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## BigLaw: Money and Meaning in the Modern Law Firm

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# BigLaw

Money and Meaning  
in the Modern Law Firm

Mitt Regan  
Lisa H. Rohrer

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*MR:*  
*to Nancy;*  
*to Rebecca, Ben, and Bryan, and to Liam and Dash;*  
*and to the memory of Sylvia Leopold*

*LHR:*  
*to J.J., Gavin, and Maddie Rohrer;*  
*and to Bill and Jan Haueisen*

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# Introduction

## BigLaw

Law firm practice is not what it used to be. The significant changes over the last few decades are reflected in the following statements by two lawyers in the same firm. The first partner reflected on his experience as he entered law practice in the mid-1980s:

I remember going to see [a late former partner] who was then the managing partner and saying, “I’m doing some accountants’ liability work, I’m running around the country trying cases with [a partner] on the criminal side, I’m writing a Supreme Court cert petition, should I narrow my focus and try to do something that will help generate clients?” He said, “Don’t worry about generating clients. Just be the best lawyer you can be, serve the profession, and the clients will come to you.” (#257)

A second partner who graduated from law school in the early 2000s was asked about her experience in law firm practice. She replied:

I think I thought there was less selling in it. My mom is in sales and I was talking to her about something and she said, “Oh well you’re in sales,” and I said, “Well if I wanted to be in sales I would have been a salesperson.” . . . I don’t think you really realize that you actually get to a point where you are selling a service, you are in the service industry and you’ve got to be a salesperson. (#241)

The first lawyer describes a world in which excellence in the craft of law defined by internal professional standards provided assurance of advancement and financial success. The second lawyer describes a world in which earning these goods requires greater reliance on business skills. This shift is commonly described by declaring that “lawyering is becoming more of a business than a profession. Some lawyers decry this. Others welcome it. Few deny it” (*Economist* 2011).

Such claims are not new. For more than a century, critics of corporate law firms have claimed that firms have steadily abandoned professional values for the sake of business success (Berle 1933; Bristol 1913; Llewellyn 1931; Stone 1934). Others have suggested that the classic partnership model of practice may have insulated some corporate firms from business pressures for the first several decades of the twentieth century (Glendon 1994; Linowitz 1994; Smigel 1964). This created an opportunity for them to draw meaningfully on professional values in fashioning their approaches to law practice.

In recent years, however, many subscribers to the second view have suggested that the market conditions underlying the classic partnership model have crumbled—that the dike has given way and that business pressures now flood unchecked into law practice. The result, many claim, is that adherence to professional values is a receding possibility. This claim is consistent with the suggestion that professions more generally are losing their traditional prerogatives to “control their own associations, to control the workplace, to control the market for their services, and to control their relation to the state” (Freidson 2013; Krause 1996, 280; Rostain 2010). To the extent this is occurring, these occupations are governed less by professional values than by either market forces or bureaucratic structures. Elliott Krause (1996, 280) poses the question: “Has capitalism finally caught up with the last remaining guilds?” He suggests that this process is under way:

The loss of any noncapitalist values within the professions, both because of external pressures . . . and because of the surrender of positive guild values—of collegiality, of concern for the group, of a higher professional ethic beyond mere profit—that has eroded the distinction between professions and any other occupation and thus left them together as the middle-level employees of capitalism. (281)

On either view, it is clear that anxiety about lawyers losing their professional identity has been an ongoing concern since the rise of the corporate law

firm and provided an impetus for periodic campaigns to reinvigorate professionalism (American Bar Association 1986; Atkinson 1995; Brandeis 1905; Gordon 1983; Hobson 1986; Levine 2013).

Few can deny that large firms are now major business enterprises. The 2019 AmLaw 100 (a list of the top 100 US firms ranked by gross revenue) reported that in 2018, thirty-seven firms generated revenues over \$1 billion, ten firms earned revenues over \$2 billion, and two firms produced revenues over \$3 billion. Of these firms, thirty-nine firms reported profits per partner (PPP) over \$2 million, twenty firms had PPP over \$3 million, eight were over \$4 million, three reported PPP over \$5 million, and one firm reported over \$6 million in profits for each equity partner (*American Lawyer* 2019).

