

The professionalism of practising law: A comparison across work contexts

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Summary

Traditionally, the literature assumed that solo practice best exemplifies the ideal professional work arrangement and that when professionals become salaried employees their professionalism is seriously threatened. The primary goal of this paper is to examine lawyers' sense of professionalism across two work contexts: solo practitioner offices and law firm settings. We also examine status distinctions within law firms, between associates and partners, and compare both to independent practitioners. Solo practitioners and law firm partners are similar on most key dimensions of professionalism, whereas the greatest contrasts occur between partners and associates within law firms. Partners and solo practitioners share similar experiences of autonomy and service as owner-managers, whereas partners and associates share greater collegiality among professionals, perhaps fostered through law firm cultures. All three groups report comparable amounts of variety in their work and are equally committed to the practice of law. The key factors that account for gaps in professionalism reflect the nature of law practices, primarily through time spent with corporate clients and pressure to generate profits. We conclude that different versions of lawyers' professionalism are influenced by the everyday aspects of their work and one version is not necessarily more professional than the other. Copyright © 2008 John Wiley & Sons, Ltd.

Introduction

The growing divergence between the ideals of what it means to be a professional and the realities of professional work has led to concerns regarding the declining professionalism of lawyers (e.g., Abel, 2003; Freidson, 1992; Nelson & Trubek, 1992). Some scholars argue that the changing nature of professional practice signals a "crisis of professionalism," suggesting that the legal profession has abandoned principle for profit and professionalism for commercialism (Lerman, 2002; Linowitz, 1994; Solomon, 1992). These concerns stem largely from two ongoing trends in contemporary law practice. The first is a tension between the once applauded professional ideal of lawyers as free, independent practitioners and the documented trend that suggests this form of law practice is in decline, as lawyers increasingly work in law firms and other organizational settings (Abernethy & Stoelwinder, 1994). The second issue is that of a progressive erosion of the professional ideals of a noble calling to the

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profession and a dedication to the pursuit of justice (Krieger, 2005). Professional unity, forged through a shared language, cultural norms, collegiality, mutual trust and respect, loyalty and fellowship (Goode, 1957), has been under corrosive strain in recent decades.

The contrast between legal professionalism of an earlier era and contemporary times is not fictitious. As late as the 1950s, nearly all lawyers in North America were independent, solo practitioners. That is, they did not employ lawyers nor were they employed by lawyers or others. One of the most profound transformations in the legal profession in this continent over the past 100 years is the dramatic change in the work settings in which lawyers practice law (Abel, 1989; Heinz, Nelson, Laumann, & Michelson, 1998). The dominance of private practice¹ has steadily declined and, within private practice, a smaller proportion of lawyers enter solo practice and a growing proportion practice in larger and larger firms (Galanter & Palay, 1994; Nelson, 1992; Sander & Williams, 1992). Despite the dramatic changes in North America, solo practitioners still represent almost one third of all practicing lawyers and nearly half of those in private practice, whereas those working in large law firms represent only a small minority of all lawyers (Carlin, 1994b; Feinstein & Potter, 2005; Nelson, 1994).

These ongoing trends are cause for concern because the professions literature traditionally assumed that the solo practitioner best exemplifies the ideals of professionalism. Professionalism represents a method of organizing work that revolves around the key idea that members of a specialized occupation control their own work, i.e., they have professional autonomy (Abernethy & Stoelwinder, 1994; Freidson, 1992; Grey, 1998; Meixner & Blin, 1989; Pei & Davis, 1989). The movement away from professionals working predominantly in independent practice has been identified by some as signaling the deprofessionalization, or proletarianization, of professionals, as they steadily lose control, prestige, and status, especially if they are employees in non-professional bureaucratic organizations (e.g., as in-house counsel in private corporations) (Derber, 1983; Derber & Schwartz, 1991; Hagan, Zatz, Arnold, & Kay, 1991; Rosen, 1999; Sommerlad, 1995; Wallace, 1995b). This argument is based on the assumption that solo practitioners' work better reflects the ideals of professionalism in contrast to law firm practice. We propose that the situation is more complex than this, where in some ways solo practitioners have held onto certain professional norms and values and in other ways law firm lawyers have taken on some, but not all, of the traditional professional role behaviors. Our first research question then is: Do solo and law firm lawyers' work experiences differ significantly along certain ideals of professionalism? Finding that they do, we then consider the factors that might explain why these different groups of lawyers have such diverse professional work experiences.

The literature suggests that solo and firm lawyers differ significantly in their law school preparation and their day-to-day work experiences. We argue that perhaps these variations may account for lawyers having dissimilar professional experiences when they work in different settings. This leads to our second research question: Do the differences in solo and law firm lawyers' education and work experiences account for the differences in their professionalism?

The issue is not whether solo practitioners are more professional compared to law firm lawyers, but rather the extent to which they differ in certain aspects of professionalism and professional role behaviors in their daily work experiences. Following Nelson and Trubek (1992), we view lawyer professionalism not as a fixed set of unitary values, but instead as consisting of multiple visions of what constitutes proper lawyer behavior that are expected to reflect the different arenas in which these conceptions are reproduced. Leicht and Fennel (2001) suggest that as organizational forms change and splinter, it is reasonable to expect that the interests and values of professionals who have different backgrounds and work in widely differing organizational contexts will diverge as well (see also Lachman & Aranya, 1986). This approach allows for the possibility that different groups, such as solo

¹Private practice includes solo practitioners and law firm lawyers and excludes lawyers who work as corporate counsel, public defenders, civil servants, prosecutors, judges, legal aid lawyers, or law teachers.

and firm lawyers, will report different work experiences that reflect their various situational, ideological, political, and economic concerns.

Before reviewing the relevant literature, it should be noted that most research on members of the legal profession has focused on law firm lawyers, and more specifically and recently, on lawyers working in large firms (e.g., refer to Gorman, 2005; Beckman & Phillips, 2005). In contrast to the considerable body of research on lawyers working in large firms, relatively little research has focused on solo practitioners. Jerome Carlin's (1994b) classic work, *Lawyers on Their Own*, originally published in 1962, stands out as an insightful and significant contribution. Seron's (1996) more recent study of solo practitioners and small firm lawyers suggests that neither has changed much in the past 30 years. The discussion presented below is largely influenced by Carlin's (1994b) work and most of the hypotheses are derived directly from his study of solo practitioners. As such, this study breaks new ground by comparing the results of Carlin's work with a contemporary generation of lawyers.

Do Solo and Law Firm Lawyers' Work Experiences Differ Significantly Along Certain Ideals of Professionalism?

To address the first research question, we examine four professional role behaviors that reflect traditional ideals of professionalism. Specifically, we examine solo practitioners' and law firm lawyers': (1) autonomy; (2) public service orientation; (3) collegiality; and (4) variety. That is, we investigate the extent to which lawyers in private practice have control over their work (autonomy), attempt to help people and make a difference in society (public service orientation), have good working relationships with colleagues (collegiality), and perform a range of work tasks (variety). We also examine professional commitment as a fifth aspect of lawyers' sense of professionalism.

Professional commitment is defined as the extent to which an individual identifies with and is involved in their professional occupation. It is often treated as synonymous with professionalism (Lopopolo, 2002), where professional work is expected to be the central focus of an individual's life and professionals are expected to exhibit long-term commitment to their chosen vocation (Leicht & Fennel, 2001). We examine commitment to the legal profession as a consequence of the extent to which lawyers are engaged in the four professional role behaviors that reflect traditional ideals of professionalism (Wallace, 2001). The professional model (Figure 1) suggests that when individuals control their own work, perform work that is

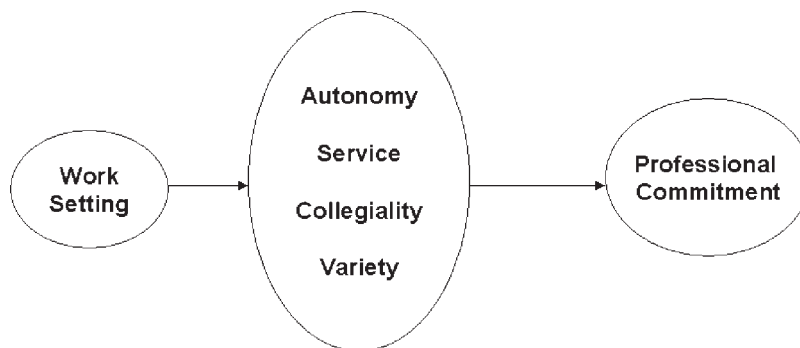


Figure 1. Model of professionalism

highly specialized and challenging, and when they feel they belong to a community of colleagues working for the greater good, they will be committed to their work rather than alienated from it (Freidson, 1992).

