
Selling and Processing Law: Legal Work at Franchise Law Firms

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I explore the work of secretaries and lawyers at one of the most innovative providers of personal legal services in the last 20 years—franchise law firms. I show how the organization of work and the nature of the legal work at two firms has led to the transformation of lawyers into salespeople for mass-produced legal services. While clients may benefit from the convenience of franchise law firms, the attorneys employed by these firms are frustrated by limitations placed on their professional judgments and skills.

For many observers of the legal profession it may seem hard to imagine a private law practice where lawyers act mainly as salespeople for a limited set of standardized services, spending as little as 15 minutes on average with each client. It is equally perplexing that secretaries aided by computers may be as essential to the practice of law as the lawyers. Despite our misconceptions, this innovative type of legal practice has been developing in the United States for about 20 years. The phrase “law factory” has long been applied to large corporate law firms (see Galanter & Palay 1991:16–18; Mills 1951:x). Yet it is in the personal client market that law firms have adapted mass-marketing and mass-production techniques to the delivery of legal services. Franchise law firms obtain clients through television advertising and offer basic services mass produced by standardized boilerplate platforms and production systems. Services such as simple wills, name changes, uncontested divorce, and demand letters to landlords are offered to clients on the basis of competitive, flat fees rather than on hourly fees for personalized expert advice. To be sure, the literature on solo practitioners and small firm lawyers—those who have traditionally performed personal client services—does not characterize the work as highly skilled (see Carlin

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1994, 1966; Heinz & Laumann 1982). But franchise law firms have adapted to a changing market for personal legal services by rationalizing and routinizing the work of lawyers. The result is a steady stream of clients into branch offices to take advantage of inexpensive divorce and bankruptcy filings sold by lawyers who have little control over the process and prepared by secretaries who are essential to the production system.

I provide here a detailed ethnography of the work of lawyers and secretaries at two franchise law firms in the United States. I contribute to our knowledge of lawyers and the delivery of legal services by addressing a neglected area of sociolegal research. As Carlin (1994:xvii) has recently noted, "compared to the research done on large firms," personal legal services is "a seriously neglected area of inquiry." In the 33 years since Carlin (1994) first published his classic study of solo practitioners in Chicago, the legal profession and the personal legal services market have changed dramatically. Some of the most important factors involved in the transformation of the personal legal services market have been the huge influx of lawyers into the profession, the elimination of barriers to advertising, and the development of computer technology (see Powell 1985; Abel 1989; Sander & Williams 1989). Franchise law firms are among the "new providers" (Seron 1992) of legal services who have developed innovative organizations and work practices in response to the new market conditions. Lawyers with social characteristics similar to Carlin's (1994) solo practitioners are encountering a highly competitive job market. New graduates from local law schools who are often the first professionals in their families provide the inexpensive labor force which makes franchise law firms possible.

The case studies presented here also address three important questions about the changing nature of legal work. First, as competition for jobs and clients intensifies, what are the implications for the professional autonomy and status of lawyers? Social scientists have debated the implications of such change for professionals and society. At one end of the spectrum, some have predicted the deskilling of professional work (Abel 1985, 1988; Derber 1982; Rothman 1984; Spangler 1986). Others have concluded just the opposite (Freidson 1994:63; Powell 1985). But as Hartmann (1993:421) points out, most studies focus on predictions rather than empirically examining how professional work is changing. This has led to a debate about the likelihood that professionals may be deskilled rather than an examination of how some segments of professional work are being degraded and the resulting frustration and alienation among professional workers. I show how franchise law firms have created a role for lawyers which emphasizes sales techniques while delegating significant client advising and legal writing tasks to secretaries. Attorneys employed by franchise law firms experience their work as repeti-

tious and uninteresting because they are subject to mass production systems for creating and delivering legal services to consumers (much like workers at other types of popular franchises).

Second, what is the role of computer technology in deskilling professional work? Hartmann (1993), Rothman (1984), and Haug (1977) have argued that the use of computers to codify professional knowledge is an important element of the degradation of professional work. Computers make it possible for paraprofessionals or lay people to perform tasks which were formerly the jurisdiction of skilled professionals. Others (e.g., Freidson 1994) argue that computer technology does not deskill professionals as long as they supervise how such technology is used. From my perspective, computer technology is not as important as the organization of work tasks in general. At franchise law firms it is not the use of computers which limits attorney autonomy and empowers secretaries. Rather, the important point is that when computers are available, they are programmed by firm management and controlled by secretaries, not lawyers, at branch offices. The standardization of legal issues and solutions, the delegation of legal decisionmaking and writing tasks to secretaries, and the transformation of lawyers into salespeople does not require the use of computer technology. It is the organization of work and incentives at franchise law firms that is most innovative.

Third, I address the question: What does the routinization of legal work mean for client service? Legal scholarship and the literature on the professions has long been concerned with the power professionals may potentially wield over clients (particularly individual clients). For example, Abel (1981) has analyzed how American Bar Association ethics rules may empower lawyers at the expense of clients and the public (see also Freidson 1970). In contrast, Haug (1973, 1975, 1977) predicts that deprofessionalization will result in greater equality between clients and professionals. At franchise law firms, both lawyers and secretaries appear to dominate clients as they are ushered through fast-paced sales and production systems. Secretaries screen clients to be sure their problems can be handled by the firm's production systems. Lawyers aided by standardized worksheets quickly gather the relevant information from clients for the required services. The longest part of many consultations is the lawyer's sales pitch to the client. Yet ironically the standardization which so frustrates attorneys also helps to protect clients with basic problems who might otherwise be subject to unscrupulous practices. Clients whose problems can be solved by franchise law firms find fast, helpful service (mainly supplied by secretaries) at competitive fees.

Data and Methods

The focus of this study is the work of lawyers, secretaries, and managers at two of the larger franchise law firms in the United States. Both Arthur & Nelson and Beck & Daniels¹ are national in scope, with branch offices throughout the nation. I chose to study Arthur & Nelson and Beck & Daniels because of their leadership in developing the franchise approach to legal services. I collected the data reported in this article between October 1990 and November 1991 using observation and interview techniques.

Office Observations

To gain access for office observations I allowed management at both firms to choose the offices to be studied. In addition, I agreed to formally limit my stay in each office to one week; to provide confidentiality for the firms, clients, attorneys, and staff; and not to interview clients about their cases or their satisfaction with the legal services provided by the firms. I observed two Arthur & Nelson offices and one Beck & Daniels office for a period of one week per office. I also conducted numerous informal followup visits with the Beck & Daniels office staff, which also led to informal visits to three other Beck & Daniels branch offices.²

While at each office I moved about freely, observing interactions and watching work being prepared. I openly asked questions of attorneys and staff. I also observed consultations between lawyers and clients. I was on hand when the first person arrived in the morning to open each office and left with the last person to go home at night. I kept extensive field notes of all office visits and contacts with the study population.