Large law firms also have grown enormously in size in the past 30 years. The AmLaw 100 list in 1989 shows an average size of 312 lawyers; the firms in the 2019 list were over three times that size, averaging over 1,000 lawyers each (*American Lawyer* 2019). Likewise, firms in the 1989 list were relatively concentrated in just a few offices. From an average of just over three offices per firm in 1989, thirty years later, the average size was twenty-one offices per firm in the AmLaw 100 (National Association of Law Placement 1989).

This dramatic growth has brought a host of organizational challenges in 2019 that did not exist in 1989. Organizing 1,000 professionals in dozens of offices is a challenge for managing partners, most of whom began law practice in the late 1980s and early 1990s. Adding to the challenge of scale is a change in structure. In 1989, one-third of lawyers inside large law firms were equity partners—effectively “owners” of the firm; in 2019, this proportion had decreased to one-fifth, indicating what may be a shift in the balance of power within firms to a more concentrated group of senior lawyers.

At the same time, large firm lawyers belong to what traditionally was regarded as a profession. William Sullivan (2005, 21) suggests that “[a] profession is a means of livelihood that is also a way of life.” He continues:

Professionalism seeks freedom in and through significant work, not by escaping from it. In professional work, the practitioner expresses freedom by directing the exercise of carefully developed knowledge and skill toward ends that refer beyond the self and the practitioner’s private satisfaction.

Concern for clients or patients and for the public values for which the profession stands is essential to genuine practice. The key point is that for a genuine professional the meaning of the work derives from both what it is



and the ends toward which it is directed as much as or more than its significance comes from the return it affords.

As we elaborate in this book, we believe that gaining a full understanding of current practice requires that we abandon the assumption that business and professional concerns are inherently antagonistic. From the time that they emerged, corporate law firms have been professional organizations engaged in business. They have operated under different market conditions in different periods, and their viability has depended on both being financially successful and being able to elicit the commitment of the lawyers who work in them as market conditions have changed.

It therefore can be misleading to assume that various changes in law firm structure and policies reflect the unqualified ascent of business values. The more pertinent question is the extent to which firms are attempting to balance business and professional considerations under a new, more demanding, set of market conditions.

Historically, firms' ability to gain the kind of commitment from their lawyers that will enhance business performance rested in part on the extent to which they could credibly frame their responses to business demands as being consistent with those lawyers' understanding of themselves as professionals. Partners must regard proposed changes as aligned with their professional values to accept them, but the ways in which proposals are articulated, and the changes that gain acceptance, themselves can subtly shape the meaning of professionalism for lawyers in the firm. There is thus an ongoing dialectic between material changes in law firms and conceptions of professionalism. Understandings of professional values may serve as sources of resistance to some changes, but may also evolve to accommodate other changes whose adoption are seen as more urgently necessary.

In this book, we draw on 279 in-depth interviews conducted between 2009 and 2016 with partners in large US law firms to assess the claim that business concerns are eclipsing professional values in law firm practice.<sup>1</sup> All but 15 of these interviews were conducted in six firms. Five of these are in the AmLaw 100, while the sixth, before its merger with another firm, was in the AmLaw 200. We focus on the large law firm because, since its emergence in the late nineteenth century, it has had an outsized impact on the legal profession. While a relatively small percentage of lawyers work in this setting, "the corporate law firm continues to exercise an influence, both within

the profession and outside it, that far exceeds its numerical strength” (Kronman 1993, 273). As Anthony Kronman observes, “[h]owever influence and power are measured—whether in raw economic terms or in subtler, political ones—these firms remain the leaders of the bar” (273). Commonly known as BigLaw (MacEwen 2013, 1), these firms attract a disproportionate amount of attention from the legal and the popular press.

