New Strategies for Getting Clients: Urban and Suburban Lawyers' Views

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A survey of a random sample of attorneys in the New York Regional Metropolitan Area reveals that they have a lukewarm attitude toward newer, more businesslike client-getting strategies—advertising, prepaid legal plans, nonprofit plans, and closed legal plans; respondents also strongly agree that these techniques have a negative impact on the public's image of the profession. Do structural factors of the profession explain attitudes toward professional practices? To find out, I examined the effect of three dimensions of the profession: organization of work, geographical location of organization, and demographic factors. The findings show both persistent intraprofessional tensions around the impact of these new practices on the image of the profession and tension between older and younger attorneys over advertising and development of legal plans. Also these analyses document a structural dimension of the legal profession not identified in earlier research: suburban practitioners are much more skeptical about the newer client-getting practices than are their urban colleagues.

Lawyers in private practice require clients to earn a living. But the task of cultivating and getting clients is surrounded by a history of conflicting professional guidelines, practices, and norms. Like other private professionals, lawyers have the authority to establish their own standards of conduct and procedures for self-regulation. An essential building block of the "professional project" rests on an institutional relationship between the authority to promulgate professional rules and the authority to regulate violation of those rules (Larson 1977; also see Abel 1989). Sociological research shows, however, that practices do not always complement professional standards and

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that socially situated norms provide an avenue of reconciliation.

A series of Supreme Court decisions that permits attorneys to expand their client-cultivating and client-getting techniques has rekindled tension between rules, practices, and norms. In 1977, the Court held that advertising by professionals is constitutionally protected under the First Amendment as a form of commercial speech.[1] This decision opened the way for ads by professionals in citywide and local newspapers, in the yellow pages, and on TV and radio.[2] In another series of decisions, the Court held that state rules prohibiting, as unlawful solicitation of litigation, labor unions from advising injured members or their dependents from obtaining legal advice before settling claims with a company infringes on guaranteed First and Fourteenth amendment rights.[3] Growing out of these opportunities, lawyers developed "closed" legal plans with associations whereby the attorney receives a monthly fee and, in exchange, represents members in various matters. Unions have also offered nonprofit, in-house legal plans for members as part of a fringe-benefit package.[4] Combining the opportunity to advertise and the idea of nonprofit legal plans, private, direct-mail companies have begun to market and sell prepaid legal plans to their customers.[5]

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[1] On advertising, see *Bates v. State Bar of Arizona* (1977); also see *Goldfarb v. Virginia State Bar* (1975). The Court is still considering lawyer advertising and solicitation; see *Ohralik v. Ohio State Bar Association* (1978); *In re Primus* (1978); *In re R.M.J.* (1982); *Zauderer v. Office of Disciplinary Council* (1985); and *Shapero v. Kentucky Bar Association* (1988).

[2] More recently, the Court addressed the issue of client solicitation through the mail and held that "truthful, nondeceptive, targeted direct mail solicitation is permissible" (*Shapero v. Kentucky Bar Association* 1988). *Shapero* considered the question of mail solicitation where an attorney contacted individuals facing foreclosure to inform them of their need for an attorney. While the Court has held that in-person solicitation is not protected (see *Ohralik v. Ohio State Bar Association* 1978), in *Shapero* the Court held that direct mail solicitation does not present the same problems. Over Justice O'Connor's strong dissent, Justice Brennan's opinion in *Shapero*, by striking down the virtually universal ban on "subjective predictions of client satisfaction" (p. 4535.35), eliminates one of the last instruments through which state bar associations could regulate advertising. In reaching this decision, the Court limited still further one of the last avenues for self-regulation of lawyer solicitation.

Please note that I do not directly address the impact of direct mail solicitation, as permitted under *Shapero*. This case was decided after this survey was administered in fall 1989.

[3] *Brotherhood of Railroad Trainmen v. Virginia State Bar* (1964); also see an earlier case, *NAACP v. Button* (1963), as well as *United Mine Workers v. Illinois State Bar Association* (1967) and *United Transportation Union v. State Bar of Michigan* (1971).

[4] For example, the United Auto Workers and the American Federation of State and Local Employees both have a full-time staff of attorneys who are available to serve the legal needs of union members.

[5] Thus, companies such as Hyatt Legal Services, the Signature Group, and Nationwide Legal Services market plans to private individuals who, for a monthly credit card charge, have access to a lawyer's services on a prearranged set of matters, such as review of short documents, will preparation, and house closings, as well as a range of additional services that will be handled at a predetermined hourly rate. To meet de-

While Court decisions sanction these client-getting practices and, indeed, many lawyers use them, findings from a survey of a random sample of attorneys in the New York City Regional Metropolitan Area (RMA) show that, overall, lawyers have a slightly positive attitude toward these newer client-getting practices. But the survey also revealed that lawyers feel quite strongly that these same practices have had a negative effect on the public's view of the profession. In this article, I examine the reasons for lawyers' generally lukewarm view of the new client-getting practices, and I consider what these findings suggest about the persistence of professional norms for getting clients.