Autonomy

Autonomy is an essential defining characteristic of professional work where professionals rely on their own judgment or discretion in selecting relevant knowledge or the appropriate technique for performing their work tasks (Engel, 1970). Lawyers, similar to other professionals, justify their autonomy because the interpretation of their work is complex and cannot be reduced to a set of routine procedures (Greenwood & Empson, 2003; Nelson & Trubek, 1992).² We examine autonomy and control in terms of lawyers' discretion over their immediate work tasks within their particular work setting (Wallace, 1995a).³

Traditionally, the predominance of solo practitioners was celebrated ideologically as the living embodiment of professional autonomy (Abel, 1989). Self-employed professionals are their own boss and typically enjoy considerable freedom in deciding the hours they will work and the cases they will take on. This autonomy, however, is especially vulnerable to poor economic conditions (Freidson, 1984; Rhode, 2000; Seron, 1996), which Carlin (1994b) suggests is responsible for the "illusion of independence" among solo practitioners.

The authority structures in professional organizations, such as law firms,⁴ involve control through a partnership of professionals. Authority and broad decision-making rests with the group of partners in the firm rather than a particular individual (Hinings et al., 1991). There are few hierarchical levels because the individual professional is granted considerable discretion over his or her immediate work tasks and collegial, rather than hierarchical, control is used in managing professionals (Greenwood & Empson, 2003). As Hinings and colleagues observe: "In a partnership the professional system of authority is institutionalized in the ownership structure producing a juxtaposition of individualized, autonomous day-to-day activities with collegial, group based policy decision making" (1991: 390).

The autonomy experienced by firm lawyers is not, however, the same as that experienced by solo practitioners because firm lawyers' work must meet the needs of their firm. Law firms "allow a bit of looseness in the way we let attorneys work" (Nelson, 1988: 215) with the assumption that autonomy increases productivity. In order for law firms to run efficiently and effectively, however, the lawyers working in them must succumb to some degree of rules and procedures. While the firm's rules likely reflect the larger professional community's shared norms (Montagna, 1968), they are formalized nonetheless thereby restricting, to some extent, the discretion and freedom that lawyers can exercise in their day-to-day work. As well, there tends to be a considerable degree of interdependence among firm lawyers, as they are specialists who together form a complex division of labor or work team, which also serves to restrict their autonomy (Wholey, 1985).

Hypothesis 1: Solo practitioners will report greater autonomy in their work than law firm lawyers.

²Autonomy has been used in a variety of ways in the professions literature. It can refer to freedom from pressures within the profession itself (i.e., peer review), as well as freedom from extra-professional pressures imposed by the broader community (i.e., client control, market control, or government control) (Freidson, 1984; Larson, 1977; Powell, 1985). It is important to distinguish autonomy from independence, where the latter refers to freedom from the client's interests and/or demands (Nelson & Trubek, 1992).

³When professionals are employed by non-professional organizations (e.g., as counsel in government or private corporations), as opposed to working independently or in professional organizations (e.g., law firms), lack of this type of autonomy has been argued to be an indicator of the proletarianization of professional work (Hagan et al., 1991; Rosen, 1999; Wallace, 1995b).

⁴Professional organizations are also referred to as autonomous professional organizations (Hall, 1968; Hinings, Brown, & Greenwood, 1991; Scott, 1992) or professional bureaucracies (Litwak, 1961).

Public service-oriented work

Another commonly cited characteristic defining professional work is an orientation toward the service of others or the norm of altruism (Wallace, 2001). The service orientation implies that the professional serves the interests of community first, and not, his or her own or the clients (Moore, 1970).⁵ In the case of lawyers, they are expected to act in the best interests of the public and not in their own or client interests. Scheingold and Sarat (2004) even refer to “cause lawyering” where lawyers are committed to using their work as a means to better society by altering some aspect of the social, economic, or political status quo.

The work of solo practitioners very much reflects a public service orientation, though not necessarily “cause lawyering” toward legal activism or collective social change. Rather, solo practitioners view their professional responsibility as working with their individual clients and their clients’ personal problems, and the lawyer’s obligations are firmly grounded in day-to-day activities with their caseload of clients. Yet, this service is of social value, not purely a matter of client interest. For example, Seron reports that solo practitioners refer to themselves “as a ‘protector of rights,’ a ‘white knight,’ or a representative of an ‘individual against the government’” (1996: 130). Similarly, Heinz & Laumann (1982) report that the types of clients served appear to be related to the social value of one’s work. Those who defend the vulnerable and downtrodden may report a greater sense of service to society than those who represent the business interests of large corporations. Law firm lawyers’ ability to pursue the public service ideal may be threatened because they typically strongly identify with their corporate clients’ interests, sometimes at the expense of the broader social good (Nelson, 1988).

Hypothesis 2: Solo practitioners will report their work is more public service-oriented than law firm lawyers.

Collegiality

Collegiality is another defining attribute of the professional model. It is assumed that professionals share collegial and cooperative working relationships with other members of their profession, and these relations are important for cultivating an occupational culture or sense of community (Freidson, 1994). Collegiality is fostered through professional socialization that begins in law school and develops more fully through informal communications and mentoring by more senior lawyers (Batt & Katz, 2004; Riley & Wrench, 1985; Wallace, 2001). Lawyers are socialized to perform complex tasks independently (Abernethy & Stoelwinder, 1995; Dirsmith & Covaleski, 1985; Grey, 1998), while at the same time honoring a collective identity that reinforces common bonds to a professional community (Freidson, 1994; Heinz & Laumann, 1982). This sense of community is based on professionals’ shared interests to protect their occupation’s status and to perform their work through effective, collegial exchanges (Abel, 2003; Abbott, 1988; Halliday, 1987; Larson, 1977).

Collegial norms and good working relationships are central to the effective operation of law firms, more so than formalized rules and procedures (Nelson, 1988). For the specialized division of labor to function in law firms, it is imperative that lawyers work together in teams to meet the complex legal needs of their clients. Law firms have been described as “mini-communities” where close personal relationships form the foundation for participation, mutual dependence, trust, respect, and a strong sense of solidarity among members of the firm (Daniels, 1992; Wallace, 1995b).

⁵Most statements made by the bar concerning service work often refer to the lawyer’s duty to provide pro bono services and to be concerned about the unrepresented (Nelson & Trubek, 1992). Service-oriented work is used here to refer to the more general orientation regarding the extent to which one’s work makes a valuable contribution to society.

At the same time, collegial ties also transcend the relationships that lawyers have with coworkers in their immediate workplace, such that lawyers interact with others members of the profession working in different settings and/or areas of law. For example, a solo practitioner may communicate routinely with lawyers from other offices through court appearances or while negotiating on behalf of clients. Collegial relations also take place across specializations. For example, Heinz et al. (1998) suggest that the increasing specialization of legal practice fosters common ground for professional relationships because the kinds of work lawyers do and where they do it varies dramatically based on the area of law practiced (see also Kritzer, 1999; Sommerlad, 1995). While specialized areas of law bond lawyers as collectives, the profession also endeavors to limit potentially divisive competition between specialties (Freidson, 1984) encouraging wider collegiality.

As noted, socialization, particularly through early career mentorship, is critical to the formation of collegial relations (Abernethy & Stoelwinder, 1995; Dirsmith & Covaleski, 1985; Gendron, 2002; Kram, 1985) and collegiality is important for maintaining professional standards (Wallace, 1995a). The higher incidence of misconduct among solo practitioners is viewed as evidence of their isolation and vulnerability to economic pressures through weaker socialization by mentors and colleagues, and hence, a failure to internalize professional community norms. Solo practitioners typically encounter greater pressures to violate ethical rules and simultaneously have less collegial support to resist or buffer against such pressures than those employed in firm settings (Arnold & Kay, 1995; Carlin, 1994a). Thus, while broad collegiality is encouraged across work settings and areas of law, solo practitioners have fewer and weaker collegial ties within the profession that they can depend on for information, resources, and support.

Hypothesis 3: Solo practitioners will report weaker collegial relations in their work than law firm lawyers.

Variety

Professionals are trained to deal with the uncertainties and unique problems that they may encounter in a variety of situations. The practice of law is generally portrayed as stimulating, challenging and complex, and not as routine or repetitive (Wallace, 2001). The work of solo practitioners, however, has been described as less intellectually challenging and interesting than that of their firm-based counterparts (Carlin, 1994b; Seron, 1996; Smigel, 1964; Spangler, 1986). Much of the solo practitioner's work involves routine record-keeping, filling out standardized forms, and as one solo practitioner in Seron's study indicated, "A good paralegal can do just about everything I can" (1996: 82).⁶ As well, independent practitioners claim that their clients are more concerned about efficiency and costs of the legal services being rendered than the quality of the work or the professional expertise involved in handling their legal problems (Carlin, 1994b).