We examine how large firms are responding to intensifying competition, what this means for lawyers’ understandings of themselves as professionals, and the degree to which firms are attempting to fashion distinctive organizational cultures that reflect their own particular balances between business demands and professional values. We regard it as crucial to examine both lawyers and their firms because, as Michael Kelly (1994, 18) puts it, “no coherent account of professionalism, legal ethics, or the contemporary legal profession is possible without understanding the workings of practice organizations.” Professionalism, Kelly writes, “is not an abstraction in an organization. It is forged in every decision of the practice” (13). The pages that follow describe how this process occurs in the daily lives of lawyers and their firms, capturing the complexity of experience beneath common stereotypes and broad generalizations about large law firms.

A crucial finding of the book is that no meaningful differences among firms explain their susceptibility to market pressures or the broad outlines of how they respond to them. The partners in our study all face the same basic business pressures regardless of their firms’ practice fields, pedigree and history, geographic location, compensation policy, organizational structure, and client base. The particular form that these pressures take varies depending on some of these characteristics, but every partner faces the same competitive demands that we describe in the book. Responses from partners across all firms emphasize the common crucial challenge posed by intensifying competition and pressure for financial performance. Furthermore, the policies and practices developed in response to these demands represent prominent trends in all firms in our study.

Partners tended to answer similarly when asked what their firms needed to build and maintain a distinctive culture that balances business demands and professional values. As we describe in several chapters in the book, firms may adopt a variety of measures to accomplish this. Our research enables us to generalize, however, that these all represent different ways to meet a basic, shared challenge: the need to simultaneously solve a Prisoner’s Dilemma and

an Assurance Game. We did not approach our research with this conceptual framework in mind; it reflects a theory based on close analysis of roughly 5,000 pages of interview transcripts.

We believe this book makes an important contribution by providing a general analytical framework for analyzing large law firms. This framework provides a common lens through which to view the book's detailed interviews, and we hope it will guide future research on firms. In this respect, the book is written in the spirit of prior scholarship that has sought to identify some of the fundamental underlying dynamics of law firms. Two works in particular come to mind: Robert Nelson's *Partners with Power*, which focuses on the tension between bureaucracy and participation; and Marc Galanter and Thomas Palay's *Tournament of Lawyers*, which discusses the concept of the tournament as the basis for law firm organizational structure and the engine of law firm growth.

We draw three general conclusions about the modern law firm based on our research. The first is that, while law firms have faced increasing competitive pressures in the last three to four decades, those pressures have significantly intensified since the economic downturn of 2008. Many firms are facing flat or declining demand for their services along with considerable pressure from clients to minimize legal fees. At the same time, they are competing with an increasing variety of nonlegal organizations to obtain work from clients, and generally cannot count on long-term relationships with clients to provide a regular flow of business. Many partners express the view that these likely are permanent structural changes in the market for law firm services.

These trends are leading firms to emphasize that their lawyers need to be entrepreneurial in seeking out clients and business, and need to develop business skills to a greater degree than lawyers in years past. Firms are reinforcing this message by altering their compensation systems and being more willing to let go of partners and practices they regard as insufficiently profitable. They also are actively involved in recruiting lateral partners from other firms, as well as seeking to protect themselves from defection by their own productive partners. In these respects, firms are devoting attention to rationally organizing themselves as business enterprises in a more competitive market for both clients and partners.

Second, notwithstanding these trends, professional values remain meaningful to many partners as a source of satisfaction in their practices. When asked whether professionalism in current practice means simply effectively

running a business that serves clients, one litigation partner in a managing role in a major firm is worth quoting at some length:

I think there is a lot more beyond that. . . . [T]here is the craft and the professionalism of writing a Supreme Court brief or delivering an argument or a closing to a jury, conducting a cross examination, at least on the litigation side. That's a tradition of service, and people in this firm want to serve and represent individual clients whether it's me representing [unpopular defendants] in my [earlier practice] for which I took a lot of guff, or it's people today who are representing Palestinian refugees and taking some guff for that. . . .

