Perspectives on the Practice of Law from 1966 on Up: From Firms and Fees to Technology and Collegiality
By Louis Y. Fishman

One of my five children, none of whom has gone into law, recently asked me if the practice of law has changed much since I started in 1966. I responded, “Not that much,” realizing a detailed response would bore the inquiring child. But the question got me thinking, and this article is the result.

Most of the recollections in this article are from as many as 50 years ago, and some may even be older. They are not supported by research and are totally anecdotal. One of my litigation partners told me they “would not survive cross-examination.” Thanks a lot! Litigation partners 50 years ago would have been more diplomatic.

Law School

My class (of 1965) at Tulane Law School numbered around 100. A faculty member told us, at orientation, to look at the person to our left and the person to our right because only one of the three of us would graduate. Do not try to do the math because the person to my left was also to another person’s right, and people at the ends of a row had no one to the left or no one to the right. But, alas, almost all of us graduated. The law school was on Gibson Circle, part of the iconic face of Tulane University on St. Charles Avenue. It had a small library and one large and two small classrooms, the Freshman, Junior and Senior Rooms, respectively. There were seven full-time faculty members.

I do not recall the library or our classrooms being air-conditioned. At the first negotiable instruments class of the freshman first semester, the professor filled in the seating chart without saying a word. As we sat silently, he looked up, then wrote on the seating chart, then looked up again, and so on, until the chart was completed. It turns out he was also the dean of admissions, and he recognized each of us from the admissions process. Quite impressive for a class of 100!

Today’s Tulane Law School is state-of-the-art. It has numerous classrooms, many of which are “smart;” spacious law review and moot court facilities; an impressive library; and an excellent faculty. The faculty that taught me was also excellent, in every way, but there were so few of them. In the late 1960s, I assisted a then (and still) adjunct professor at the “old” law school, and I have taught as an adjunct since 2004 in the “new” law school. Today’s law students are much more respectful than their predecessors. In the 1960s, students would hiss loudly if they heard something they disdained. For example, one professor presented a judicial decision by stating the facts and then asking, “Was the plaintiff able to enforce the claimed contract rights?” He quickly answered his rhetorical question: “Held, no.” The class hissed and hissed. Why? Because it sounded as if the professor had said, “Hell, no.” On one occasion when I was teaching in the late
1960s, three undergraduate students in Army fatigues demanded possession of the classroom in the name of some liberation army. “It’s all yours,” I offered. They quickly left, maybe because one of the students recognized the leader and said, “Aren’t you So-And-So?”

One of my law school classmates literally invented the keyword method of doing legal research. The business school had an IBM 650 “automatic calculator,” as IBM called it. It filled an entire room at the business school, came with a built-in air conditioning unit, cost a half-million dollars, used punched “IBM cards” as input/output, and is widely regarded as the ancestor of the personal computer (PC). The senior year of business school coincided with the freshman year of law school. My classmate chose computerized legal research as his project for our information technology class in the business school. We laughed at his keyword-based system because the old 650 had no memory capacity for a library of cases. We thought it a minor miracle when he proved the usefulness of his system on a larger, more versatile machine. As far as I am aware, my classmate got no credit for his “invention.” He sure was way ahead of his time. Handheld calculators eventually performed about the same functions as the old, room-sized IBM “automatic calculator,” replacing (believe it or not) the slide rule. In the 1960s, slide rules peeked out from the outside breast pockets of investment bankers and corporate lawyers in New York and engineering students at Tulane, a visible but also useful status symbol. These were ultimately replaced by the Hewlett-Packard 12C, which became the new status symbol in financial circles. I imagine a smart phone serves that purpose today.