Interviews

Subsequent to the office visits I asked both firms for permission to interview a larger sample of attorneys, staff, and managers using a semistructured interview schedule. Arthur & Nelson cooperated by providing a list of all personnel in a 16-office geographic area. Beck & Daniels was somewhat less cooperative, allowing me to interview only a small, hand-picked group of 25 lawyers and managers who, by their own admission, represent the most successful members of the firm. (Beck & Daniels refused my request to interview secretaries.)

To some extent, the Beck & Daniels interview sample bias is balanced by the office visits. The offices I observed in, by all accounts, are struggling to maintain profitability. I attempted to

¹ Law firm, lawyer, and secretary names have been changed to protect confidentiality.

² Beck & Daniels management was aware of these visits and did not object.

broaden the interview samples of both Beck & Daniels and Arthur & Nelson with snowball sampling techniques.³ By asking respondents for recommendations of other people associated with the firm to interview, I increased the sample of Beck & Daniels personnel to 39 lawyers and managers (most managers are also lawyers) and two secretaries. My sample of Arthur & Nelson respondents includes 15 secretaries and 28 attorneys and managers. A total of 85 franchise law firm respondents were interviewed for this study. All interviews were tape recorded and transcribed with the permission of the respondents.⁴

The Organization of Work at Franchise Law Firms

Franchise law firms consist of a network of law offices that are conveniently located in storefronts, strip malls, and shopping centers. In contrast to most other law practices, franchise firms aggressively advertise on television, seeking a high volume of clients in each office. In fact, franchise firms pioneered lawyer advertising on television after the U.S. Supreme Court legalized attorney advertising in 1977 (*Bates & O'Steen v. Arizona State Bar*). The largest of the national firms boasts 150 offices employing 300–400 attorneys who serve an estimated 175,000 clients annually. In addition, and perhaps most important, the law firms discussed here use franchise-style production systems. As we shall see, each firm imposes strict production techniques on branch offices that standardize and limit the legal issues dealt with, the advice offered to clients, and the organization of work tasks in each office.

I now turn to a discussion and analysis of the roles and responsibilities of the local office staff (managing attorneys, staff attorneys, and secretaries), the work incentives provided by each firm, and the nature of the legal work and client interactions performed at Arthur & Nelson and Beck & Daniels.

Arthur & Nelson

Arthur & Nelson managing attorneys are hired to operate each branch office. Experienced attorneys may be hired directly into managing attorney positions, or a staff attorney may be pro-

³ Snowball sampling led to my interviewing both former employees and employees not originally offered by management of the two firms. Firm managers were aware of my sample design and did not object to the use of snowball sampling techniques (though many Beck & Daniels upper-level managers expressed surprise when employees consented to interviews without seeking prior approval).

⁴ To gain a better understanding of how work at franchise law firms has developed differently from the work of other lawyers, I also interviewed a random sample of 35 solo and small firm lawyers engaged in personal services practices (as opposed to corporate practices). The interviews were conducted in the six-county Chicago metropolitan area between November 1991 and March 1992. The sample was drawn from the 1991 edition of *Sullivan's Law Directory*. For a detailed description of these interviews see Van Hoy 1993.

moted to fill such a position.⁵ The firm provides minimal training for the managing attorney position in a two- to five-day orientation. The managing attorneys in my sample emphasize that the training covers only office/administrative forms and procedures, not legal forms. As will be shown, secretaries, not attorneys, are responsible for filling out legal forms and preparing most legal documents.

Managing attorneys receive a percentage of office profit as their compensation. The firm takes a 35–40% cut of total office revenue “off the top” each month. Office overhead and expenses are then paid out of the remaining monthly revenues. Whatever is left (excluding taxes, of course) is the managing attorney’s compensation.

Managing attorneys are responsible for producing enough income to pay the salaries of staff attorneys and secretaries, pay rental to the firm on furniture and equipment, buy supplies (forms, paper, pens, etc.) from the firm, and pay office rental and utility costs. In short, an office must pay all its own expenses after the firm takes a cut of revenues. Managing attorneys succeed in the incentive system when office profit—the revenue remaining after management takes its cut and after overhead is paid for—is increasing. Managing attorneys report yearly incomes ranging from \$36,000 to more than \$100,000. However, only two attorneys in my sample report earnings of \$100,000 or more. Excluding the \$100,000 incomes, my sample reports average earnings of \$53,818.

Managing attorneys have full responsibility for their offices’ productivity, but the daily running of each office depends on the secretary as much as on the managing attorney. Secretaries deal with incoming cash and accounting on a daily basis. They screen clients who call to make appointments, update clients on the current disposition of their cases, and routinely dispense legal advice to clients. In addition, secretaries perform tasks such as the typing and copying of documents, writing letters to clients, producing wills, creating divorce motions, and other forms. As one secretary put it:

Oh my, I do everything. I type, I file, book appointments. I handle all the cash flow. I greet clients, I meet clients, I do financial affidavits for divorce clients. I do everything. I copy, I file, I order supplies, I maintain supplies. I do everything except go to court.

Later in the interview this secretary admitted that her managing attorney had her perform title searches for residential real estate closings, a task usually reserved for lawyers or paralegals, even

⁵ In reality, most managing attorneys are hired from outside the firm. Few staff attorneys stay with the firm long enough to be promoted to managing attorney positions. According to the reports of both managing attorneys and staff attorneys, few staff attorneys remain with the firm for more than two years.

though she was hired directly out of high school. In addition, my field notes are filled with instances of secretaries giving advice to clients over the telephone. Common examples are secretaries who tell prospective divorce clients whether they have a cause of action for divorce, explaining how filing for bankruptcy may save one's home, and determining if prospective clients have personal injury cases.

Managing attorneys, staff attorneys, and secretaries are all aware of the contribution secretaries make to keeping each office operating smoothly and profitably. Secretaries do not view their conversations with prospective clients as giving legal advice. Rather, they see their actions as fulfilling their responsibilities of screening clients and encouraging prospective clients to make appointments for consultations with attorneys. Another young secretary explains how the staff people are the backbone of the firm because

I see that I'm in control of . . . who comes in the office, appointments, you see what I'm saying? If people don't come in, you don't make money. And if you don't make money, you don't have an office, you're closed. So I think the staff person is very important to an office and they maintain the office. They keep it in shape and form.

Few branch office attorneys take responsibility for the advice given to clients by secretaries. Official firm policy is that only attorneys should practice law and give legal advice to clients. Yet virtually all attorneys report that "we couldn't be open for an hour without the support staff." Secretaries confidently proclaim that they "run this place. Nothing could happen here without me or someone like me managing the business and the clients." The organization of work and incentives at franchise law firms demands that secretaries learn basic legal procedures. This knowledge is then used to screen clients and motivate people with problems handled by the firm to make appointments. Indeed, as will be shown below, lawyers even rely on the legal judgments of secretaries to determine the type of legal problem each client has.

