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"They are your testimony": Professionals, clients and the creation of client capture during professional career progression

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Abstract

The relationship between professionals and clients has received considerable interest in the literature, more recently through the concept of client capture. However, little is known to date about the mechanisms through which professionals become captured by their clients. Drawing on 50 interviews investigating the promotion of lawyers to partnership in seven UK law firms, we contribute to existing understanding by exploring the creation of client capture during professional career progression. We propose that by bestowing clients with influence over who gets promoted to partnership, lawyers lose professional independence in defining the future of their firm. In addition, we illustrate how lawyers make themselves indirectly dependent on their clients by perceiving partnership as influential to client work. By doing so, they rely on their clients to legitimize partnership as the ideal career path. Based on our findings, we argue that career progression acts as an enabling mechanism for the creation of client capture as by succumbing to the desire to advance their careers, professionals also become prone to client capture. We discuss the implications of our findings for professional-client relations and client capture, professional careers and the changing nature of professional work.

Keywords

Introduction

An inquiry into the relationship between professionals and clients is at the heart of the professions literature. For example, Parsons (1939) suggested that everything a professional does is to "perform services to [..] clients" (p. 458). Early work conceptualized the client as a dependant in the relationship who trusts his or her professional advisor (Abbott, 1988; Koehn, 1994). Given their expertise, lawyers had a fiduciary duty towards their clients and towards wider society (Brint, 1994; Freidson, 1986). However, more recent research argues that clients have become more powerful (e.g. Anderson-Gough, Grey & Robson, 2000; Fosstenløkken, Løwendahl & Revang, 2003; Sturdy, 1997). Their growing influence is also linked to debates on the financialization and corporatization of the professions (e.g. Faulconbridge & Muzio, 2008; 2009; Noordegraaf, 2011), causing concerns for scholars who fear deprofessionalisation (Hanlon, 1994; 1998; Larson, 1977). The emphasis on profitability also means that client satisfaction has become more important, giving the client greater power over professional service provision. A central concept in this line of inquiry is *client capture (CC),* which describes instances when clients become so powerful that professionals lose their autonomy and independence (Dinovitzer, Gunz & Gunz, 2014; Gunz & Gunz, 2008; Leicht & Fennell, 2001). Yet, while recent research has given more attention to CC, its underpinning mechanisms are still little understood (e.g. Dinovitzer et al., 2014). In this paper, we investigate these mechanisms through an exploration of the ways in which careers progress in professional organizations.

Empirically, we draw on 50 interviews with candidates for the promotion to partnership, with senior partners involved in the promotion decision-making and with Human Resource Managers in seven law firms in the UK. Building on the professions literature, we argue that career progression is important in organizing professional work

and interactions (e.g. Grey, 1994; Leicht & Fennel, 1997; Mueller, Carter & Ross-Smith, 2011). In addition, it is at partner level that professionals and clients are most closely intertwined. For example, by controlling access to clients, partners are able to maintain their position of power within the firm (Nelson, 1988). Partners are also trusted experts for their clients because they have the technical knowledge to provide advice as well as the necessary business acumen to guide them in commercial matters (Sherer, 1995). Yet, while previous studies allude to the potentially powerful role of clients in careers (e.g. Anderson-Gough et al., 2000; Sherer, 1995), there have been calls for more research as clients remain a "missing dimension in the analysis of careers in PSFs" (Cohen, 2015, p. 362).

Through an analysis of how lawyers talk about clients during promotions, our paper makes the following contributions. First, we explore understanding of professional-client relationships, specifically the concept of CC. Our contribution illuminates the direct and indirect mechanisms through which lawyers create CC. On the one hand, we present the different modes through which lawyers bestow their clients with influence over this critical period in their careers. We argue that by doing so, they lose professional independence. On the other, lawyers propose that the promotion to partnership is important in shaping the work of their clients. This has implications for CC in that lawyers make themselves indirectly dependent on their clients to legitimize partnership as the ideal career path. Second, we argue that shifting the focus away from professional work to career progression reveals how careers can be a central mechanism for CC. Third, we provide evidence of the triadic nature of careers (Bidwell & Fernandez-Matteo, 2008; Bosley, Arnold & Cohen, 2009; Lawrence, 2006), specifically the role of clients (Cohen, 2015). We develop theory by showing how clients contribute to shaping and sustaining existing career systems, despite firms'

initiatives to introduce alternative career routes. Our study is also important because, apart from some exceptions (e.g. Morris & Pinnington, 1998), there are still few empirical studies that examine the dynamics underpinning promotions in professional organizations.

The paper is structured as follows. First, we provide an overview of the literature, drawing on both the professions and careers literature. We then discuss our methodological and analytical choices and present the analysis of our findings. Finally, we provide a discussion and conclude with the implications of our study.

Professionals and clients

The legal profession is considered to be a traditional profession similar to accountancy and medicine due to its jurisdictional control, expert knowledge and the nature of the relationship with clients (Abbott, 1988; Johnson, 1972; Reed, 1996; von Nordenflycht, 2010). The provision of legal service to clients was characterized by an "asymmetry of expertise" that required clients "to trust the professional and the professional to respect both client and colleagues" (Abbott, 1988, p. 5). Hence, there were expectations of how professional work should be conducted (Greenwood, 1957), including upholding high standards of behavior to ensure professional autonomy, acting in alignment with professional codes of conduct and being a gatekeeper between the wider public and clients (Dinovitzer, Gunz & Gunz, 2015; Gunz & Gunz, 2007; Koehn, 1994).

