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Article

*1713 **PROFESSIONALISM**: ONE (AND ONLY ONE) **WOMAN'S PERSPECTIVE**

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As the **profession** becomes more diverse, so do views of what constitutes a **professional**. Are codes of **professionalism**, which for the most part were written before the significant influx of **women** and minorities into the **profession**, reflective of the values of the third of the **profession** now comprised of these diverse members? This Article presents an overview of the many changes in the **profession** over the last decade and a **perspective** on how and why those changes may call for another look at the codes of **professionalism** that are now in place.

We are only in the early stages of a revolution, led by **women**, that has transformed the legal **profession** in a single generation. As in any revolution, there are pockets of resistance to the inevitable. Litigation is such a pocket. It will give way as well, and the sooner the better. [FN1]

I. Introduction

With over 130 professionalism codes now adopted and published by bar and other professional associations, [FN2] you would think the debate over how to define "professionalism" would be settled once and for ***1714** all. But the dialogue continues, not only about what makes a lawyer a professional, but also about whether codes of professionalism provide continuing meaningful guidance in light of extraordinary changes in the nature of the practice of law in the past five years and the composition of the profession over the last two decades.

II. Changes in the Nature of the Practice

Almost 900,000 American lawyers vie for approximately $150 billion a year in business [FN3] and do so in firms ranging from 1 to 1200 in size. Increased availability of information about firms (regarding quality of services, fees, and case success), driven by competitiveness and delivered by everything from yellow page advertisements to beauty contests, has led, in part, to less client loyalty. Lawyers update clients through cryptic e-mails, and clients sometimes choose lawyers by reviewing personal profiles and touched-up studio photographs on the Internet.

Some law firms have opened offices or have affiliated with lawyers in three time zones, while other lawyers work at home and take no more than twenty steps after they wake up in the morning to open their home office electronic doors for business. "Hanging out the shingle" has now become "posting your website address," resulting in fewer and fewer face-to-face contacts with clients and opposing counsel.

What we in the profession previously expressed with a nod, a sigh, or a handshake, we now communicate by e-mail, fax, or voice mail. There are fewer opportunities to get to know your colleagues and to instill a sense of trust in your opposing counsel. Oral arguments are few and far between, and trips to the courthouse to query court personnel regarding matters procedural have been replaced by remote access to court information centers on the Web.

Have the changes in the way we communicate with clients, opposing counsel, and the courts impacted professionalism? By now, most of us have received that hastily written cryptic e-mail or caustic voice mail, the language and tone of which would not have passed muster had they been delivered in person. Even though technology has greatly enhanced our ability to communicate expediently, it has, in some ways, decreased the opportunities for us to use our skills as communicators.

***1715** Yet, we are still using codes of professionalism that were drafted in great part before this most recent version of the practice came to be. [FN4] The codes are founded upon core principles of the profession which, I submit, have and will continue to endure over time. However, the language of the codes may have to be altered due to the remarkable changes in the tools and vehicles by which we render legal services. In addition, as will be seen below, not only has the number of lawyers doubled, but material changes in the culture, gender, and life experiences of those lawyers will effect the standard by which our professionalism will be judged.

III. The Change in Size and Composition of the Profession

Couple the changes in the nature of the practice (more isolated, yet more global; more efficient, yet more frenetic; more competitive, yet more accessible) with the changes in the demographics of the profession and an even more complex picture results.

In 2000, the profession has climbed to over 1,022,000 members [FN5] compared to 574,000 in 1980 and 755,000 in

1990. [FN6]

Law schools continue to graduate students in record numbers. Accredited law schools totaled 183 in 1999. [FN7] In 1981, there were 35,000 graduates from accredited law schools, whereas the year 1999 produced 39,000. [FN8] The sheer number of available individual lawyer opinions about what lies at the core of professionalism has increased dramatically.

Women have comprised thirty-three percent or greater of law school graduating classes for each of the last twenty years. [FN9] In the academic year 2000, fifty percent of the students entering law schools nationwide were women. [FN10] Women now comprise twenty-nine percent of the profession [FN11] and about sixteen percent of partners in large U.S. law firms. [FN12]

***1716** In 1999, minorities filled twenty percent of the total accredited law school enrollment across the country; African Americans held 9200 of the 25,000 minority seats. [FN13] In the same year, minorities comprised a little less than ten percent of the **profession**. [FN14] Even with greater numbers of **women** and minorities among the **profession's** ranks, the double burdens of race and gender borne by **women** of color have not lessened.