**Law Firms**

The largest firm in New Orleans had maybe 25 lawyers and, like the other “top” firms, was housed in a building that none of those firms would find suitable today. Most of these buildings are now hotels. The Hibernia Bank Building was the tallest building in town. The firm it housed is still with us, now in its second new building. Firm names were the same as the senior practicing lawyers, often changing when the lawyer roster changed. Names tend to be institutional today. The names of all of the firm’s lawyers, listed by seniority, were painted in black, highlighted in gold leaf, on the front door of most firms by a Mr. Daly. That practice ceased, possibly when Mr. Daly retired. I joined the firm started by my grandfather and continued by my father. It offered me a monthly salary of $600. Two of the larger firms offered me $850, but I really did not consider those offers because I always expected, and was expected, to practice with my father. Ironically, I ended up in an entirely different area of law, and we rarely worked together after my first year or so. The firm had no anti-nepotism rule, although one partner who was my contemporary suggested a decade or two later, kiddingly, I think, that the firm adopt such a rule retroactively. Most larger firms today do have anti-nepotism rules. Today’s associates start at almost 20 times my starting salary.

The letterheads of most firms, like the doors, also contained a list of the lawyers, in the order of seniority. Unlike the names on the doors, which at some point were discontinued, the letterhead names grew and grew and grew, until they occupied about one-third of the letterhead of the larger firms. I’m not aware of any large firms that follow that practice today. The big firm letterheads also contained a “telex” address for international communications. My firm didn’t have a telex address, probably the result of not having an admiralty practice. When Federal Express started a fax program, it assigned participating firms a “zipmail” or maybe it was a
“zapmail” address. I was pleased we had that on our letterhead, though “telex” seemed more sophisticated to me.

It was said that a lawyer could change firms just once. If a lawyer attempted to change a second time, the chosen firm would wonder how loyal he or she would be. Lawyers changing firms today is fairly routine. One reason is *The American Lawyer*. That publication revealed financial information of the top firms, which, until then, was largely secret, many times even from the partners. Lawyers became the object of bidding wars by firms that offered them more money. Whole firms were formed on this basis. Two of the most nationally prominent of those firms have collapsed. But it’s a rare week today when there is no report of a lawyer or more likely a group of lawyers moving from Firm A’s office in X to Firm’s B’s office there. There are firms today that have more offices than the largest New Orleans firms had lawyers when I started.

My firm, which was about 12 lawyers when I started, had phones that had five white buttons and one red button. The five white buttons each represented a separate trunk line and lit up when that trunk line was in use. The red button was the hold button. Our receptionist would announce a call over an intercom by saying, for example, “Mr. Fishman, line 2.” Her monotone voice prompted me to press the second white button from the left, which would be flashing because the receptionist had placed the caller on hold. Sometimes all five buttons were lit, meaning they were all in use. At those times, an outgoing call could not be made, and an incoming caller would get a busy signal.

My firm grew, as most did, and moved to a new building in 1971, as most did sooner or later. We had outgrown the five trunk lines, and there were no available phones with more than five white buttons. We, therefore, installed a switchboard like the one used in the old Rowan & Martin Laugh-In TV show by the operator who famously said, “Is this the party to whom I am speaking?” It was the kind of switchboard used by the “big firms” at the time. You’ve seen them. There were cables representing the trunk lines, and they were plugged into receptacles representing the various phone extensions in the office. Our long-time receptionist quit from the stress of trying to operate the new switchboard. As a replacement, we hired a registered nurse who received more pay as a law firm receptionist than she was getting as an RN. But that’s an entirely different story. My firm’s current phone system was selected 20 years ago by one of our former partners. It serves as both a phone and an intercom. It has so many features no one has mastered them even after all these years.

Filing was done by a filing clerk when I started. Our filing clerk doubled as a Xerox paper “ruffler.” If she did not “ruffle” through the plain white paper that fed the Xerox copier, the copier would inevitably jam, or so she said. We bought into this process when we loaded paper after hours. Sometimes the paper would jam anyway. We concluded we had not ruffled sufficiently.