The compensation system reflects the critical role played by the secretary. Secretaries at Arthur & Nelson are salaried, with managing attorneys required to pay bonuses based on monthly revenues. In addition, firm management may offer separate bonuses to secretaries for making appointments with clients having a particular kind of case. For example, during my office visits secretaries were paid \$16 for each personal injury consultation they booked. Secretary earnings among my sample range from \$16,000 to \$37,000, with an average of \$26,000 a year. Though these salaries may not seem high, they are competitive with staff attorney salaries. In fact, Arthur & Nelson managing attorneys

report that they would rather lose a staff attorney than have to replace an experienced secretary.

Unlike secretaries, staff attorneys are not present in every Arthur & Nelson office. They are extra help, hired when managing attorneys believe they have more work than they or secretaries can handle. For a managing attorney the decision to hire a staff attorney is based on a cost/benefit equation. Will another attorney in the office increase revenue and profit? From the view of Arthur & Nelson management, adding another attorney to an already successful office is a good way to increase gross revenue and the firm's take from that office. Because the firm takes its cut of revenues off the top and leaves managing attorneys responsible for staff attorney compensation, it is possible for Arthur & Nelson management to "make out" (Burawoy 1979) on the hiring of staff attorneys while managing attorneys suffer. To be successful in adding another attorney to their office, managing attorneys need staff attorneys to generate as much revenue as possible at a low cost to the office. This is accomplished in a number of ways.

First, staff attorneys appear to be attorneys with little experience. Many are young and have recently passed the bar exam.⁶ Second, staff attorneys begin to develop and service their own clients immediately. Staff attorneys learn the practice of law through direct experience with virtually no formal training by the firm. They are "given primary responsibility for case files the second you walk in the door," as one staff attorney remarked. Third, staff attorneys, like secretaries, are constantly working—seeing clients, drafting court motions, and going to court. In the following quote a staff attorney explains his responsibilities at length:

I do the intakes. When someone comes off the street and they want to see an attorney, they see me or my boss. Now what my boss does is whenever there's a consultation . . . if it generally deals with divorce, custody, support or some business, like incorporation, my boss will see that because that's what he does and that's what he's good at and that's basically all he wants to do. And those are the big money makers. The second echelon cases I get, like what we call the miscellaneous cases. The odds and ends. The estate cases [simple wills] I get. And occasionally, if he's not available and I sign [a client up] for divorce I will generally get [to keep] it. Basically I get the less desirable cases to handle. So my job is to interview people and to figure out what their problem is and to make a sale or just tell them that we can't help them.

⁶ The average age of my sample of Arthur & Nelson staff attorneys is 34. Staff attorney ages range from 25 to 38, with one 50-year-old. When the older attorney is excluded, the average age of staff attorneys is closer to 30. Nonetheless, the 50-year-old attorney had only recently finished law school and passed the bar examination.

As the end of this quotation suggests, staff attorneys can be given client responsibilities from the first day they are hired because those responsibilities are limited and fairly straightforward. In the “Selling and Processing Law” section, I discuss in detail the responsibilities of attorneys and secretaries in providing services to clients.

Finally, while working long hours—staff attorneys report working an average of 57 hours each week at Arthur & Nelson—staff attorney salaries are kept relatively low. My sample of Arthur & Nelson staff attorneys have an average income of \$29,000. Salaries vary between \$23,000 and \$36,000, making staff attorney compensation comparable to the income of secretaries (which averages \$26,000). While staff attorneys may not be aware of secretarial incomes, they are well aware of the relative exploitation they are subject to.

The salary is terrible. It's very aggravating. I mean, I'm just way overworked. And the hours I work, that's my main complaint about the job, in addition to the salary. There's just too many cases to do a good job.

It's one thing to say that you can expect to periodically put in some time. But just consistently long long hours! I think once, a while back, I was just trying to add up all the hours that I put in—not in a week, but in a month's period of time—and then say, the return here, is it really worth it?

Not surprisingly, staff attorney vacancies occur regularly. However, staff attorney turnover is not considered a problem as long as there are plenty of new law school graduates to fill the vacancies. As discussed earlier, secretaries are more important to the smooth and profitable operation of branch offices.

Beck & Daniels

In contrast to Arthur & Nelson's office profit incentive system, Beck & Daniels manages each *attorney* as a profit center. Managing attorney compensation is tied to office profit, but staff attorneys may earn “bonuses” regardless of the fortunes or plight of other attorneys in the office or the office as a whole.

Managing attorneys are responsible for supervising and evaluating the work of secretaries and staff attorneys. But each attorney is expected to service their own clients and complete their work individually. In contrast to Arthur & Nelson, all Beck & Daniels managing attorneys in my sample were originally hired as staff attorneys. Though most of these attorneys had significant general practice experience before joining the firm, all spent a training period of a month to a year as staff attorneys. The training period is necessary because Beck & Daniels offices are required to adhere to a strict computerized production system.

The Beck & Daniels “system” includes a handbook that describes everything from the responsibilities of each branch office employee, the hours each office must be open, and how accounting and other paperwork is to be handled to what case types an attorney may accept, how a client should be treated, how to organize case files (including where staples are to be placed in file folders to keep papers from falling out), and the number of times a telephone may ring before it must be answered. Beck & Daniels managing attorneys are well versed in the firm’s procedures.

We’ve got a huge operations manual that standardizes operations here and at every other Beck & Daniels office. . . . There is no guesswork involved. There aren’t 50 million ways to do things. That makes it easy. Office functions, for example, you know what our mission is, what our goal is in terms of client satisfaction, in terms of revenues, in terms of getting the work done, in terms of hiring legal assistants or attorneys—what to look for. All that is pretty much standardized. They tell us this is what we should look for, this is what we should expect, this is how it should be handled. . . . If you only deviate within accepted limits then all this has been worked out for us. All this has been tested and all this has been successful here and elsewhere.

This system is often presented as ensuring success if followed properly. For example, a Beck & Daniels national manager proudly remarked during an interview that “attorneys are often bad businessmen, so we do everything for them. We tell them what to do, when to do it, and how to do it. Our system frees them to just practice law and service the client. If they can do that, they can make money for us.” As will be shown in the next section, practicing law and serving clients means quickly selling a standardized service at franchise law firms.

Despite the enthusiasm expressed by firm management and some attorneys for the rigid production standards developed by the firm, managing attorneys report annual earnings lower than Arthur & Nelson managing attorneys. Beck & Daniels managing attorneys report annual incomes ranging from \$24,000 to \$60,000, with a mean of \$46,545. Managing attorneys receive 20% of office profit as their compensation.⁷ In offices with more than two attorneys,⁸ managing attorneys must produce enough revenue to pay for all the overhead costs except advertising.

⁷ Beck & Daniels recently reorganized so that managing attorneys buy equity stakes in their branch offices. Currently managing attorneys (now called “Local Partners”) pay 8% percent of gross revenues to the firm. What has not changed is the Beck & Daniels production system and the obligation of Local Partners to adhere to it rigidly.

⁸ In offices with only one or two attorneys, managing attorneys may elect to receive staff attorney compensation. Staff attorneys receive a small salary plus a percentage of the revenue they generate above a firm-set dollar value. Such offices are rare at Beck & Daniels.

