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Maureen Weidman

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Introduction to Section V: Facilitating Dialogue With and About the Profession

Almost 100 years ago, Judge Edward J. Fox of the Pennsylvania Supreme Court spoke at the dedication of Trickett Hall, which was to be named after its dean, William Trickett.¹ Even in the year 1918, Fox describes misconceptions and “fallacies” related to the legal profession that are not unfamiliar today, quoting Shakespeare’s Henry VI: “First, let us kill all the lawyers.”²

The critique of the legal profession is ongoing, and Ward Bower and Lawrence Fox provide perspectives from the 1990s.³ Bower’s 1996 article for the *Dickinson Law Review* discusses how the emphasis on making a profit in law firms changed the profession.⁴

Similarly, Lawrence Fox discusses a great change in the profession since the recent emphasis on generating profit for partners.⁵ The legal profession, Fox says, used to be one for which “the calling was its own reward.”⁶ However, in a new age where plaintiff’s contingent fee lawyers can expect to make eight figures a year, this quaint idea is far from accurate.⁷ The desire to generate more and more profit for firms has led to unprecedented changes in the structure of firms.⁸

Despite the discussion by both Bower and Fox of the unfavorable turn in the legal profession, both are eager to revive the integrity of the profession. Like Judge Edward Fox decades before, the more recent scholars remain hopeful. Good training, Bower believes, is the solution, because “the only difference between law

1. *Address of Edward J. Fox of the Supreme Court of Pennsylvania*, 23 DICK. L. REV. 8 (1918).

2. *Id.* at 15.

3. See Lawrence J. Fox, *Money Didn’t Buy Happiness*, 100 DICK. L. REV. 531 (1996); see also Ward Bower, *Law Firm Economics and Professionalism*, 100 DICK. L. REV. 515 (1996).

4. Bower, *supra* note 3, at 519.

5. Fox, *supra* note 3, at 533.

6. *Id.* at 531.

7. *Id.* at 532.

8. *Id.* at 535.

firms is the people they employ.”⁹ Fox notes that, although accepting excessive fees is unethical, there is no reason why lawyers should not be able to reward themselves for their hard work.¹⁰ Another solution, Fox believes, is for lawyers to support one another.¹¹ The legal profession, if it is to overcome the negative stereotypes and lapses in ethical judgment, must be unified within itself.

Despite being published the same year as Bower and Fox, Galanter’s perspective on the changing legal market takes a less negative view, deconstructing the idea of a “golden age.”¹² The idea that times were better in the past and are in perpetual decline, is a fallacy similar to the fallacies about lawyers that Judge Edward Fox addresses in his 1918 speech.¹³ Ultimately, Galanter’s perspective on the legal profession puts Bower’s and Fox’s in a new light. Undoubtedly, the drive for law firms to become more profitable has affected the way lawyers and law firms do business. But whether this change is for the worse is not clear.¹⁴

Similarly, Anthony Kronman’s article discusses a return to republicanism in the 1990s from the contractarian view that dominated the mid-20th century.¹⁵ This is arguably a positive, rather than a negative change. Even 100 years ago, Judge Edward Fox reflected on his membership in the Bar, saying “in that long experience, I have encountered comparatively few instances in which a lawyer’s word could not be absolutely depended on.”¹⁶ There have always been and always will be lawyers who cheat their clients and cast doubt on the entire profession.¹⁷ Likewise, there always have been and always will be lawyers who wholly and completely defy this stereotype. In an ever-changing legal landscape, Galanter’s article reminds us to maintain perspective in viewing the profession and remember that so often, all is not what it seems.

Maureen Weidman

9. Bower, *supra* note 3, at 528.

10. Fox, *supra* note 3, at 539.

11. *Id.* at 546.

12. Marc Galanter, *Lawyers in the Mist: The Golden Age of Legal Nostalgia*, 100 DICK. L. REV. 549, 549–50 (1996).

13. Fox, *supra* note 1, at 14.

14. Galanter, *supra* note 11, at 561–62.

15. See Anthony T. Kronman, *The Fault in Legal Ethics*, 100 DICK. L. REV. 489 (1996).

16. Fox, *supra* note 1, at 15.

17. See Galanter, *supra* note 11, at 556.