

Shark Tanks, Sweatshops, and the Lawyer as Hero? Fact as Fiction

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This essay is concerned with stories about lawyers, and the ways these stories are told. These stories blur the boundaries between fact and fiction in ways that are both baneful and beneficial for social scientists. Clifford Geertz puts it this way:

Certain truths about the social sciences today seem self-evident. One is that in recent years there has been an enormous amount of genre mixing in social science, as in intellectual life generally, and such blurring of kinds is continuing apace. Another is that many social scientists have turned away from a laws-and-instances ideal of explanation toward a cases-and-interpretations one, looking less for the sort of thing that connects planets and pendulums and more the sort that connects chrysanthemums and swords. Yet another truth is that analogies drawn from the humanities are coming to play the kind of role in sociological understanding that analogies drawn from the crafts and technology have long played in physical understanding.¹

So now a story: in *Skadden: Power, Money, and the Rise of a Legal Empire*, Lincoln Caplan tells of how one of the firm's partners, Susan Getzendanner, a former federal judge, treated her opponents during trials. She said: 'I used to kid around about sending the woman in the mink coat to sit behind your opponents at the trial. These things are done. I don't see anything wrong with them.' When challenged on her attitude, Getzendanner replied, 'Don't forget. I'm at Skadden Arps now. We *pride* ourselves on being assholes. It's part of the firm culture.'²

What happened to consummate ethical professionals that they can say such things without being disturbed by them? Being an 'asshole' does not square with the conventional wisdom of the legal profession. Or does it? It is possible to argue that lawyers have always possessed split personalities – assholes and angels – but they have been clever enough to sustain the angelic complexion above others.³ Not any more.

LAWYERS IN TELEVISION

The 1980s were fecund times for the culture of law and lawyers.⁴ Certainly, *Perry Mason* was a longstanding presence on television and one wonders how many lawyers were first attracted to their careers by the programme.⁵

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I am grateful to Steve Greenfield, Guy Osborn, and Eleni Skordaki for their comments.

But the essential difference between *Perry Mason* and the newcomers was their organizational style. The lawyer Perry Mason idealized the chivalric aspect of lawyering: he was always on the side of the right and the good; he exposed lies and he restored order. Perry was a loner.⁶ His cases carried him through although we never learned what he charged or how he collected his fees.⁷ In the 1980s corporate organizational culture boomed. *L.A. Law* epitomized this difference. The managing partner, Douglas Brackman, continuously expresses his concern about fees and the need to cultivate, especially when Michael Kusak takes on another *pro bono* murder appeal which will consume many hours of expensive time. Ethics too become negotiable. Arnie Becker makes DIY divorce videos and sleeps with his clients. Kusak allows a non-lawyer to impersonate an attorney in court. Even Leland McKenzie, the senior partner, has a relationship with a prospective associate. Curiously, *L.A. Law* was deemed responsible for a surge in law school enrolments during the late 1980s. Fiction affected fact. However, those in the law business recognized *L.A. Law* was fiction. Some craved it to be real: they liked the idea of lawyers as sexy champions of justice who, incidentally, ate in the best restaurants. Fiction relieved the tedium of the burden of racking up those billable hours, the monotony of ploughing through endless boxes of corporate memoranda in discovery.⁸

Other attempts to ape *L.A. Law* included *Street Legal*, based in Toronto, and *The Advocates*, based in Edinburgh. One striking similarity between *Street Legal* and *L.A. Law* was the amount of time their lawyers spent in court. Even Stewart, the tax partner of McKenzie Brackman, was keen to take court cases. This reflects an ideological core concern of lawyers – litigation. The dispute is seen as the *raison d'être* of lawyers' work. Office work – drafting documents and negotiating – fails to capture the imagination as does litigation.⁹ Yet, often, it is office work that earns the big fees. Even though, for example, Douglas Brackman and Leland McKenzie were supposed to be the big hitters, we never saw them engaged in office work for their clients.¹⁰

Clearly, programmes like *L.A. Law* are fiction. They might fulfil the fantasies of frustrated lawyers, or allow them to snigger at the programme's foibles, but there is no escaping the fact that the majority of lawyers' work is routine, not declaiming exciting closing speeches to the jury.