There were no paralegals when I started, but secretaries frequently performed work that today would be done by paralegals. My father’s long-time secretary was also a notary public. She prepared real estate documents for my father’s review, then passed the act of sale as the notary. My firm modernized in the 1970s by hiring a paralegal and a librarian. The paralegal quit after a partner asked her “to file a suit at the laundry.” The librarian came to me after a few weeks and
said she wanted to quit because of a lack of supervision and direction, but did not know to whom to tender her resignation. Of course paralegals and also office managers are common fixtures now in the larger firms. I’m not sure about librarians because books continue to be replaced by online services.

Clients

Lawyers from my firm, and from the city’s largest firm, represented the smallest of the city’s large banks. Back then, banks were loyal to one or two law firms, which typically were represented on the board of directors of the bank(s) they represented. Today, most banks use numerous law firms because giving business to law firms is part of the marketing of banking business. Many clients today use multiple firms, apparently with the belief that lawyers are fungible. The theory, with which I do not agree, is that you’ll get the same quality of services and advice at any of the reputable, experienced firms. Lawyers today are largely thought of only as lawyers. When I started, they were valued counsellors and advisers.

Law was not nearly as complicated then as it is today. Probably for that reason, lawyers in New Orleans were not highly specialized. It was, and with a few exceptions remains, unethical to hold oneself out as a “specialist” or “expert.” The vast number of additional laws and regulations has complicated law to the point where specialization is the rule rather than the exception. As a New York court reminds us, “No man’s life, liberty, or property is safe while the legislature is in session.” Today, the New York court would add the regulatory agencies. The Final Accounting in the Estate of A.B., 1 Tucker N.Y. Surrogate 247, at 249 (1866).

Technology

Back then, my firm had a copy machine. It took in a document (almost always a 14-inch document) and, a few minutes later, spit out a wet copy on some sort of photographic paper that curled up into the size of a baker’s rolling pin. These paper rolling pins sat on tables until they were dry. They were then straightened by rolling in the opposite direction. The process was very slow. Copies of documents being typed were invariably made with carbon paper, frequently seven copies at a time. The typewriters were manual, meaning that the letter struck the page with about the same force that the typist’s finger struck the key, with no assist from the typewriter. A carbon ribbon on the typewriter imprinted the first, original page. A sheet of carbon paper imprinted the copy immediately under it. One carbon sheet for each copy desired. When a mistake was made, a metal device, which had the same curvature as the carriage or roller of the typewriter, was inserted behind each page being corrected so that the erasure would not disfigure the next copy. Few, if any, stand-alone typewriters still exist in the modern law office, and copies are made by printers or electrostatic copying machines that crank them out at incredible speeds. You may still see at the bottom of a letter, or even an email, the letters “cc” followed by one or more names, indicating that “carbon copies” were sent to those names. It’s an anachronism, but still used today.
When Xerox first invented the electrostatic copier, and IBM the electric and then Slectic typewriter and MT/ST and MC/ST word processors, the new technology replaced the manual typewriters and carbon copies. MT/ST was short for Magnetic Tape/Slectic Typewriter, and MC/ST for Magnetic Card/Slectic Typewriter. The tape and the card were the memory devices. The Selectric typewriter had a magic ball a bit larger than a golf ball. It imprinted the letters or symbols on the page by striking a carbon ribbon. It also had a white ribbon that corrected an error by typing white over the incorrect letter or symbol. The ball replaced the old key-operated levers that each carried one letter or symbol. The levers slowed the typist because if she (yes, it was invariably she back then) typed too fast, they would get stuck with other levers at the top of their arc. No secretary and not even a MT/ST or MC/ST could possibly type too fast for the Selectric ball. Now, of course, we have laser printers that produce a typed page in one or two seconds. The fastest Selectric ball probably took at least two minutes just to run out a page already recorded on tape or card. The mag card was faster and unbreakable and therefore a significant improvement over the tape. Soon after the electrostatic copier appeared, so did “xc,” meaning “Xerox copy,” but I haven’t seen that in years. Collators came several years later but at first were not particularly reliable, requiring that each copy be checked for completeness.