These costs include labor, health and malpractice insurance, utilities, and office supplies. Managing attorneys pay fixed charges to Beck & Daniels for computer and copier upkeep and also pay into the firm's "black box" for office and furniture rental. The term "black box" refers to management's unwillingness to divulge the actual cost of office rent to managing attorneys. Instead, the firm imposes charges for each office that increase with the number of attorneys employed at that office.

To a great extent, overhead costs (including office, equipment, supplies, and labor costs) are fixed by the firm, and fees for services are also set by management. Therefore, managing attorneys must hope that they and their staff attorneys sell services to enough clients and produce enough revenue to cover compensation and other costs. Accordingly, managing attorneys focus on the efficient production of legal work and closing out cases files as quickly as possible.

Efficiency at Beck & Daniels means relying on secretaries to quickly produce documents and letters from the office computer. All Beck & Daniels offices have computers that organize client files and contain numerous boilerplate forms for wills, letters, bankruptcy, divorce, and other documents. Beck & Daniels secretaries perform all the same office and client-oriented tasks as Arthur & Nelson secretaries. But the Beck & Daniels production system also places secretaries at the center of all law-related work by placing them in control of a computer system that automates the production of virtually every document and letter. Once trained, secretaries become indispensable to office production and attorneys delegate as many tasks to them as possible. The dual roles of dealing with clients and producing the law-related work are deemed so important by Beck & Daniels management that almost all branch offices have two full-time secretaries: one to deal with clients and one to work at the computer.

Yet despite their importance, secretaries, like staff attorneys, are considered overhead. (This is true for Arthur & Nelson as well.) Managing attorneys report that secretaries are paid annual salaries ranging from \$16,000 to \$20,000 and receive a yearly bonus based on the profit generated at their branch office. Thus, secretary earnings are competitive with staff attorney salaries (which average \$21,250), again, suggesting how important they are to the firm's operation.

The staff attorney's role in Beck & Daniels branch offices is to consult with clients and generate revenue. Beck & Daniels policy mandates that most branch offices have at least two staff attorneys to ensure availability for client consultations. Staff attorneys are generally responsible only for their own clients and their own work. As at Arthur & Nelson, Beck & Daniels staff attorneys tend to be young lawyers who have recently graduated from law

school⁹ and come to Beck & Daniels looking for work in an overcrowded and competitive labor market. As one staff attorney put it:

I wasn't really too thrilled about working at Beck & Daniels, but to be truthful, you know, I needed the money. . . . [This] area's pretty depressed job market-wise . . . and so . . . hey, I have a family so I had to take the job. I wasn't getting . . . many other offers.

Because staff attorneys view franchise law firms as "low salary, sweat shop, high turnover . . . run fast or die" operations, employment at these firms becomes acceptable only after exhausting all other alternatives. Staff attorneys cope with their low status by emphasizing the experience they are receiving and the future. "You know what I'm doing? I'm doing my time here. At some point I hope to be able go out on my own and put this horrible experience to good use." Unfortunately, data from interviews with former staff attorneys and anecdotal evidence from managing attorneys suggest that lawyers who leave franchise law firms often end up working for other similar firms or leaving the practice of law all together. My data suggest that unsuccessful solo practitioners seek refuge as employees of franchise law firms far more often than staff attorneys become successful solo practitioners.

Staff attorneys are offered a small salary plus 27% of the revenues they bring into the office above \$8,700 each month (which is called "bonus"). This incentive system is meant to ensure stable productivity at the lowest possible cost to managing attorneys. However, if staff attorneys are enticed to accept Beck & Daniels salaries with the promise of bonus, they quickly learn that it is not a sure thing. Staff attorneys report annual base salaries ranging from \$14,000 to \$24,000 (a mean of \$21,250), with the lowest base salaries paid to attorneys in the most profitable offices. When bonus and salary are combined, my sample of staff attorneys report average earnings of only \$23,000. This reflects the fact that only two staff attorneys reported earning bonuses on a regular basis. This is true for three reasons. First, staff attorneys are often delegated the cases that generate the lowest fees (e.g., requests for name changes and letters to landlords or creditors as opposed to wills, divorces, or small business incorporations). Second, as will be discussed in the next section, staff attorneys are not as experienced or capable salespeople as are managing attorneys. Third, many offices are overstaffed with attorneys, making it difficult to achieve sales in excess of the bonus level. I was surprised to find that whenever I asked Beck & Daniels attorneys if

⁹ The average age of Beck & Daniels staff attorneys in my sample is 32. This number includes a 44-year-old former managing attorney who had been reclassified as a staff attorney for retraining purposes. When he is removed, the average age of staff attorneys at Beck & Daniels declines to 29.

they experience competition from other lawyers, they described how difficult it was to be assigned cases that might generate high enough revenues to earn a bonus. Not only do managing attorneys reserve the most lucrative cases for themselves, but they also have little control over the number of attorneys at their offices. Beck & Daniels employs a theory of staffing which holds “that if you add another attorney your [client] demand increases.”

The result of overstaffing Beck & Daniels offices is twofold. Ironically, staff attorneys do not complain as bitterly about being overworked as do Arthur & Nelson staff attorneys. The higher levels of staffing better distribute the workloads and lower the hours worked by staff attorneys to an average of about 50 hours a week. At the same time, the bonus system and the firm’s salary structure are a major source of frustration. A former staff attorney’s complaint is typical. He earned only “\$24,000 a year. That’s what they started me at and that’s what I ended up at. I didn’t get any bonuses contrary to what we were led to believe—bonuses were just ripe for the picking—but none were forthcoming.”

Lawyers often accept employment at Beck & Daniels or Arthur & Nelson because they have few other choices. Staff attorneys find their local law degrees do not make them competitive for positions at most large law firms. Managing attorneys are often seeking shelter from the competitive marketplace they experienced as solo practitioners. Once they have accepted employment, staff attorneys find they are required to work long hours for relatively low levels of compensation. Staff attorneys learn quickly that secretaries are the more valuable and indispensable members of the branch office staff. Managing attorneys have opportunities for higher earnings, but the cost is a loss of professional autonomy over how legal work will be handled. The result, as we see in the next section, is that attorneys must develop strong sales skills rather than legal skills.

Selling and Processing Law

Arthur & Nelson provides a relatively decentralized authority structure and a comparatively low level of computer technology. (Typewriters are still used for most forms. Only letters and wills are produced using wordprocessors.) Beck & Daniels provides a more centralized and rigid authority structure with a much greater emphasis on computer technology. Yet despite the differences in organization and technological sophistication, the actual work performed by attorneys and secretaries is quite similar at these firms.

The Sales Process

Both firms employ television advertising to gain a steady flow of clients, but at the branch office it is the secretary who usually makes first contact with clients. When potential clients telephone the office or walk in, it is the secretary's responsibility to answer questions courteously, provide a calming voice for those who are nervous, scared, or outraged, and schedule appointments. As secretaries gain experience dealing with legal issues and learn basic legal concepts, they appear to routinely dispense basic legal advice to help put worried people at ease, motivate them to make appointments, and streamline office procedures. For example, one Arthur & Nelson secretary I observed regularly told potential clients who telephoned whether or not they had personal injury cases. If she felt the caller had a case, she encouraged the caller to make an appointment with her office. Secretaries often say to clients who telephone, "only the attorneys can give you legal advice, but if I were you I would . . ." or "only attorneys can give you a fee quote after you come into the office for an appointment, but in my experience the average divorce runs no more than about \$1,500 if the attorney does not have to go to court more than twice."