Less than one-third of men report observing gender bias in the **profession**, although two-thirds to three-quarters of **women** indicate that they have personally experienced it. [FN15] The glass ceiling, [FN16] which some say has been cracked, has certainly not been removed. [FN17]

IV. Currently Accepted Components of **Professionalism**

Review of **professional** codes and the proliferation of literature on **professionalism** reveals varying opinions on exactly what makes one a **professional**. [FN18] One succinct listing of the components of **professionalism** is: "ethics and integrity, competence combined with independence, meaningful continuing learning, civility, obligations to ***1717** the justice system, and pro bono service." [FN19] Others aptly define **professionalism** by describing circumstances where the attributes of a **professional** are called upon:

> [Y]ou can count on there being a moment in your **professional** life in which someone is going to ask you to do something wrong. It's going to be a partner. It's going to be an associate, a client or someone else who is going to ask you to do something wrong.
>
> At that moment, your future hangs in the balance. You either say yes or no. You may have three kids at home and a mortgage that you've got to worry about, but there's only one answer, "No." . . . If you say, "Yes, I'll do it," you might not get caught and you might not get disbarred, but you have lost one of the most precious ingredients a lawyer can have, and that is self-respect. [FN20]

Codes of professional conduct often parcel out aspirational goals in sets of ten. They speak in terms of what would be considered the traditional mainstays of professionalism, namely, competency, ethics, and civility. Some codes also recognize the obligations of trust; respect and dignity to colleagues, parties, witnesses, and the courts; avoidance of antagonistic behavior in favor of courtesy and cooperation; and contribution of time and resources for pro bono and public service. [FN21] Others go further, talking in terms of "fair play," avoidance of undue delay, personal attacks, and the threat of sanctions as litigation tactics; punctuality; and the use of stipulations as to all matters not in dispute. [FN22]

However, few codes venture to speak about refraining from the use of words and conduct that assert bias or prejudice to intimidate. Perhaps the rationale was that those enlightened enough to study a code of professionalism would not need

to be reminded that it is unprofessional to use subtle racial slurs or language derogatory to women, to speak in condescending tones to women of color, or to ***1718** exchange ethnic jokes. Yet more than adequate anecdotal evidence exists that such conduct and "talk" still has to be "tolerated" by women and minorities on a consistent basis. Revisions to the Model Code of Judicial Conduct were thought necessary to address bias and prejudice in the courtroom and the Code has been modernized to state clearly:

> A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice . . . and shall not permit staff, court officials and others subject to the judge's direction and control to do so.
>
> . . . .
>
> A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice . . . against parties, witnesses, counsel or others. [FN23]

The importance of the judiciary in playing "a crucial role in initiating changes to improve the caliber of professional legal interactions" has been rightfully characterized as "a unique duty to the profession and to the public." [FN24]

Although not yet adopted in Louisiana in any form, [FN25] a 1998 amendment to the Comments to the Model Rules of Professional Conduct sets forth similar language regarding words and conduct showing bias or prejudice: "A lawyer who, in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, violates [the Rules] when such actions are prejudicial to the administration of justice." [FN26]

However, some argue that a prohibition against language that manifests bias or prejudice is not needed in rules of conduct or codes of professionalism. [FN27] However, women lawyers' collective experience ***1719** in law school classrooms, in depositions, and in partnership meetings across the country, even today, proves otherwise: "Women still play out their careers against a backdrop of stereotypical assumptions as to their behavior and competence. For some, demeaning comments and even outright antagonism are accepted facts of life to be side-stepped and ignored when possible." [FN28]

In characterizing comments made to a woman lawyer on a daily basis by a law professor in 1981, Elizabeth Foote noted:

> Because these remarks and attitudes exhibit outright contempt, they cannot be dismissed so easily. This conduct "results in more than personal embarrassment. It undercuts credibility and **professionalism** " and ultimately "affects the quality of justice." Thus, the harm committed is not only against the individual **woman** but against the **profession** as a whole. [FN29]

I submit these remarks are equally applicable to conduct experienced by **women** today.

It is the harm against the **profession** as a whole that warrants prohibitions in **professionalism** codes against assertions of bias and prejudice and the condemnation of equally harmful silence by witnesses to such assertions. Without such prohibitions, a code cannot be accepted, much less respected, by the **profession's** diverse membership.

