



Perspectives on the Practice of Law: Recollections of Legal Practice in New Orleans

By Louis Y. Fishman

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One of my five children, none of whom has gone into law, 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. 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." Litigation partners 50 years ago would have been more diplomatic.

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.

My former 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 former 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.

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 former 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."

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 Selectric 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/Selectric Typewriter, and MC/ST for Magnetic Card/Selectric 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 two letters or symbols. 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.

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 function-

ing, 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 sticker to indicate they can be shattered, presumably for an emergency exit. Not a happy thought.

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?

Conclusion

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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