When clients first enter a branch office, they are greeted by a secretary and asked to fill out an initial consultation form. The form asks clients to report identifying information, including their name, address, phone number, information about their employer, and a brief description of their problem. It is the responsibility of secretaries to determine what type of legal problem (or problems) clients have. Once a case type is determined, it is written in code on the initial consultation form.

When attorneys are assigned new clients, they use the initial consultation forms to prepare for the meeting. The attorney may check the fee schedule or gather relevant forms or worksheets based on the case types determined earlier by the secretary. During the consultation, the attorney must verify the client's legal problem and ascertain relevant information from the client in a timely manner. To streamline the process and help make sure that all necessary information is gathered at the first meeting, both firms supply their attorneys with worksheets containing questions to ask clients for most types of cases. During the consultations I observed, attorneys appeared to use these worksheets to keep clients from "telling their whole life stories." This is especially important for attorneys when the clients are emotionally upset—for example, those who are seeking a divorce—since entire consultations average no more than 15 or 20 minutes.

After watching Phil, an Arthur & Nelson managing attorney, complete consultations with four clients in the course of an hour (and successfully sell services to all of them), I asked him if he

was able to spend enough time with the clients. He replied, "Listen, I'm not interested in their life stories. When you have people scheduled only 15 minutes apart, I don't have time for it and it's not necessary." Another Arthur & Nelson attorney explains that "at \$150 an hour our consultation fee [of \$35] doesn't even buy 15 minutes—and I sometimes give them 20 minutes." Similarly, a Beck & Daniels managing attorney argued that "the initial consultation fee [of \$20] buys about 11 minutes, but you can't do an IC in less than 15."

The following extended example of a typical divorce consultation shows how worksheets are used to help control the interaction and keep consultations short. Sara, a woman in her early thirties, is guided into a small office by Sam, a Beck & Daniels managing attorney, who quietly closes the door behind him. Sara sits and stares at the floor. Sam takes his seat behind his desk, looks at the initial consultation form for a moment and then says, "You want a divorce, is that right?" Sara responds, "Well, I'm pretty unhappy. Jim, my husband, is out of work. He's drinking again and we fight all the time. . . ." "Are you still living with him?" Sam interrupts. Sara says she is because she only recently began to seriously consider divorce as an option. Sam interrupts again, "Why don't you let me get some basic information that we're going to need to file a motion for divorce, and then I can tell you how it will work and estimate the cost. O.K.?" Sam goes down the worksheet asking questions, circling and writing answers as Sara responds. "Do you have any children? Two? What are their full names? How old are they? Is your husband unemployed or laid off? Is he drawing unemployment? How much per month? I see you work also. What is your job? What are your monthly earnings? Do you own a home or rent? Do you have any cars? How much is currently in your joint checking account? Savings? Do you have any other assests?"

Sara quietly answers all the questions. Her children are three and six years of age. Her husband receives about \$500 each month from unemployment. She works part time as a secretary and earns about \$500 a month. They don't own a home. There is not much left in the checking or savings accounts with Jim having been out of work for almost a year.

Once he has completed the worksheet, Sam begins a well-rehearsed monologue:

O.K., let me explain how it works. In this state we have uncontested or no-fault divorce. Any spouse can file and be granted a motion for dissolution of the marriage without the other's consent. But we don't have community property in this state. That means you and your husband have to be able to agree to a property settlement. Do you think the two of you can agree on that? It shouldn't be too difficult since you don't own a home or any assets. If you think he might come into the office

and sign a form agreeing to a 50–50 split of your household, that would be the easiest way to go. [Sara says she doesn't know if Jim will sign such an agreement.] Well that would be the easiest and least expensive. Try, and if he signs, great. If not, we can still do it, it will just cost a little more.

Now with the children the courts usually award joint custody. Usually the mother is given physical custody, and that is what we will ask for since you said he has an alcohol problem. Now I want you to understand that the courts use a formula to set child support responsibilities. The formula is based on each parent's income. I want you to understand that the court will find that you are responsible for half of their support, O.K.?

O.K., now for the cost. If he agrees to a property settlement and joint custody, with you having physical custody of the children, and I only have to make two appearances in court, I can do the divorce for \$1,200. That includes filling out all the court forms and filing the motion in court and seeing it all the way through until the court dissolves the marriage. Now if he refuses to settle or sign papers and I have to send registered letters to him asking him to cooperate, or if I have to negotiate with his lawyer, or if I have to make more than two appearances in court, the cost will go up. Each registered letter I send costs about \$150. If he hires a lawyer and I have to negotiate a property settlement or go to court more than twice, the basic cost will go up to \$2,500. This is why it is best if the two of you can work out your own settlement without me really having to get involved too much. To get started I need \$600 minus the \$20 consultation fee, so I'll need \$580 before I can start to work on your motion. I'll need the balance before I can make the final motion with the court.

After a long moment of silence, Sara replies that she doesn't have enough money and she is not sure what she wants to do. Sam smiles and says he understands. When she decides what she wants to do, she should come back. Sam hands Sara a copy of the written estimate and says, "If you decide to pay for services in the next 48 hours I can apply the \$20 consultation fee to the balance. After 48 hours have passed I can't offer you that discount."

After Sara left, Sam told me that she would definitely be back. When I asked him how he could be sure, Sam replied, "Divorce clients rarely come here and sit through the consultation unless they have already made up their minds. This one is in a bad situation with an unemployed, drinking husband and young children. She just needs to come up with the money." Indeed, less than 48 hours later Sara returned with \$580 in cash. My observations and reports from lawyers confirm that it is common for divorce clients to have to return with the funds to begin service after the initial consultation. Few divorce clients know what the costs will be before the consultation. In addition, during the recession of the early 1990s, when my data were collected, few clients had easy

access to \$600 or more. Divorce clients are usually asked to make the first downpayment in cash.

The worksheets provide attorneys with virtually all the relevant questions to ask clients. This in turn aids in the standardization of services to clients. The same information is obtained from each client about the relevant services. If client responses do not fit the categories listed on the worksheet, attorneys usually have little choice but to inform them that the firm does not handle their type of case. A managing attorney explains:

You have to realize . . . that the profit margin on these small items is much higher than the profit margin on major litigated cases. . . . So for us to do a will, where we are going to get 100% of the fee, which essentially [my secretary] does—I check off the boxes and review it, of course, but she essentially does the whole thing—is a very high profit item for us. I have found by working here, if you do a lot of very high profit items where you get 100% of the fee, that makes a lot more sense for this type of practice than it does to get involved in some major type of litigation.