V. Is a Reexamination of **Professionalism** Already in Progress?

The last several years have seen questions posed with regard to whether the **profession** has lost its way. [FN30] Several examinations conclude the **profession** is in a decline, citing various forces (evil or otherwise) that have robbed those

currently in the **profession** of the true joys to be experienced through the practice of law.

***1720** If John H. Pickering's experience as a lawyer can be considered typical [FN31] (although he himself is more accurately described as extraordinary and far from typical), then the premise that a time existed when the ideals and practice of professionalism were maintained routinely by most, if not all, lawyers is in doubt. Pickering stated that "[t]here are claims of lack of professionalism and civility, and cries for a return to the 'good old days'--days that we who have lived through them know were not all that 'good." ' [FN32]

Obviously in agreement with Pickering about the misnamed "good old days," Charles Hamilton notes that, "[t]hroughout the twentieth century lawyers have experienced periods of widespread criticism. Lawyers have traditionally responded to criticism in the form of professionalism crusades." [FN33] Hamilton identifies the troubles of the profession during several periods including the 1920s, when the public's dissatisfaction with crime growth led to a perception of lawyers as identified closely with their clients in organized crime; the economic decline of the 1930s, which led to stiff competition and the resultant name-calling of "ambulance chasers" out to grab business; and the late 1940s, when representing Communists and other unpopular causes led to a general distrust of lawyers. [FN34] Hamilton notes that Rayman Solomon has identified a "single, sustained crisis of professionalism" throughout the twentieth century. [FN35]

While the ways of the "good old days" may not have interfered with the legal profession fulfilling its role as the "indispensable guardian of our liberties" or a "noble profession," [FN36] they may not be times to which we should again, as a profession, aspire. Those "good old days" were days when women and minorities were excluded from the profession, the bench, and for the most part, the justice system. They were days which might have been characterized as "civil" because civility was made possible by excluding and silencing many of the voices who would question how the profession and our system ***1721** of justice and its laws could treat people as different or inferior because of their color or gender.

Times have changed and brought with them new dimensions (technology, dispute resolution, and global markets, to name a few). With the times, the profession has changed (due to increased size and diversity), for the better.

Examining our profession and our professionalism under yesterday's lens is not only unfair, but unfortunate. It clouds our view of what today's profession is and limits our dreams of what it can be. With change, growth, and diversity come richness--of which we should all take advantage. As Pickering stated:

> This is a great time to be a lawyer and to take our part in advancing the great traditions of our profession: that access to justice shall not be rationed; that the rule of law on which our liberties depend must be preserved and; that honest, courageous and dedicated lawyers are essential to preserving that rule of law. [FN37]

Our critique of our **professionalism** must be done with an appreciation of what our **profession** has become and an understanding of the expectations of our members with regard to **professionalism**.

VI. The Influx of **Women**--Will It Change How the **Profession** Defines **Professionalism**?

Conceivably, the substantial proportion of **women** and minorities in the **profession** may also change how the **profession** thinks about itself and how it will continue to educate itself. Some psychologists suggest that **women** have different sets of values and different ways of dealing with problems than men. A number of academic lawyers argue that the traditional adversarial mode of doing legal business may come under heavy pressure from **women**--their preference will be more for an accommodating, mediational, and negotiative strategy of settling disputes without high-stakes confrontation. Continuing legal education offers one site in which these alternative val-

ues, often more commensurate with classical values, can be debated and imparted. [FN38]

When former ABA President, William Reece Smith, Jr., spoke those words some fourteen years ago at the Arden House III National Conference on the Continuing Education of the Bar, he struck a chord ***1722** with at least one participant in the room. When I introduced myself, and imposed upon Mr. Smith for a copy of his remarks, I could not have foreseen that the words he uttered in the context of exploring the opportunities provided through continuing legal education would, almost a decade and a half later, go so far in describing what I believe to be at the core of why conduct, which some men consider "professional," some women consider falling short. Most compelling about Mr. Smith's comments was his recognition that women's "different set of values" and "ways of dealing with problems," namely, accommodation, mediation and negotiation, are more commensurate with classical values, thus calling into question the "traditional adversarial mode of doing legal business."

Support for Mr. Smith's position can be found among others who have described in some women "the morality of care, an imperative to avoid harm and preserve relationships." [FN39] A "morality of care," however, should not be mistaken for weakness when it is called upon in pursuit of a client's interests through litigation. It should, instead, be viewed as a useful resource, available to men and women lawyers when acting in the best interest of the client requires a lawyer to assess the most favorable course of conduct, free of the shackles of always having to "plunder, pillage and conquer" in order to claim victory.