In contrast, the work of law firms, especially large ones, deals with the most complex legal issues, the most controversial litigation, the most creative transactions, and the most rapidly changing bodies of law (Nelson, 1988). As indicated earlier, firm lawyers tend to be considerably more specialized than solo practitioners, functioning within a firm's complex division of labor. This specialization has often been misinterpreted as marking the deskilling and routinization of law firm lawyers' work because it is assumed that greater specialization means more narrowly defined responsibilities and a more restricted

⁶Paralegals serve as assistants to lawyers and typically perform tasks that require less skill, experience, and training. For example, paralegals may help in drafting legal documents, such as wills, mortgages, divorces or trusts, organize, index and summarize documents and files, prepare different forms, and assist in different aspects of pretrial work. The formal training of paralegals can vary significantly, from a brief three-month course at a business college to a degree from a four-year college.

range of tasks. Specialization by area of practice (e.g., tax law, real estate law, family law) is not to be equated with a limited variety of legal tasks performed. Within a given area of law, regardless of how specialized it is, lawyers may carry out a wide variety of legal tasks (e.g., writing letters, negotiating, doing legal research, working with clients and other lawyers) or perform a limited variety of specialized legal tasks (e.g., primarily writing letters or drafting similar documents). Even when lawyers are highly specialized by their field of law, as is often the case for firm lawyers, the work may involve greater depth, more discretion and challenge, and demand significant skill and expertise (Wholey, 1985; Wallace, 1995b). In this study, we examine the extent to which the variety of tasks performed varies for solo and firm lawyers.

Hypothesis 4: Solo practitioners will report less variety in their work than law firm lawyers.

Professional commitment

The high level of dedication argued to be unique to professionals is rooted in their commitment to their chosen vocation because they are “working for the love of others and for the love of the work rather than for the love of money” (Freidson, 1994: 123). Members of professions are expected to develop a deep, life-long commitment to and identification with their work (Dubin, Hedley, & Taveggia, 1976). It is also assumed that lawyers will be more committed to law practice when they have greater control over their work, good working relationships with colleagues, feel their work is making a difference, and their work is complex and challenging (Freidson, 1992; Rhode, 2002b; Wallace, 1995a, b; 2001). Hoff (2000) suggests that work motivation and traditional professional values are more important to understanding professional commitment than the structural features of work or the workplace. We therefore hypothesize that the four professional role behaviors that reflect traditional professional ideals will enhance lawyers’ commitment to the legal profession.

Hypothesis 5: Autonomy, public service-oriented work, collegiality, and variety will be positively related to professional commitment.

Whether solo practice or law firm settings exhibit greater professionalism among lawyers is open for dispute. Some studies profess that sole practitioners epitomize the ideal of the independent professional (Abernethy & Stoelwinder, 1994; Grey, 1998; Pei & Davis, 1989), while the growth of large bureaucratic settings, such as law firms and private corporations that employ lawyers, represent a form of deprofessionalization associated with heavy losses of autonomy and prestige (Derber & Schwartz, 1991; Rosen, 1999; Sommerlad, 1995). Yet, the literature is divided here. Other studies suggest that solo practice may hold less lofty principles of professionalism and be more about the pragmatics of business management and survival in difficult economies. Carlin (1994b), for example, viewed the work practices of solo practitioners as relatively unprofessional compared with those of lawyers in large law firms. According to Seron (1996), the lawyers in her study described themselves as businesspersons first, and lawyers, second. Perhaps, firm lawyers are more highly committed to the practice of law because their work, in many ways, is often more challenging, prestigious, and rewarding than that of solo practitioners. As well, law firms possess their own culture and organizational structure that in tandem encourage and maintain professionalism and commitment of members (Freidson, 1994). It is this organizational culture within law firms but absent in solo offices that may contribute to greater professionalism amongst law firm lawyers. We therefore examine this unresolved question of whether solo practitioners or law firm lawyers reveal greater professional commitment.

Hypothesis 6: Solo practitioners will report less professional commitment than law firm lawyers.

Table 1. Predicted differences between solo practitioners' and law firm lawyers' education and work experiences

| Variable | Solo practitioners | Law firm lawyers |
|-------------------------------|------------------------------------|------------------------------------|
| Reason for entering | | |
| Sense of calling | Less sense of calling | More sense of calling |
| Intrinsic/altruistic reasons | Less intrinsic/altruistic reasons | More intrinsic/altruistic reasons |
| Law school preparation | | |
| Law school attended | Fewer from elite law schools | More from elite law schools |
| Academic achievement | Lower grade point average | Higher grade point average |
| Met expectations | Less likely expectations met | More likely expectations met |
| Nature of practice | | |
| Time with corporate clients | Less time with corporate clients | More time with corporate clients |
| Areas of practice | Less prestigious areas of practice | More prestigious areas of practice |
| Profit pressures | Less pressure to generate profit | More pressure to generate profit |
| Marginalization in profession | | |
| Participation in profession | Less participation in meetings | More participation in meetings |
| Alternate job opportunities | Fewer job opportunities | More job opportunities |

Do the Differences in Solo and Law Firm Lawyers' Education and Work Experiences Account for the Differences in their Professionalism?

The literature suggests that there are fundamental differences between solo and firm lawyers' law school preparation for law practice as well as between their everyday work experiences. Yet, these studies are often dated or examine only one type of practice setting. Few systematically and empirically examine whether lawyers in different settings actually differ significantly in ways that may be related to their professional ideals. We examine a number of factors (see Table 1) to determine whether these classic assumptions hold for contemporary lawyers in the face of a significantly different market place than their predecessors encountered in the 1960s and 1970s. More importantly, we then test whether these differences in their education and work experiences account for differences observed in their professional role behaviors and commitment to practicing law.⁷

Reason for entering the legal profession

Individuals are said to enter professional careers because they have "a calling." A calling suggests that the professional self is an essential dimension of one's overall sense of self (Larson, 1977) and that the individual is completely devoted to his or her work role (Snizek, 1972). It is expected that a person following their calling will undertake extensive training and intend to pursue a life-long career in his or her chosen vocation (Moore, 1970).

⁷It should be noted that, in order to test this claim, factors are entered simultaneously in our regression equations estimating lawyers' professional role behaviors and commitment. While this raises concerns of causal ordering, where for example some factors may proceed the decision to practice as a solo or firm lawyer, we are primarily concerned with statistically taking into account factors that have been identified as important to differentiating the two groups of lawyers, regardless of causal priority.

Yet, studies of solo practitioners suggest that most do not enter the legal profession as a result of a calling but claim instead that they had no specific or long-held aspiration to become a lawyer (Seron, 1996). Many solo practitioners enter law by default because it appeared to them to be a relatively accessible profession, academically easier than other professional careers (e.g., compared with medicine or engineering) (Carlin, 1994b). They enter with the aim of becoming a professional in general and view law as the easiest route to a safe, lucrative career (Seron, 1996). In short, solo practitioners enter the legal profession for more practical or career-oriented reasons.

In addition to a calling, those entering professional occupations often do so with a desire to make a contribution to society or to bring about change in order to benefit others (Heinz, Paik, & Southworth, 2003; Scheingold & Sarat, 2004). Larson (1977) suggests that the professional service ideal essentially translates into a work ethic emphasizing the intrinsic value of work; where one is motivated by work as self-realization that blends a sense of calling with craftsmanship ideals. As well, we should expect some attitudinal affinity between the altruistic reasons for entering an occupation and the degree to which the public service ideal is internalized (Moore, 1970). Law firm lawyers are expected to have entered the profession for reasons more consistent with the traditional conceptualization of a calling or service orientation where they hope to make a difference in society (Carlin, 1994b; Seron, 1996).⁸

Law school preparation

The literature on the legal profession consistently notes that the “best and the brightest” are actively recruited into law firm practice in general and large law firm practice more specifically (Galanter & Palay, 1991; Nelson, 1988). The “best and the brightest” are generally identified as those who attended an elite law school and those who have the highest academic achievement (Hagan et al., 1988; Heinz & Laumann, 1982). Compared to firm lawyers, solo practitioners are described as “second best” in the quality of education they receive and their academic achievement (Carlin, 1994b). Solo practitioners are more likely to have attended night school and less than half pass the bar exam on their first attempt (Seron, 1996).

Recently, law schools have been accused of being biased in preparing students for the realities of practicing law. One complaint is that they tend to focus on specialties and skills best suited for large, law firm practice and deter students away from those areas that are appropriate for alternate legal careers (e.g., providing legal services for the poor, neighborhood law practice) (Buchanan, MacCrimmon, & Pue, 2001; Pardy, 2004). If so, those entering independent practice may feel less prepared and experience more unexpected situations than those who enter law firm practice (Carlin, 1994b; Ogloff, Lyon, Douglas, & Rose, 2000). Lawyers whose law school expectations are met likely have been better socialized and prepared for the realities of law practice, signaling a successful process of professional socialization.