To maintain profitable practices, attorneys who work for franchise law firms learn to emphasize the most basic services that involve the least amount of work. During Sara's divorce consultation, the attorney, Sam, tells her that it is best if his role is minimized. Problems a firm's production system are not equipped to handle are usually turned away in the name of efficiency and profits. This suggests there is little reason to believe that clients are receiving inadequate services. On the other hand, attorney discretion is largely limited to "making a sale or telling them we can't help them." The most successful attorneys clearly opt to sell service whenever possible.

The selling of services is often the longest part of initial consultations. Successful attorneys often begin the process of selling the moment the client enters the office. The combination of legal advice and sales pitch is evident in the example of Sam and Sara. Though divorce may be an emotional topic, successful attorneys focus on what services they will perform for the cost of the service. Because divorce is the most commonly provided service at Beck & Daniels and Arthur & Nelson,¹⁰ attorneys quickly learn not to let clients become too emotional. In jurisdictions that do not allow uncontested divorces, attorneys have a natural opening by explaining what the law requires:

Let me begin by telling you that in this state there are no uncontested divorces. There are no irreconcilable differences. [The state] doesn't want to make it too easy. There are only

¹⁰ My sample of attorneys at both firms report that they spend most of their time consulting with clients for divorces, personal bankruptcy filings, wills, and personal injury settlements. At Arthur & Nelson, attorneys report spending 51% of their time on divorces, 17% on personal bankruptcy filings, 12% on personal injury intakes, and 6% on wills. At Beck & Daniels, the numbers are 30%, 24%, 5%, and 19%, respectively.

four cause of actions for a divorce. Let me go through them. If you have one, we can talk divorce. If not, you can't have a divorce. O.K.? Here they are: lack of support, physical abuse, mental abuse, and infidelity. Do you have any of those? Usually the easiest route is to get your husband to sign a paper admitting to infidelity. Do you think he might do that? If he will, that will make everything just so much easier for all of us. Now it will also reduce the cost. So let's talk about that. . . .

With clients who are not seeking a divorce, successful lawyers use a more forceful sales approach. The following detailed example from my field notes is typical. A young couple with three children wish to obtain a will. They are speaking with Phil, the Arthur & Nelson attorney quoted earlier, who has just completed asking them questions based on the firm's worksheet for wills. Phil explains to the young couple that the firm only offers a single will, but it will suffice for their needs since their "main concern should really be just to protect their three young children in the case of a death of one or, God forbid, both of you." He explains to the couple:

[Arthur & Nelson] only offers one type of will, a sort of one size fits all. What's called a simple reciprocal will. Each adult automatically leaves everything to their spouse in the case of death, including custody of the children. It also provides for the children to inherit their parent's estate, split equally among them, in the event both of you should die. And there are also provisions for alternate executors and guardians for the children, in case you want to name a brother and a sister or someone from both families. So, you see, this will has everything you'll ever need. In fact, what we'll give you is a copy of your wills, one for each of you, on this nice thick legal paper and these folders to keep them in [holds up paper and folders]. When they're complete, you should look them over, and when you're satisfied that everything's O.K., you should really put it in a safety deposit box or safe and not look at it again for a long, long time.

The cost of the service is approached in a similar manner. Phil opens the Arthur & Nelson pricing book to the page titled "Wills," turns the notebook toward the clients, and points with his pen to the charge for the basic service. He then says, "You can see for yourself what the service will cost. This covers everything you need. There are no hidden costs, no added fees later. O.K.? Can we go ahead? You really should do this. To protect your young children." After a moment of staring at each other, the couple agrees. Phil continues, "to do the work I'll need a deposit of 50%. Bring the other half when you pick it up. Or you can put the whole thing on Visa or Mastercard and take care of it all right now."

Not all attorneys are as aggressive as Phil. Less experienced staff attorneys appear to be less willing to tell clients what to do and tend to offer them more choices. For example, Steve, an Ar-

thur & Nelson staff attorney, offered a client complaining of poor mechanical service on her auto three choices, ranging from least expensive to most expensive: the client can write a letter to the dealership explaining the vehicle's problems, the mechanic's failure to repair the problem after repeated attempts, and demand that the problem be solved or refund her money; the lawyer can write the letter to the dealership for the client; or the client could opt to take the dealership to court. But the client became distressed when Steve refused to choose the "best" option for her. She left without buying any services, even though she expressed apprehension about trying to continue to deal with the dealership herself.

In another example, a client at Beck & Daniels had defaulted on a used car loan (at 48% interest). The creditor had already repossessed the auto and attached the client's paycheck to recover their losses. The client's main concern was to stop the creditor from taking the paycheck. The staff attorney, Chuck, explained the client's options: the attorney could negotiate a payment schedule with the creditor (for a fee of \$275); the client could declare bankruptcy (for a fee of \$800); or the client could simply let the creditor take the money from wages. Chuck did not suggest any one of the options, and the indecisive client did not choose to buy any services.

Successful attorneys convince clients to buy their services by offering a specific course of action. While less experienced staff attorneys offer clients a list of appropriate actions, more experienced attorneys try to offer a solution. The managing attorneys I observed with clients sometimes explained the options to their clients, as did the staff attorneys. But managing attorneys more often concluded by saying "now here's what I'd like to do . . .," "this is best handled if we move quickly to . . .," or "I can take care of this for you by . . ." Attorneys who are most successful convince clients that they can solve their problems—no matter what the problem is. Only a few attorneys report that they do not accept clients because they don't know how to handle their problems. Kenneth, a Beck & Daniels managing attorney, makes this point while advising a new staff attorney who complained that he just had to "bullshit" through a consultation:

Never talk about advice. Never tell how you are going to do something. When you are sure you know what their problem is, tell them you can solve it. Say nothing more about it. As long as you know what their problem is, you can find out what to do. There are 40 lawyers in this firm in this city. If they don't know about it, they each know 20 more lawyers. Someone knows how to take care of the problem, and you can find them. Always tell the client you can solve their problem.

In practice, the choices confronting attorneys are rarely as expansive as Kenneth's words suggest. Secretaries screen out al-

most all the inappropriate clients before they have the opportunity to meet with an attorney. I observed more than 80 consultations. Only once did a secretary allow an inappropriate client to consult with an attorney. (A woman claimed to have been sexually harassed at work. The secretary knew the firm could not handle the case but felt the client should at least have the opportunity to tell her story—even if only for 15 minutes.) The choices attorneys are faced with often revolve around more technical issues: for example, finding out if a teenager can change her name without her father's consent or determining if there are different forms for residential real estate closings in counties with Torrens rather than deed title transfer systems.

Processing Legal Forms

Attorneys employed by franchise law firms spend much of their time at the office consulting with clients to sell a limited set of services. The nature of the franchise production system demands that attorneys be present during virtually all hours branch offices are open. For example, the branch office attorneys in my sample ($N = 40$) report that in a 49-hour average work week, 36 hours (73%) are spent working at the office. The remaining time is divided between court (10 hours), other lawyers' offices (0.9 hours), law libraries (1.5 hours), and real estate closings (0.6 hours). The small amount of time spent at law libraries (3%) suggests the routinized nature of legal work at these firms. Only the time spent at court to make motions and file documents significantly detracts from the time spent at the office. Attorneys try to limit their time in court to one day a week because "the time spent waiting to go before a judge for 15 minutes is totally unproductive time. We don't consult with clients at the courthouse."