What is important to understand, then, is conduct which some men may deem perfectly acceptable, if not professional, in litigation combat is unredeemable to many women. Women's rejection of the conduct is, in many situations, a direct result of their refusal to accept the "traditional adversarial mode" as the only effective method of resolution. [FN40]

For instance, objection to the production of documents on grounds recognized as perfectly legitimate under the adversarial system may do little to advance the parties toward resolution. Refusing to hand over documents because they are otherwise accessible from the public records will, while sustainable, [FN41] probably result in motions to compel and protracted discovery battles. The alternative, voluntarily providing the documents if available when requested, avoids needless expenditures of cost and time for all parties. ***1723** Yet, experience dictates that many litigators would not provide the documents. Withholding the documents may not rightfully be classified as unethical and probably would not be seen as unprofessional by many litigators, male or even female, mentored in the traditional adversarial system. When viewed in the context of a litigator, perhaps a woman litigator, questioning why accommodation is not more regarded in the adversarial system, the failure to release voluntarily readily available documents becomes suspect.

Similarly, conduct considered essential professionalism by some women practitioners may be considered a sign of weakness to many men. For example, the simple act of calling a known opposing counsel either prior to (when not detrimental to client interests) or upon instituting an adversarial action has, in my two decades of practice, been more often employed by women litigators than by men. This act of opening up a line of communication, which can become invaluable as litigation progresses and tensions between the parties rise, should be routine for plaintiff, as well as defense, counsel. Yet on most occasions, the first transmission is not a personal phone call or even a self-identifying letter from opposing counsel but a denial of all asserted claims or the filing of a counterclaim, followed quickly by a request for production of exorbitant amounts of extraneous and irrelevant paper. Once the battle lines are drawn, the choices available dwindle down to three: attack, retreat, or surrender. The value of opportunities lost for peaceful and long-term resolution cannot be overstated, especially in the context of an ongoing symbiotic business relationship. If such litigation tactics of producing nonprivileged documents in your possession or calling an adversary to introduce yourself are labeled as feminine, seen as weakness, or characterized as accommodational, caring, or made in an effort to preserve parties' relationships, so be it, as long as they are in the client's best interests.

What has not yet seemed to have come to pass is Smith's prediction that women will exert "heavy pressure" to change the way lawyers reach resolution. [FN42] The absence of an outcry from women may be due to one or a combination of several factors. First, women may have yet to reach a critical mass in the profession sufficient to attack the abuses in litigation, the core method by which lawyers accomplish their work. Second, Smith underestimated the profession's self-interest in preserving the status quo, possibly even to the detriment of the client. Third, Smith was misguided in his belief that the majority of women, if given the chance, would be desirous of ***1724** changing the practice. My hunch is that this latter possibility does not lie at the heart of why most women litigators have remained silent; rather, the former two dynamics are in play.

There may be an insufficient number of women willing to risk vocalizing a common belief that the alternatives to the traditional institutionalized adversarial system are healthier, more intellectually honest, and in the collective clients' best interest. Voicing an objection has consequences: ostracization from the "club" in which membership is essential, not only for self-interest but for those of one's clients, can make everyday practice (and life) difficult. Once dubbed as a troublemaker (or worse yet, "bitchy female"), it can take years to regain acceptance to the collegial circles of a local bar community.

Even if some women wanted to reshape aspects of the traditional mode of doing legal business, they would have to design an alternative that is acceptable to both clients and attorneys. Clients would have to approve and accept a different way of doing legal business and attorneys would have to be willing to live with what some anticipate would result in a lesser economic reward for their services.

VII. Conclusion

The profession has weathered many storms in the last two decades--the onset of advertising and solicitation, the billable hour, a swelling of its ranks, and the application of technology to all aspects of practice. Most significantly, it has changed from a homogenous group of individuals who not only wrote, but enforced its own ethical rules and standards of professionalism through formal discipline and informal ostracization, to an increasingly diverse population, reflective of American society.

Whether those changes, and the new influences that will come with diversity, will change the way we, as a profession, think about our professionalism has yet to be seen. Perhaps, "[w]e are only in the early stages of a revolution, led by women, that has transformed the legal profession in a single generation." [FN43] For the good of the profession and professionalism, we must continue to explore the ways in which our cultural, experiential, and gender differences can improve the practice of law and renew our sense of professionalism.

[FNa1]. Partner, Simon, Peragine, Smith & Redfearn, LLP, New Orleans; Chair of the ABA Commission on Domestic Violence; Member of the Council of the ABA Section on Litigation.

