

---

# YALE LAW & POLICY REVIEW

---

## Revisionists in Legal Ethics: Searching for Integrity and Legitimacy

Gina Cora\*

*A lawyer was walking down the street and saw two cars smash into one another. Rushing over, he said, "I saw everything, and I'll take either side."<sup>1</sup>*

### INTRODUCTION

The joke above is no laughing matter. Two cars crashed, and, presumably, the lawyer saw who caused the accident. He rushes over to the scene but, rather than describe what happened, offers his services to whomever pays first. The episode draws laughs because of the attorney's unseemly disregard for conventional morality. The lawyer is not there to help; he is there to make a few bucks. The humor plays upon the anxiety we feel over the lawyer's role in administering justice. The lawyer defends whoever pays him, not whomever he believes is right. Intuitively, we feel like this moral flexibility is wrong.

The joke's premise—the tension between legal and ordinary morality—is the subject of two recent books. *A Modern Legal Ethics*<sup>2</sup> and *Lawyers and Fidelity to Law*<sup>3</sup> each justify how the lawyer, fully enmeshed in the adversarial system and the nearly blind partisanship it requires, can remain ethical.<sup>4</sup> In doing so,

---

\* Yale Law School, J.D. expected 2009; Brown University, M.A. 2005; University of Notre Dame, B.A. 2003. The author thanks Professor Daniel Markovits and Professor Bradley Wendel for making these materials available. She also thanks Andrew Thomas and the *Yale Law & Policy Review* for their editing.

1. MARC GALANTER, *LOWERING THE BAR: LAWYER JOKES & LEGAL CULTURE* 32 (2006) (citation omitted).
2. DANIEL MARKOVITS, *A MODERN LEGAL ETHICS* (2008).
3. W. BRADLEY WENDEL, *LAWYERS AND FIDELITY TO LAW* (forthcoming 2010) (on file with the Yale Law & Policy Review). All citations are to the manuscript's chapter and section number because the page numbers will change before publication.
4. It is worth noting that both Markovits and Wendel focus on U.S. lawyers. Both authors' arguments, however, are relevant to at least a portion of foreign and international lawyers. Wendel's argument applies to any lawyer supporting "the functioning of a complex institutional arrangement that makes stability, coexistence, and cooperation possible in a pluralistic society." *Id.* at intro. Markovits's argument applies to any lawyer working within a system in which there is a

both Daniel Markovits and Bradley Wendel depart from the recent movement in ethics scholarship. The traditional understanding of legal ethics is that the adversarial process renders the lawyer's work ethical.<sup>5</sup> The literature's most recent trend, however, suggests that lawyers adhering to blind client partisanship cannot be ethical, and it calls for moderation in adversarial advocacy.<sup>6</sup> Both Markovits and Wendel, however, are revisionists in that they embrace the adversarial process for different reasons than traditionalists. Markovits bases his reasoning on the concept of integrity through fidelity to clients.<sup>7</sup> Wendel roots his theory in fidelity to legality, meaning that lawyers are ethical because they do what the political process tells them to do.<sup>8</sup>

This Review first seeks to explain each author's argument and how it fits into modern legal ethics scholarship. Although both authors depart from the reformist trend, Markovits's novel argument is a deeper departure from prior work; it admits that lawyers lie and cheat but breaks from the traditionalists' greater good argument and redeems lawyers' ethics. A "greater good" argument justifies the client partisanship characterizing lawyers' work as the means to a more abstract end. Traditionally, the adversarial process would be that greater end. Wendel, on the other hand, amends the traditionalists' argument by focusing on legality—rather than the adversarial process—but still relies upon a version of the greater good argument.

This Review's second Part discusses these theories' implications for evaluating and crafting ethics laws. Because of its focus on legality, Wendel's theory permits evaluating ethics laws based on process inquiries only and crafting them to regulate specific behavior. Markovits's theory, in contrast, allows more room for evaluating the substance of ethics laws and for crafting them to provide more general principles than specific rules. Rather than assess which practical implications are desirable, this Review's second Part highlights the importance of this question.

---

"structural separation between advocate and tribunal . . ." MARKOVITS, *supra* note 2, at 15.

5. WILLIAM H. SIMON, *THE PRACTICE OF JUSTICE* 62-63 (1998) (stating that traditionalists justify the adversary system in various ways); see also MARKOVITS, *supra* note 2, at 103 ("The dominant argument in legal ethics—especially among defenders of the legal profession . . . —is the adversary system excuse."). For a typical traditionalist account, see MONROE H. FREEMAN, *LAWYERS' ETHICS IN AN ADVERSARY SYSTEM* (1975).
6. See, e.g., ARTHUR APPLEBAUM, *ETHICS FOR ADVERSARIES* 113-35, 175-203 (1999); DAVID LUBAN, *LAWYERS AND JUSTICE* 67-103 (1988); SIMON, *supra* note 5, at 53-76 (1998).
7. MARKOVITS, *supra* note 2, at 103-51.
8. WENDEL, *supra* note 3, ch. 1, § 1.5 ("[L]egal ethics is not about 'ethics' as it is ordinarily conceived. Rather, it is an aspect of the political value of legality.").