People want to do the things that drove them to go to law school in the first place. And there is room for that. . . . Making better lawyers who know how to serve people is part of the profession too, in a way I don't think it is necessarily [the case] for engineers or accountants or others who have licenses to practice. (#247)

Similarly, the *American Lawyer* noted in its 2018 report on the AmLaw 100, "Not all law firm partnerships are profit-maximizing entities; rather, many balance profits with the psychic income partners get from collegiality, intrinsic joy of the work, contained performance pressures and satisfaction drawn from developing the next generation" (Simons and Bruch 2018).

A partner's belief that his firm genuinely regards such values as important, and that it actively seeks to pursue them, can elicit commitment to the firm that is more durable than a connection based simply on financial self-interest. It can lead partners to act in the interest of their colleagues and the larger firm. To the extent this dynamic occurs, it can foster a culture that not only provides intrinsic professional rewards for partners but also enables the firm to serve clients more effectively than other firms.

If this cooperative culture creates a competitive advantage for the firm, it can generate firm-specific capital that makes it more advantageous for partners to remain at the firm than to move. This means that the firm will have more secure client relationships and a more stable partnership. In this way, a firm that gives meaningful weight to nonfinancial professional values can elicit partner commitment that also provides financial benefits for the firm.

Our third conclusion is that sustaining this sort of culture is easier said than done. Because of intense competition, a firm is likely to move increas-

ingly in the direction of focusing on business considerations unless it deliberately seeks to do otherwise. This can lead partners to protect themselves by acting in their immediate self-interest rather than cooperating with others for the benefit of colleagues and the firm.

To avoid this default outcome, a firm must simultaneously communicate two messages to its partners. On the one hand, it must convince them that cooperative behavior will be more financially advantageous than self-interested behavior, and will produce greater returns than partners could gain at other firms. We describe this as management's need to solve a Prisoner's Dilemma. A firm that does this can create firm-specific capital by strengthening partner ties to the firm, which in turn may create a competitive advantage.

At the same time, the instrumental basis of these ties may make commitment fragile and contingent. To build even more durable ties, management must credibly communicate to partners that the firm is more than a vehicle for generating profits. It must convey that it regards the nonfinancial rewards associated with professional values as intrinsically important. This sends the message that cooperation is not simply valuable for instrumental reasons but as a way of interacting that expresses and enables partners to practice in accordance with the ideals of professionalism. We describe this management task as solving the Assurance Game. Meeting this challenge can create even stronger firm-specific capital in the form of ties between partners and the firm that are based on both financial and nonfinancial rewards that the firm provides.

As this discussion suggests, business and professional values can be complementary as well as antagonistic. Some policies that enhance a firm's business prospects can also enhance the conditions under which professional values can flourish. Similarly, measures that foster the firm's realization of professional values can elicit commitment to the firm that furthers its business success. Business and professional values—money and meaning—thus can intertwine in various ways in the modern large law firm, even though firms undeniably are more subject than ever before to the influence of market forces.

Each firm needs to negotiate this dynamic in its own way and strike a balance that takes account of the particular conditions that it confronts. Most large firms are subject to comparable economic pressures, for instance, but even within this group there are indications that distinct market segments may be emerging that will require different responses (Simmons 2018a). In addition, differences among firms in the industries and clients that they serve, the services that they offer, and their lawyers' expectations of practice will

necessarily require firms to align money and meaning in their own distinctive ways. We describe how firms are doing this, either deliberately or unwittingly, and what this suggests about the future of the large law firm.

### The Research

We provide details on our research design in an appendix following the conclusion, but it will be useful here to describe our general approach. About 95 percent of our interviews were in six firms of roughly 900 or more lawyers, five of which are in the AmLaw 100. The sixth firm was in the AmLaw 200 and had over 400 lawyers; it has since merged with another firm. We interviewed people from a range of practices and with different demographic and other relevant characteristics. We nonetheless cannot claim to have conducted a scientifically rigorous random sample.