[FN1]. Kermit V. Lipez, Gender on Trial, 15 Maine B.J. 58, 63 (2000) (emphasis added).

[FN2]. For a listing of known Codes of Professionalism, see the American Bar Association (ABA) Center for Professional Responsibility website, at http:// www.abanet.org/cpr/profcodes.html (last modified Feb. 15, 2001).

[FN3]. See John H. Pickering, To the Class of 1940: Remarks on Changes in the Legal Profession, Experience, Fall 2000, at 34, 34-35.

[FN4]. Of the 131 codes of professionalism listed on the ABA Center for Professional Responsibility website, only sixteen have been enacted since 1997.

[FN5]. These statistics were compiled by the ABA Market Research Department, in a table entitled "Total Number of Licensed Lawyers: 1970 to Present."

[FN6]. Id.

[FN7]. Official American Bar Association Guide to Approved Law Schools 9 (Rick L. Morgan & Kurt Snyder eds., 2001) [hereinafter ABA Guide].

[FN8]. ABA Network, http://www.abanet.org/legaled/statistics/Degrees.html (last visited Mar. 14, 2001).

[FN9]. Id.

[FN10]. Pickering, supra note 3, at 35.

[FN11]. Lawyer Demographics Compiled by the ABA Market Research Department (on file with author); see also ABA Comm'n on **Women** in the **Profession**, **Women** in the Law: A Look at the Numbers 8 (1995). The Commission, based on calculations utilizing data from Barbara A. Curran & Clara N. Carson, The Lawyer Statistical Report: The U.S. Legal **Profession** in the 1990s (1994), predicted **women** would comprise 27% of the **profession** in 2000.

[FN12]. Nat'l Ass'n for Law Placement, Presence of **Women** and Attorneys of Color in Large Law Firms Continues to Rise Slowly, at http:// www.nalp.org/Trends/minwom00.html (Nov. 15, 2000).

[FN13]. ABA Guide, supra note 7, at 455; Lawyer Demographics, supra note 11.

[FN14]. Lawyer Demographics, supra note 11.

[FN15]. Deborah L. Rhode, Myths of Meritocracy, 65 Fordham L. Rev. 585, 585-89 (1996).

[FN16]. "'Glass ceiling' is the phrase used to describe the artificial barriers, based on attitudinal or organizational bias, that prevent qualified individuals from advancing within their organization and reaching their full potential ...." Mark S. Kende, Shattering the Glass Ceiling: A Legal Theory for Attacking Discrimination Against Women Partners, 46 Hastings L.J. 17, 18 n.9 (1994) (internal quotations omitted) (quoting U.S. Dep't of Labor, Breaking the Glass Ceiling (1989)). "The term 'glass ceiling' became popular after its use in the Wall Street Journal." Id. (citing Karen Blumenthal, Corporate Woman, Wall St. J., Mar. 24, 1986, § 4, at 7); see also Cecily S. Salley, The Glass Ceiling, 45 La. B.J. 417 (1998).

[FN17]. It is difficult to explain how discrimination has not played a role in the advancement of women. Women have achieved less than sixteen percent of partnership ranks among the largest law firms, although they have comprised thirty-three percent or greater of law school graduates for the last twenty years, over twenty percent of the profession for the last ten years, and constitute twenty-nine percent of the profession currently.

[FN18]. Dean Roscoe Pound has provided the sustaining definition of a profession, "[A] group of men pursuing a learned art as a common calling in the spirit of a public service." Roscoe Pound, The Lawyer from Antiquity to Modern Times 5 (1953).

[FN19]. Jerome J. Shestack, Taking Professionalism Seriously, A.B.A. J., Aug. 1998, at 70, 70.

[FN20]. Professionalism in Practice, A.B.A. J., Aug. 1998, at 48, 54 (quoting the Honorable William M. Hoeveler).

[FN21]. See, e.g., The Maritime Law Ass'n Code of Professional Conduct, in The Maritime Law Ass'n of the U.S., The MLA Report, MLA Doc. No. 729, at 10,537-38 (May 2, 1997).

[FN22]. See, e.g., La. State Bar Ass'n, Code of Professionalism, (adopted Jan. 10, 1992), at http://www.lsba.org/html/code_of_professionalism.html. The Louisiana Supreme Court had earlier promulgated a separate Code of Professionalism in the Courts on August 5, 1987. See La. Sup. Ct. Gen. Admin. R. § 11. In addition, the United States District Court for the Eastern District of Louisiana adopted a Code of Professionalism on August 4, 1999. U.S. Dist. Court E. Dist. of La., Code of Professionalism, at http:// www/laed.uscourts.gov/Attorney/atycode.html.