However, recent research has argued that professional-client relations are more complex as clients have become more influential (e.g. Dinovitzer et al., 2004; Sturdy, Werr & Buono, 2009; Anderson-Gough et al., 2000). Across the literature, different loci of influence can be distinguished. First, clients influence the *generation of professional knowledge* (Alvesson, 2001; Fincham, 1999; Fosstenløkken et al., 2003;

Sturdy & Wright, 2011; Sturdy, 1997). For example, Sturdy (1997) suggests an iterative process model where client interests and the practices of consultants continuously fuel, reinforce, challenge and renew each other. He shows that interactions between consultants and clients simultaneously create certainty and reinforce anxiety. In addition, Fosstenløkken et al. (2003) suggest that clients play an important role in the knowledge development processes in Professional Service Firms (PSF). They show how professionals and clients mutually learn from each other during the delivery of professional service products. Second, clients influence the *construction of professional identities* (Alvesson et al., 2009; Alvesson, 2001; Anderson-Gough et al., 2000; Ibarra, 1999; Vough et al., 2013). Ibarra (1999) proposes, for instance, that client relationships and interactions are part of an individual's repertoire in developing a professional identity. In addition, Anderson-Gough et al. (2000) demonstrate that clients are central to professional socialization in that they define time-keeping routines and the meaning of professional conduct at the same time as decreasing the space for professional autonomy. Moreover, client demand for more integrated and holistic services is seen as one of the driving forces behind the *changing nature of professional work* (Empson, Cleaver & Allen, 2013; Faulconbridge & Muzio, 2008; 2009; Hanlon, 1994). Concepts such as financialization (Faulconbridge & Muzio, 2009), organizational professionalism (Faulconbridge & Muzio, 2008) and internal organizational closure (Ackroyd & Muzio, 2007) have been proposed to capture this trend.

As a result of these changes, the meaning of professional conduct has evolved (e.g. Noordegraaf, 2011). For example, Gunz and Gunz (2007) propose that corporatization has shifted the commitment of in-house lawyers from the profession to the organization, leading lawyers to act like managers when faced with client dilemmas, rather than choosing the "professionally correct response" (p. 874). At the same time,

professional ethics have been replaced by the discourse of the *client service ethic*, or the ever-pressing need to be available for one's client (Anderson-Gough et al., 2000) and respond to their "whims and wants" (Alvesson, 2001, p. 883). As a result, a sense of ambiguity has emerged: although clients constitute professional work, they have also come to challenge traditional assumptions around professional-client relationships, deeming further scholarly inquiry into their influence necessary.

Client capture

The concept of client capture (CC) has become critical in analyzing the relationship between professionals and their clients (Dinovitzer et al., 2014; Gunz & Gunz, 2008; Johnson, 1972; Leicht & Fennell, 2001; Malhatra & Morris, 2009). Leicht and Fennell (2001, p. 105-106, emphasis in original) suggest that "under *client capture* the consumers of professional work gain the ability to control the activities, timing, and cost of professional work. In effect the 'consumer becomes sovereign' much as consumers search for (and price) other consumer goods and services". Later, Gunz and Gunz (2008, p. 688) defined CC as "the context in which clients become so important to the professionals serving them that they lose the professional independence that is presumed by the profession to govern the relationship". More recently, Dinovitzer et al. (2014) further developed the complexities of the concept by proposing four distinct types of CC: direct, indirect, serial and misdirected. Based on their study of 30 lawyers, they show how CC spans beyond direct interactions between professionals and clients to include additional channels through which clients may exert influence. While direct CC describes how professionals themselves become unduly influenced by a client's wishes as a result of their direct interaction, indirect CC shows how others in the professional's immediate context, such as colleagues, may influence their conduct.

Further, serial CC describes how client influence may happen as a consequence of previous interactions, and finally, misdirected CC shows how members of the client organization may influence professional conduct in the way that they are captured by the dominant voice of one particular individual or group, and hence ignore the larger client entity. Importantly, the authors do not argue that CC always leads to unethical behavior. Instead, they suggest that it illustrates how professionals may be influenced by their clients in ways that challenge their professional independence.

It is therefore evident that CC is a valuable concept in investigating the relationship between professionals and clients (Sharma, 1997). Yet there is still a lack of understanding how CC happens, which has prompted Dinovitzer et al. (2014) to suggest the need for "further investigation of the mechanisms that facilitate and enable" (p. 17) the creation of CC. Previous research has tended to see the changing nature of professions as a driver for CC. For example, Brint (1994) suggests that the shift from a traditional functionalist model to an expert model has enabled CC, given the emphasis of the profitability of the latter over technical skill and moral duty in the former. Similarly, the commercialization of the professions has increased the risk that the wishes of individual clients are favored over the greater societal good, making them even more powerful (Hanlon, 1994; 1998). Yet, apart from these forces, there is still little understanding of the dynamics through which CC may be created. Thus, in this paper, we shift the focus of existing research to career progression, which we consider to be one of these possible mechanisms.

Professional career progression

Leicht and Fennel (1997) give careers a central position in the professions in suggesting that it is "through the professional career that the benefits of professional life (status

and income) are accrued" (p. 222). Traditionally, scholars such as Abbott (1988) upheld the distinction between a professional and organizational career and suggest that "professionalism was among the first forms of career" that had "escaped hierarchical structures whose possibilities narrowed at every level" (p. 324). Yet, today, professional careers are built on the logic of internal competition as highly motivated peers fight for the sought-after but limited positions at the top. Structuring career progression along hierarchies is prominent in PSFs as access to internal promotions enables organizational control (Ackroyd & Muzio, 2007) and the comparison of high performers against each other, producing a "social Darwinism of the business ethos" (Rosenbaum, 1986, p. 154). This is particularly the case for career systems such as the Cravath System, the up-or-out model or promotion to partner tournament model (Galanter & Henderson, 2008; Galanter & Palay, 1991; Morris & Pinnington, 1998; Sherer, 1995; Sherer & Lee, 2002). In particular, the Cravath System, developed in the US law firm Cravath, Swain and Moore, is one of the vanguard models for professional career progression. It builds on hiring a large number of high achieving graduates from top law schools, fostering strong social ties by rotating them around practice areas and motivating them through moving up the ranks (Swaine, 1946-1948).