To explore new developments in the practice of law, I conducted a telephone survey of 695 private practitioners in the New York RMA in the fall of 1989.[6] In addition, as part of the larger study I have conducted open-ended and in-depth interviews with many leaders in legal advertising and prepaid plans (Seron 1992) and held about 100 interviews with solo and small firm practitioners in the New York area. Although this article focuses on survey findings, I also draw on insights gleaned from the open-ended interviews to explain further the implications of the survey data.

Part I presents an analytic framework for explaining the relationship between the structure of the legal profession (i.e., work organization, geographical location, and demography) and attitudes toward new practices of client solicitation. Part II describes the data set. Part III presents findings based on multivariate models that explain respondents' attitudes toward these new practices and their attitude toward the impact of these developments on the profession's image in the eyes of the public; these models weigh organizational characteristics (e.g., size of firm, nature of practice), geographical location, and demographic variables (e.g., age, gender, income). In part IV, I discuss the implications of these findings and, in particular, lawyers' resistance to new norms of professional practice.

I. The Structure of Private Legal Practice

The history of the legal profession is replete with internal disputes over appropriate standards of conduct, including client solicitation (see e.g., Halliday 1987; Powell 1988; Schneyer 1992). Students of the profession have shown that tensions over guidelines, practices, and norms within the profession often fall along an elite–non-elite axis, particularly when issues

mand, these companies develop a network of attorneys who each receives a modest sum per client per month in exchange for participation.

[6] In total, 1,000 attorneys were surveyed; here I only report on attorneys in private practice.

are initially aired (also see Auerbach 1976; Abel 1989). This article complements earlier research and proceeds from the premise that analysis of attitudes among private practitioners will be explained by the structure of the profession. Previous research has shown that the structure of the profession includes (1) the profession's older "hemispheric" cleavages between corporate and individual-client, elite and non-elite lawyers. My research adds new structural factors to earlier models and considers (2) geographical cleavages between urban and suburban attorneys in the wake of an expanding service economy and (3) generational and gender cleavages arising from the overall growth in the number of lawyers and the entrance of women into the profession.

What is it about these new client-getting practices that is so controversial? The next section explores this question and considers the ways in which the new practices transform traditional notions of lawyer-client relations. I also elaborate on the structure of the private legal profession and consider how various factors may predict differences in attitude toward new practices.

A. New Client-getting Practices

The task of cultivating and maintaining a client base raises a sensitive question for any profession, but it is particularly delicate for the "old" professions of medicine and law. In the classic model, professionals seek to distinguish themselves from businesspersons because they claim to be above self-promotion of their skills and services.

As part of the turn-of-the century "project" to secure self-regulation, lawyers, like many other professions, developed codes of professional ethics to articulate behavior appropriate for these special occupations.[7] As part of this effort, in 1908 the American Bar Association Ethical Canon 27 was adopted; it announced that "a well-merited reputation for professional capacity and fidelity to trust . . . character and conduct" was the best "advertisement for a young lawyer." Further, it prohibited as unprofessional "solicitation of business by circulars or advertisements, or by personal communications, or interviews, not warranted by personal relations."[8] As Powell (1988:156)

[7] For a history of the formation of professional associations and their role in professional reform, see Halliday 1987; Larson 1977; Powell 1988.

[8] This prohibition on advertising limited lawyer self-promotion to business cards, approved law lists, newspaper articles, and shingles, all of which were highly regulated by national and state bar rules and state and local ethics committee opinions. Over the years, the profession reaffirmed its commitment to "blanket prohibitions on lawyer advertising," which was generally reaffirmed by state bar associations and state supreme courts, bodies with more direct authority over attorneys.

This was, moreover, only one part of the bargain; professional associations also

explains, the profession viewed advertising "as manifesting a spirit of commercialism foreign to the quiet dignity of the profession [and] was treated as a form of unprofessional conduct." ABA guidelines were incorporated into state bar rules and state supreme court decisions and helped to establish the social conditions for a commonly shared norm that professional practices are to be distinguished from business practices.

Attempts to reform the profession's code and to expand client-getting techniques remained a relatively minor issue until the early 1970s when a somewhat surprising coalition of political bedfellows pushed the issue to center stage. First, drawing on the model established by government-based legal services, a number of young private practitioners with a flair for business opened offices to provide standardized, low-cost legal services geared to a lower- and working-class population of consumers. Second, efforts to model private legal service after its government-based counterpart were augmented by leaders of the consumer movement who called for full disclosure of information to potential purchasers of products and services. Thus, these

> growing consumer and [private] legal-services movements argued that [bans on advertising] artificially raised the cost of routine legal services by reducing intraprofessional competition and obstructed the flow of information about available legal services. According to legal-aid lawyers, advertising was required to inform potential clients as to what services were available at what price. For the promoters of low-cost legal clinics advertising was essential to their economic viability. Thus the attack on the professional restriction on advertising was lead by consumer advocates together with legal-clinic entrepreneurs. (Powell 1988:156–57)

Thus, the series of cases that eventually reached the Supreme Court was a victory for one segment of the private bar—reformers with a populist bent. The Court's action in *Bates* and other related cases had the effect of circumscribing the profession's authority to self-regulate procedures for client acquisition and opened the way for marketing legal services. Or, as one commentator has put it, these decisions "federalized issues lawyers had long considered to be within the preserve of the ABA and the reliably deferential state supreme courts" (Schneyer 1992:104).