[FN23]. ABA Model Code of Judicial Conduct Canon 3 A(5)-(6) (1999).

[FN24]. Michael H. Rubin & Judge Brady M. Fitzsimmons, Simply Complying with the Rules of Ethics Doesn't Make You an Ethical Lawyer, in La. Bar Found., In Our Own Words: Reflections on Professionalism in the Law 93, 103-04 (Roger A. Stetter ed., 1998).

[FN25]. The Louisiana Rules of Professional Conduct, adopted in 1986, were in large part taken from the ABA Model Rules of Professional Conduct, but did not include the ABA comments. For an excellent discussion of the history of the Model Rules of Professional Conduct, see N. Gregory Smith, Missed Opportunities: Louisiana's Version of the Rules of Professional Conduct, 61 La. L. Rev. 1 (2000).

[FN26]. Model Rules of Prof'l Conduct R. 8.4 cmt. 2 (2000). The ABA's "Ethics 2000" Report of the Commission on Evaluation of the Rules of Professional Conduct dated November 2000 continues to treat bias and prejudice in the comments rather than explicitly within Rule 8.4.

[FN27]. In fact, "A National Action Plan on Lawyer Conduct and Professionalism," adopted by the Conference of Chief Justices on January 21, 1999, does not address the issue. See Am. Bar Ass'n, A National Action Plan on Lawyer Conduct and Professionalism (1999).

[FN28]. Elizabeth Erny Foote, Women in the Profession: From Unswept Floors to Glass Ceilings, in In Our Own Words: Reflections on Professionalism in the Law, supra note 24, at 107, 115.

[FN29]. Id. at 117 (emphasis added) (quoting Geoffrey C. Hazard & Deborah L. Rhode, The Legal Profession: Responsibility and Regulation 63 (3d ed. 1994)).

[FN30]. See, e.g., Anthony T. Kroman, The Lost Lawyer: Failing Ideals of the Legal Profession (1993); Sol M. Linowitz & Martin Mayer, The Betrayed Profession: Lawyering at the End of the Twentieth Century (1994).

[FN31]. After graduating from the University of Michigan Law School in 1940, Pickering practiced briefly in New York, clerked for United States Supreme Court Justice Frank Murphy, and was a founding member of the Washington D.C. firm of Wilmer, Cutler, and Pickering, where he still practices.

[FN32]. Pickering, supra note 3, at 38.

[FN33]. Charles E. Hamilton, III, Lawyers' Professionalism: Great (and Historical) Expectations, in In Our Own Words: Reflections on Professionalism in the Law, supra note 24, at 23, 29 (citing Rayman L. Solomon, Five Crisis or One: The Concept of Legal Professionalism, 1925-1960, in Lawyers' Ideals/Lawyers' Practices: Transforma-tions in the American

Legal Profession 144-73 (Robert L. Nelson et al. eds., 1992)).

[FN34]. Id. at 39-41.

[FN35]. Id. at 42 n.11.

[FN36]. Pickering, supra note 3, at 38.

[FN37]. Wilmer, Cutler & Pickering Homepage, Our Firm, http://www.wilmer.com/docs/content.cfm?SECTION=ourfirm&PAGE=index (Feb. 21, 2001) (emphasis added).

[FN38]. Wm. Reece Smith, Jr., Realizing the Promise of Professionalism, in ALI-ABA Comm. on Cont. Prof'l Educ., CLE and the Lawyer's Responsibilities in an Evolving Profession 43, 46 (1988) (remarks given at the Arden House III National Conference (Nov. 13-16, 1987)).

[FN39]. Rand Jack & Dana Crowley Jack, Moral Vision and Professional Decisions 6 (1989) (citation omitted); see also Lani Guinier et al., Becoming Gentlemen: Women, Law School, and Institutional Change 28 (1997) (describing experiences of women in law school).

[FN40]. Smith, supra note 38, at 46.

[FN41]. See In Re Kohn, 357 So. 2d 279, 285-86 (La. Ct. App. 4th Cir. 1978) (granting motion to quash where documents in possession of a party are also accessible in the public record from other litigation).

[FN42]. Smith, supra note 38, at 46.

[FN43]. Lipez, supra note 1, at 63.
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