inevitable because of the obligations that a lawyer has to both to the public and his or her client.

The former concept demonstrates that there are complexities that lawyers must manage because of the nature of their careers. Furthermore, the career of a lawyer has many negative as well as positive characteristics. Like the issue of the Watergate scandal presented, public image is a negative characteristic that lawyers must deal with in their
profession. Along with the latter, stressors such as time commitment and the fact that some 21st century lawyers more commonly forgo their morals than in any other time period. However, as a lawyer many good qualities can also be associated with one’s profession; some of these include making a direct impact on a client’s life and thus society as a whole, having the ability to deny cases where one’s morality can be compromised, and the growing opportunities that are available for female lawyers in today’s workplace.

As Richard Delgado states in his book, “the public… has a poor impression of lawyers as greedy, uncaring individuals who love conflict and will do anything to drive up the cost of a transaction,”( 60). There are many factors that contribute to the negative view that much of today’s general public has of a lawyer. For instance, a large number of the cases that some attorneys deal with regard criminal defense. Thus the public will usually be inclined to be hostile towards lawyers because the lawyers are defending criminals and other defendants who the public sees as a threat to their safety. Another factor that contributes to the negative public image of today’s lawyers is that many people go to a lawyer in times of crisis, desperation or depression. For example, a client would need the services of a lawyer is s/he was dealing with bankruptcy, divorce, or if they themselves were involved in a lawsuit. Moreover, when people are dealing with situations like these it is common for them to blame others and use them to take out their aggression; and more often that not the victims of the latter are people’s lawyers. (Mader , 52)

This idea of the negative public image of a lawyer is well demonstrated in today’s popular culture. In the book, Law and Popular Culture, it states that “popular culture in
the narrow sense tends to reflect popular culture in the broad sense,” (Mader, 54). Over the last few decades there has been an increase in the amount of movies that portray lawyers as unpleasant and dishonest; the latter is a direct reflection of how negative public sentiment that has also increased over the past decades. One example of a movie created during the time when the public opinion of a lawyer was very low is the movie “The Verdict”. In this picture the lawyer, Frank Galivin, is portrayed as a greedy alcoholic. It is images such as these that are created because it is how the movie industries believe the public currently views the profession of a lawyer. Furthermore, those images are replayed in the media thus creating an even larger negative opinion of lawyers (Mader). The conclusion can be drawn that because there has been an increase in movies with lawyers portrayed as unpleasant and dishonest over the last 20 to 30 years, so has the negative opinion of the lawyer been heightened.

With such huge responsibilities connected to their jobs, many lawyers struggle with managing the stress of long hours and heavy work loads. It is very common when asked how many hours a week on average a lawyer works that s/he claims to work more than 40 hours a week. Those 40 hours, however, do not include time that attorneys are not allowed to bill for such as eating, going to the restroom, or discussing cases and or personal issues with other colleagues. Furthermore, lawyers also deal with the pressures of balancing home life with time at the office. Also, some lawyers become so involved with their jobs that they see time spent with friends and family as a trade off financially. (Delgado, 55)

However it is misguiding to claim that the reason that lawyers accept big cases with long hours and strenuous tasks is purely financial. This idea particularly pertains to
lawyers that have just graduated from law school. In an effort to jumpstart their own successful career, many novice lawyers accept prestigious cases with long hours because of the notoriety they will receive from being a part of it. The latter also explains why many “young lawyers report of all-nighters and seventy-hour weeks…and half said they worked at least every other weekend,”(Delgado, 53). Both long hours and the concept of a negative public image contribute to the stress that a lawyer endures on the job, but the most pressing issue concerning the profession a lawyer is the negative implications of what it means to be a lawyer in the workplace of the 21st century.

A survey distributed in 1973 showed that only 13% of the public agreed that “most lawyers would engage in unethical or illegal activities to help a client”. However that percentage drastically changed in 1998 when another poll was taken that showed that only 14% of the public gave lawyers high ratings for honesty and ethics (Mader). One main reason for this is due to a contemporary method of representing a client that many modern lawyers use called the “hired gun”.

The idea of the “hired gun” works closely with the concept of “role morality” which states that the lawyer is allowed to do things for his client that he would normally not permit himself to do. The notion of the “hired gun” is such that when a lawyer is hired by a client, that lawyer uses immoral yet successful tactics that are permissible by law, regardless of the consequences that may be endured by others. There are rules that come along with this method of representation; one of those rules is that a lawyer may use his or her own discretion to refuse to represent a client if that client’s objective is “repugnant or imprudent”. (Haskell) The reason that this idea of the “hired gun” is such an important concept is because today “it is generally accepted that in recent decades the
hired gun model has become predominant,” (Haskell, 86). Thus the hired gun is an example of how the tasks, responsibilities, and morals of lawyers in the 21st century are very different than they have been previously. Furthermore, because this contemporary concept of the hired gun is a form of representation that can potentially allow for a lawyer to act immorally and be absolved of the responsibility for it, most 21st century lawyers are more tempted to act immorally than in any other decade before.