WRITING ABOUT LAWYERS

Coincident with these television programmes there has developed a new genre of writing about lawyers: celebratory, discursive and, above all, revelatory. Its source is not academic; far from it. Academic writing is careful and considered with modulated tones. The new genre is a kindred spirit to the new journalism pioneered by Tom Wolfe and Hunter S. Thompson.¹¹ It is the *gonzo* brand of legal journalism. Peel away the makeup that creates

the angelic face of lawyering and underneath are the pock marks, acne scars, and the pustules of the primal underworld of the lawyer.

The genre falls into two main groups: journalistic and autobiographical. There are repertoires that wind their way through this literature, the theme of the hero, the lawyer engaged in heroic struggle against government, or against IBM, or the neophyte grappling with law school professors.¹² It is as though the career trajectory of the lawyer is composed of rites of passage that ultimately lead to a mythic chivalric state. This literature is growing and it sustains replication. For example, in 1977 Scott Turow published *One L* about his first traumatic year at Harvard Law School.¹³ Fifteen years later, we discover Richard Kahlenberg's *Broken Contract: a Memoir of Harvard Law School*, where, instead of battling with conservative, authoritarian professors, he had to contend with what he saw as the nihilism of the critical legal studies movement and boredom.¹⁴

The new writing on lawyers, along with the new legal press, has come to straddle the line between fiction and fact. It strives for excitement at the expense of the routine and mundane. But in wanting to present lawyers as thrilling heroes, there is no doubt that artistic licence comes into play. We can validly ask: to what extent can the writers claim to know the internal workings of people's minds? Since Woodward's and Bernstein's books on Watergate and the last days of Richard Nixon, this question has always been present among journalists.¹⁵ And students of the legal profession need to understand this as these accounts of lawyers are often major sources of information.

THE NEW LEGAL PRESS AND BOOKS

The history of this style of writing derives, in part, from the legal press that began in the late 1970s. The *American Lawyer* and its more staid companion, the *National Law Journal*, were determined to show lawyers to others as those on the inside saw them. Steve Brill, the editor and creator of the *American Lawyer* and a graduate of Yale Law School, never practised as an attorney preferring instead to write about them. Having written a book about the Teamsters Union, Brill turned his attention to lawyers.¹⁶ He applied the same investigative journalistic techniques to lawyers and law firms as he had to the Teamsters and the Mafia. In the late 1970s, 'white shoe' or 'blue chip' law firms recoiled from publicity. Eisler puts it this way:

Information about clients was . . . a closely kept secret. Unless a case had made its way to the newspapers, client rosters were never revealed. A lawyer asked whom he represented might well respond with indignation. One might as well ask for the names of the women with whom he had slept.¹⁷

A hierarchy of law firms existed with such firms as Cravath Swaine & Moore, Shearman & Sterling, and Sullivan & Cromwell occupying the heavens.¹⁸ Cravath and the other firms mentioned were all creations of the

nineteenth century, the era of the robber barons and cartels: it was also the time when corporate lawyers believed in legal science. Lawyers upheld the professionalism of legal science and yet did everything in their powers to advance the interests of their monopolistic clients.¹⁹ Not all firms were prepared to wait until beckoned to join the gods. They wanted a jump start and were ready to breach the rule of not talking to the press.

These upstart law firms were not even members of the second tier. They were outsiders, often Jewish, graduates of urban colleges. But they were inspired by charismatic leaders who possessed a vision of how the firm should be. Eisler describes the force behind Finley Kumble:

Steve Kumble . . . had taken greed and made it respectable. He firmly believed that, just as there were eight large national accounting firms, the so-called Big Eight, one day a similarly small number of law firms would dominate the country's corporate legal business. He was determined that his firm, Finley, Kumble, would be one of them. It was a goal he had pursued relentlessly, ruthlessly, since his earliest twenty-hour days at Harvard Law School.²⁰

Caplan explains Skadden Arps's success this way:

the firm 'had a lot to do with' the breakup of exclusive ties between companies and law firms: Skadden's success as a specialist fed the demand for its counsel from companies; and law firms that once hired Skadden on behalf of longtime clients jumped in to compete as specialists themselves, accelerating the erosion of long-standing relationships. In 1976, *New York* magazine quoted 'one top lawyer' as saying, 'Joe [Flom's] done the most magnificent thing anyone's ever done in the law business. He's broken the link between the old investment-banking firms and blue-chip companies and their Wall Street lawyers.'²¹

Steve Kumble and Joe Flom, visionaries that they were, understood the power of the press and how to exploit it to their advantage; however, they were unable to control it, especially in the case of Finley Kumble.