Nature of practice

Significant stratification is evident within the legal profession and private practice is divided into what Heinz and Laumann (1982) call “two hemispheres.” These two hemispheres differ along almost every

⁸We note an intriguing contradiction in the literature: Researchers observe that sole practitioners do not report having entered the profession with a sense of calling or with a commitment to collective or communal social good (Carlin, 1994b; Seron, 1996). Yet, in solo practitioners’ day to day work, they report a strong service orientation toward helping, even championing, the truly disadvantaged in society (Heinz & Laumann, 1982; Seron, 1996). Meanwhile, the altruism once heralded by law firm lawyers upon graduation from law school, is undermined by their identification with the interests of corporate clients (Nelson, 1988). This tension between motives for entry to law (altruistic vs. self-serving) and the actual sense of social value realized through law practice (social good vs. corporate interest) suggests lawyers’ organizational context further shapes (building or eroding) ideals beyond their individual motives upon entry to their legal career.

conceivable dimension, but the principle factor that stratifies the profession is the clients served, namely corporate versus individual clients (Galanter & Palay, 1991; Heinz & Laumann, 1982). In the core hemisphere, lawyers working in firms represent large organizations or corporate clients. In the peripheral hemisphere, lawyers working as solo practitioners or in small firms serve individuals' and small businesses' legal needs. Firm lawyers serving corporate clients also tend to practice in the most prestigious areas of law, or "big business" law (e.g., corporate and commercial, tax, securities, etc.). By contrast, in serving the needs of individual clients, solo practitioners tend to practice in the least prestigious areas of law (e.g., personal injury, criminal, and divorce) (Heinz & Laumann, 1982; Kay & Hagan, 1999).⁹

One of the predominant concerns in the literature on the legal profession is whether the *practice* of law has become the *business* of law (Glendon, 1994; Solomon, 1992). This trend is characterized by a shift away from a focus on helping clients as a service profession with collegial relations among lawyers to an emphasis on generating business in an increasingly competitive atmosphere among members of the legal profession (Galanter & Palay, 1991; Nelson, 1988; Rhode, 2002b). As the number of lawyers continues to grow, there is simply not enough business available to support them and lawyers are more competitive and aggressive than before in securing and retaining clients (Beckman & Phillips, 2005; Rhode, 2000; Seron, 1996).

Some argue that the market for clients is more competitive for solo practitioners than for firm lawyers (Carlin, 1994b; Seron, 1996; Van Hoy, 1997a). Lawyers working for individual clients, or "one-shot," non-repetitive cases, experience severe competition to attract clients in what has been labeled "an invisible market" (Carlin, 1994b). A declining rate of growth, coupled with underemployment and unemployment, are commonplace for solo practitioners (Nelson & Trubek, 1992). Three striking examples illustrate the increasing competitiveness and commercialization observed particularly among solo practitioners: the increasing use of ethically questionable tactics in obtaining business (Carlin, 1994a); the growing use of advertising and marketing (Seron, 1996; Spangler, 1986); and the rise of franchise law firms, or multi-branch "McFirms" (Van Hoy, 1997a).

Yet, the argument is compelling that lawyers in firms face an even greater tension between conflicting influences of professionalism and commercialism (see, for example, the same arguments as they apply to accountants in Bailey, 1995; Gendron, 2002; Meixner & Blin 1989; Pei & Davis, 1989). Law firms have entered a race of rising billables, complete with bonuses for lawyers who exceed annual quotas. Firm practice has become more commercial, profit-oriented, and business-like as firms rationalize their operations and increasingly employ professional managers and consultants (Galanter & Palay, 1992). As well, the traditionally long-term, stable relationships between firms and clients are becoming rare as businesses are more inclined to "shop around" for legal services (Tolbert & Stern, 1991). Norms of productivity and competitiveness have become the new norms of firm practice (Spangler, 1986).

Integration/marginalization in the profession

Solo practitioners are more marginalized in the legal profession since they typically have less contact and exchange with lawyers from other segments. The two hemispheres of law rarely interact and the cleavages are very real. Law firm lawyers working in the core of the profession, who represent the most powerful interests of North American society, hold positions of leadership and status in the legal

⁹More recently, Heinz, Nelson, Laumann and Michelson (1998) have reexamined the structure of fields of law and argue that the two hemispheres are less distinct and less clearly organized than in the past. While there still exists distinct fields of law that represent the personal problems of individuals and others that reflect the interests of business clients, there is a middle group that contains a more varied mix of clientele that appears to bridge the two extremes. While recognizing this important shift, it is important to note that lawyers in this study are not categorized into one hemisphere or cluster but rather they report the percentage of time they spend working for corporate clients and the areas of law in which they practice.

profession (Nelson, 1988). Solo practitioners recognize they have less input into the running of the profession and not surprisingly participate in fewer professional associations and meetings (Carlin, 1994b). They also feel more vulnerable to fluctuations in the economy and less secure in their ability to obtain other positions in the profession should their practice fail (Seron, 1996; Spangler, 1986). As Carlin (1994b:206) notes, “Although once held in the highest esteem as a model of a free, independent professional, today the individual practitioner of law, like the general practitioner in medicine, is most likely to be found at the margin of his profession...”.

In sum, these factors associated with working in different practice settings are expected to be related to lawyers’ professional role behaviors. Solo practitioners are expected to have less professional or idealistic reasons for entering the legal profession, less adequate law school preparation, less prestigious and demanding practice, and to be more marginalized in the profession when compared with their law firm counterparts. It is not surprising then that some argue that the less than desirable conditions solo practitioners experience translate into different conceptualizations of professional ideals, even lower professional idealism, based on the realities of their practice environments (Seron, 1996; Van Hoy, 1997b).

The Distinction Between Law Firm Associates and Partners: Does it Make a Difference?

In professional organizations, such as law firms and accounting firms, professional partnerships are a common type of governance structure. This model consists of multiple “owner managers” who are “bound together by unlimited personal liability for the actions of their colleagues” (Greenwood & Empson, 2003: 910) and emphasizes the dual components of professionalism and partnership (Cooper, Hinings, Greenwood, & Brown, 1996). The professional partnership model values professional knowledge, peer control, autonomy and “the application of esoteric knowledge and skills to public interest activities” (Cooper et al., 1996: 627). The emphasis on partnership results in few levels of hierarchy and a representative democracy that fuses ownership and control in its governance structure. Partners manage themselves and the associates they work with, many of whom are aspiring to become partners themselves. Recently, conceptions of partnership and professionalism in law firms and accounting firms alike have shifted such that being professional means being more businesslike. Hence rhetorics of commercialism and professionalism are promoted side by side (Hopwood, 1996: 217), highlighting a certain “complementarity within contradiction” (Gendron, 2002: 681). In some ways, the ideology and values of partners in law firms may be becoming more similar to those of solo practitioners, where the latter have historically fused professional and business models in running their own independent practices.

As professional partnerships, law firms make a basic distinction between two key positions: associates and partners. Associates are employees of the firm who generally work under the partners of the firm. After a period of seven to ten years of training, accompanied by increasing responsibility and skill, associates are considered for promotion to partnership. Promotion to partnership offers higher earnings and prestige as well as a new functional role within the firm (Phillips, 2001). Partners make up the co-owners of the firms who share in the firm’s profits. Partnership is often viewed as a deferred bonus that motivates associates to work hard and be highly committed to the firm (Galanter & Palay, 1991).¹⁰

¹⁰It has also been proposed, however, that many associates are not attracted to law firm practice nor motivated only by the prospect of partnership. Instead, many are motivated by the monetary compensation law firms offer and the acquisition of highly valued and transferable human capital in the form of legal skills and experience, reputation, and client relationships (Kardana, 1995).

In the analyses that follow, we distinguish between associates and partners of law firms. We do so for two reasons. One is that, as indicated above, associates and partners clearly hold different positions in law firms. Professionals who are supervised employees likely have inherently different work experiences than professionals who are owner-managers of a firm. As aptly noted by Smigel (1964), associates feel the strains caused by the contradictory norms of organization and profession, whereas partners experience the strains between practicing law and running a business (see also Aranya & Ferris, 1984; Pei & Davis, 1989). Second, by distinguishing partners from associates, we can explore whether partners are simply a collection of solo practitioners who have come together to share overhead and profits or whether partners and solos are fundamentally different from one another. In some ways, for example, partners and solo practitioners share similar work experiences and professional role behaviors as a result of their common business orientation toward practicing law as co-owners and owners, respectively. In other ways, partners and associates share more similar experiences as a result of belonging to similar organizational structures.