## I. UNTANGLING MARKOVITS'S AND WENDEL'S ARGUMENTS

Markovits and Wendel fundamentally differ on what constitutes lying and cheating by lawyers. This difference is critical to understanding each author's book and this Review's argument. In this Part, I explain how, given their respective understandings of lying and cheating, each author redeems lawyers.

A. *Lying and Cheating?*

Both Markovits and Wendel begin with the premise that lawyers routinely contravene ordinary morality in the course of their professional lives.<sup>9</sup> That reality is the worry behind the joke's humor and a point on which it is difficult to disagree. If the witness to the accident were an ordinary person, he would be under a moral obligation to tell the truth about what he saw. To do otherwise would be to lie or cheat.

But the witness in the joke is a lawyer. If he argues that the guilty party is innocent or obstructs the innocent party's ability to get damages, is that still lying and cheating? Wendel would say no, but Markovits would say yes. For Wendel, when lawyers follow the law, they lie and cheat only if analyzed under the inappropriate standard of ordinary morality.<sup>10</sup> For Markovits, however, lying and cheating remain lying and cheating when done in the lawyer's professional capacity; they form the roots of the lawyer's professional vices.<sup>11</sup> Lawyers must lie and cheat "whenever they represent clients whose causes they privately (and correctly) believe should be defeated."<sup>12</sup> Markovits recognizes that some critics might accuse him of "unduly rigorous moralism,"<sup>13</sup> so he spends two chapters mounting a stalwart defense—explaining why no ethics laws can en-

---

9. MARKOVITS, *supra* note 2, at 25 (explaining that lawyers "come under professional obligations to do acts that, if done by ordinary people and in ordinary circumstances, would be straightforwardly immoral"); WENDEL, *supra* note 3, at intro. ("For any high profile legal ethics scandal, there is a way to describe the lawyers' conduct in ordinary moral terms, leading ineluctably to the conclusion that lawyers deserve the labels of liars, cheats, and even torturers.").

10. "[T]his obligation of fidelity to law outweighs ordinary moral considerations, when a lawyer is acting in a representative capacity." WENDEL, *supra* note 3, at intro. Wendel clarifies that the "ordinary" in "ordinary morality" "is intended to capture the idea of moral principles that apply to us simply as people, not as occupants of social roles or institutions." *Id.* at ch. 1, § 1.2.

11. MARKOVITS, *supra* note 2, at 25 ("[Lawyers] unfairly prefer their clients over others and, moreover, serve their clients in ways that implicate common vices with familiar names: most notably, lawyers lie and cheat.").

12. *Id.* at 66.

13. *Id.* at 25.

tirely eliminate these fundamental vices from lawyers' adversarial work and why ordinary objections on this point fail.<sup>14</sup>

At the outset of their respective arguments, it is easier to agree with Wendel than Markovits. At points, Markovits seems to be a little unfair to lawyers. For an example of lying, he argues that, "although lawyers may not mislead courts by *doctoring the texts* of the law, they may and indeed must mislead courts by promoting false *characterizations* of these texts' meanings."<sup>15</sup> Cheating, he further contends, occurs when lawyers "bring claims that they do not believe will succeed."<sup>16</sup> Markovits emphasizes that the law explicitly allows—even encourages—lawyers to lie and cheat. Yet despite the law, he concludes that the lawyers in both scenarios are lying or cheating. Even if Markovits is right, most lawyers would bristle at these characterizations.

Wendel, in contrast, immediately aligns himself with lawyers; he introduces his book as a response to the question of why, when there is a "large-scale wrong," a lawyer is usually involved.<sup>17</sup> In other words, he admits the somewhat unsavory reality of what lawyers do but, unlike Markovits, quickly moves past it by "shifting the evaluative frame of reference from ordinary morality and justice to considerations of political legitimacy."<sup>18</sup> If the reader is a lawyer, she is drawn to Wendel's theory because it reassures her that she is not engaging in immoral behavior simply by practicing law. Although Markovits ultimately redeems lawyers, the first portion of his argument may be difficult for many readers to accept.<sup>19</sup>

### B. *Redeeming Lawyers*

How each author understands lying and cheating informs how they frame the central questions of their books. Markovits asks whether—given that lawyers are required to lie and cheat—their professional lives are worthy of com-

---

14. *Id.* at 25-78. Markovits argues, specifically, that "[a]lthough the law governing lawyers includes a host of secondary rules that constrain the lies that lawyers may tell and the ways in which they may cheat, . . . lawyers remain professionally obligated to lie and to cheat on behalf of their clients in spite of the constraints." *Id.* at 77.