Of course, there were no cell phones when I started practicing law. But one day in the 1970s, I was walking with a client back to my office from lunch when his briefcase began to ring. He opened it and took a call, right then and there. I was impressed how advanced he was. The briefcase must have weighed 15 pounds. The client was from Texas, of course.

The advances in technology skyrocketed and the way business was conducted began to change dramatically in response. The first fax machine I ever saw — I think in the 1970s — could produce a page in six minutes on a coated sheet of paper. Ten pages in an hour! A 60-page M&A agreement in six hours, a huge step up from the competing delivery services, which took at least a day and often two or three. So, all of a sudden, someone could put an agreement in front of you in a matter of hours and expect a response that same day. Fax machines got faster and faster. Federal Express saw faxes as competition and placed a network of fax machines the size of a desk in many firms. These machines were faster and the quality better. But regular fax machines improved to the point where Federal Express abandoned its fax business. Today, fax machines are yesterday’s technology, although they are thought to be much more secure than emails of scanned documents.

Diversity (or Lack Thereof)

There were four women in my law class of 100. Each of them was an excellent student and had an impressive career — a harbinger of things to come. One became chief justice of the Michigan Supreme Court. Another became a judge in New Orleans, but sadly died young, much too young. The other two became, respectively, a professor of law and scholar at a leading Canadian law school, and a nationally leading litigator in family law disputes. My firm had no women and no African-Americans when I started. Most firms didn’t. There were a couple of “old-line, white shoe” firms that had no Jewish lawyers. Things are quite different today, but racial diversity has not kept up. Nor has partner diversity. All of us can and should strive to do better.

New Orleans
The city was less air-conditioned than it is now. I remember running to federal court one summer, late for a pre-trial conference a senior litigator asked me to attend. The other lawyers and the judge were in the judge’s conference room waiting for my tardy arrival. I sat down and dripped sweat on the papers I had placed in front of me, the sweat due not only from running in the summer heat, but my humiliation at being reprimanded by a federal judge. One of my colleagues knew “cold cuts” through air-conditioned buildings to avoid the heat of the street. I sure wish he had led me to court that day.

The New Orleans office buildings were pretty old, even then. Built before air conditioning, they had operating windows and a center core for ventilation. Paperweights adorned many desks, perhaps mostly as relics but to some extent for the inevitable days when the air conditioning was not functioning, windows were open, and a breeze could send papers flying. In the late 1960s, 225 Baronne Street was built. Its anchor tenant was the largest firm in town, which was the first to move to a “modern” building. The rest followed, one after another, except the few that bought or leased a building of their own. The windows in most of these modern buildings do not open. Some windows in my building are marked with a hammer to indicate they can be shattered, presumably for an emergency exit. Not a happy thought.

New Orleans had three major newspapers, The Times Picayune, The New Orleans States and The New Orleans Item. There being no Internet, news was delivered by newspaper, radio and television. I remember vividly the investigation by District Attorney Jim Garrison into whether businessman Clay Shaw was involved in the Kennedy assassination. Every day at 4 p.m., we rushed downstairs to learn from the two evening newspapers, then delivered to the newsstands, whether there were any new developments. Mr. Shaw was indicted, but ultimately vindicated by a jury of his peers. His vindication discredited the investigation. The movie JFK is Oliver Stone’s account of the Garrison investigation.

Two of the favored lunch spots for a sit-down lunch were the Roosevelt Coffee Shop and a small café operated by Arnaud’s. Lunch was $1 to $1.50. The Arnaud’s café served a three-course meal — Shrimp Arnaud, choice of one of four entrees like Coquille St. Jacques or Trout Amandine, and bread pudding or custard for dessert. Then there were the great sandwich shops like Ditcharo’s (the Ditch), the Commercial and Mother’s. I think a Ferdie was 45 cents. That’s 45 cents, not 15 dollars. My father remembered a 10-cent Ferdie in his youth. My father and I went to Arnaud’s once a week. I accompanied him and another name partner once a week to the Roosevelt, and I ate poboyos with colleagues on the other days. Who would have dreamed that a national sandwich chain would replace almost all of our downtown poboy shops?