Data and Methods

Sample

In 1994, a survey was sent to 1,300 active members of the legal profession in a large, metropolitan city in Western Canada. Using the local 1994 Legal Directory, a stratified, systematic sample was used to select respondents. A total of 512 usable surveys were returned (39 per cent), with 261 (51 per cent) completed by male lawyers, indicating similar proportions of male and female respondents were obtained. Because the legal profession is a male-dominated occupation, the sample was stratified by gender such that half of the surveys were sent to female lawyers and half to male lawyers. This ensured that a sufficiently large sample of women were obtained so that analyses could be conducted separately for women and men, if desired. Since gender differences are not the focus of this particular paper, the analyses that follow are based on the re-weighted sample that corrects for the over-sampling of women (Lee, Forthofer, & Lorimer, 1989).

To determine whether the sample was representative of the lawyers in the local population, we compared the sample data with population data provided by the local Law Society. These data consisted of a breakdown of male and female lawyers by four major work settings (i.e., law firm, solo practitioner, and corporation and government). We conducted a χ^2 test and found no statistically significant difference between the gender-by-work setting distributions in the population and the sample ($\chi^2(5) = 8.49$, n.s.). For example, 62 per cent of the male lawyers and 46 per cent of the female lawyers in the population worked in law firms, compared to 64 per cent of the male lawyers and 46 per cent of the female lawyers in the sample data. Based on the results of these comparisons across work settings and gender, we conclude that the sample data are highly representative of the population along these characteristics.

We restrict our sample to lawyers who were working in private practice at the time of the survey, which represents 79 per cent of the total sample. The analyses that follow are limited to 403 lawyers, which includes 104 (26 per cent) solo practitioners, 132 (33 per cent) law firm associates and 167 (41 per cent) law firm partners. The solo practitioners tend to average 14 years of law experience, work approximately 45 hours a week and earn \$62,999 (in 1994 Canadian dollars). Law firm associates have less than 5 years experience practicing law, work 51 hours a week on average and earn \$56,949. In contrast, partners of law firms have worked, on average, 16 years, spend about 51 hours a week at work, and earn \$174,400. On average, solo practitioners tend to work in offices with one or two other solo practitioners. That is, only 36 per cent of the solo practitioners worked on their own and 64 per cent

shared office space with one or two other solo practitioners. In contrast, law firm lawyers worked in firms consisting of between 2 and 170 lawyers. The distribution of firm size varies significantly, where half of the respondents worked in firms with 30 or fewer lawyers; one quarter worked in firms with 31 to 70 lawyers; and the remaining quarter in firms that had more than 70 lawyers. Associates tend to work in larger firms that average 51 lawyers and partners are found in slightly smaller firms with 38 lawyers. It should be noted that both averages are considered to reflect large law firms.

Measures

All of the multiple-item measures described below were assessed with Likert items. The response categories for these variables are: strongly agree (coded 5), agree (coded 4), neither agree nor disagree (coded 3), disagree (coded 2), and strongly disagree (coded 1). For those variables that have multiple items, the values represent the mean scores that were calculated by summing the items and dividing this sum by the number of items for that particular scale. An “R” indicates the item is reverse coded. Reliability coefficients (Cronbach’s alpha, α) are reported for the multiple item measures below.

Aspects of professionalism

Autonomy was measured by three items from Hall (1968) that reflect the extent to which respondents make their own decisions in how they do their work, have opportunity to exercise judgment in their work, and whether their decisions are reviewed by others (R) ($\alpha = .76$). Public service-oriented work was measured by three items constructed for this study that reflect the degree to which respondents feel that, by practicing law, they are making a difference in people’s lives, they are able to work with and help people who need their assistance, and their work is important to society ($\alpha = .76$). Collegiality was measured by six items adapted from Caplan, Cobb, and French (1975) and Farr, Dubin, Ensore, Kozlowski, and Cleveland (1982) that reflect the extent to which members of the legal profession are competitive (R), restrict information exchange with one another because of excessive competition (R), listen to job-related problems, help each other out through difficult times at work, are willing to make an extra effort to help another lawyer, and can be relied upon when things get tough at work ($\alpha = .80$). Variety is measured by a single item from Withey, Daft, and Cooper (1983) that taps the extent to which the job has lots of variety. Professional commitment was measured by four items adapted from Porter, Steers, Mowday, and Boulian’s (1974) “Organizational Commitment Scale” that tap how dedicated, proud, and enthusiastic respondents are to be members of the legal profession, and how much they care about the fate of the legal profession ($\alpha = .71$).

Reason for entering the legal profession

A sense of calling was measured by three items constructed for this study that tap the extent to which respondents feel that practicing law is their calling, that they always knew they would become a lawyer, and that they became a lawyer because they knew it was meant to be ($\alpha = .77$). Intrinsic/altruistic reasons were measured by a single item that asked respondents to indicate their primary reason for entering the legal profession. Responses were coded 1 if their answer reflected an intrinsic or altruistic reason (e.g., to help others, to change society, to have interesting, and challenging work) and coded 0 if it reflected an extrinsic or egoistic reason (e.g., for salary potential, for status and prestige, as a stepping stone, and for practical reasons).

Law school preparation

Law school (elite) was measured by a single item that asked respondents to list the law school from which they graduated. Responses were coded 1 for Eastern, elite law schools (i.e., Osgoode Hall and

University of Toronto) and 0 for all others (see Hagan & Kay, 1995). Academic achievement was measured by a single item that asked respondents to report their overall academic performance in law school in terms of A (coded 3), B (coded 2), or C (coded 1). Met expectations was measured by four items constructed for this study that reflect the extent to which respondents felt that practicing law was what they thought it would be, was close to what they originally expected, and lived up to the expectations they had when they first entered the profession ($\alpha = .88$).

Nature of practice

Time with corporate clients was measured by a single item where respondents indicated, during the past year, what percentage of their time was spent working for corporate clients. Area of practice (prestige) was measured by a single item where that asked respondents to indicate the areas of law in which they mainly practice, where corporate and commercial, civil litigation, tax, and securities were coded 1 and all remaining areas were coded as 0 (Hagan & Kay, 1995). Profit-oriented work was measured by three Likert items developed for this study, which asked respondents to indicate the degree to which they felt that the practice of law was primarily concerned about generating profit, involved a “bottom line” orientation, and in order to succeed in the legal profession one has to be aggressive and business oriented ($\alpha = .65$).

Integration/marginalization in the profession

Participation in the profession was measured by two Likert items developed for this study that tap the extent to which respondents attend professional meetings and conferences as often as possible and regularly attend Canadian Bar subsection meetings ($\alpha = .74$). Alternate job opportunities was measured by a single Likert item from Price and Mueller (1981) that asked, given the state of the job market, finding another job outside the organization would be very difficult (R).

Control variables

Four control variables are examined in this study, namely earnings, law experience, firm size, and gender. Law firm lawyers are expected to earn more than solo practitioners and partners more than associates (Carlin, 1994b; Hagan, 1990; Nelson, 1988). Seniority is closely tied to amount of client responsibility and it is a key determinant of earnings and is also included as a control variable. Firm size is included in order to control for the impact of working in a larger law firm. In terms of gender, men tend to be slightly over-represented in private practice compared with women, but fairly equally represented in solo and firm practice.

Analytic strategy

First, we present the differences in law school preparation and work experiences among solo practitioners, associates, and partners (Table 2). This analysis uses mean difference tests to compare the three groups of lawyers across the variables identified in Table 1. Next, we examine the partial regression coefficients between lawyers' work settings and the five professionalism variables (autonomy, public service-oriented work, collegiality, variety, and professional commitment) to test Hypotheses 1–6 posed above. In doing so, we compare associates to solo practitioners and partners to solo practitioners separately. The coefficients are reported in Equation 1 of Table 3 and will be used to answer our first research question: Do solo and law firm lawyers' work experiences differ significantly along certain ideals of professionalism? The results presented in Equation 2 of Table 3 are based on the simultaneous estimation of the models for the pooled sample of solo and firm (associate and partner) lawyers. These multivariate regression results allow us to answer our second research question: Do the

Table 2. Mean differences in the education and work experiences of solo practitioners (N = 104), partners of law firms (N = 167) and associates employed in law firms (N = 132)

| Variable | Solo practitioners | | Firm lawyers (partners) | | Firm lawyers (associates) | |
|--------------------------------|---------------------|---------|-------------------------|---------|---------------------------|---------|
| | Mean | (SD) | Mean | (SD) | Mean | (SD) |
| Reason for entering | | | | | | |
| Sense of calling | 2.71 ^A | (1.09) | 2.63 | (1.05) | 2.45 | (1.02) |
| Reasons (intrinsic/altruistic) | .71 | (.45) | .68 | (.47) | .77 ^F | (.42) |
| Law school preparation | | | | | | |
| Law school (elite) | .03 ^P | (.18) | .12 | (.33) | .09 ^F | (.06) |
| Academic achievement | 1.95 ^{PA} | (.59) | 2.22 | (.55) | 2.17 | (.50) |
| Met expectations | 3.06 ^P | (.91) | 3.42 | (.88) | 2.90 ^F | (.89) |
| Nature of practice | | | | | | |
| Time with corporate clients | 23.49 ^{PA} | (28.26) | 59.97 | (33.35) | 64.23 | (31.29) |
| Area of practice (prestige) | .25 ^{PA} | (.43) | .58 | (.49) | .67 ^F | (.47) |
| Profit pressures | 3.45 ^{PA} | (.70) | 3.64 | (.69) | 3.76 | (.68) |
| Marginalization in profession | | | | | | |
| Participation in profession | 2.78 ^A | (1.01) | 2.88 | (1.01) | 3.39 ^F | (.95) |
| Alternate job opportunities | 2.89 ^{PA} | (1.00) | 3.47 | (1.04) | 3.20 ^F | (1.06) |

P = Solo practitioners and partners differ significantly ($p < .05$).