In the legal profession, the pinnacle of career progression is partnership (Galanter & Palay, 1991; Greenwood & Empson, 2003; Empson, 2007). Here it takes on an almost ideological character in symbolizing status, achievement and the sense of being admitted to the 'club'. Given its collective ownership structure, promoting the 'right' person who is a key contributor to the firm's reputational and financial capital is central to its success. In addition, once associates were made up to partners, it was a role for life as the partnership ethos did not permit otherwise (Empson, 2007). Partnerships are unique compared to private or publicly traded corporations in that

individual partners are liable for the profits and losses that the collective incur, joining both ownership and control. In turn, it is argued that the partnership ethos, built on principles of collective ownership and unlimited personal liability, overcomes the tensions between individual partners' interests and those of the collective partnership (Empson, 2007). While recently law firms have introduced new career roles such as the Of Counsel, given to senior lawyers who may not have the necessary skills to become partners but have high technical expertise or other valuable competencies (Malhotra, Smets & Morris, 2016), these still lack recognition.

Thus, career progression constitutes a powerful discourse in the professions (Costas & Grey, 2014), or as Grey (1994) suggests, it is "a pervasive concept which regulates all forms of social contact" (p. 492). Yet, the principles underpinning models of career progression are important also because of their wider implications for the professions. In particular, the lack of gender and ethnic diversity at the level of partnership has been an ongoing concern for scholars (Ashley & Empson, 2013; Tomlinson et al., 2013; Wilkins & Gulati, 1996). For example, Tomlinson et al.'s (2013) study shows how professional career systems are sustained in the career strategies of white women and black and minority ethnic individuals, and reproduce existing opportunity structures in the profession. In addition, authors such as Faulconbridge and Muzio (2009) argue that performance metrics, such as profit per equity partner (PEP), which are indicative of a lawyer's career success, are responsible for the challenging situation many law firms are in. Specifically, they suggest that PEP embeds financial practices in law firms and provide misguided assessments of actual firm performance. Hence, an inquiry into professional careers is also valuable because it has potentially broader implications for professional work.

Professional career progression and clients

Traditionally, career scholars have focused on the interaction between an organization and its members (e.g. Gunz, 1988; Van Maanen, 1971). Only recently has the literature pointed to the importance of cross-boundary interactions between individuals, organizations and external stakeholders (Bidwell & Fernandez-Matteo, 2008; Bosley et al., 2009; Lawrence, 2006). In this context, Bidwell and Fernandez-Matteo (2008) speak of triadic relationships that organize employment interactions involving organizations, individuals and intermediaries. Clients seem to represent one of those intermediaries. For example, in a study on large US law firms, Sherer (1995) proposes that client demand is one of the key drivers in the structural design of career systems. In addition, Maister's (1997) well-known typology of grinders, minders and finders illustrates the ways in which interactions with clients may differ across professional career stages. The safeguarding of client interests is also one of the reasons why law firms operate in partnerships rather than corporate entities, as the "professional partnership is supposed to make the client the primary beneficiary, whereas the corporation openly privileges the shareholder" (Greenwood & Empson, 2003, p. 919). Partnership signals trustworthiness and status, allowing clients to overcome the ambiguity that characterizes the exchange of professional knowledge services (Alvesson, 2001; Greenwood & Empson, 2003). In sum, clients seem to be important for career progression (e.g. Anderson-Gough et al., 2000; Maister, 1997; Sherer 1995). Yet, studies that explore their role in careers are still rare (Cohen, 2015).

Research design

To investigate how CC is created during professional career progression, we build on an exploratory study into promotions to partnership in law firms.

Data collection

We use qualitative data collected by the first author in seven law firms across the City of London and the Southwest of the UK. Our participating firms were purposely selected (Miles & Huberman, 1984), and differed in size and practice areas (e.g. litigation, intellectual property, taxation, personal negligence). Von Nordenflycht et al. (2015) have suggested that organizational contingencies such as the size of the PSF may influence the degree of CC, which is why choosing firms of different sizes was important to provide us with a more nuanced understanding of its dynamics. Access to participating firms was generally established through a Senior Partner or Human Resource (HR) professional. Eight initial interviews, lasting between 30 and 45 minutes, were conducted with HR professionals who also assisted with the selection of additional participants. These can be grouped as: 1) senior partners (SP) who were involved in the decision-making process and 2) junior partners (JP) who were recently promoted to partnership. Interviews usually lasted from 1 to 2 hours. Some JPs were going through the promotion process at the time of the interview, and hence a follow-up was scheduled following the promotion decision in order to capture variations in JPs' accounts. As we planned this study as an exploratory inquiry into experiences of promotions to partnership, the interview schedule contained broad questions around the meaning of partnership and the path of career progression, such as: *"What does partnership mean to you?"* and *"What makes a successful partner in this firm?"*. As clients emerged as an important reference point, we asked more specific questions about them, such as *"What is the role of the client during your promotion?"* and *"How do clients influence promotion?"* In total, 50 interviews were conducted, audio recorded and transcribed verbatim. The overview of firms and participants is shown in Table 1.