Fees

When my practice began, the Louisiana State Bar Association required lawyers to charge a minimum fee of $35 per hour. That thereby became the standard fee in all the firms, other than for plaintiff contingency work. I’ve never heard of any enforcement of the minimum fee. Not too many years later, law became much more competitive after the United States Supreme Court ruled in Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975), that minimum fees violated federal antitrust laws. Competitiveness was enhanced by lawyer advertising, once prohibited by ethics
rules but later sanctioned by the United States Supreme Court as part of free speech. It took the large firms decades to get accustomed to the concept of advertising. I still rarely carry a business card, having been taught it was not proper to present them to potential clients. They are, of course, routine and ubiquitous today. So is advertising by larger firms, including even boutiques like mine.

Time records are quite routine today but were not back in the day. Billings were based on many factors, of which time was just one. One litigator in my then-firm billed a flat rate for a “judicial day in court” or a “half judicial day in court,” plus the time involved. Transactional lawyers billed what they thought the services were worth. If the client disagreed, an accommodation was reached. It seems like billing practices are heading back to yesteryear for transactional lawyers. Bills were prepared by hand. Computers existed back then, but usually only through outside “service bureaus.” Firms did not have the space for the computers of that era. The PC had not yet been invented.

Early in my practice, I was retained by two shipyard executives from Baltimore who wanted to buy a Louisiana shipyard that had played an extremely important role in World War II. Still wet behind the years, I asked my father to assist. He handled the matter to a successful conclusion and sent his bill to the purchaser entity. A substantial investor in that entity questioned the bill and asked my father to justify it. My father said he charged on a time basis and felt that the firm’s services were worth what he charged. He added that if the client thought the firm’s services were worth less, then the client should pay the lesser amount, which the firm would accept as payment in full. The client promptly paid the full amount billed. A few years later, my father went to Moscow (USSR) with the CEO of the shipyard, from which the Soviets wanted to buy patented barges. They first visited the State Department in Washington, which told them, among other things, to bring their own toilet paper and that private conversations should be limited to the U.S. Embassy because everywhere else in the USSR was bugged. Years later, the U.S. Embassy was renovated and massive bugging equipment was found in it.

Creating Documents

When I began to practice, almost all of the lawyers were male, and almost the entire staff was female. The older lawyers and secretaries were almost all addressed as Miss, Mrs. or Mr., as applicable, followed by the last name. I frequently tell people today, “Please call me Louis. Mr. Fishman was my father.” As early as the 1950s, my father’s secretary, who was with him as long as I can remember, typed “M*s” if she did not know whether the woman addressed was married. Perhaps she thereby invented “Ms.,” which is now universally used. Today’s “assistants” were yesterday’s “secretaries.” The lawyer-to-secretary ratio was typically 1-to-1. Some lawyers put out enough paperwork to have two secretaries. Oftentimes, one secretary was assigned to more than one younger lawyer.

The lawyer-to-assistant ratio in my firm today is 4-to-1, and first names are almost universally used. Virtually all of the younger lawyers today type. When I started, we had dictating equipment that created blue vinyl records with about a 6-inch diameter. The records, like the phonograph records they resembled, could not be erased or corrected. If I was dictating a letter to Jim, but said “Dear Sam,” I could only correct it by adding, “Correction, Dear Jim.” The
inability to correct the little blue records made this process very, very slow. The dictating equipment was soon replaced by machines that used magnetic tape that could be erased and recorded over. That technology is not much different today, but I find that many of our lawyers now do their own typing. I’m sure that’s why we can have a 4-lawyers-to-1-assistant ratio.