A = Solo practitioners and associates differ significantly ($p < .05$).

F = Firm lawyers (associates and partners) differ significantly ($p < .05$).

differences in solo and law firm lawyers' education and work experiences account for the differences in their professionalism? That is, we compare the partial regression coefficients in Equation 2 with those in Equation 1 to determine whether lawyers' education and work experiences account for professionalism gap initially observed between solo practitioners and both groups of firm lawyers.

Results

Descriptive results of lawyers' education and work experiences

Table 2 presents the mean differences in the education and work experiences of solo and firm lawyers. In this table, we compare firm lawyers (associates = A, and partners = P) to solo practitioners, as well as compare the status distinctions of partners and associates (F) within law firms. Although we focus on the key differences and similarities between lawyers in solo practice and lawyers in law firms (PA), we also examine the more fine-grained distinction between associates and partners of law firms (F) when relevant.

The results show that lawyers in this sample do not differ significantly in their reasons for entering the practice of law. Approximately three-quarters were motivated by intrinsic or altruistic reasons and the results suggest that partners and solo practitioners are quite similar in this regard. In contrast, associates are less likely to report a sense of calling to the profession, which may reflect changing attitudes across the generations, though associates are more likely to have entered law for intrinsic or altruistic reasons, compared with owner managers in either solo or partner positions.

The results for law school preparation show that solo practitioners differ from firm lawyers as predicted. Solo practitioners are less likely to have attended an elite law school, report lower law school grades, and feel their expectations regarding the practice of law have been met to a lesser degree compared with firm

Table 3. Standardized regression results for professionalism among solo practitioners and law firm lawyers (N = 345)

| | Autonomy | | Service-oriented | | Collegiality | | Variety | | Commitment | | |
|---|-------------------|------------|------------------|-------------------|--------------|--------------------|-------------------|--------------------|------------|------------|--------------------|
| | Equation 1 | Equation 2 | Equation 1 | Equation 2 | Equation 1 | Equation 2 | Equation 1 | Equation 2 | Equation 1 | Equation 2 | |
| | Equation 1 | Equation 2 | Equation 1 | Equation 2 | Equation 1 | Equation 2 | Equation 1 | Equation 2 | Equation 1 | Equation 2 | |
| Firm lawyer (associate) versus solo | -.634*** | -.377*** | -.374*** | -.166** | .139* | .012 [†] | -.037 | -.098 | -.044 | -.066 | .013 |
| Firm lawyer (partner) versus solo | -.142** | -.067 | -.146** | -.058 | .198*** | .187** | .093 [†] | .096 | .154** | .041 | .038 |
| Professional work features | | | | | | | | | | | |
| Autonomy | | | | | | | | | | | .072 [†] |
| Service-oriented | | | | | | | | | | | .342*** |
| Collegiality | | | | | | | | | | | .113** |
| Variety | | | | | | | | | | | .067 [†] |
| Reason for entering | .011 | | | .033 | | -.070 [†] | | -.048 | | .078* | .077* |
| Sense of calling | .018 | | | .069 [†] | | -.031 | | .092 | | .077* | .050 |
| Reasons (intrinsic/altruistic) | | | | | | | | | | | |
| Law school preparation | .031 | | | -.038 | | .059 | | .010 | | .027 | .031 |
| Law school (elite) | .002 | | | -.042 | | -.019 | | .069 | | .004 | .016 |
| Academic achievement | .130** | | | .332*** | | .323*** | | .312*** | | .497*** | .317*** |
| Met expectations | | | | | | | | | | | |
| Nature of practice | -.259*** | | | -.259*** | | -.030 | | -.047 | | .035 | .148** |
| Time with corporate clients | -.058 | | | .009 | | .037 | | .102* | | -.022 | -.032 |
| Area of practice (prestige) | -.051 | | | -.183* | | -.122* | | -.065 | | -.111** | -.061 [†] |
| Profit pressures | | | | | | | | | | | |
| Integration/marginalization in profession | -.008 | | | .042 | | -.039 | | .060 | | .124** | .111** |
| Participation in profession | .069 [†] | | | .051 | | .100* | | -.035 | | .119** | .087* |
| Alternate job opportunities | | | | | | | | | | | |
| Controls | | | | | | | | | | | |
| Income (log) | .128* | | | -.006 | | -.075 | | -.115 [†] | | .007 | .016 |
| Law experience | .019 | | | .001 | | -.151** | | -.099 | | -.088 | -.066 [†] |
| Firm size | -.142** | | | -.046 | | .035 | | .028 | | -.016 | .004 |
| Gender (male) | .025 | | | .106* | | -.045 | | .046 | | -.004 | -.040 |
| R ² | .316*** | .457*** | .097*** | .347*** | .026** | .216*** | .014 [†] | .151*** | .034*** | .436*** | .552*** |

*p < .05; **p < .01; ***p < .001, one-tailed; [†]p < .10.

lawyers, and particularly in comparison to partners of law firms. Partners' law school expectations have been met to a greater degree than either those of solo practitioners or associates. This may support the notion that law schools are primarily geared toward preparing students for law firm practice, and partners are the group who has achieved "success" in their careers by advancing to owner-managers of a law firm.

As predicted, the nature of legal practice differs significantly between solo and firm lawyers. Solo practitioners spend considerably less time working for corporate clients, practice in less prestigious areas of law, and experience less pressure to pursue profits than both groups of firm lawyers. Lastly, there is evidence that solo practitioners are marginalized from the legal profession compared with their firm counterparts, as hypothesized. Solo practitioners participate less often in professional meetings and conferences than firm lawyers and they also feel they have fewer job opportunities available to them. The findings for firm lawyers are mixed and differ significantly for both variables. Associates attend significantly more professional meetings and conferences than partners, which may be a sign that as junior lawyers they are expected to invest in career development and social networks, perhaps representing law firms and recruiting new clientele to the firms. Associates also report that it would be more difficult for them to find another job outside their present firm compared with partners. This is likely a function of the more vulnerable status of associates as employees of law firms, related to having fewer established professional ties and a smaller, less secure client base compared to partners.

Do solo and law firm lawyers' work experiences differ significantly along certain ideals of professionalism?

Table 3 shows the partial regression coefficients between lawyers' work setting and the ideals of professionalism (Equation 1). These results answer our first research question and test five of our six hypotheses. As predicted, solo practitioners report significantly greater autonomy (H1), more public service orientation in their work (H2), and weaker collegial ties with other lawyers (H3) compared to both groups of firm lawyers. Contrary to what we predicted, solo practitioners and law firm lawyers do not differ much in the amount of variety they experience in their job (H4); there is no significant difference between associates and solo practitioners and the difference between partners and solo practitioners is significant only at the .10 level. The results show that partners of law firms express greater commitment to the practice of law than solo practitioners, however, associate and solo lawyers do not differ significantly in their commitment levels (H6).

Do the differences in solo and law firm lawyers' education and work experiences account for the differences in their professionalism?

Table 3 also presents the multivariate regression results for the five professionalism variables, after taking into account the education and work experiences of solo and firm lawyers (Equation 2). The findings generally show that the professional role behaviors that initially differed significantly in Equation 1 were reduced substantially, some to non-significance, in Equation 2. This means that differences in education and experience among solo and firm lawyers are partly responsible for the initial gaps observed in their autonomy, sense of public service-oriented work, collegiality, variety, and professional commitment reported in Equation 1. For those variables where the gap remains significant (e.g., autonomy, public service-oriented work, and collegiality), the gap likely remains because of factors not included in the analysis.