The new legal press itself has grown since the days of the late 1970s and it has come to resemble its subjects, especially in its internationalization.²² Perhaps the biggest change in the new legal press is in its relationship with the legal profession. From being a combative one it has moved to a co-operative one. The editorial board of the *International Financial Law Review* contains lawyers from the largest law firms in the world and carries articles by lawyers. The *American Lawyer* runs management courses for lawyers presented by those it writes about. This same magazine started a move towards colonizing Europe by publishing *European Dealmaker*. After a few issues it folded and *American Lawyer* became directly linked with a British magazine, *Legal Business*. They share stories and both publish directories of law firms.²³ Both print sensational-sounding stories: for example, a story about Clifford Chance in *American Lawyer*, 'Can They Skaddenize Europe?'; in *Legal Business*, a survey of high court judges, 'The Good, The Bad And The Bench'. Other titles have entered the scene during the boom years of the 1980s: *Of Counsel*, *International Lawyer*, *The Lawyer*.²⁴ And the mainstream press has caught on to this market. The columns in the

Times (London and New York) and the *Wall Street Journal* exemplify this trend and demonstrate the potential for this market.²⁵

One fact is clear: lawyers read these magazines. Lawyers are curious to know what other lawyers are doing. These magazines are gossip mills, which is an important function.²⁶ They enable lawyers to talk to each other as well as to the outside world. And, as with *L.A. Law*, they add some glamour to the lawyers' world.²⁷ This new style of writing also contains an element absent in most academic writing. The emotional response to work and life is rendered important and is brought into the foreground.

Two recent books exemplify the roles of lawyers and the firm through the 1980s.²⁸ They are Kim Isaac Eisler's *Shark Tank*, and Lincoln Caplan's *Skadden*. Skadden Arps has become the second largest law firm in the world; and Finley Kumble produced the largest breakup of a law firm. Both were intimately connected with Steve Brill and the *American Lawyer*.

There is one precursor that should be mentioned. It is James Stewart's *The Partners: Inside America's Most Powerful Law Firms*.²⁹ Stewart wrote a series of sketches of law firms in action. For example, one of the keys to releasing the American hostages detained in Iran in 1979–80 was persuading the Iranian government and various American banks to agree to a plan of settlement over frozen accounts and debt claims amounting to \$24 billion. Negotiations, in secret, were held between lawyers in America, England, Germany, Algeria, and Iran. Time and time again they went awry. When finally the details were agreed, the hostages and monies would be released after the Iranians had sent a telex to London with a 'secret numerical test code' while the bank lawyers monitored the situation over a telephone line from Washington. At about 2.45 a.m. Washington time the telex machine was triggered:

'Read the test number', Hoffman [a lawyer] shouted, and the lawyers waited breathlessly as they listened for the series of numbers. As they were read over the phone, Hoffman couldn't believe what he was hearing. The code number was wrong. As he later described it, 'It was like being handed a forged check.'³⁰

Moreover, the remainder of the telex was garbled:

The typed reference to First National Bank of Chicago, for example, emerged as 'First -589,-)?)'. The amount it was to pay was '0,000,000'. The amount to be paid by Morgan Guaranty was overstated by \$300,000.³¹

Eventually, all was solved and the hostages were released. The heroes had 'breathlessly' saved the day for the western world.

Eisler's *Shark Tank* illustrates the centrifugal effects of rapacity. The law firm that became Finley Kumble Wagner Heine Underberg Manley Myerson and Casey began in 1968. Kumble, according to Eisler, had a 'unique attitude toward the practice of law [which could] be summed up by another of [Kumble's] favorite sayings: "Praise the adversary. He is the catalyst by which you bill your client. Damn the client. He is your true enemy".' If Kumble found he could earn more by working *against* his client

rather than *for* him, he had no qualms about changing tack – as a client went bankrupt Kumble devised a scheme to profit from his client's disaster – 'playing hardball was Kumble's forte'.³⁴

In order to become a 'Big Eight' law firm, Kumble and his partners realised that the only way to attract clients was to steal their lawyers from other firms, that is, cherry-picking. Business getting was the crucial game. Kumble rarely hesitated at offering untold riches to prospective partners, or putting their name on the firm's masthead. Similarly, he would eject a partner if he thought he could get someone better. Partners were enemies too. If a lawyer was earning \$300,000 at another firm, Kumble would pay him \$600,000 to switch. In 1986 two retiring senators went to Finley Kumble for \$1 million each. At this stage Finley Kumble had offices in New York, Los Angeles, Washington, DC, Miami, and London and was the second largest firm in the United States of America.