The incentive systems clearly reward attorneys for their sales skills. Though we might expect the sales-oriented nature of work at franchise law firms to be a source of frustration for lawyers, this is not necessarily the case. Attorneys report that selling services to clients is the most interesting and challenging part of their job. Even though the legal cases may be highly repetitive, the contingencies of human interaction make it impossible for attorneys to follow rigid scripts when conducting consultations.¹¹

The legal fields we practice in aren't that diversified. I think 90% of the time what I'm doing is either something to do with bankruptcy law or what I call DRL or FCA law—domestic relations law or [the] family court act. Very rarely do I get called on to answer a question of military law. Very rarely do I get called on to answer a question of maritime law, airplane disaster law,

¹¹ Some scripts are imposed on attorneys. For example, both firms script attorney advice about the rights and responsibilities of clients seeking personal bankruptcy protection.

multi-million dollar estate planning. People just don't come to Arthur & Nelson for that. *On the other hand, the problem of every person is unique* and even if it's a type of divorce I've seen before, there's going to be one quirk that's different. Maybe three kids in this one, two kids in the last one. . . . *So even though the fields are not diversified, each person comes to me and their case is unique because each individual is unique.* . . . So in terms of fields of law, not very diversified, but I still think each case presents its own challenge, each case presents its own excitement. (Emphasis added)

The "excitement" of working at franchise law firms is in the interaction with clients. In this context, a successful attorney is someone who can sell services to all types of people.

The day-to-day tasks of writing letters, filling out contracts and other documents, and going to court are more mundane tasks for attorneys at franchise law firms. To denote its routine nature, one Arthur & Nelson managing attorney calls this work "processing law" instead of practicing law: "Obviously, I'm an attorney, and at Arthur & Nelson I process law. In that sense it's not diversified [work]." Attorneys at both firms echo this view of their work.

I thought there would be interesting work. . . . Interesting work? I mean, sometimes it's interesting work . . . but I wouldn't say it's fascinating work. A lot of it's drudgery.

The work gets monotonous because I'm constantly doing divorces, . . . which I wish there was more of a range.

Within the limitations of what a law practice is—or what the management of people is—it's varied and diversified. But it's predictably varied and predictably diversified to a point where it becomes routine and almost punchpress boring.

Beck & Daniels's production system provides highly computerized boilerplates and form letters for seven general case types (family law, civil law [personal bankruptcy, consumer problems, landlord-tenant disputes], wills, residential real estate, business incorporations, personal injury, and criminal).¹² In branch offices these seven case types are referred to as "the menu of services" (much as McDonald's provides a very specific and limited menu of foods in its stores). It is this menu which secretaries use to screen clients.

Because Arthur & Nelson branch offices are much less dependent on computers, the firm provides a different strategy to help secretaries and staff attorneys become proficient in constructing documents and letters. By targeting advertising to specific practice areas (divorce, personal bankruptcy, and personal injury), Arthur & Nelson management helps to reduce the diversity of clients dealt with by branch offices. Arthur & Nelson

¹² Beck & Daniels offices only complete initial consultations for personal injury and criminal cases. After the initial screening, these cases are referred to specialists.

branch office personnel increase their productivity by specializing in divorce. The other target areas are referred to specialized units within the firm where specially trained secretaries process the files. Given their advertising strategy, it is not surprising that Arthur & Nelson attorneys report spending more than 50% of their time on divorce and almost 30% of their time doing intake consultations for personal injury and personal bankruptcy. Beck & Daniels traditionally has advertised more generally without naming specific services. Beck & Daniels attorneys report that they only spend 30% of their time on divorce. Personal bankruptcy and wills account for another 43% of their work (see also note 10).

The limiting of case types dealt with at each firm and the routinized nature of the work allows secretaries to become virtually as “expert” as many lawyers. In fact, during interviews a few lawyers admitted to allowing secretaries to perform initial consultations during times when clients were scheduled but no lawyers were available at the office. However, the more important point for the present discussion is that the standardized production techniques of franchise law firms delegates significant legal decisionmaking responsibilities to secretaries. As we have already seen, the lawyer’s role is to make the final sale of the mass-produced services to clients.

My sample of branch office attorneys ($N=40$) report spending only 26% (9.5 hours) of their weekly office hours writing or preparing documents. Furthermore, many attorneys admit that much of the time they allocate to the writing and preparing categories actually belongs to secretaries who do the work for them. The first example is an Arthur & Nelson attorney, the second is from Beck & Daniels:

It’s really talking to clients and consultations is the biggest part. The rest of the work, we may only dictate two letters to the secretary or give her the form which takes [me] 15 minutes. That could be an hour’s work for her. The initial consultation sheet, like when you saw me last night, [only] took me part of the [15-minute] consultation. That was it. I gave it to her.

Writing, drafting, dictating legal memos, briefs. . . . It’s not an answerable question because we have selection modules. We don’t have to do a whole lot of drafting. *We just make circles in crayon.* I probably do five hours of that a week. Preparing legal documents, that’s the same thing. Five hours a week is the total for both—writing stuff and preparing documents. (Emphasis added)

Beck & Daniels’s consultation worksheets are organized to facilitate the use of computers. Case types are broken down into computer modules. During consultations attorneys circle the computer module numbers that respond to the client’s case type. Secretaries then enter these numbers into the computer to cre-

ate letters, simple wills, standard motions and pleadings, etc., from boilerplate programs. It is this process that the attorney quoted above is referring to when he remarks that “we just make circles in crayon.”

From the standpoint of mass producing legal services, limited case types and routinized production procedures means high productivity levels with as many case files as possible opened and closed in any day, week, or month. Attorneys at franchise law firms do not sell their legal expertise to clients. Rather they use a generalized claim of legal expertise (which is largely assumed by clients) to sell prepackaged legal services. Many lawyers employed by franchise law firms openly worry that licensure and court protections of lawyers from the unauthorized practice of law are all that protect their positions. And yet it is also inappropriate to say that secretaries have been elevated to the level of legal experts by franchise law firms. The point of mass production and the franchise organization of work is to reduce task complexity to the point where no experts are necessary. Secretaries are vital to franchise law firms. They may develop expertise with the computer systems or legal forms—just as successful attorneys become expert salespeople—but they are no more legal experts than McDonald’s kitchen workers are master chefs.

What about the Clients?

Many of the attorneys employed by the franchise law firms I studied do not refer to their work as “practicing law.” Their admission that they are “processing law,” “making circles in crayon,” and “mak[ing] a sale” is evidence in support of the argument that professional work can be reorganized, degraded, and deskilled. The proud assertion by the Beck & Daniels national manager that “we tell them what to do, when to do it, and how to do it” suggests the level of control desired by firm management over their lawyers.

