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Legal Studies 217
Lawyers and Other Law Workers

America: The Land of Lawyers?
- Dan Quayle: “Does America really need 70% of the world’s lawyers?”
- There are more lawyers in the United States than in any other country in the world!
- There are more lawyers per capita in the United States than anywhere in the world!

Defining Professions
- Attributional definitions
  - Formal knowledge
  - Autonomy from client
  - Altruistic motives
  - Self-regulation
- Functional definitions
  - Work and role in society
- Market definition
  - Control production of producers
  - Control production by producers
Market Control

- Lawyers in the U.S.
  - Role of Bar Associations
  - The “integrated” bar
- Control entry into the profession
  - Bar examinations
  - Law school accreditation
- Control legal work
  - “Unauthorized practice of law”
  - Defining the practice of law

English Legal Profession

- Functional model works better
  - Absence of restrictions on providing legal services
- Solicitors
  - Monopoly on initiating court proceedings
  - Monopoly on “conveyancing” (until mid-1980s)
- Barristers
  - Monopoly on advocacy in higher hours
  - Share monopoly on advocacy in lower courts with solicitors

Lawyers and Judges

- Common law system, lawyers and judges are part of a single profession
- Judicial appointments go to senior, experienced lawyers
Legal Professions in the Civil Law World

- Legal professions tend to be highly fragmented
- Judges and other legal professions share a common initial education
- Pursue very separate careers

France

- avocat, advocate (similar to barrister)
- avoué, initiator (proceduralist) of litigation in most courts
- agréés, initiator of litigation in the commercial courts
- procureurs (prosecutors)
- notaire
- magistrats (corp of judges)
- administrateurs judiciaires - court-appointed administrators
- hussiers de justice – bailiffs
- greffiers de Tribunaux de Commerce - registrars of the commercial court

France, continued!

- conseils fiscal et juridiques or “legal advisors”—persons without formal qualifications or licenses
- agent d'affaires (business agent)
- expert-comptable (CPA)
- arbitre rapporteur (arbitrator)
- expert judiciaire (legal expert attached to agricultural syndicate)
- Licensed auctioneers
- law professors
Other Civil Law Countries
- Less extreme fragmentation but still multiple professions
- “State-centered” profession in Germany
  - More law-trained people work for government than are in private practice
- Japan
  - Judges and prosecutors
  - Bengoshi
  - Law graduates

Law Workers and Law Professionals
- Many people do law work without formal legal training
- England
  - Citizen Advice Bureaux
  - Legal Executives
  - Loss assessors
- U.S.
  - Paralegals
  - Tax accountants
  - Union representatives
  - Paralegals

Development of Legal Education
- Common law systems
  - Legal training through apprenticeship
  - Proprietary law schools in early 20th Century U.S.
  - ABA and shift to university
  - Shift to university in England, post-WW2
- Civil law systems
  - Legal training/education through universities
Legal Education Today
Common Law Countries
- U.S. & Canada
  - Second degree
  - Case method
  - Canada: Articled clerkship
- England, Australia, New Zealand, India
  - First degree
  - "Practical" training course
  - Traineeship or pupilage
  - Treatise oriented

Legal Education
Civil Law Countries
- University degree in law
  - Learning (memorizing) code
  - Treatises
  - Examinations
  - Choose career path
    - Judicial training institute
    - Practice training program
    - Take legal job not requiring additional qualifications
- Selectivity for additional training varies

Number of Lawyers
Gender and Age

Where Do Lawyers Practice?

Changing Distribution of Practice Settings
Practice Setting by Gender

Growth in Firm Size

Legal Careers in the U.S.

- Getting started: Learning lawyering
  - Large firm associates
  - Small firm associates
  - Government positions
    - Assistant district attorneys
  - Hanging out a shingle
- Making it
  - Partnership: the tournament
  - Success in small firm and solo work
  - Working for organizations
Post-Professionalism

- Lawyering in the information age
  - Rationalization of information
  - Technological tools for accessing information
  - Artificial intelligence systems for decision making
- The deprofessionalization of legal practice?
  - Alternative providers of legal services
  - Competition among lawyers