As we have indicated, a major finding of our research is that the six firms in which we did the bulk of our interviews face the same business pressures and respond to them in similar ways, regardless of various differences among them. Partners across all firms also describe similarly what a firm must do to maintain a culture that elicits commitment by credibly communicating that it regards both business and professional concerns as important. As we describe above, we characterize this as simultaneously solving a Prisoner's Dilemma and an Assurance Game.

We did detect some differences in the extent to which firms explicitly seek to promote professional values and in how successfully they establish a culture that does so. Some of the six firms are more effective in instilling this sense of a common culture, although dissenting voices are heard even within these firms. We discuss this at appropriate points in the book.

Another difference that we noted, about which some partners were explicit, was the difference within firms between their New York office and other offices. A strong sense emerged that the work culture in the New York office of a firm is shaped more than the other offices by a keen sensitivity to market demands and by providing rewards to those lawyers who are most responsive to them and are most financially productive. Although New York-based lawyers experienced some camaraderie among their co-professionals, they did so mainly by participating on work teams rather than through other more informal forms of connection in the workplace. We note here this perception of the difference between the New York office and other offices in the firm, but do not discuss it further in the book.

Below is a short profile of each firm, which may be useful as a reference when we discuss any differences among firms. We have taken care to ensure that these descriptions do not include any characteristics that might be used to identify any individual firm.

Firm 1 at the time of our study was a firm of about 400 lawyers, which since has merged with another firm. Litigation was its strongest practice, although it contained some other specialized practices. The firm faced increasing competitive pressures as other firms in its market grew at a faster pace. After competitors in recent years lured away some profitable partners, the firm responded by more actively attempting to attract partners from other firms and to focus its practices on more profitable work. At the time of our interviews, Firm 1 was facing challenges because of its size, the lack of a distinctive market niche, and difficulty in leveraging work among its practices because of insufficient depth in the fields that it covered.

The remaining five firms all had more than 900 lawyers at the time of our study. Firm 2 traditionally had a strong litigation and regulatory practice. It has tried with mixed success to expand and broaden its corporate practice, although in recent years it has become strong in a specialized and highly profitable corporate field. The firm historically did a significant amount of pro bono work and encouraged its lawyers to spend time in public service, which it believes has provided a certain amount of self-selection among lawyers and helped to maintain a distinctive culture.

Firm 3 has had a strong corporate practice, and its partners traditionally regarded its culture as very collaborative. In recent years, it has engaged in a strong push for global expansion in an effort to expand corporate work along with other practices. It has had a strong managing partner in recent years, and its legacy home office continues to exert substantial influence in the firm. The firm emphasizes continuing growth, is very active in the lateral market, and is attempting to establish a more systematic process to integrate laterals into the firm.

Firm 4 historically had a wide range of practices in diverse geographical areas with differing rate structures, profitability, and partner compensation. It had especially strong relationships for several years with certain clients, which now have become less exclusive. This means competing with other firms for these clients' work. Partners spoke openly about the firm's culture, saying that it has had a more relaxed atmosphere than other large firms. Some said that the firm appropriately is moving away from this approach toward a system of

greater accountability, with less tolerance for underperformers, while others expressed anxiety about the impact of this change on the firm's culture.

In the past, Firm 5 had a range of practices, which the firm is now trimming to focus on the most profitable ones. One practice area built through lateral hires has become especially profitable and now exercises considerable influence within the firm. Partners praised the firm's support for business development efforts, which they regarded as important in the firm's rise in financial performance.