Starting first with autonomy, while solo practitioners report greater autonomy than both groups of firm lawyers, after taking into account differences in their education and work experiences, this coefficient is reduced by 41 per cent in Equation 2 for associates versus solo lawyers ($.634 - .377 / .634 = .405$) and

53 per cent for partners versus solos. The autonomy gap remains statistically significant for associates compared with solo practitioners. But, after taking into account differences in education and work experiences, both groups of owner-managers (solo practitioners and partners of law firms) report similar amounts of autonomy. Two factors partly account for the significantly lower levels of autonomy among firm lawyers compared with solo practitioners. First, firm lawyers spend a greater amount of time with corporate clients (refer to Table 2). Second, firm lawyers in our study tend to work in larger firms (e.g., average firm size is 56 lawyers). Both of these factors reduce autonomy and explain why firm lawyers have less discretion in their work than solo practitioners. On the other hand, job opportunities and income act to significantly reduce the gap in autonomy between solo and firm lawyers. Firm lawyers are well integrated into the profession through knowledge of alternate job opportunities and they earn significantly higher incomes than solo practitioners. Both these factors are positively associated with autonomy.

Turning next to public service-oriented work, the coefficients in Equation 2 are reduced by 56 per cent for associates and 60 per cent for partners in comparison with solo practitioners. Again, the difference between associate and solo lawyers remains statistically significant, but it is rendered non-significant for partners versus solos. It appears that the gap between solo and firm lawyers is partly explained by the nature of their practices. Law firm lawyers spend significantly more time with corporate clients and feel greater pressure to generate profits than do solo practitioners (Table 2) and both of these factors significantly reduce lawyers' sense that their work is service-oriented. It is interesting to note that both groups of owner-managers (solo practitioners and partners) report higher levels of autonomy and public service-oriented work than associates.

While Equation 2 reveals significant reductions in the coefficients reflecting the association between lawyers' work setting and collegiality, firm lawyers report significantly greater collegial relations with others in the legal profession than solo practitioners. This gap remains, in part, as the result of greater profit pressures reported by firm lawyers and that these lawyers report more years of experience in law practice. Both factors reduce collegiality and firm lawyers report more of each: longer work histories and greater exposure to profit pressures. While more pressure to produce profits may be seen to undermine collegial, cooperative relations in the profession, and the role of work experience is less obvious. Perhaps, as more experienced lawyers attain positions of authority, and gain greater decision-making and supervisory responsibilities, they may become less involved with their colleagues through cooperative team efforts. There is also a greater awareness of competition between law firms and among lawyers for lucrative clients. An examination of the zero-order correlations between law experience and participation in professional activities, for example, showed this is the case where for firm lawyers the correlation is $-.27$ ($p < .05$).

In regard to variety and professional commitment, after controlling for the education and work experience variables in Equation 2, solo and firm lawyers no longer differ significantly. The prestige of lawyers' area of practice is an important determinant of the variety of tasks they experience in their work, and firm lawyers work in more prestigious areas than solo practitioners. Firm lawyers also report greater profit pressures and this significantly reduces their commitment, thus reducing the gap between partners and solo practitioners.

In addition, we examine the impact of autonomy, public service-oriented work, collegiality, and variety on lawyers' professional commitment (Equation 3 for professional commitment). The results support Hypothesis 5: all four professional role behaviors enhance lawyers' professional commitment. Most notably, lawyers who are more involved in public service-oriented work are more committed to practicing law ($\beta = .34$) and this is the most important determinant of professional commitment included in Equation 3.

The results in Equation 3 also reveal other important determinants of lawyers' commitment to the practice of law. Lawyers who have a sense of calling and whose expectations are met to a greater degree are more committed to the profession. This suggests that reasons for entering the profession, even prior

to law school, as well as the extent to which law school prepares students for the practice of law, are important factors fostering lawyers' sense of professionalism. The nature of lawyers' practice is also important. An interesting finding is that while profit pressures threaten lawyers' loyalty to their chosen vocation, working with corporate clients enhances it. Lawyers enjoy the challenging work associated with important clients but are disenchanted with the pressure to generate profits for the firm. Lastly, lawyers who are more integrated into the profession, through involvement in professional activities and feeling confident of their job opportunities elsewhere in law, are more committed to the practice of law.

Discussion and Conclusions

The primary goal of this paper was to examine how solo practitioners and law firm lawyers differ in their sense of professionalism. We also set out to examine whether their education and work experiences would account for the differences observed in their professional role behaviors. We found that they differ in several important ways. While several factors reduce the professionalism gap, they did not account for, or explain, all of the variation in solo and firm lawyers' professional role behaviors. That is, even after taking into account their education and work experience, there remained significant differences in their autonomy, public service-oriented work, and collegiality. Solo practitioners experience greater autonomy and public service to society, but less collegial relations among their fellow lawyers compared with firm lawyers. Yet, common ground is shared between solo practitioners and law firm partners, an impact of ownership and decision-making authority on professionalism.

Contrasts and commonalities among solo practitioners and firm lawyers

The key factors that partly account for the professionalism gaps are related to the nature of lawyers' practice settings, particularly in terms of the time lawyers spend with corporate clients and the pressures they feel to generate profits. Firm lawyers spend significantly more time working with corporate clients, report greater pressures to generate profits, and are more likely to work in prestigious areas of law than solo practitioners. In turn, working for corporate clients and pressure to generate profits have negative effects on lawyers' sense of professionalism by reducing their autonomy and opportunities for service-oriented work. There has been considerable debate and controversy as to whether lawyers serving corporate clients are autonomous or independent from their large-scale, influential clients (Nelson, 1988). Our findings suggest that lawyers who spend more time working with corporate clients have less opportunity to exercise discretion in their work. Also consistent with the literature, lawyers who serve "big business" clients are less likely to feel they are making a significant contribution to society and/or helping people, whereas lawyers who spend more time assisting individual clients feel they are performing socially valuable work. A male associate wrote the following comment that provides further insight:

"One of my biggest frustrations with the practice of law is the expense involved for clients. I work in a large firm with high 'overhead' and my hourly rate is quite high. You like to think you give a good value for what the client pays but with the emphasis on profitability, you sometimes can't help but think that the client is being over billed given the nature of the system."

Lawyers who feel they are expected to be aggressive and business-oriented, not surprisingly report less collegial relations, that their work is not contributing much in a public service capacity, and they

are less committed to practicing law. These findings are also consistent with the literature that suggests the increasingly profit-driven nature of law has led to greater competitiveness among lawyers and a more business-orientation than a service-oriented practice of law (Lerman, 2002; Pei & Davis, 1989; Solomon, 1992). A woman partner in our survey wrote the following:

“Law now focuses so much on billing rates, hours, and marketing that there seems less time to concern myself with performing on our files regardless of fees earned. The competition among law firms for clients has made the practice a less rewarding undertaking.”

A woman associate added:

“I would never have chosen this profession had I known about the reality of practice today. Unfortunately, I based my expectations of it on an older, more gentle, civilized version. Today, from what I can see, the legal profession is crowded, competitive, and often vicious. This creates situations where lawyers often do not act in the best interests of their client—but of their pocketbook.”

These findings are particularly important because they signal not only a lack of opportunity to help others in need but also that the work itself has become less meaningful and intrinsically rewarding. Lawyers who are more profit-driven also feel less committed to law and this is likely because of the inconsistency between profit and professionalism (Abernethy & Stoelwinder, 1994; Meixner & Blin, 1989). A male associate in our study acknowledged this inherent contradiction:

“There is a fundamental difference between the practice of law and the business of law. The business of law is not unlike any other business. Most lawyers that are dissatisfied with being a lawyer are disillusioned by the business aspects.”

Cooper et al. (1996) propose that when a business archetype is layered onto the professional partnership model, they are ideologically and structurally compatible, but may sacrifice autonomy for democracy and public service orientation for efficiency and effectiveness. Our results support the idea that being a professional has changed to accommodate the importance of being businesslike in a highly competitive marketplace. Our results also suggest, however, that it has been at the cost of autonomy, public service-oriented work, and commitment to the profession.

Sources of differentiation within law firms: Partners and associates

We also differentiated between associates and partners to explore whether they share similar experiences working in law firms, as well as the extent to which partners and solo practitioners may have similar experiences as owner-managers. The results show that in some ways partners and solo practitioners are more alike in their autonomy and public service orientation, whereas partners and associates share more similar collegial relations with others in the legal profession. This former result reflects professional freedoms afforded through ownership status, while the latter suggests community cohesion nurtured through the organizational structure of law firms. All three groups experience comparable amounts of variety in their work and are equally committed to the practice of law.