Yet, the opportunity to advertise, to mail brochures to potential clients, to circulate newsletters, to slip ads into credit card bills, and to sell legal plans brings client-getting out of the closet, celebrates the commercialism of private legal practice, and has the potential to expose a thinly veiled myth that lawyers wait for clients to call. In other words, while new client-

secured the authority to certify the scope of appropriate education and training. For a further discussion see Abel 1989; Larson 1977.

getting practices are well established and formally sanctioned, they may remain quite controversial because they challenge a shared norm that lawyers are not businesspeople.

B. The Organization of the Private Bar

Within the private practice of law, previous research has shown that urban lawyers work in different "hemispheres" of elite, corporate, large firm practice or in non-elite, small firm, and solo practice (Heinz & Laumann 1982:323–28). The stratum of the legal profession geared to individual needs tends to handle such matters as wills, divorces, real estate, commercial matters, and personal injury cases. The effect of relying on these "one-shot" matters for "getting business" by word of mouth creates a precarious professional existence (Galanter 1974; Ladinsky 1976; Carlin 1962). By contrast, for the "corporate hemisphere" of the urban legal profession, the client base tends to be "repeat players" who bring complex disputes (Galanter & Paley 1990).

In a survey of attorneys in New York City, Carlin (1966) found a persistent difference in attitude between corporate and individual-client attorneys over issues of appropriate professional conduct. His survey findings showed a consistent pattern in which all attorneys agree about what constitutes a more general level of unethical behavior in society, such as bribery or stealing. But in an era before professional advertising was sanctioned, his survey findings also revealed that when it came to more specific professional standards, such as "relations among colleagues, methods of obtaining business, and conflicts of interest," there was a consistent difference between elite and non-elite practitioners when the "distinctively professional standards are accepted for the most part only by elite lawyers" (p. 165). His findings also showed that individual-client attorneys faced greater "temptations" to violate professional standards than their large firm counterparts, who tended to be more insulated from such pressures and to enjoy greater professional security.

Organizationally, (1) the size of a law firm, (2) the nature of an attorney's client base or the degree to which he or she represents large, corporate clients, and, related to both of these variables, (3) the kinds of matters an attorney handles are key factors that differentiate the corporate and individual-client hemispheres. Previous research shows a significant difference in the views of attorneys of the corporate and individual hemisphere about appropriate professional standards that should persist despite formal changes in professional guidelines. More specifically, attorneys of the corporate hemisphere should view the new client-getting developments in a negative light.

C. The Postindustrialization of Urban Legal Practice

While the work of Heinz and Laumann underscores the centrality of an attorney's client base in explaining the stratification among lawyers, their work examines the profession within an urban context—*within the formal boundaries of the city of Chicago*. The development of a postindustrial, service economy, however, challenges the rationale for employing these categories to discuss the legal profession.

Corporate, "downtown" attorneys—those who work on La Salle Street in Chicago or Wall Street in New York—represent clients who are part of a national, even international, economy. Further, corporate clients no longer need to be next door, or geographically proximate, to their lawyer-advisor—as they once were (Smigel 1964). Indeed, in a study of New York, Drennan (1991:33) has shown that even when some corporate giants move away, they continue to "use the same . . . law firms, investment banks, commercial banks (except for payrolls), and accounting firms as they had when they were in the city." In other words, attorneys of the urban, "corporate hemisphere" compete for clients in a national, if not an international, market where urban boundaries are increasingly irrelevant (Galanter & Palay 1991).

By contrast, "downtown" solo and small firm attorneys of the urban core, particularly those who work in older cities like New York and Chicago, confront a shrinking base for potential clients. The outer urban loop of these cities were centers of blue-collar manufacturing plants. But, in the post–World War II period, manufacturing has left the city and by 1980 had all but disappeared in New York (Harris 1991:135). With a decline in manufacturing, there has been a concomitant decline in small service businesses—among them restaurants, cleaners, and repair stores. Finally, the outer urban rim of cities like New York are home to new immigrants from Asia, the Caribbean, India, and parts of Africa following a massive wave of immigration during the 1980s and the focus of racial tension and conflict (Bailey & Waldinger 1991:43–44). Taken together, these economic developments are particularly problematic for attorneys of the urban, "individual-client hemisphere" who rely on a locally based service economy to develop a client base.

The expansion of a postindustrial, service economy, particularly during the 1980s, transcended urban boundaries and created a vibrant outer rim surrounding cities for the expansion of a solo and small firm suburban and exurban bar. In marked contrast to the effects on the outer boroughs of New York City, the impact of postindustrialization on the suburbs generates a robust social structure that is ripe for exploitation by small firm and solo practitioners.

The transformation of the city, specifically the growth of the suburbs, suggests that an exclusively urban focus does not capture the structural characteristics of private legal practice. Thus, an additional structural variable should be considered—the geographical location of practice within the region.[9]

Whereas earlier research showed the importance of an elite–non-elite split among attorneys that is demarcated by "hemispheric" differences, the more recent expansion of small firm and solo attorneys into the suburbs[10] suggests that there may be equally important urban-suburban differences around issues of bar politics, such as advertising and solicitation. Further, because the client-getting strategies under examination are used by attorneys in solo and small firms who are much more likely to be located in the outer rim of the region,[11] it is reasonable to speculate that suburban attorneys will be more supportive of the new client-getting practices and less concerned about the impact of these developments on the image of the profession than their inner-city and urban counterparts.

