

Once and Future Legal Profession – 10 things (plus 4) Lawyers Had in 19th Century They Should Get Back

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Coming out of the 19th Century, practicing law was an almost unimaginably great way to live.

- The work was knowledge work and, by and large, it was challenging.
- The practice entailed a craft to be mastered – both in terms of knowledge and experience, and also in terms of analytical and persuasive skills. Lawyer skills enhanced life skills. They developed judgment.
- The work was meaningful. It made a difference in the lives of clients who had personal

connections with their lawyers.

- The profession itself was set apart. Its members had attended the same or similar schools, and had read and studied the same literature and culture. There was a high level of trust among practitioners.
- Many lawyers practiced by themselves, controlling their own comings and goings, while regularly associating fellow lawyers as needed. Others practiced in small, personal partnerships. Experienced lawyers helped new lawyers learn the practice, regardless of firm memberships.
- Lawyers' work contributed in a vital way to the system of justice, and also to a growing system of business and commerce.
- Lawyers were compensated based on value delivered and the clients' ability to pay. There was a grounded sense that lawyers had an obligation to render services for the public good without pay in appropriate cases.
- There were no timesheets. There was no billing software. There were no hourly rates, and no billable-hours quotas.
- Lawyers commonly earned a good living, often by investing alongside their clients in new ventures and being involved in the operations of those and other businesses; or, more simply, by farming while they also practiced law.
- Commonly, lawyers played leading roles in the civic and cultural affairs of their communities, both as a matter of interest and perceived duty, and also because it promoted their law practices.
- The technologies used in legal work imposed a slower pace on professional life.
- Lawyers' public and private roles were not separated. Few perceived a need to balance different aspects of their lives.
- There was little need for lawyers to get up early in the morning.
- For the most part, lawyers were not called upon to lift or carry heavy things.

Why would anybody screw that up?

Current developments in the legal profession and in the broader workplace offer the hope that a 21st Century version of what was lost can be recaptured.

Legal services technologies and artificial intelligence, alternative legal services providers, networking capabilities, and communications technologies – these are tools that relieve practitioners of the need to perform high-volume, routine tasks. They enable new forms of collaboration. They can support newly envisioned, smaller, more cohesive, and more creative professional associations.

This will require differently trained lawyers, and new kinds of legal services providers. For lawyers

and the schools who prepare them, it will require rethinking legal education, and a new understanding of organizational development, talent management and professional development.

Those things will come, albeit not rapidly. Some heavy lifting may be required.

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