Two of the firm's partners shared a common philosophy: 'it was to own a bank'. This allowed the firm's lawyers to borrow at will, and so began Finley Kumble's downfall. In 1987 the firm borrowed \$27 million to pay its partners. By the end of the year everyone knew the firm was in trouble – the *American Lawyer* took care of that – and the bubble burst with Finley Kumble owing \$83 million. The former partners have been in litigation since then.

Skadden Arps Slate Meagher & Flom received great accolades when the *American Lawyer* celebrated its tenth anniversary. Joe Flom was credited with being:

the consummate lawyer-businessman, a visionary entrepreneur who took Skadden, Arps . . . from a 160-lawyer, \$30 million-revenue, mostly one-practice shop ten years ago to a 1,000-lawyer, multifaceted, multioffice institution that will gross \$400 million in the 12 months ending this March [1989], but will still . . . be true to its heritage as a humane, collegial place obsessed with providing the best in client service.³⁶

Caplan reports that Flom expressed embarrassment at this hagiography.

The firm was built on the back of the mergers and acquisition (M&A) business. In the 1960s and 1970s, 'the older firms considered takeovers unsavory . . . gentlemen didn't do takeovers'.³⁷ Many of the old line firms believed they would be in conflicts of interest if they undertook this work. Skadden Arps needed work, had no significant ties to clients and therefore had no qualms about doing takeovers, especially hostile ones. In defending Marshall Field, a Chicago department-store chain, from a takeover attempt, for example, Flom counselled his client to build stores in the cities where the raider had stores, which created sufficient antitrust problems that the takeover collapsed.³⁸ This was hardball. As M&A work took off, Skadden Arps became a sweatshop. Deals worked to drop-dead deadlines. The wife of one associate awoke at 4 a.m. and called her husband's office. A receptionist announced he was in a meeting and would return her call.³⁹ The firm raised its partner-to-associate ratio from the normal 1 to 2 to 1 to 4. Flom was renowned for being a demanding leader.

It was not uncommon late on a Friday afternoon for Flom to read a document that an associate had just finished drafting, and gripe, 'This has to give me an erection, and I'm not getting one'. The associate handed in a second draft at 7.30 that evening and, as Flom marked it up with a red pen, heard him mutter, 'This is shit' or 'This sucks'.⁴⁰

One phrase that became a Skadden cliché was 'Thank God it's Friday. Only two more workdays this week!'⁴¹

In the heady days of the 1980s Skadden Arps was involved in most of the major M&As. It received \$25 million for working on the RJR/Nabisco buyout. And fees were not necessarily related to time expended on the task. That was the era of premiums. If a job was well done, the firm could charge five or six times the amount actually billed on the time sheets. But Flom realized that if the firm were to grow and become one of the great firms, it could not tread the same path as every other firm. Cherry-picking would be necessary as would a broad spread of offices, but each would not be required to provide a full range of services. Offices could develop their own specialties which would be cross-sold to other offices. Moreover, the firm would abandon notions of democratic governance for a more hierarchical, corporate structure. Despite the firm's push to become a full-service provider, its mainstay was M&A. Because of this, the M&A partners managed to push through a compensation plan that would grant bonuses above that decided by the compensation committee. This was known as the 'Pig Pool'. Money became the key determinant of power. For example, Flom's annual compensation:

rose from approximately \$1.1 million in 1978 . . . when the average Skadden partnership share was \$330,000; to \$5 million in 1988 . . . when the average was \$1,155,000; to between \$7 and \$8 million . . . during Flom's best year, 1989, when the firm average was almost \$1.2 million . . .⁴²

With the recession of the early 1990s, law firms faced the trial of laying off associates: Skadden Arps was not exempt. By late 1991 the *American Lawyer* was reporting Skadden's reputed cheeseparating. In an article titled 'Skaddonomics' it was reported that coffee and Danish pastries for four were billed at '\$33.60 – \$23.80 for the food, plus a 40 per cent surcharge for overhead'.⁴³ Despite layoffs and falling profits per partner, one commentator is still able to say, 'It is the most successful law firm in the world'.⁴⁴

These stories about lawyers blur genres and in doing so create confusion. In a way, the unreal becomes a stand-in for the real.⁴⁵ But they nevertheless teach us something about lawyers and lawyering: that ideals of professionalism and ethical standards are subject to the whims of the market, that the lawyer as hero is constrained by the politics of the firm. They situate lawyers in the realm of the everyday which becomes a significant area for study. They also force us to review our approach to interpreting law. It has to be seen in a context that is influenced by the press, politics, clients' demands, and the structure of law organizations which deliver legal services. What this tells about the role of legal education is another matter.