C. Demographic Trends: More than an Incremental Shift?

Abel's recent study *American Lawyers* (1989) presents a definitive examination of demographic shifts in the legal profession. Documenting trends in the size and educational stratification of the profession, his work reveals a "rapid expansion [in

[9] To capture the dynamics of a postindustrial, urban-suburban economy, I chose the Regional Metropolitan Area—a geographical unit which includes, like the New York Metropolitan Media Market, the City and five boroughs of New York as well as the contiguous Long Island and upstate counties of Nassau, Suffolk, Westchester, Rockland, and Putnam. While all geographical units are at some level "arbitrary," the RMA includes the essential urban core, surrounding city, and suburbs of New York City (Harris 1991:130), thus incorporating the key pockets of postindustrial transformation.

[10] Even if we exclude government attorneys in the Regional Metropolitan Area of New York, Manhattan shows a high ratio of lawyers to population (three attorneys per one hundred persons older than 18). On the other hand, the Bronx has the lowest ratio of lawyers to the population, in large part a reflection of the economic collapse of the borough over the last 10-15 years. Westchester and Nassau show a ratio of five attorneys per thousand persons, the largest ratio of attorneys per county in the RMA. The ratio of lawyers to population in these counties complements the expansion of these counties as measured by (1) the increase in wealthy residents who commute to Manhattan to work, (2) the development of local businesses to meet the needs of commuters, and (3) the proliferation of new manufacturing. In a word, all these developments present prime targets of opportunity for small firm attorneys; and, there are relatively more lawyers per population where postindustrialization has been most vibrant. These calculations are based on data collected by *The Lawyer Statistical Report* (Curran et al. 1985) and the U.S. Census.

[11] Among solo practitioners ($n=295$), 21% work in the central city, 26% work in the suburbs, and 53% work in "other urban." Among attorneys in firms of 2–15 lawyers ($n=193$), 32% work in the central city, 11% work in the suburbs, and 57% work in "other urban." Among attorneys in firms of 16–100 lawyers ($n=93$), 72% work in the central city, 4% work in the suburbs, and 24% work in "other urban." Finally, among attorneys who work in firms with 101 lawyers or more ($n=114$), 94% work in the central city, 1% work in the suburbs, and 5% work in "other urban." This relationship is significant at the .00000 level.

the number of lawyers] since the mid-1960's" that has "inverted the age pyramid" of the profession. Today, there are disproportionately more lawyers with fewer than ten years of work experience who are also, on average, younger (p. 83) than was true in the immediate post–World War II period. Abel shows that "recent growth has been concentrated in the less elite schools, while supply control has been maintained within elite institutions" (p. 75), which may, he speculates, shift the battle lines around issues of bar politics and rules. Thus, "status, wealth, and power" in the profession are enjoyed by an older and smaller cohort of attorneys who "must defend those privileges against a large younger cohort experiencing more intense competition" (p. 83).

There has also been a notable increase in the proportion of women in the profession since the mid-1970s. "Between 1967 and 1983, the enrollment of women in ABA-approved law schools increased 1650 percent, from 4.5 to 37.7 percent of the total" (p. 91). While women continue to be underrepresented in the elite institutions of the law, including elite schools, the best clerkships, and elite law practices, nonetheless, Abel's work shows an overall increase in women attending law school full time, an increasing number admitted to more prestigious schools, and, following this, gaining access to elite arenas of work.[12] With their now greater access to legal education, it is estimated that women constitute about 10% to 15% of all working practitioners (p. 92). Yet women have long been denied access to key centers of professional power; thus their attitude toward various questions of bar politics, including client-getting, may not conform to traditional positions of a male-dominated old elite.

Thus, in addition to the traditional and long-standing differences between corporate and small firm or solo practice, a shift in key demographic characteristics of the legal profession is emerging. Traditionally, the profession, including professional associations, has been controlled by older white men. But the increasing proportion of younger lawyers, especially younger women, may challenge this balance of power, creating generational and gender differences over appropriate professional practices. For example, younger attorneys who face more competition within the private, individual-client hemisphere than their older peers may be less disturbed by advertising because they see it as increasing their opportunities for securing business.

Earlier work on the legal profession suggests that the status and type of practice of lawyers will be associated with differ-

[12] Abel's (1989) work also shows, however, that women lawyers are, on the one hand, more likely to put off children and marriage than their male counterparts and, on the other hand, more likely to leave the practice of law than their male counterparts.

ences in income and educational credentials. The recent demographic shifts—in age and gender—may also predict and explain cleavages within the profession over the norms of appropriate practice. Thus, younger attorneys, including women, who work in a more competitive market than their older peers, should be more supportive of new client-solicitation practices and, equally, less concerned about the impact of advertising on the public's image of the profession.