Because of all of the negative characteristics that are associated with the career of a lawyer it is easy ignore what great aspects a career as a lawyer has. Thus it is imperative that one do a fair job of evaluating the pros and cons of a lawyer so that they may be inaccurate when deciding if the profession of a lawyer is workable or unworkable. The career of a lawyer is constantly dealing with the issue of one’s morality as well as the issue of the morality of others. This issue can surface when a lawyer is defending a client whom they believe to be guilty. However, even though the latter does become a test of morals for the lawyer in the situation, the outcome is never as black and white as it may seem. When asked to comment on a situation like this attorney Jennifer Kuenster answered:

“Sometimes I defend companies that I know are responsible… for an injury or damages. Oftentimes the plaintiffs are trying to get more money than they deserve, and it is my job to make sure that the result is just and fair. I often settle cases in a way that is fair to both sides.”

Even though having to defend a client that as a regular citizen one might disagree with, as a lawyer there is still a job to get done. While this idea does not mean disregarding one’s morals entirely, but rather using one’s skills as a lawyer to be
creative in finding a successful way to defend the client. It is these types of situations, where a lawyer is required to defend a client that is not ideal, that challenge a lawyer so that s/he may see how good of a lawyer they can really be.

However, in some specific cases lawyers are faced with a situation in which representing a client really would directly contradict one’s morals because there client is lying. In such a situation, “I asked to be removed from the case,” explained Kuenster, “I was an associate and I had the opportunity to tell the partner that I did not feel comfortable working on the case. It wasn't really that my morals were compromised, but I thought that our client was lying”. Thus it is clear that even though being a lawyer may require the representation of a client that is not preferred that is part of the challenge embedded in the nature of the job. Furthermore, if a lawyer finds him or herself in the rare situation where one’s own morals are being compromised most lawyers have the opportunity to remove themselves from the case.

Many people claim that the environment in which lawyers preside in during their time on the job is uninspiring and dull. However the nature of the profession of a lawyer is one that is also exhilarating because of its impact on clients’ lives and therefore the society as a whole.

The exciting parts of being a lawyer are experienced by those who can personally connect with a client. In Arthur L. Liman’s essay, “What's Not to like about Being a Lawyer?” he develops this idea: “It may be a relatively simple act to prepare a health-care power of attorney, but can it not also be satisfying to put a client who is about to undergo risky surgery at ease?” The main point that Liman
is trying to convey is that the tasks of a lawyer can be mundane, but the very act of challenging oneself to connect with the client will allow for that lawyer to feel great achievement. Even for cases such as divorce Liman asks, “How about helping an unhappy couple divide their assets, provide for their children, and separate peaceably? Is that not worthwhile?” It is important that a person’s profession makes them feel valuable in today’s society and the career of a lawyer provides for that. By working with everyday people to improve their lives, lawyers can see the direct effects of their hard work and this makes the long hours and tedious tasks that much more satisfying.

Furthermore, some lawyers’ professions deal with large companies so their hard work is also very valuable because it affects the lives of hundreds, sometimes thousands of employees. In her interview, Kuenster explains that she is motivated by the idea that her diligence at work has a large impact on many people. She also proudly states that she is “able to solve problems, keep businesses operating, and keep companies going bankrupt from defending unmeritorious lawsuits.” All of these responsibilities give the profession of a lawyer a sense of meaning because they know that their professional skills are directly benefiting their client’s well being and thus society as a whole because every person is part of today’s society.

In the 21st century workplace, female lawyers provide a unique element to the practice of law: “where there is an emphasis on alternative dispute resolution, a female’s perspective can be advantageous in resolving disputes or looking at problems,” (Kuenster). The latter is an important notion because the profession of
law has been previously male dominated which in the past has deterred women from pursuing that career. However today, “women now fill about half of the slots in most law schools and perform every professional role… they are no more or less competent, no more or less ethical than their male counterparts” (Mader, 185). According to Kuenster, the latter idea is upheld throughout most legal firms in the country. Moreover, Kuenster explains that currently there are certain ways in which women can even benefit because of their gender in the practice of law. For instance, “in today’s world there are more women at the top of companies, and some women are specifically looking to work with other women” (Kuenster).

As noted before the image of a 21st century lawyer is much different than the image of a lawyer of any other century; more importantly, however, is that the opportunities that are available today, specifically for women, are more widespread than they have ever been before.

Works Cited


Dear,

You’ve done some good research here. Right now, it looks like you have some work to do on your ending—perhaps focusing on the points that you make about female attorneys.

Overall, you want to make sure that you keep your focus on popular perceptions and what that means to the work that lawyers do. At times, you seem to digress from that a bit. Also, make sure that you provide even more specific examples to make your points clearer (see my marginal comments for help with this.)

Finally, you have some work to do on simplifying your language, which at times gets wordy.

You have done some fine work here, and I look forward to reading this in its final form.