NOTES AND REFERENCES

- 1 C. Geertz, 'Blurred Genres: The Refiguration of Social Thought', *American Scholar* (Spring 1980) 165.
- 2 L. Caplan, *Skadden: Power, Money, and the Rise of a Legal Empire* (1993) 147.
- 3 Osiel calls lawyers 'heliotropes'. M. Osiel, 'Book Review: Lawyers as Monopologists, Aristocrats, and Entrepreneurs' (1990) 103 *Harvard Law Rev.* 2009.
- 4 See J. Flood, 'The Changing Face of American Corporate Law Practice' (1988) 35 *Revue Française d'Etudes Américaines* 55, and 'The Cultures of Globalization: Professional Restructuring for the International Market' in *Professional Competition and Professional Power: Lawyers, Accountants and the Emergence of a Transnational State*, eds. Y. Dezalay and D. Sugarman (1994).
- 5 The solicitor-hero in *May to December* kept a picture of Perry Mason in his office and would appeal to him for inspiration.
- 6 The nearest we come to this type in real life is in Gerry Spence's autobiography, *Gunning for Justice* (1982). Spence is pictured on the jacket wearing a stetson, the good cowboy. He only defends, never prosecutes, and makes decisions by looking: 'He looked at me again with those long-distance blue eyes and I knew we were brothers. "Ed, you don't need to convince me any more. I believe you. I know you"' (p. 14).
- 7 A contemporary version of *Perry Mason* is *Shannon's Deal*. Shannon was a Philadelphia corporate lawyer who, through a series of problems, becomes a solo practitioner. As with *Perry Mason* money never interferes with the pursuit of justice, but Shannon is always worrying how to pay the next bill. Moreover, former associates and acquaintances look down on him and pity his reduced circumstances.
- 8 Compare A. Chase, 'Lawyers and Popular Culture: A Review of Mass Media Portrayals of American Attorneys' (1986) *Am. Bar Foundation Research J.* 281; and L. Friedman, 'Law, Lawyers, and Popular Culture' (1989) 98 *Yale Law J.* 1579.
- 9 Compare J. Flood, 'Doing Business: The Management of Uncertainty in Lawyers' Work' (1991) 25 *Law and Society Rev.* 41.
- 10 We did once see them reject a valuable corporate client because of the client's investments in pre-1994 South Africa.
- 11 See, for example, T. Wolfe, *The New Journalism* (1975) and H. Thompson, *Hell's Angels* (1967). It is perhaps no surprise to find that one of the best sociological studies of the legal profession is Wolfe's novel, *The Bonfire of the Vanities* (1987).
- 12 When I was a student at Yale Law School, the film society showed *The Paper Chase* every year. Watching Kingsfield bullying his first year Contract students through the 'Socratic Method', I had the feeling most of the Yale students were glad not to be attending Harvard Law School. Yale, to borrow the words of one of its alumni, George Bush, considered itself 'a kinder, gentler' school than Harvard.

Note that one interesting session at the 1994 Law and Society Association meeting was entitled 'The Legitimization of Authority: The Characterization of Lawyers in Film'.
- 13 Turow has recently re-released the book with an introduction about lawyers' ethics. Despite his harrowing first year, Turow went to become a District Attorney in Chicago where he was involved in 'Operation Greylord', a sting operation into corruption among the Cook County judiciary. Since then Turow has become a white-collar defence attorney and a very successful author with, for example, the book and film of *Presumed Innocent*.
- 14 Fiction has taken this one step further. The hero in John Grisham's *The Firm* on graduating from Harvard Law School finds himself working full-time at the firm instead of being given the usual time free to study for the bar exams. Nevertheless, he comes top in the exam.
- 15 These sorts of questions arise with academic ethnographies and other qualitative studies. See J. Clifford and G. Marcus (eds.), *Writing Culture: The Poetics and Politics of Ethnography* (1986), and P. Manning, 'Metaphors of the Field: Varieties of Organizational Discourse', in *Qualitative Methodology*, ed. J. Van Maanen (1983).