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Drawing on previous research, I hypothesize that elite attorneys—lawyers of the corporate hemisphere—will continue to disapprove of these new client-getting practices. More recent structural shifts in the economy and demography of the legal profession suggest, however, that cleavages between urban and suburban, younger and older, male and female attorneys may be emerging. Thus, I hypothesize that structural factors of the profession explain attitudes toward professional practices, as measured by the effects of three dimensions of the profession: (1) organization of work, (2) geographical location of organization, and (3) demographic factors.

II. A Survey of Attorneys in the New York City Area

The sample of attorneys for this study was drawn from the counties of the New York Metropolitan Media Market. This unit was selected because many of the changes in client-getting, particularly among small firm and solo practitioners, emphasize the use of the media. The advertising industry defines the unit as including the boroughs of the City of New York as well as its surrounding counties (Nassau, Suffolk, Westchester, and Rockland). Moreover, the advertising unit complements the geographic unit of the New York Regional Metropolitan Area.

To insure representation across this area, the sample was stratified by county.[13] In total, 1,000 attorneys, of whom 695 reported that they were in private practice, were surveyed by telephone in the fall of 1989. Respondents were randomly replaced by location if necessary; 226 respondents refused to be surveyed and 12 respondents terminated the interview midway. This sampling frame was designed to capture the geographical

[13] The random selection scheme was as follows: 400 attorneys from Manhattan; 200 from Brooklyn, Queens, Bronx, and Staten Island counties or the outer boroughs of New York City; 200 from Nassau and Suffolk counties, the outlying counties of Long Island; and 200 from Westchester, Rockland, and Putnam counties, the northern, bedroom community of New York City. The breakdown by county is Manhattan, 400; Brooklyn, 77; Bronx, 46; Queens, 65; Staten Island, 12; Nassau, 149; Suffolk, 51; Westchester, 172; and Rockland, 28.

reach of the local business of individual-client lawyering in the New York City area.[14]

Respondents were asked to rate their support for various new practices on a scale of 1 to 7, where 1 means "oppose" and 7 means "support." The respondents were instructed to rate their position on the following techniques that allow attorneys to augment the resources of the individual-client hemisphere: (1) advertising, (2) prepaid legal plans, (3) closed plans, and (4) nonprofit plans. Because there is strong correlation among these indicators, the individual scores were added together and range from 1 to 28 (for a similar effort, see Davis et al. 1989).[15]

Table 1 shows the means and standard deviations for the combined score on new business-getting techniques. On average, respondents are very slightly more likely to support the range of new client-getting strategies, from advertising to various kinds of legal plans. An attorney may hold the view that a lawyer should have the freedom to advertise; he or she may also believe, however, that advertising has had a negative impact on the public's perception of the profession. Hence, respondents were also asked to rate the impact of the use of direct advertising techniques on the public's view of the profession, where 1 indicates a "negative" and 7 indicates a "positive" image. The findings reported in Table 1 shows that, on average, there is a tendency to view the use of new business-getting techniques as contributing to a negative image of the profession in the public's mind.

Table 1 also presents the means, standard deviations, and coding procedures for the independent variables to be considered in explaining lawyers' attitudes toward the new norms of practice. I turn now to the three clusters of structural variables that potentially divide the private legal profession.

Organizational variables. I drew on Heinz and Laumann's (1982) study of Chicago lawyers to choose three organizational variables:

1. Size of firm: The number of attorneys in the respondent's firm.[16]

[14] The sampling frame was designed to capture the geographical reach of entrepreneurial attorneys in small firm and solo practice who generally tend to have an individual-client practice. Clearly, many Wall Street law firms are national and becoming international organizations; because, however, they are based in Manhattan, they were captured in this sample in proportion to their representation to the population at large.

[15] The correlations among the four variables range from $r=.35$ between advertising and prepaid plans to $r=.75$ between closed and not-for-profit fringe benefit plans. All correlations are reported in the Appendix.

[16] In the regression models that follow, a logarithmic transformation is performed on this independent variable. Following Blalock (1960:409), this variable was logged because it is appropriate in instances where a "variable X takes on a wide range of values but where once a certain value has been reached, further increases produce less and less effect on the dependent variable." In other words, firm size ranges from 1

Table 1. Coding Procedures and Summary Measures of Variable

Variable, Coding Procedures, and Summary Measures	Mean	S.D.
Client-getting techniques Attorneys were asked to rate their attitude on a scale of 1 (oppose) to 7 (support) on four ways to bring in clients: advertising, prepaid legal plans, closed legal plans, and not-for-profit plans. Client-getting technique is a combined measure of these four separate questions that may range from 1 (oppose) to 28 (support).	16.196	6.1
Public's perception Attorneys were asked to rate the degree to which they believe that actual advertising and direct mail solicitation have had positive or negative impact on the public's image of the legal profession; 1 is negative and 7 is positive.	2.50	1.34
Gender: Gender reported by respondent 1 = Male 0 = Female	.81	.39
Age: Year of birth reported by respondent	44.12	14.00
Income: Income of respondent in previous year This variable was converted to reflect actual income levels; average within each cell is used. Under \$60,000 = 1 \$100,000 to \$250,000 = 3 \$250,000 to \$450,000 = 4 Over \$450,000 = 5	\$138,657	\$103,453
Law school: Prestige of law school[a] Local law schools = 1 Regional law schools = 2 Prestigious law schools (11–20) = 3 Elite law schools (1–10) = 4	2.09	1.19
Geographical location: Place of practice based on a scale of population density[b] Other urban = 1 Suburbs = 2 Central city = 3	2.01	1.98
Nature of Practice: Type of legal practice reported General = 1 All other = 0	.47	.50
Size of firm: Number of attorneys in law firm Range 1–999	62.00	138.28
% Corporate Clients: Proportion of client base that is corporate. This variable was converted to numeric values; the average for each cell is used. 0%–25% = 1 25% to 50% = 2 50% to 75% = 3 +75% = 4	.47	.35

[a] Based on codes used by Heinz & Laumann (1982); also see Abel (1989).