What did I do? I tried to learn to dictate on those blue record machines. I quickly found that too difficult, and I resorted to drafting by hand for documents and complex letters, using the machine only for simple letters. I still do that, though self-typed emails have almost entirely replaced letters, both simple and complex.

When I started practicing, many of the older lawyers in New Orleans dictated letters and some documents to their secretaries. “Shorthand” was a required skill for secretaries back then. Just about every streetcar or bus I rode on had an advertisement in the roofline above the seats that asked, “Cn u rd th?” If so, the ad continued, still in shorthand, you could get a better job with higher pay. Shorthand, once a skill of just about every secretary, was ultimately replaced by dictating machines because they left the secretaries with much more time to type. That began the increase in the lawyer-to-secretary ratio. But many of the senior partners continued to dictate to their secretaries. Something about old dogs and new tricks. I can say that because I’m now one of them, though I have rarely dictated to a secretary.

Word processing came into vogue with the MT/ST and MC/ST typewriters. Every secretary had an MT/ST and later MC/ST at her desk. One of my then-partners boasted that his secretary could type faster with her IBM Selectric typewriter than anyone with a MT/ST or MC/ST word processor. “Dear Carmen, I think he was right. Very truly yours, Louis.” Soon, faster, but much more expensive, word-processing machines came along. Most firms, even the New York firms, had a centralized word-processing department that handled lengthy documents. That further increased the lawyer-to-secretary ratio. Then came the personal computer, which replaced the central word-processing departments and put sophisticated word processors on every secretary’s desk, then every lawyer’s desk. It continues that way today.

**Delivering Documents**

When I started, just about all letters and most documents were delivered the old-fashioned way by United States Mail. I do not recall the price of a stamp back then, but it may have still been in single digits. It was 3 cents when I was a child. (The streetcar or bus was 7 cents.) Some urgent letters and documents were delivered by hand, frequently as part of the “court run,” which back then was handled by the young lawyers. I once walked to Civil District Court on a particularly hot and mosquito-infested August day. The mosquito infestation was so bad that people swatting mosquitoes looked like they were perfecting a new dance. The senior partner who sent me said I had retrieved the wrong thing. I was soon back in the heat and mosquitoes.

Back then, I had some clients in Baton Rouge who did not want to wait two days for the mail. In these cases, I would take the document to the Greyhound Bus station where it would go out on the next Dog (Greyhound bus) to Baton Rouge. Greyhound insisted that I place U.S. postage on the package, explaining that it was legally required. I have no idea whether that was correct. The client had to go to the Greyhound station in Baton Rouge to retrieve the document. For deliveries
more distant, Delta offered Delta Air Lines Special Handling (DASH). That required taking the package to the airport and the client picking it up at the distant airport. The New York firms had drivers who would make such pickups. I do not recall DASH requiring postage to be affixed. Finally, along came FedEx and the other overnight services. In my building now, you can get something delivered virtually anywhere in the continental U.S. by getting the package into the FedEx bin by 6:45 p.m. (down from 8 p.m.) the preceding evening. One Shell Square has a later deadline. I’m told the deadline in the FedEx hub, Memphis, is midnight, so folks there can work every night until almost midnight and still make the FedEx deadline. You know the saying about how work expands.

Today, documents are quickly and easily scanned and delivered as attachments to emails. Signed original documents are usually delivered by FedEx or other overnight service, but frequently faxed or electronically delivered signatures are relied upon. It is vastly easier than traveling to Greyhound or the airport. (It also leaves more time for billable hours.)