-- Insert Table 1 about here --

Data analysis

Our approach was abductive in that it iteratively compared existing theory and new empirical discoveries to develop theoretical understanding (Timmermans & Tavory, 2012). Peirce (1931 – 1958) suggests that "abduction is the process of forming an explanatory hypothesis" and the "only logical operation which introduces any new idea" (Vol.5, p. 171). Our aim was to develop a detailed understanding of how our participants interpreted and attached meaning to their experiences, emphasizing their own "frame of reference [..] as opposed to the observer of action" (Burrell & Morgan, 1979, p. 28). Being appreciative of the notion that interview knowledge is co-authored between researcher and participant, throughout the analysis the first author re-joined the participants to share interpretations (Kvale & Brinkmann, 2009).

The data analysis involved several interrelated stages. First, our initial reading of each transcript pointed us to the importance of clients in career progression. While the reference to clients was perhaps not in itself a surprising empirical finding, the high level of involvement and influence of clients was. We subsequently created a myriad of different codes that referenced the client in participants' accounts. Some marked metaphorical descriptions of clients such as 'clients as testimony' or 'clients vote with their feet'. Often, the use of modal verbs such as 'should' and 'will' seemed to indicate the attachment of beliefs about or obligations to the client. We also noted the difficulties experienced by certain participants in relation to their clients during the promotion to partnership and coded for these.

We then explored our findings in reference to the professions and careers literature, engaging in what Timmermans and Tavory (2012) refer to as defamiliarization with the object of inquiry. We found Bosley et al.'s (2009) typology of career shapers particularly helpful in our analysis. The authors distinguish between advisers, informants, witnesses, gatekeepers and intermediaries based on how they impact careers. We found that clients performed many of these roles, and used the typology to construct a more nuanced coding structure. It was at this point that we took a closer look at the concept of CC and noticed that our data also suggested a more complex picture than that of a unidirectional influence proposed when conceptualizing clients as shapers. It was not only clients who seemed to influence professional career progression, but lawyers also suggested that the promotion to partnership held relevance for client practices. These reciprocal interactions henceforth became the focus of our analysis.

We then re-analyzed our data to investigate more deeply this interplay which would allow us to propose alternative theoretical castings (Timmermans & Tavory, 2012). We found that as lawyers spoke about the various ways clients shape promotion decisions and practices as well as the images of what a partner should be like, they also described how in turn the promotion to partnership and partner status influenced client practices and decisions. This had important implications for CC. On the one hand, lawyers would lose independence over deciding the composition of their partnership. On the other, they would make themselves dependent on their clients to legitimize partnership as the ideal. We consequently coded for these references and one particularly interesting finding of our analysis was the 'career progression dilemma', which describes the difficulty for promotional candidates to show evidence of business development activities without having a partner title. This meant that as they developed

their careers, lawyers continuously thought of the different ways of getting work from their clients, which further commodified their relationship.

Findings

Our analysis points to five elements that underpin the creation of CC during the promotion to partnership. We summarize our findings in Figure 1. We first identify different modes that clients use to exert *direct* influence over promotion decisions and practices, which leads to lawyers *losing independence*. We investigate further how partnership is perceived to inform client work *indirectly* and how this leads to lawyers *creating dependence* on their clients. We also present our findings on the *career progression dilemma*, which we argue strengthens the dependency, and presents evidence of the commodification of professional-client relations.

-- Insert Figure 1 about here –

Clients shaping the promotion to partnership

The first aspect describes the different modes through which clients directly shape the practices and decisions underpinning the promotion to partnership. We present empirical material illustrating how clients are *advisors* to decision-making, *gatekeepers* of business cases, *supporters* of promotional claims and how they *inform* partner self-concepts.

Advising decision-making: Clients were advisers in the decision-making (Bosley et al., 2009) by providing recommendations on who should be promoted to the partnership group to senior partners. Given the collective nature of partnership and the consensual decision-making underpinning the partnership ethos, these decisions involved

extensive consultations between partners and cumulated in a vote involving the entire partnership. Clients informed the early decisions of who to propose to the partnership, the interview stage with the firm's promotion committee as well as candidate reports used in the final vote. Often, partners relied on their clients to confirm that a particular candidate would indeed be suitable for partnership, as this senior partner described:

"You're looking to the client for verification or confirmation of the fact that you're making the right decision. You may well speak to them and see what they think about somebody and whether they think they're ready for partnership." (SP4, F6)

In other instances, clients' opinions were drawn upon when existing partners made a case against a potential candidate:

"There will be lots of discussions going on amongst the partners because you'll let the names be known. And then you will know who are the people who of the existing partnership perhaps have an issue with somebody or saying 'Oh look, I'm not quite sure about so and so because they looked after my client last year and I was really unhappy about the way that they..' [..] Sometimes it has been an issue that there will a group of people who say 'Look, forget it over my dead body.'" (SP 1, F3)

Occasionally, clients would actively shape promotion decisions through direct intervention. This occurred more frequently in larger firms that serviced institutional clients who brought in significant business, as this junior partner suggests:

"Clients who are switched on with the way law firms work or have a particular relationship with an associate may frankly say to the firm, "I think X or Y should become a partner". That can be hugely helpful. And that's a direct intervention." (JP 19, F5)

Lawyers perceived it to be important to involve their clients in the decision-making because it provided evidence of how much they appreciated them. This had become crucial in the current economic climate where clients were feared to "*vote with their feet*" and pass on work to the competition. One was "*thinking about what the client needs*", rather than what was needed "*out of the clients*". For example, as this junior partner described, allowing a client to directly intervene by defining who should be promoted to partnership, communicates appreciation of client interest and provides evidence of the value of their relationship:

> *"Obviously, if a client wants a particular individual to be a partner then if that person does not become a partner in the short term, what are you saying about your relationship with the client as a firm, are you really not appreciating what the client thinks?" (JP5, F5)*

Supporting promotional claims: Clients would also provide confirmation for candidates that they should be promoted. Law firms are risk adverse. In the context of career progression, this manifested itself in partners wanting to ensure that they have chosen the right candidates, also because traditionally partnership was a role for life. Hence they would be looking for evidence that candidates would be "*partner material*". This could take on different forms. For example, this recently promoted partner described how being given repeat work by his clients provided him with the necessary proof:

> *"Clients are very important because they're your testimony. So if they keep coming back to you and they keep sending you more work and keep saying 'thank you', then that's a big testament to you and to your abilities." (JP2, F3)*

There were other sources of evidence as well. In some firms, candidates were asked to provide a list of client referees for feedback. These were then contacted by the

promotion committee. When creating the list, lawyers consciously selected the "*most high profile*" clients or the ones that "*will give the best feedback*". Others would include client satisfaction forms or "*letters from clients thanking them*" for their services. In addition, client feedback also informed lawyers' ranking in legal directories. One's position in these directories was important because it shaped the opinion of other lawyers and helped candidates to communicate their partnership mandate to their practice group:

> *"A comment in the directory was that I was a 'standout lawyer', which was quite nice. That has to have some input, some influence. People would see that and I got a few emails from other people within the firm saying, 'Oh that's nice feedback'."(JP 15, F2)*

A candidate's ranking in legal directories also informed the perceptions of prospective clients and the possibility of developing future business with them. This increased the chances of being promoted considerably:

> *"It's the clients who help you move up those rankings, which in turn identify you in the firm as an important person, which in turn then brings on board prospective clients who heard about you and your reputation. So it's a process that builds upon itself. And it all comes down to the clients." (JP 14, F4)*

Gatekeeping of business cases: Clients also controlled access to business cases. The business case describes a written document that candidates have to complete as part of their application. There was a general consensus among participants that "*If there is no business case, you won't be a partner*". The shape of the document differed across organizations. In some, they were elaborate, comprising many sections and pages; in others, they were short summaries. Generally, it described the potential future client markets candidates were seeking to develop, and their strategic fit with the firm. Often,

the business case would be written collectively between a candidate and the sponsoring partner before presenting it to the practice group.

Clients were influential because they could either enable or obstruct a candidate's access to a business case. For example, this junior partner described how he included references to specific client relationships as well as future client markets to gain more work from existing clients. This was crucial in order to convince the head of his practice group to put him forward for promotion:

> *"That's your background, one page and then you move into what clients you've been working with, what clients have you brought into the firm. And then you move into where do you see yourself, what kind of markets are you going to be looking at in terms of finding clients. And what have you been doing to develop your business up until this stage and what are your plans to build it further."*
> *(JP 7, F6)*

In some cases, not having sufficient client support could obstruct access to a business case, which would in a worst case mean not making partnership, as this junior partner described:

> *"I was told that I wasn't being put forward for partnership because there was no business case. So I was basically told that I ticked all the boxes for the character and responsibility and management and all those sorts of things, but the business case wasn't there. I was just completely taken back." (JP21, F7)*

In the business case, one's ability to develop client relationships that would generate new income for the firm was the key attribute to be emphasized while technical skills moved to the background.

Informing partner self-concepts: Moreover, clients shaped lawyers' self-concepts. As one had to be at "*ease with clients*", "*build a business*" for them and be

good at "*selling a product*". It was not desirable to be perceived as too "*techy*" or a "*legal librarian*" who kept professional distance. Becoming a partner required giving up or hiding these parts of one's professional identity. Instead, one had to be close to one's client or even be *like* the client:

> "*You have to understand what makes the client tick. Why the client will give you the work. Usually because they like you and they trust you. I know for me, because we did these tests one of the things which stood out for me personally [..] to link in with this, my clients say 'you're not really like a normal lawyer'. When I had my test, the HR's partner said that I sit in the group which most clients fall into whereas lawyers normally fall into these other categories, but I fall into the client one.*" (JP2, F1)

In addition, while it was important to fit into the practice group and strategy of the firm, differentiating oneself from other candidates was important too. Candidates had to provide something special, which some referred to as having a "*unique selling point*". Clients were pivotal because they helped candidates to perceive themselves as special and to convince themselves that they were worthy of the promotion:

> "*One of the fundamental initial steps to the route to partnership was [..] new clients coming in to the business saying that the only reason why we are coming here is because of him.*" (JP1, F1)

In some cases, clients also informed the discrepancies that candidates observed between their sense of self and the images they perceived to be socially desired of a successful partner. For example, a junior lawyer described how her physical appearance of looking rather youthful, even though being in her mid-thirties, made it challenging for her to present herself as knowledgeable to potential clients:

"It doesn't help that I look quite young. Everybody tells me I look quite young, and so I feel like I'd prefer my initial contact with clients to be on the telephone because as soon as they see me they have a preconception of 'Here's a young girl, she can't be very experienced, she looks about 20 odd'. Whereas actually if I get to prove myself before they see me, then it's a very different story." (JP12, F2)

As clients see her as youthful, she adapts her behavior by avoiding face-to-face contact and instead initiates communication with potential clients over the phone. This enables her to convey the credibility and expertise required of a potential partner.