[b] Based on codes developed by NORC. The NORC scale codes "central city" as 1 and "other urban" as 3; because more prestigious legal practices tend to be located in the central city, in keeping with other coding procedures in this study, "other urban" is coded 1 and central city is coded 3.

2. Client base: The average percentage of corporate clients represented by the respondent.
3. Nature of practice: A dummy variable, for which 1 indicates a general practice and 0 indicates a specialized practice of any kind (e.g., patents, divorce, antitrust, etc).

Geographic locale. Unlike Heinz and Laumann's (1982) study of lawyers within one city, Chicago, my research extends from an urban core (New York City) into suburbanized areas. Therefore, I added geographical location, which was coded as follows:

4. Geographical location: Using the procedure developed by the National Opinion Research Center, geographical location is a scaled measure based on density of population and moves from (*a*) other urban (or outer rim) to (*b*) suburban to (*c*) central city.

Demographic variables. In this analysis, the demographic variables include:[17]

5. Income: Each respondent reported his or her income from the practice of law before taxes for the previous year.[18]
6. Prestige of law school: Each respondent reported his or her school of legal education. Schools are ranked on a scale developed by Gorman in terms of prestige from "elite" to "local," the same prestige scale Heinz and Laumann used in their study of Chicago lawyers.
7. Age: The respondent's age is calculated based on year of birth.[19]
8. Sex: A dummy variable, for which 1 is male and 0 is female.

to 999, but nearly all lawyers in firms of over about 100 are working in corporate law firms and are quite likely to have similar experiences. Taking the log of this variable has "the effect of bunching together the extremely large scores and lessening the 'bending effect' of those at the upper end of the distribution" (ibid.).

[17] Note that ethnicity is not included in these models. Of the 1,000 attorneys in this study, 4% reported that they were nonwhite; to use this indicator in a reliable manner, it would have been necessary to oversample on ethnicity. Because an examination of ethnic or racial effects was not a part of my study design, I did not take this step. Thus, I did not consider racial/ethnic effects in explaining attorneys' attitudes toward the new norms of practice.

[18] In the regression models reported in Tables 2 and 3, this variable is logged. For a further discussion of the procedure see note 16.

[19] In the regression models reported in Tables 2 and 3, this variable is logged. For a further discussion of the procedure see note 16.

III. Explaining the New Norms of Legal Practice of Small Firm and Solo Lawyers

Overall, the survey findings show (1) the emergence of an intergenerational conflict about new client-getting techniques as a matter of principle, (2) the persistence of a hierarchical split between the "top" and the "bottom" of the profession about the impact of advertising and other new client-getting techniques on the public's image of attorneys, and (3) a consistent urban-suburban difference across issues of client solicitation where suburban attorneys are significantly more likely to oppose new forms of client solicitation. In addition to intergenerational and intraprofessional conflict over the new client-getting practices, these findings also show a consistent urban-suburban split that has not been identified in earlier work on the legal profession. This finding suggests that earlier distinctions between an "urban" (e.g., Heinz & Laumann 1982) and a "country" practice (e.g., Landon 1990) require reconceptualization in light of economic expansion in the rims of large metropolitan areas and the emergence of a "suburban" attorney.

A. New Business-getting Techniques

The findings presented in Table 2 shed further light on the more specific factors that explain lawyers' attitudes.[20] When all measures are controlled, age, prestige of law school, geographical location, and nature of practice emerge as significant factors. As attorneys get older, they are significantly more likely to oppose the newer client-getting techniques. The finding for nature of practice shows that attorneys in specialized practices are significantly more likely to oppose new types of client-getting practices, regardless of size of firm. This finding suggests that attorneys who niche their practice in a specific legal area, perhaps as a marketing technique, are likely to view the newer strategies as competitive. The significant geographical effect shows that as attorneys move away from the central city they are more likely to oppose the client-getting techniques. Because suburban attorneys tend to work in solo and small firms geared to individuals and small business clients, this effect is in the opposite direction from what was hypothesized and suggests that experience with ads or plans does not necessarily correlate with acceptance or support for the practice. Finally, attorneys with more prestigious legal credentials are more

[20] These equations were also run substituting means for missing cases in the independent variables. The findings were not significantly different from those reported in Tables 2 and 3, which suggests that the missing data are random and do not effect the patterns reported in this table.