**Collegiality**

When I began practicing, there was a solid foundation of collegiality between lawyers of the same firm and lawyers of different firms. A lawyer in a firm seemed more concerned with what he (and it probably was a “he”) made than what others in the same firm made. Some firms did not inform their lawyers about what others in the firm made. Earnings were largely shared according to seniority, in some cases by a lock-step arrangement, in others factoring in productivity, collections and the like. In firms that used factors other than seniority or in addition to it, the periodic assignment of percentage interests in the firm was described as a “blood-letting.” Today’s big firm probably has a compensation formula that is objectively applied by a managing partner or management committee. My own firm, which is 20 years old, has a lock-step system that we think keeps internal competition to a minimum. We also have a small bonus arrangement that permits us to reward those deserving of special consideration. If we have ever argued about bonuses, I am unaware of it.

In the 1970s, two very bright associates from one New Orleans firm left it for another. A partner at the firm they left commented that the move was a win-win for both firms because it increased the average IQ at each. Lawyers changing firms was not nearly as common then as it seems today. There were stronger bonds among lawyers of the same firm back then, attributable at least in part to the relative absence of significant intra-firm competition over clients, position and money. The partner’s clever comment about the two departing associates reflected, I think, his frustration at the breaking of that stronger bond.

Collegiality between lawyers of different firms has changed dramatically. When I started, lawyers were “friendly competitors.” My grandfather told me about a very competitive trial he handled. The morning session was highly contested. When the noon break came, my grandfather went to lunch with his opposing counsel to discuss settlement. My grandfather’s client did not object because he wanted to settle the case, but he could not understand why my grandfather would eat lunch with someone he had just battled with for several hours. My grandfather explained that, when in court, the lawyers were advocates for their respective clients, but outside the courthouse, they were friends. In one trial my grandfather told me about, a plaintiff claimed
he could not raise his injured arm above shoulder height. The defense lawyer asked the plaintiff to demonstrate. The lawyer then said, “Now, please show us how high you could reach before the injury.” Yes, you’ve guessed exactly what happened.

I spent my first two years in the firm’s litigation section. I recall how surprised I was that the litigation lawyers granted and relied upon oral extensions of time to plead. Indeed, if service of process was made and no one asked for an extension, the plaintiff’s lawyer would nevertheless warn the served defendant. It was very, very rare that anyone sought a default judgment from someone who had or could be expected to have a lawyer, without first giving numerous warnings that failure to make a filing could result in a default judgment. The practice of relying on informal extensions ended several years later after a plaintiff’s lawyer defaulted a defendant whose lawyer said he was granted an oral extension. Trust, once very high among lawyers, deteriorated accordingly.

I have been practicing law for 50 years and I still have a number of friends in New Orleans and other cities who were opposing lawyers in transactions many years ago. Such friendships infrequently form today. One reason is that negotiating an agreement has become much more competitive. Statistics are maintained by bar groups and investment bankers about the disposition of the typical issues that arise in these transactions. Second, technology permits us to do deals without traveling. The result is that we get to know opposing counsel largely through emails and telephone calls, which are not always the friendliest. Being in the same room fosters friendship and a cooperative spirit.

Law was a “gentleman’s” profession 50 years ago. The old-line Wall Street firms like Cravath, Davis Polk, and Sullivan & Cromwell did not have litigation practices or only very small ones. Today, their practices are 50 percent or so litigation. The stakes are extremely high, and the competitiveness is fierce. It is said that Marty Lipton and Joe Flom, who played major roles in the incredible growth of two of the great, but newer, U.S. firms, Wachtell Lipton and Skadden Arps, had breakfast together every morning at a Park Avenue hotel restaurant. They were the closest of friends. Fast-forward to 1985, when Marty invented the “poison pill,” an anti-takeover device useful to the target clients he usually represented in takeover matters. The Skadden firm, which was more likely to be on the acquirer’s side of a takeover, sued in Delaware to have a poison pill declared unlawful. In a landmark decision, the Delaware Supreme Court found the poison pill to be valid in the circumstances of that case. The two great titans of corporate law, Lipton and Flom, were pitted against each other in a case being followed by the entire corporate world. Their friendship suffered accordingly. Perhaps that would not have occurred 25 years earlier.