In regard to autonomy, it is not surprising that associates report the least discretion as they are employees supervised by others, whereas partners and solo practitioners are owner-managers. As associates progress through their careers, moving toward partnership status, their autonomy and discretion likely increase as well. Examination of the zero-order correlation between associates' years of experience practicing law and autonomy ($r = .40$; $p < .05$) supports this interpretation. In regard to the amount of public service orientation in their work, associates report more intrinsic and altruistic

reasons for entering law than partners, but associates also report their expectations about practicing law are met to a lesser degree than they are for their more senior colleagues. Again, examination of the zero-order correlations suggests that, over time, firm lawyers' expectations are met to a greater degree ($r = .24$; $p < .05$) and they view their work as more service-oriented ($r = .24$; $p < .05$). Through professional socialization and mentoring within law firms, associates may adjust their expectations regarding the practice of law so that they are more consistent with their day-to-day experiences and redefine their notions of how legal work may be of valuable public service to society (Koberg, Boss, Chappell, & Ringer 1994; Seibert, 1999). This professional socialization is key to cementing long-term relations between lawyers and firms (Laband & Lentz, 1995) and to developing the management skills, competence, and shared values essential to partnership invitations (Galanter & Palay, 1991; Kay & Hagan, 1998).

In regard to collegial relations, given the modest amount of variance explained (i.e., $R^2 = .22$), additional factors need to be considered to explain the greater sense of collegiality amongst firm lawyers compared with solo practitioners. Perhaps the greater sense of collegiality enjoyed by associates results from their enhanced opportunities for mentorship, collaborative team work, and social events afforded through the routine operations of law firms (Galanter, 1983; Gilson & Mnookin, 1985). Solo practitioners confront greater isolation and financial vulnerabilities (Arnold & Kay, 1995; Rhode, 2000). Yet, at the same time, firm lawyers report greater pressure to generate profits than solo practitioners and this in turn, dampens collegiality. Meanwhile, lawyers with good alternate job prospects report higher levels of collegiality. It may be that the causal order is reversed here, where following Granovetter (1995), informal collegial ties are important repositories of information, connecting people to available jobs. Participating in professional associations and having good alternate job opportunities may constitute a social capital of legal connections that serves to fortify professional commitment (Kay & Hagan, 2003).

Determinants of professional role behaviors

It is also important to note several patterns of findings observed across the four professional role behaviors that may not necessarily explain the gap in professional ideals but nonetheless significantly impact on lawyers' professionalism. First, while the different groups of lawyers in our analysis do not differ much in their reasons for entering the legal profession, lawyers working in law firms were more likely to have attended an elite law school and attained higher levels of academic achievement. These factors, however, prove less salient to later professional role behaviors. In sharp contrast, the more informal socialization of law school preparation is one of the most important determinants of all five aspects of professional work: the more lawyers' law school expectations are met, the more autonomy, collegiality, variety, public service-oriented work, and professional commitment lawyers report. Lachman and Aranya (1986) suggest that professionalism is essentially manifested through professionals' work expectations and these expectations reflect the professional values acquired through early professional training and socialization. The meeting of expectations regarding law practice signals that individuals have been well prepared as they embark on their legal careers. Law school has been touted as a critical force in socializing lawyers and influential in the internalization of professionalism (Granfield, 1986; Ogloff et al., 2000; Rhode, 2002a; Wilkins, 1996), and the findings reported here demonstrate that lawyers' work experiences and reflections on education support this argument.

It should be noted that the measure of law school expectations taps the extent to which lawyers' experiences practicing law met their original law school expectations. This reflects a combination of the preparation they received in law school as well as the realities they experience on the job. With this

type of measure it is impossible to determine which contributes more to the enhancement of professional work experiences—prior law school socialization or actual law practice experiences. Future research might incorporate more sensitive measures that identify the source of unmet expectations. In particular, longitudinal research that tracks law students from graduation through initial practice settings and career development could better assess gaps in legal education, professional training, and mentorship.

Second, the nature of lawyers' practice setting is important. An interesting pattern of findings we observe is that while working with corporate clients reduces both autonomy and public service-oriented work, corporate clients enhance lawyers' commitment. In contrast, profit pressures threaten lawyers' service orientation, collegiality, and loyalty to their chosen vocation. Lawyers thrive with challenging and exciting work associated with complex files and major clients but are also discouraged by the restrictions on autonomy, reduced contributions to society, and the pressure to compete and generate profits for the firm. No doubt, these processes are related to the finding that public service-oriented work is critical to enhancing lawyers' commitment to the practice of law (see Rhode, 2000). This professional role behavior emerges as the most important determinant of lawyers' professional commitment, which highlights the critical role of being able to serve society and help others in one's professional role. The nature of practice is key to determining the degree of public service orientation afforded through lawyers' work.

In addition, several issues identified in this study require further investigation through future research. First, the models developed in this study provide a modest explanation of the amount of variety lawyers encounter in their law practice ($R^2 = .15$). Solo practitioners and firm lawyers do not differ significantly in the diversity of work tasks they experience. Practicing in a prestigious area of law is the only work-related factor that influences the amount of variety lawyers experience in their job. Lawyers working in prestigious areas of law may be inclined to specialize, thereby narrowing the breadth of practice, though the legal work itself requires enhanced expertise (Wallace, 1995b; Wholey, 1985). Future research should unpack the content of legal tasks taken on by solo practitioners as contrasted with law firm lawyers, further building our understanding of what constitutes variety in legal work. Variety may imply a broader range of fields of law practiced, range of cases, involvement from initial client contact to case closure, or a broad range of work responsibilities including practicing law, business management, community development, public legal education, pro bono, and Legal Aid work. This last pattern of broad responsibilities is more characteristic of solo practitioners (see Heinz, Schnorr, Laumann, and Nelson, 2001). Variety may also suggest greater responsibility for the hiring of articling students and junior lawyers, assigning files to other lawyers, supervision and mentorship of junior associates, policy, management and remuneration decisions within organizations, client recruitment and development work, legal research, court appearances, and establishing new units of specialization with firms or branch offices—experiences more typical of law firms, particularly large law firms (Galanter & Palay, 1990; Kay & Hagan, 2003). How variety is measured will determine whether researchers tap a range of complex and challenging transactions or practice that involves repetitive tasks of standardized forms and routine cases.

Future research also needs to explore dimensions of professionalism across different types of firms. Our study highlights the contrasting nature of practice across independent practitioner offices and law firm settings, and within firms across associate-partner distinctions. Yet, further work is needed to contrast practice environments and composition of professionalism across sizes of law firms (particularly small firms compared with mid-size and the very large or "mega" law firms), branch offices versus head offices, and types of firms, including elite, boutique, and area-firms (e.g., family law firms). Our analyses suggest that the organizational structure and culture of law firms, in their varying forms, shape the contours of professionalism for lawyers. Further work will unpack the nature of practice and professional molds within these variants of law firms.

In closing, as indicated earlier, the models presented here are largely influenced by Carlin's (1994b) pathbreaking work on solo practitioners conducted in the 1950s. Our study offers a test of Carlin's work on a new generation of lawyers. In general, it appears that the ways in which solo practitioners and law firm lawyers differ has not changed significantly in over fifty years. Solo practitioners remain disadvantaged in their law school preparation, their practice still reflects the less prestigious areas of law, and they continue to remain at the margins of the profession compared with their law firm counterparts. Yet, while work setting is significantly related to several aspects of professional work, work setting is not the sole determinant, nor even the most important determinant, of lawyers' professionalism. Rather, different versions of professionalism are dependent upon the *nature* of professional work that lawyers experience, specifically in terms of the clients served and the amount of pressure they face to generate profits. It appears that solo practitioners and firm lawyers experience different conceptualizations of professionalism that correspond to the practicalities of their work (Nelson & Trubek, 1992). The findings do not suggest that solo practitioners, who generally report less desirable work experiences, necessarily engage in less professional role behaviors than firm lawyers, nor that as lawyers join law firms they inevitably report more professionalism than independent practitioners. Rather, the situation is more complex, where in some ways solo practitioners experience more professional work in terms of autonomy and public service orientation, while firm lawyers experience more professional work in terms of a greater sense of collegiality. The scenario is not as simple as the *professionalization* of one segment and the *proletarianization* of another within the legal profession.

In short, consistent with Freidson's (1992) concerns regarding the dubious significance of employment status, simply whether a professional is self-employed or not is unlikely to be the only determinant of their professional work experience. And, consistent with Nelson and Trubek (1992), we see different versions of lawyers' professionalism across these legal work settings that are influenced by the day-to-day aspects of their law practice and one version is not necessarily more "professional" than the other. Professionalism is reflected in the law practices of both solo practitioners and lawyers engaged in law firms, though neither embodies the full constitution of the archetypical professional.

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