Lawyers losing independence

By allowing clients to shape promotion practices and partners' career self-concept through, for example, involving them directly in the decision-making process or letting them influence their judgment on promotional candidates, lawyers handed the responsibility of deciding the future of their firm over to clients. For example, by making the client the advisor, partners relied on their recommendations, and acted upon their suggestions on who should join the partnership. Importantly, not only positive opinions mattered. At times, lawyers relied on their clients to the effect that candidates would be excluded:

"If there have been any issues around how you have managed certain clients or if there are concerns about whether you have the ability to develop proper client relationships, you don't start the process, you are a non-runner. So [..] their influence is enormous." (JP3, F1)

This suggests a new relationship where not only clients trust lawyers, but lawyers also trust clients and recognize their opinion as valuable based on the

assumption that clients have the necessary expertise. As lawyers relied on clients to provide evidence for legitimizing their claim for partnership, they also created a context in which their judgment was co-dependent on the perceptions that clients had formed of them. A worthy partner became someone who was good at doing business, rather than being technically skilled:

> *"Oddly, I think, to be a successful partner, you don't have to be a brilliant lawyer. We've had some very successful partners who frankly are pretty poor technical lawyers, got great contacts and really are excellent at business development and in the main recognize they are not very good lawyers." (JP 13, F4)*

Subsequently, because clients wanted to deal with business people instead of technical experts, those chosen for partnership were then not necessarily the most qualified and technically better lawyer:

> *"I can generate business and I think that's why I am being put forward. There are five or six people in my department that are more qualified by up to five years and they are not being put forward because the thing that for me has been has singled out is that I can develop business." (JP1, F1)*

Partnership shaping client work

The third aspect describes the different ways in which lawyers understood partnership and its underpinning promotion practices to indirectly influence client work. Specifically, our participants emphasized how being a partner was important for clients to internally legitimize decisions. Having a partner on the case gave credibility to the client within his or her own organization, as this lawyer explains:

"If you are the in-house lawyer at the bank or a company and you have a fairly big problem that needs a big firm to advise you on it, then if you say to your chief executive or the person who's not been his lawyer, 'We've instructed X or Y.' The more senior and obviously more high level that person is, the more credibility you have as to the decision you've made as to who you've instructed." (JP 17, F5)

In particular, it was the status of partnership and the seniority that it symbolized that held great meaning for clients. Dealing with a partner mattered to the client because, according to lawyers, clients wanted to interact with the "*top*" and the "*best*". They wanted to be "*flattered*" and feel that they were important to the firm. In addition, lawyers not only suggested that clients shaped promotional business cases, they also saw the business case as informing the work of clients. Our participants suggested that promotions in particular, were important in allowing clients to achieve their business goals, as this lawyer explains:

"Apart from them being heavily involved, they become a large part of the business case - who your clients are, how likely you are to have future work, how important it would be for them that you become a partner." (JP 10, F5)

As a result, the candidate's business case became co-constructed between lawyer and client. In doing so, lawyers put the firm's internal promotion decision at the heart of client work as who got promoted mattered to the client and their business.

Lawyers creating dependence

By perceiving partnership as influential to the work of clients, lawyers make themselves dependent on their clients in order to legitimize partnership as the dominant career

route. Generally, our participants agreed that being promoted to partner was the pinnacle of a lawyer's career success. One HR manager summarized this as follows:

> *"If you asked any newly qualified solicitor what they aspire to be, it would be being a partner." (HR Manager, F2)*

By putting partnership central to client work, clients came to play an important role in directing lawyers' career aspirations, particularly as lawyers established partnership as an attractive title to identify with it. For example, this junior partner talked about clients preferring to deal with partners instead of associates, which informed her career choices:

> *"It's the additional gravitas. It will be easier to get work going out to partners, like if you go to a restaurant to book a big party, you don't want to speak to the waitress, you want to speak to the manager even though the waitress might be brilliant. So it's the same with the partner versus an associate." (JP 2, F1)*

Similarly, in the eyes of the lawyers, only when interacting with a partner did clients feel appreciated:

> *"I had a call from an existing client the other day wanting to instruct in a matter but wanting to know who the partner would be. So the fact that I said that I had done all this work for the last three years, it wasn't enough; he wanted to know who the partner was going to be. I think that's where the status comes in." (JP 10, F5)*

In this account, the lawyer even suggested that the status of partnership supersedes the provision of technical legal work. Several firms introduced roles such as the Of Counsel as an alternative to partnership for senior lawyers who had significant legal expertise in a particular area, yet were not on the partnership track. However, participants often spoke about these roles as "*second tier*" and "*holding pattern*", that

were lacking in "*credibility*", and hence not to be aspired to. Clients were important in informing lawyers' dis-identification with these roles. For example, one participant who held the role of an Of Counsel before joining partnership talked about clients not understanding the meaning behind her title:

> *"When I go and do business development things, networking things, and they ask me, "What are you?", and I say "Of Counsel" and they say, "Oh, what's that mean?" [..] I think it's easier for people to understand what a partner is, what a partner does, and I think it's easier for me to understand what a partner is and what a partner does, and to sell that. I think it gives your clients more confidence in you." (JP5, F5)*

Being asked by her clients "*what*" she was and not being able to confidently answer the question made her reject the role Of Counsel. Thus, her judgment on what is a meaningful career became dependent on the client's perception of partnership as the ideal.