But what of the clients? Do they obtain the services they require? Are they satisfied with the services they receive? Unfortunately, I was not able to interview clients for this study. However, my observations of lawyer, secretary, and client interactions suggest numerous implications. The marketing strategy of franchise law firms is much like that of any modern rationalized service provider. Television advertisements promise fast, courteous, and inexpensive legal services; that anyone can speak with a lawyer for only a small initial consultation fee. Because most individuals will seek out legal services only a few times during their lives (e.g., buying or selling a house or divorce), advertisements often emphasize friendliness and helpful qualities of office staff. Phrases such as “We know the legal system can sometimes be

scary. That's why our friendly experts will hold your hand from start to finish" are common.

If clients come to franchise law firms with the expectation of fast and friendly service, they are likely to find it. Secretaries make presenting a friendly face to clients a priority. The quick consultations mean that the wait to see an attorney is relatively short. (At one Arthur & Nelson office in which I observed, the managing attorney constantly worried that clients would think I was an unproductive lawyer and become upset at having to wait 15 to 30 minutes for consultations.) Surely franchise law firms rank as high as any modern convenience for pleasant efficiency. Management for both Arthur & Nelson and Beck & Daniels assure me that customer response cards reveal their clients to be very satisfied with this level of service.

However, if clients expect to speak with an attorney for the price of an initial consultation regardless of their intentions to buy a service or their needs, they are mistaken. Initial consultation fees are not sufficiently high to allow informative chats without the possibility of further services. For clients who have legal needs beyond the scope of the firm, secretarial screening is a benefit. Screening saves both the client and attorney time and money. But on numerous occasions I witnessed secretaries and managing attorneys ejecting people from offices (sometimes by threatening or using force) when they refused to state why they wanted to speak with an attorney—even though they had the initial consultation fee in hand. Some of these unwanted clients are alcoholics, drug addicts, or homeless persons who may be mentally unstable or unable to pay for services beyond the consultation. But other unwanted clients are middle-income people who are unsure if they have a legal problem. These prospective clients usually want to have an intelligent discussion with a lawyer. For example, Kenneth, a Beck & Daniels managing attorney quoted earlier, told me that I would make a terrible client because I "would want to be too involved in making decisions and options." Franchise law firms are not equipped to handle people who may want very general advice. At the very least, you have to be willing to discuss your problems with the secretary and give the impression that you are shopping for a specific service offered by the firm.

For clients, attorney consultations are often rushed. The volume practice and low consultation fees make it impossible for attorneys to spend significant amounts of time listening to tales of woe. During many of the consultations I observed, clients appeared to be surprised by the forcefulness of the sales pitch. Attorneys assure clients that they can solve their problems. Yet the consultations hardly seem long enough to convince clients of this. Many clients hesitate to commit to buying services and have to be cajoled (as we saw with Phil's simple will sales pitch). And

yet if attorneys do not seem self-assured and forceful, clients may conclude they are not really getting expert advice. Recall that attorneys who provide clients with multiple options of how to proceed without recommending a course of action are less successful at selling their services. Despite deskilling theories which predict that professionals and clients will become more equal (Haug 1973, 1975, 1977), lawyers (and secretaries) dominate the relationship. In many cases clients who are relatively unsophisticated consumers of legal services demand that attorneys make all decisions. Clients hesitate mainly when they are asked to pay for the services chosen by the lawyer. Most clients I observed seemed satisfied as long as attorneys assured them that they would personally solve their legal problems.

Only when attorneys made mistakes in the sales process and let clients know that they were receiving standardized services rather than personalized expert services did clients become disgruntled. Phil, the Arthur & Nelson attorney selling the simple will to a young couple I described earlier, almost lost the sale when the woman asked when the will would be ready. Phil responded, "let me see how busy the girl is. If she isn't too busy you can come back in 15 or 20 minutes." The couple was clearly stunned. The woman exclaimed, "Tonight? That fast?" The attorney, realizing his mistake, quickly said, "Well, ah, I guess it might take a little longer, really. How about tomorrow afternoon?"

After the couple had left, Phil admitted he had made a mistake. Clients expect their legal documents to be "uniquely crafted" by trained professionals. They don't expect to pay a substantial amount of money (\$350) to have a secretary construct the document on a computer in 15 minutes. No doubt, this is another reason why branch office attorneys tend to stress the individuality and challenge of each client they sell services to rather than the repetitive procedures used to process the legal forms.

Conclusion

The innovations of franchise law firms makes legal services available to thousands of middle-income clients with inexpensive, courteous, and efficient service. Standardization of services means there is an element of quality control. As long as secretaries and attorneys follow the production procedures, variation in the quality of services is minimized. Clients who can be served by this system must be satisfied with standard solutions to individual problems. Nonetheless, clients whose problems fit into the production systems appear to be well served by franchise law firms.

For lawyers, employment with franchise law firms means accepting real limits on the clients one serves as well as how clients are served. Professionals are usually presented as experts who di-

agnose client problems and craft solutions to fit the needs of each client (for a recent statement of the elements of professional practice see Abbott 1988:35–58). Giving sales pitches to clients as they are ushered through a mass production system of providing legal services is unlikely to result in much individualized service. Unfortunately, franchise law firms cannot hide the reality from their attorneys as easily as from clients. The mass marketing and mass production innovations which make franchise law firms convenient for clients also reduce the professional autonomy and independence of lawyers as professionals. Attorneys employed by franchise law firms express frustration at their limited use of professional judgment and skill. Even successful managing attorneys—who might be expected to have more control over their work—describe what they do as if they were factory workers (e.g., “routine and almost punchpress boring”). Ironically, while many attorneys look forward to the day when they will move on to more satisfying work, their secretaries marvel at how nice it feels to be helping clients.

Finally, this study of franchise law firms raises a number of issues that might be investigated in the future. First, franchise law firms are but one manifestation of the changing environment in which personal service lawyers work. Other innovative forms of delivering legal services to consumers—such as prepaid legal services plans—need to be examined in detail. Second, and perhaps more important, future research should examine how personal legal services is developing unique *markets* and the affect of these markets on the experiences of lawyers and clients. (I am currently developing a market-based revision of proletarianization theory for publication. In a future paper I also hope to provide an analysis of unionization attempts among lawyers at franchise law firms). Third, to my knowledge, Carlin’s work (1994) remains the only systematic study of the work practices and experiences of solo practicing and small firm lawyers in a metropolitan area. Without knowing more about the work practices of this group of lawyers, we cannot determine how unique or widespread the innovations of franchise law firms really are. Fourth, franchise law firms adapt organizational structures and work practices from nonlegal and nonprofessional occupations. Much has been written about the unique qualities of professionals and lawyers (for example, educational requirements, commitments to clients, autonomous work practices, the promotion to partnership system). But there has been little exploration of the ways in which lawyers are adopting, innovating, or becoming subject to organizations and technologies not unique to the legal profession. No doubt, these issues will become more important to the practice of law as competition among practitioners continues to intensify.

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