Table 2. Attorneys Attitudes toward Client-getting Techniques

	Standardized Regression Coefficient	Unstandardized Regression Coefficient	Standard Error
Constant	35.686*		(3.48)
Sex	−.053**	−.717	(.419)
Log of age	−.193*	−8.660	(1.565)
Log of income	−.055	−1.206	(.743)
Law school	.066*	.324	(.157)
Geographical location	.109*	.681	(.211)
Nature of practice	−.136*	1.609	(.382)
Log of size of firm	−.0006	−.045	(.289)
% corporate clients	.025	.440	(.640)
R^2	.35		

* Coefficient significant at $p < .10$.
** Coefficient significant at $p < .05$.

Table 3. Attorneys Attitudes toward Public's Perception of Lawyers

	Standardized Regression Coefficient	Unstandardized Regression Coefficient	Standard Error
Constant	4.668*		(1.031)
Sex	−.0004	−.015	(.133)
Log of age	−.012	−.122	(.440)
Log of income	−.081*	−.407	(.211)
Law school	−.048	−.053	(.046)
Geographical location	.110*	.156	(.064)
Nature of practice	−.014	−.036	(.108)
Log of size of firm	−.049	−.069	(.077)
% corporate clients	−.025	−.094	(.183)
R^2	.131		

* Coefficient significant at $p < .05$.

likely to oppose these practices, a finding that is in keeping with traditional notions of bar politics on questions of guidelines, practices, and norms.

Together, these findings lend support to Abel's (1989) hypothesis that demographic shifts in the profession, and particularly the relative growth of a younger cohort, will be expressed in differences in views about appropriate legal practices, including client-getting techniques. These findings do not, however, support the claim that there may be significant gender differences among attorneys on appropriate practices for client solicitation. Further, there is no significant difference between attorneys of the corporate and individual client hemisphere, as measured by the traditional indicators of firm size or client base. These findings do, however, show a difference between urban and more suburban attorneys over issues of appropriate client solicitation but in the opposite direction from what was expected: Suburban attorneys, who are more likely to work in firms geared to individual clients and small businesses, are sig-

nificantly more likely to oppose the new client-getting strategies, even as a matter of professional rule.

B. The Public's Perception of New Client-getting Techniques

Table 3 presents findings for the public perception equation. Lawyers were asked to rate whether new client-getting techniques have had a positive or negative impact on the public's view of the legal profession. When all variables are controlled, income and geographical location emerge as the significant factors. As the practice of law moves toward the suburbs, practitioners are more likely to view the impact of business-getting on the public's image of the profession in a negative light. On the demographic side of the model, income emerges as the significant factor. As an attorney makes more money, he or she is more likely to believe that these new practices create a negative view.

When we compare the findings in Tables 2 and 3, we may speculate that the degree of intergenerational conflict over appropriate practices for developing a client base is limited to issues of policy or professional rules. Although the findings in Table 2 suggest that regardless of the organization of their practice, younger attorneys are more tolerant of new practices as a matter of principle, when the question shifts to image of the profession, age is not significant. Rather, income appears to absorb the other factors, which suggests that status variables remain important for understanding tensions around professional practices. That is, variables associated with more traditional cleavages within the profession, such as income, explain practitioners' views as reported in Table 3. In keeping with earlier findings, wealth continues to divide the profession (see, e.g., Carlin 1966). In this instance, wealthier attorneys, regardless of age or gender, are more likely to agree with the claim that ads have had a negative effect on the public's view of the profession.

IV. Discussion

Differences among lawyers about the desirability and public support for the new client-getting practices suggest that many lawyers do not believe that the profession of law is just another business; they believe that selling legal services is different from selling shoes, refrigerators, or cars. It is not surprising to learn that respondents who earn more money are more likely to believe that the profession's image is tarnished in the eyes of the public by commercialization of client-getting practices.

Building on Abel's (1989) analysis of demographic changes in the profession, these findings also disclose a more nuanced

picture. They reveal the emergence of an intergenerational conflict where younger attorneys, regardless of work site, share a view that the guidelines about more businesslike client-getting are acceptable. Interestingly, however, these findings do not reveal a gender difference, at least on the question of newer business-getting practices. But it may be that age absorbs sex in this particular instance. Future research should examine the extent to which gender-intergenerational conflict speaks to one and the same structural shift in the profession or whether it depends on specific tensions around guidelines, practices, and norms. Most important, these findings suggest that a theory based on domination of the profession by large law firm, urban elite lawyers no longer explains support for or opposition to changing professional guidelines and that a more nuanced, multidimensional model of the profession is required.

In terms of prior theory, the opposition from suburban and exurban lawyers to new client-getting practices is unexpected and requires explanation. Pressure to reform professional guidelines and permit lawyer advertising came from innovative individual-client attorneys and over the initial opposition of the elite (Powell 1988). But the findings reported here suggest that individual-client attorneys in suburban practices, who are likely to be the beneficiaries of these newer client-getting opportunities, are nevertheless reluctant to embrace this emergent professional-business norm. What factors explain why suburbanites hold onto a traditional professional norm?

Findings from in-depth, semistructured interviews with a cross-section of individual-client attorneys begin to shed some light on this question and show that suburban attorneys are generally quite resistant to change.[21] Within this group, many opened offices in suburban communities close to where they were reared or moved at the beginning of their career. Their clients, they explain, tend to come from the immediate area; as one suburbanite put it, the practice of law is very "parochial." Within this tier of the profession, an organizational feature is its embeddedness in the local community. Client-getting through social networks builds from this premise. Most suburban attorneys agree that the best source of business is referrals from former clients.