**Stress**

I am rather certain that law was a lot less stressful when I started. Numerous reasons:

- Billable hours were not emphasized as they are today.
- Compensation tended to be based on seniority.
- Documents could not be created and revised with the speed of today.
• A document could not be dumped on you literally 30 seconds after you got an alerting phone call.
• Technology connects you to your office today virtually 24 by 365.
• Opposing counsel were much less competitive, and your colleagues in your firm probably were too.
• What was once mostly a profession has become mostly a business.
• Competition for clients was not as pronounced, and clients were extremely loyal.
• Hours were not nearly as long (but the senior partner of my then-firm, who joined me one day waiting for an elevator around 6:30 p.m., asked if I was going to lunch).
• On reflection, maybe hours were even longer.
• Traffic was not nearly as bad.
• Law was a lot less complex or so it seemed to me.

Technology is a two-way street. In the old days, you were, for the most part, pinned to your office. Most lawyers needed a secretary to type, and law books were heavy and hard to lug around. Today’s offices are virtual and can be anywhere — at the beach, on a cruise, at home, on an airplane, anywhere. Documents are easily and instantly transported to anywhere. In the old days, I cancelled any number of vacations due to some important development in a deal. Today, one can take all of his or her documents and any needed files, law books, dictionaries, thesauruses and whatever with him or her electronically. Instead of cancelling a vacation to handle an important deal development, one can address the development from afar. That liberates me, but I’ve heard younger lawyers complain that it burdens them because they cannot get away from lawyering.

Law today is a service business, after all, and a highly competitive one. A client once called my father at home on a Saturday morning. Picketing union members were preventing the client’s non-union employees from entering the plant. My father told the client he was at home, had no law books with him, therefore could not address the client’s issue until Monday, and please call him then. The client dutifully obeyed. That could never happen today. I think the difference is that yesteryear’s lawyer was a highly valued confidant and counsellor who was not easily replaceable. Many clients today see lawyers as fungible and, therefore, replaceable if they aren’t available 24 by 365 or are perceived as too expensive. To me, that is a sad development that is definitely not in the client’s best interests. Perhaps the role of counsellor has morphed from the outside lawyer to the inside general counsel. Too bad because there is a lot of satisfaction in that role. When I started the practice, there were very few inside counsel, and they were generally disparaged.

My grandfather loved practicing law and, for the last 20 years before his retirement, being a state district and appellate judge. He retired at the mandatory age for judges, which was then 75. He was as outgoing and friendly a person as I have ever known. Perhaps for that reason, and also because he was a judge, he seemed to know everyone downtown. My father was not as enamored with law as my grandfather, but must have at least liked it because he was anxious for me to follow in his footsteps. He retired at age 65, which was then a typical retirement age. I’m approaching 75 and still at it, for which I thank my firm’s generosity.
Probably because of my age, I’m frequently asked, “Are you retired?” I still enjoy what I do, and I have extraordinary assistance from some of the best lawyers I have ever seen. I obviously enjoy the practice and will probably stay with it as long as my wife, firm, mental capacity and health permit. I’ve mentioned that none of my five children has gone into law. I may have discouraged them, despite trying hard to be neutral. Law is a difficult, stressful place today, and it is not for everyone. I tell people, who ask me, that law school is a great place, but if you intend to practice law, be sure you’re at or near the top of your class.

Conclusion

One of my clients likes to tease me by saying that lawyers are like plumbers: You call them only when you need them, and they charge by the hour. I do not doubt that some, perhaps many, clients feel that way today. One client in the 1970s had a contest for the best money-saving idea. The winner was, “Call the lawyers one less time per day.” Not everything has changed.

When I started, there was no Internet, no smart phones, no cell phones, no email, no computers, no networks, no word-processing, no Westlaw or Lexis (not even a Lexus), no efficient copiers, no scanners, and no useful dictation equipment. Has the practice of law changed? I’d say, “It sure has!” What do you say?

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