Firm 6 historically formed close relationships with certain clients that are now less exclusive. It has a relatively broad range of practice areas that vary in profitability and, to some extent, it emphasizes growth less than other major firms. It disseminates information about partner compensation somewhat less widely than the other firms in our study, although partners can arrange with management to see this information. Partners spoke openly about the firm's culture. They generally regarded collaboration as an important aspect of that culture and believed that management encourages this in various ways.

With respect to differences among particular groups of partners within firms, we did not find any systematic differences in viewpoints based on seniority, department, practice group, office location, or service in a management position below top management. We did find that members of top management, such as managing partner or firm chair, generally are more likely to say that a firm has a distinctive culture and to be positive about it. There is more variation below this level, however, even among members of an executive committee or similar body. In general, lateral partners had somewhat more positive views of their firms than other partners, although the difference was not striking. Where relevant, we note within the book whether an interviewee was a lateral partner. We also found that "service partners," who generally do not generate revenues by attracting clients, held somewhat less favorable views of a firm than "rainmakers," who generate new clients. Where relevant, we note whether an interviewee was a service partner or a rainmaker.

We found more concern among women than men about opportunities to advance within firms. We discuss this finding mainly in chapter 3, but also in other chapters dealing with termination and compensation of partners. Finally, we did not have access to information about the revenues or profitability of specific practice areas in firms and so were not able to compare viewpoints based on this factor. We do offer suggestions at different points in the book, however, about how practicing in what are conventionally regarded



as highly profitable and less profitable areas may affect what specific partners say about particular topics.

Our study finds that large modern firms increasingly face common pressures and deal with similar challenges. This is consistent with our suggestion that intensifying market pressures risk slowly draining firms of distinctive features beyond those based on business logic. Therefore, firms must make more deliberate efforts than in the past to preserve such distinctive features. We acknowledge that other studies with a different focus that rely on multiple methodological instruments may identify interesting differences among firms. We believe, however, that we have identified important dynamics that are common to large law firms.

### Organization of the Book

Throughout the book, citations to quotations from partners indicate interview numbers. Chapter 1 sets the stage by briefly noting how the idea of a dichotomy between business and profession has shaped much of the commentary on the large law firm for more than a century. It then describes an alternative analytical model of sociologist Eliot Freidson that acknowledges that firms have always combined what can be called business and professional logics. We elaborate in this chapter on the need for a firm to solve both the Prisoner's Dilemma and the Assurance Game to sustain a culture that gives weight to both types of logic, and we describe how this task has become more challenging in the last few decades.

The remaining chapters draw on partner interviews to describe changes in the market for law firm services, how these changes are reshaping the relationship between partners and their clients and firms, and how firms' responses to these changes are shaping both lawyers' and firms' conceptions of professionalism.

Chapter 2 describes how the market for services has changed from a seller's to a buyer's market. Chapters 3 through 9 then discuss specific ways in which firms have responded to this shift, how these responses have affected partners' understandings of law practice, and the challenges that such responses pose as firms attempt to balance business and professional concerns. We tell this story largely through the words of partners themselves.

Chapter 3 discusses law firms' growing emphasis on lawyers acting as entrepreneurs and developing business skills in response to this change. Because this trend has major implications for advancement and compensation in law

firms, we devote attention in this chapter to how this shift in what is valued affects the career prospects of women.

Chapter 4 analyzes the potential risk that an entrepreneurial emphasis can produce a culture in which partners focus more on their individual interests than the interests of the firm. We describe how fostering a sense of entrepreneurialism as a collaborative rather than solo effort can reduce this risk and create the conditions for both business success and professional satisfaction. Chapter 5 discusses how firms are more willing than in years past to terminate partners for what is regarded as insufficient productivity. We point out how the ways in which they do this can influence partners' sense of allegiance to the firm and their understanding of the values that it regards as important. We also note in this chapter how the entrepreneurial challenges that women may face in turn can make them especially vulnerable to termination.