The career progression dilemma

Throughout our analysis, we were struck by the lack of critical reflection on these interactions during partner promotions. Indeed, none of our candidates mentioned that the influence of clients might be problematic. The only instance when a contradiction emerged was when participants described the need for candidates to build relationships with clients in order to evidence their promotional mandate while they would need the partnership badge to do so at the same time. One promotional candidate describes this as follows:

> *"Often it's said part of being made a partner is already being a partner before you get there." (JP 6, F1)*

Thus, the general perception was that in order to win work from clients, the partner title was necessary precisely because clients would only give new work to partners. One junior partner refers to this situation as the "*chicken and egg*" scenario:

"Until you have the internal and external status of partner it is hard. It's a bit of a chicken and egg because there are clearly very good associates who if they had a partner badge would then be able to go out and do that, but you have to prove that you're capable of doing it before they'll give you that badge." (JP 5, F7)

Firms sought to address this issue in a variety of ways. Some talked about the need to take a "*long-term view*" so that the partnership mandate could be validated through continuous observations by senior partners. Others noted that junior people were encouraged early in their careers to seek out potential clients at their level (their "*contemporaries*"), and develop "*strong bonds*" with them:

"The partners will have relationships with the more senior people, but then the more junior members of the clients, we're encouraged to market directly with them, from a very junior stage. So even if you're one year qualified you're encouraged to get to know people that you work with in the client. Because you know, in time, that person may become very senior, or may move somewhere else and become senior elsewhere. So you try and build a network of relationships." (JP 16, F5)

Importantly, viewing clients as opportunities for future business development that provide the mandate for partnership, associates devoted considerable time to staying in touch with clients, tracking their movements and courting them, as this lawyer suggests:

"You have to watch those people on where they move and keep in touch with them and keep those relationships alive, which is not easy. Today I was having lunch with somebody who I met prior and I know that she's been looking for another role and I was catching up with her. And it looks as like she is going to go out to the US to work and so we were talking about that. It's keeping those things alive, so if there is something, hopefully she would think of me." (JP 6, F1)

Thus, associates were encouraged to see the client as a business development opportunity and to think about ways of getting work from them early on in their careers. This advocated a commoditized relationship between professional and client. It also strengthened the dependency of lawyers on their clients, as clients became the tools for lawyers in achieving their career aspirations.

Discussion

Our intention was to examine the ways in which professionals are captured by their clients during their career progression. Drawing on data collected during the promotion to partnership in UK law firms, we contribute to existing understanding about CC by showing the direct and indirect mechanisms through which it happens. We also argue that CC is not only driven by the commercialization of professions, but may also be enabled through career progression. As such we propose that it is not only because they are business-sensitive that lawyers succumb to client influence (Gunz & Gunz, 2007), but also because they are career-sensitive that they become prone to CC. We discuss the implications of our findings for the relationship between professionals and clients and the changing nature of professional work.

Dinovitzer et al. (2014) have referred to instances where professionals may be captured by specific client interests as misdirected CC. Our analysis illustrates the mechanisms through which misdirected CC may happen. First, lawyers allow clients to directly shape the decisions and practices underpinning the promotion to partnership. Specifically, we provide evidence of four different modes through which this occurs. First, clients act as advisors in the decision-making over who gets promoted by giving recommendations to the existing group of partners over promotional candidates. Second, they are gatekeepers for promotional business cases in either facilitating or obstructing a candidate's access to them. Clients also support candidates in communicating and affirming their claims to being promoted and lastly, they inform the self-concepts of lawyers by defining what an ideal partner should be like. These different modes form an important mechanism in the creation of CC because they show how lawyers lose professional independence. For example, partners abrogated their responsibility over deciding the future of the firm by allowing clients to intervene with the decision-making process over who gets promoted and thus defined the structure of the partnership. Partners also made themselves dependent on the client's judgment of a candidate's suitability for partnership, particularly if that candidate was not deemed right in the eyes of the client. In addition, lawyers gave clients a decisive voice in defining the business needs and direction of the firm through making them co-constructors of business cases. The interests of some clients may in turn have been privileged particularly when lawyers were appointed to partnership over those with technical expertise because they had something the client had desired.

We also argue that misdirected CC is indirectly created by lawyers as they understand the promotion to partnership to shape client work. This became apparent when lawyers suggested that clients supported internal decisions by drawing on the

partner title. In addition, lawyers perceived the promotion decision as relevant to the client because it influenced their future business. This is insightful not necessarily because partnership was presented as beneficial to the client (Greenwood & Empson, 2007), but how lawyers used this perceived influence to legitimize partnership as the ideal career path that illustrated their dependence. The client service ethic not only invaded the construction of their professional identity ambitions (Anderson-Gough et al., 2000), instead by placing partnership as central to client work, it also became self-serving in enabling lawyers to realize their career goals. As such, we not only see our story as one about the increasing influence of clients, but also one that shows how lawyers use of clients in order to achieve their own career aspirations. This has implications for our understanding of the relationship between professionals and clients (e.g. Abbott, 1988; Brint, 1994; Freidson, 1986) because if we pose the question 'Who is the client?', the client does not seem to be the one who needs safeguarding. Rather the answer will be 'The one helping the lawyer to get promoted to partnership'.

As such our findings show that career progression can be an important enabling mechanism for CC. Specifically, we argue that as professionals succumb to the desire to advance their career and strive to be promoted, they also become prone to CC. Abbott (1988) suggested that professional careers were distinct from organizational careers as they did not evolve along hierarchical career routes. Our findings indicate that as partnerships have grown larger in size and become more competitive, career progression systems play an important role in organizing professions. Yet, it is not only that organizational and professional career forms are more interwoven. The meanings that lawyers attribute to partnership make them more susceptible to being influenced by their clients. One of the underpinning principles of partnership is to control the self-interested behavior of individuals to sustain the collective partnership (e.g. Greenwood

& Empson, 2003; Empson, 2007). Yet, when discussing the meaning of partnership in the context of our study, lawyers tended to emphasize personal achievement and individual aspirations over collective governance. Partnership symbolizes achievement and pride; it means being deemed good enough by those higher up in the firm. It represents the point of salvation after many years of hard work. It seemed, in fact, that when lawyers were striving for partnership, their space for professional autonomy decreased (Abbott, 1988; Greenwood, 1957; Gunz & Gunz, 2008; Koehn, 1994). They were lacking the critical reflexivity attributed to them in other settings, for example when reflecting on their time billing routines (e.g. Brown & Lewis, 2011). We cannot draw conclusions about what our findings mean for the value of partnership as a safeguard of the collective ethos. More work is needed to understand the implications. Yet, it seems that career progression promoted more individualistic thinking in lawyers. In addition, the career-progression dilemma showed how early on in their careers lawyers were encouraged to develop close relationships with their clients in order to move up to the next step. This strengthened the dependency between lawyers and clients as lawyers tried to advance their personal career agendas.