- 16 Brill was put under intense pressure by the FBI to disclose his sources. Veiled threats to his safety were uttered. Even editors can be heroes.
- 17 K. Eisler, *Shark Tank: Greed, Politics and the Collapse of Finley Kumble, One of America's Largest Law Firms* (1991), p. 115.
- 18 See E. Cherovsky, *The Guide to New York Law Firms* (1991). Cherovsky says, for example, 'Cravath is an exceptional blend of prestige, performance and profits' (p. 62). See, also, R. Swaine, *The Cravath Firm and Its Predecessors, 1819-1948*, 2 vols. (1948), and N. Lisagor and F. Lipsius, *A Law Unto Itself: The Untold Story of the Law Firm of Sullivan & Cromwell* (1988).
- 19 See R. Gordon, 'Legal Thought and Legal Practice in the Age of American Enterprise, 1870-1920' in *Professions and Professional Ideologies in America*, ed. G. Geison (1983).
- 20 Eisler, op. cit., n. 17, p. 13.
- 21 Caplan, op. cit., n. 2, p. 71.
- 22 In one other respect, the new legal press is like its subjects – in its price. All the journals carry expensive subscription terms; understandably so, as their main consumers are corporate lawyers. Unfortunately, this makes acquiring them difficult for academics, especially as they are useful sources of data. Few university libraries can afford their subscription prices.
- 23 *Legal Business* is published by John Pritchard who now runs management courses for law firms and produces the *Legal 500*.
- 24 Cities in the United States have their own legal papers. Many of these, for example, *Manhattan Lawyer* and *Legal Times* are now owned by Am-Law, *American Lawyer's* parent company.
- 25 They even poach journalists from the new legal press. James Stewart, who used to be with the *American Lawyer*, now writes for the *Wall Street Journal*. Josephine Carr, editor of the *International Financial Law Review*, writes a column for the *Evening Standard*. One of the most thoughtful writers on legal matters and the profession is A.H. Hermann, who used to write for the *Financial Times*. See A. Hermann, *Law v. Business: Business Law Articles from the Financial Times 1983-1988* (1989).
- 26 They exist in other professions, for example, accountants diligently read *Accountancy Age* for the latest gossip.
- 27 This is most noticeable in the photographs of lawyers in these magazines – carefully shot and well lit.
- 28 It is worth noting that alongside these books about lawyers there has been a plethora of books that include lawyers and cognate professionals, for example, C. Bruck, *The Predators' Ball: The Junk Bond Raiders and the Man who Staked Them* (1988); B. Burrough and J. Helyar, *Barbarians at the Gate: The Fall of RJR Nabisco* (1990); D. Hobson, *The Pride of Lucifer: The Unauthorised Biography of Morgan Grenfell* (1991); M. Lewis, *Liar's Poker* (1989); M. Stevens, *The Big Six: The Selling Out of America's Top Accounting Firms* (1991); J. Stewart, *Den of Thieves* (1991). None of these places lawyers in a good light.
- 29 J. Stewart, *The Partners: Inside America's Most Powerful Law Firms* (1983).
- 30 id., p. 51.
- 31 id.
- 32 Eisler too worked for *American Lawyer* and the *Legal Times* of Washington.
- 33 Eisler, op. cit., n. 17, p. 32.
- 34 id., p. 34. On one occasion Kumble's aunt went to the firm with an \$1,800 redecorating problem. When a partner told Kumble: 'You tell her that the minimum retainer is \$2,500', Kumble replied. 'But Steve, she's your aunt. We can't charge her \$2,500 for an \$1,800 problem.' 'Aunt, schmant', said Kumble. 'If she can't pay her retainer, she can go elsewhere.' (id., p. 110.)
- 35 id., p. 183.
- 36 S. Brill, 'Joseph Flom', *American Lawyer* March 1989, 66-7.
- 37 Caplan, op. cit., n. 2, p. 52.

- 38 id., pp. 141–2.
- 39 id., p. 57.
- 40 id., pp. 45–6.
- 41 id., p. 47.
- 42 id., p. 187.
- 43 id., p. 304.
- 44 Cherovsky, op. cit., n. 18, p. 188.
- 45 N. Denzin, *Images of Postmodern Society* (1991).