Chapters 6 and 7 look at the ways in which compensation decisions play a crucial role in firms' efforts to encourage behavior that furthers financial success. Chapter 6 focuses on compensation as a material economy that allocates financial rewards. It describes the elements of typical firm compensation systems and how these elements are the product both of formal criteria and informal bargaining among partners. Chapter 7 emphasizes that compensation also represents a symbolic economy that involves the distribution of respect, in that it is seen by partners as an indication of how they are valued by the firm. As such, compensation can be critical in any effort to harmonize business and professional logics.

While chapters 2 through 7 discuss business pressures and how firms respond to them with respect to the partners in the firm, chapter 8 focuses on the lateral market. Even if a firm can create a distinctive culture that gives weight to both business and professional logics, that culture is constantly under pressure from the increasing rate of partner departures and arrivals in an active lateral market. How a firm deals with this phenomenon therefore can have a significant impact on its ability to maintain a balance of logics.

Chapter 9 focuses on the extent to which increasing business pressures are reshaping an important dimension of professionalism: lawyers' understanding of their role in society and their ability to play that role. Specifically, have changes in market conditions made partners feel less obligation to take account of concerns beyond the immediate interests of the client? Finally, a concluding chapter offers reflections on the insights from the interviews and what they can tell us about the ongoing efforts of lawyers to maintain a sense of professional identity in the face of intensifying business demands.

### Business, Profession, and Ethics: A Final Note

This project began as an effort to identify what features of large law firms might promote ethical behavior. This focus led us to ask lawyers questions such as: Have you ever been asked by a client to do anything that made you feel uncomfortable? If so, did you raise your concern with someone in the firm? What was the response? Who decides whether taking on a matter would create a conflict of interest with another client? How much do ethical considerations influence that decision as compared to business concerns? Have you ever seen colleagues behave in ways that you regarded as ethically problematic? Did anyone in the firm raise any concerns about that?

Our discussions of these questions with lawyers were not entirely satisfying. We gradually realized that what lawyers regard as issues of ethical significance go well beyond matters that are conventionally defined as involving legal ethics. Questions that arise under ethics rules or the common law of professional responsibility do not exhaust the set of concerns that law firm lawyers regard as relevant when they assess the ethical environment in which they practice. Additional concerns include willingness to share billing credit with colleagues, giving up a client that poses a business conflict for the firm, taking time to mentor younger lawyers, giving up compensation for the sake of junior partners, grappling with how to deal with work and family conflicts, deciding how much time worked should be billed to the client, and considering whether to leave the firm and take clients along.

The need to make choices on these and other ethically important questions arises far more often for the typical lawyer than the need to decide whether to disclose an incriminating document or to backdate a legal opinion so that the client can gain a tax benefit. It is not the case, in other words, that lawyers in firms work in two different realms—one consisting of daily practice largely devoid of ethical significance or meaning, and the other involving more vivid occasions on which they must balance responsibilities to their clients and to the legal system in ways consistent with ethical responsibilities. Lawyers seek to live more integrated professional lives than this, infusing those lives with meaning through the creation of a normative universe that enables them to make moral judgments about a wide range of behavior. Some of this behavior may not be the subject of conventional legal ethics, but that does not mean that lawyers regard it as having no ethical significance.

In this respect, our experience has been similar to the one that Michael Kelly (2007, 4) describes:

People in law practices with whom I talked were happy, sometimes even eager, to talk about their practice, their organization, and issues that worried them, but legal ethics was not high on the list, if it made the list at all, of what most concerned and engaged them about their practice. People had strong feelings ranging from pride to deep concern and even puzzlement about their practices. . . . I had stumbled on something different from what I had set out to find. I decided to abandon my original focus and simply describe law practices, to communicate the character, concerns, and thinking of people in the practice about their professional lives.

Thus, while chapter 9 focuses on how partners subject to increasing business pressures see their social role and its ethical obligations, it is important to emphasize that lawyers regard the issues we discuss in chapters 2 through 8 as also freighted with ethical significance. In this respect, the entire book depicts both the material and the moral worlds that large law firm partners inhabit.