Our findings also have implications in the context of a changing legal profession (Ackroyd & Muzio, 2007; Faulconbridge & Muzio, 2008, 2009). Specifically they provide evidence of its managerialization and financialization by illustrating how this is translated into the artifact of the business case. In the document, the development of future business was in the foreground, supported by financial statistics of past billings and forecasted earnings, further pushing the profession towards financial metrics in assessing the performance of professionals. Knowing that one needed a business case to be promoted also meant that developing business and thinking as a businessperson drove the everyday work of young lawyers. Ideally, lawyers not only had to be finders

when they reached partnership (Maister, 1997), but also had to show their capability to bring in business earlier on in their career, making the business savvy lawyer ubiquitous and pushing technical expertise further into the background. This further challenges the conceptualization of the professional as the expert in the relationship with clients. Traditionally in the Sociology of the Professions literature, professionals held expertise and clients recognized this expertise as superior because they lacked the necessary skills and knowledge to assess the quality of professional work or understand what professionals do (Abbott, 1988; Larson, 1977). Yet, our evidence suggests a potential reversal of these roles. Instead, professionals attributed great value to clients' expertise in judging the quality of legal work and respecting their opinion about the suitability of future partners.

Finally, our exploration of the role of clients promotes a triadic view of careers (Bidwell & Fernandez-Matteo, 2008; Bosley et al., 2009; Lawrence, 2006), particularly by showing how clients become actors in the promotion processes. This signals a clear shift away from the dualist assumptions of Inkson and King (2011) for instance, regarding career processes and practices. Their question of "Who is in charge of the career?" cannot be narrowed down to either individual employee or organization, as originally proposed by the authors, but needs to include the client as an important part of the triad. For some time, professional organizations have tried to create alternative career routes (e.g. Malhotra et al., 2010). However, these have not always been accepted by lawyers as valuable alternatives. Our findings illustrate that their reasoning about these roles was strongly shaped by placing partnership at the center of their interactions with clients, allowing them to enact the client service ethic (Alvesson, 2001; Anderson-Gough et al., 2000). As a result, partnership became the only legitimate career route because for clients only the partner badge was meaningful. The value offered by

alternative career routes, such as enabling long-term development or increasing career diversity, was not of interest for clients and was hence rejected as a career option.

Conclusions

This study has theorized the creation of CC during professional career progression. We focused on the promotion to partnership in law firms in the UK, and we interviewed promotional candidates, decision-making partners and HR professionals. Based on this empirical material, we showed how CC was created directly and indirectly by lawyers. This is important because the mechanisms underpinning CC have remained little understood. The focus on career progression has illuminated how careers can be a vehicle for CC, and we have provided evidence on the triadic nature of careers. It seems that as lawyers become occupied with moving up the career ladder in an increasingly competitive and financially driven legal environment, they attribute great importance to their clients and, as a result, become dependent on them, letting themselves 'be captured'. These findings can be applied to other types of professional organizations, such as accountancy, architecture and consultancies where interactions with clients and progressing one's career status are also important (von Nordenflycht, 2010; Malhotra & Morris, 2009). In these settings, we may see similar evidence of how clients influence promotional decision-making and also point to potentially dangerous instances when the professional career as the accrual of "status and income" (Leicht & Fennel, 1997, p. 222) challenges traditional notions of what it means to be a professional as well as the relationships that define professional conduct.

Our study has several limitations that suggest future directions for research. First, von Nordenflycht et al. (2015) proposed that larger PSFs tend to be less dependent on a few clients than smaller ones, and hence are less prone to client influence. Based

on our study, we cannot make conclusive statements about the role that firm size plays as we found evidence of client capture across firms. Yet our findings indicate that particularly in larger firms, i.e. those with a greater number of partners, clients would often be seen as advisors in the decision-making process. This may be because these clients generally represent larger organizations with greater financial resources and hence influence. This suggests that firm size matters, yet more research is needed that accounts more specifically for firm-level differences. Second, all firms were situated in the UK context which brings up the question to what extent this is an Anglo-Saxon phenomenon. Faulconbridge and Muzio (2009) have previously argued that financialization transcends national contexts. Similarly, the client relationship and the route to partnership are professional characteristics rather than national context specific. This leads us to suggest that our findings may be applied more broadly. Nevertheless, future studies set in other countries may provide further insights, particularly from a comparative perspective. Third, our study examined firms which all offered legal advice in different areas such as litigation, intellectual property, taxation and personal negligence. Future analysis and comparison of legal practice areas may provide more nuanced findings of the role that practice areas play. Fourth, while differing in size and practice areas, all firms were organized around the traditional partnership model where becoming a partner was seen as the pinnacle of career success. Future research on sole practitioners or networks of independent lawyers could further develop our study while more understanding is required of the experiences of those who opted for alternative career paths to see how much influence they attribute to clients. Finally, we studied lawyers' perceptions of clients during their career progression. Possible further studies could include the clients' view in order to examine their perceptions of partnership and experiences of the promotion process.

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