Further, suburban attorneys, men and women alike, celebrate the values of suburbia, especially the opportunity to replicate the professional, middle-class, community-oriented prac-

[21] At the conclusion of the telephone survey, all respondents were asked if they would agree to be interviewed again in a face-to-face format, but only those in firms of 1–15 attorneys who work in areas affecting individual clients and agreed to an interview were contacted for follow-up. Thus, respondents were contacted for in-depth interviews through a systematic process, although it was not a random sample.

tices of the "old" middle class (Mills 1951; Zussman 1985). Many from more middle-class backgrounds set out to replicate the life-style of their youth. This is not a group who escaped postwar suburbia. Those from more working-class backgrounds seek to do better, to live the suburban, professional life-style.

This theme is captured, for example, in the reasons these lawyers give for selecting law as a career.[22] While they came from a variety of working-class and middle-class backgrounds, they share a belief that being a professional is a step up the mobility ladder. They want to be their own boss; to have a respected career; to enjoy a certain status in their local communities; and to serve real people with real troubles.

The suburban lawyers tend to be deeply invested in the idea and the practices of *being* a professional. For suburban attorneys, in particular, the rapid economic growth of their communities made it possible to find a niche to pursue this career path. In view of the strongly held views about being a professional and the opportunities created by postindustrial, suburban growth, the findings from this survey begin to fall into place. Advertising, prepaid legal plans, and closed plans, among other newer client-getting practices, sound too businesslike—too aggressive, too "disgusting," too "degrading." They are, in sum, too "*un*professional." Rather, most of these suburban attorneys tend to agree that the best way to get clients is through referrals and activities in one's local community. The ways in which they elaborate a social network of referrals vary considerably and take us into a set of issues beyond the scope of this article. But the findings from these in-depth interviews and the shared emphasis on conserving a traditional professional life-style embedded in suburban communities begins to explain why the suburban lawyers tend to oppose client-getting techniques that are tinged with commercialization.

The findings of this survey, coupled with the qualitative themes discussed above, make clear that the suburban attorney works in a fairly distinct structural niche that may have implica-

[22] These interviews covered a wide range of topics, from the decision to be a lawyer to the organization of the firm to the strategies for bringing in new clients. In the discussion that follows, I focus on "Why did you decide to become a lawyer?" Respondents were asked a semistructured question and encouraged to answer in their own words, but probes were used where appropriate or necessary to fill in the picture.

The interviews were taped and transcribed for analysis. Analysis of these data proceeded in various stages, beginning with listening again to all interviews and taking notes. Following this step, data were analyzed by question. In this case, all responses to the question under discussion were reviewed and codes were developed inductively to reflect respondents' thinking. Because respondents may have expressed more than one reason for becoming a lawyer, each reason was entered in its category. For example, if an attorney said that she decided to be a lawyer because she is "good with people" and because she wanted to be part of a respected profession (two very commonly given reasons, as the following will show), then each reason was included in the appropriate code.

tions for bar politics or tensions between professional guidelines, practices, and norms. Interestingly, these attorneys share a notion of professionalism that does not appear to "fit" within a straightforward relationship between their economic position in the hierarchy of the bar and their socially situated conception of appropriate practice. Like the issue of gender-intergenerational conflict discussed above, the findings from this study make clear that the impact of a suburban bar on professional politics requires further investigation.

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Appendix. Correlation Matrix of Independent and Dependent Variables

	Total Score (1)	Public Perception (2)	Sex (3)	Log of Age (4)	Log of Income (5)	Law Degree (6)	Geographical Location (7)	General Practice (8)	Firm Size (9)	% Corporate (10)
(1)	1.0000	.2326**	−.1339*	−.2664**	−.0843	.1460**	.2600**	−.1890**	.2082**	.1618**
(2)	.2326**	1.0000	.0561	−.0032	−.0737	−.0346	.0444	−.0065	−.0486	−.0208
(3)	−.1339*	.0561	1.0000	.2341**	.1912**	−.0800	−.1024	.0738	−.1350*	.0501
(4)	−.2664**	−.0032	.2341**	1.0000	.3385**	−.0102	−.1135*	.1321*	−.3394**	−.1041
(5)	−.0843	−.0737	.1912**	.3385**	1.0000	.0975	.2375**	−.1253*	.1903**	.2256**
(6)	.1460**	−.0346	−.0800	−.0102	.0975	1.0000	.3080**	−.1771**	.3064**	.3506**
(7)	.2600**	.0444	−.1024	−.1135*	.2375**	.3080**	1.0000	−.3184**	.5253**	.4022**
(8)	−.1890**	−.0065	.0738	.1321*	−.1253*	−.1771**	−.3184**	1.0000	−.4368**	−.2744**
(9)	.2082**	−.0486	−.1350*	−.3394**	.1903**	.3064**	.5253**	−.4368**	1.0000	.5979**
(10)	.1618**	−.0208	.0501	−.1041	.2256**	.3506**	.4022**	−.2744**	.5979**	1.0000

* Significant at $p < .10$.
** Significant at $p < .05$.