15. *Id.* at 54.

16. *Id.* at 61.

17. WENDEL, *supra* note 3, at intro.

18. *Id.*

19. Ironically, however, the very fact that lawyers are so eager to agree with Wendel—rather than Markovits—may support Markovits's argument. Again, the joke makes lawyers anxious. If lawyers really are not lying and cheating, why are they so defensive? Perhaps it is because of the hordes of outsiders wrongly accusing them, but the fact that lawyers are not so confident may be telling.

mitment, which he takes to mean whether such a life can be well-lived.<sup>20</sup> A well-lived life means one in which the agent can form and achieve her own moral ambitions.<sup>21</sup> Wendel, on the other hand, mounts a defense of why a separate morality rooted in legality trumps other considerations, including ordinary morality.<sup>22</sup> If no abstraction can overcome the fact that lawyers lie and cheat,<sup>23</sup> then redeeming lawyers is a much more difficult endeavor. After all, if lawyers lie and cheat according to whatever moral lens one uses, how can they possibly be ethical? This difficulty leads Markovits to develop a rich and deeply creative argument, which dramatically departs from prior scholarship.<sup>24</sup>

### 1. Markovits on Integrity

After explaining lawyerly vices, Markovits focuses on lawyerly virtues.<sup>25</sup> One of these virtues is the adversarial lawyer's professional detachment, which requires her to "serve rather than to judge [her] clients."<sup>26</sup> Markovits describes this preference for the client's interests and points of view (meaning beliefs about what is true and fair) over those of others as the virtue of fidelity.<sup>27</sup> In order to recast client partisanship as a virtue, he draws an intriguing analogy to John Keats's portrait of the poet's negative capability.<sup>28</sup> The poet's negative ca-

- 
20. MARKOVITS, *supra* note 2, at 1 ("If the basic task of ethics is to say how one should live, then the basic task for a professional ethics is to explain how the actions, commitments, and traits of character typical of the profession in question may be integrated into a well-lived life.").
21. Markovits does not specifically define what he means by a well-lived life, but his conception is clarified by the problem compelling him to write. "Even as modern society depends on its lawyers to display some version of the lawyerly virtues, modern society at the same time denies lawyers the cultural resources that they need to *fashion these virtues into their own, distinctive first-personal moral ideals . . .*" *Id.* at 245 (emphasis added).
22. WENDEL, *supra* note 3, at ch. 1, § 1.5 ("The remainder of this book will attempt to sustain the claim that lawyers have a good reason to care about legal justice, but not substantive justice. Thus, legal ethics is not about 'ethics' as it is ordinarily conceived. Rather, it is an aspect of the political value of legitimacy.").
23. MARKOVITS, *supra* note 2, at 77 ("The contrast between the genetic structure of adversary advocacy and the ideal of truthfulness makes plain why adversary advocates must necessarily lie.").
24. Markovits acknowledges that Anthony Kronman influenced his effort to "recast[] the professional activities that ordinary first-personal ethics calls vicious as expressions of this [lawyerly] virtue." *Id.* at 10; see ANTHONY KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993).
25. MARKOVITS, *supra* note 2, at 79-99.
26. *Id.* at 85.
27. *Id.* at 90.
28. *Id.* at 93-99.

pability, according to Keats, allows him “to efface himself, maintaining ‘no identity’ of his own, and (through this self-effacement) to work continually as a medium.”<sup>29</sup> Similarly, the lawyer suppresses her own identity in order “to work continually as a mouthpiece for her client.”<sup>30</sup>

Markovits’s analogy to Keats’s negative capability allows him to redeem the lawyer’s professional life; the adversarial lawyer can still have integrity, which is the ability to have “a well-defined moral self—a sense of one’s own distinctive moral agency . . .”<sup>31</sup> Traditionalist arguments justify breaches of ordinary morality because the breaches protect the adversarial system, but traditionalists do not redeem lawyers personal integrity. Traditionalists ignore how the lawyer feels about engaging in so much lying and cheating.<sup>32</sup> Markovits argues that fidelity and negative capability, coupled with the typical role-based redemption of lawyers, make integrity possible.<sup>33</sup> The role-based ideal makes the lawyer a key figure in our political system. By viewing themselves as negatively capable *and* as having an important role in society, lawyers may achieve a well-lived life.<sup>34</sup>

## 2. Wendel on Legality

Wendel writes in response to John Yoo, a George W. Bush Administration official who has argued that “the legal system . . . [was] part of the problem, rather than part of the solution to the challenges of the war on terrorism.”<sup>35</sup> Wendel argues that the law is not just instrumentally useful in achieving a certain policy goal but is what gives lawyers a reason for acting. For example, if Bush Administration lawyers acted “directly on what they perceived to be the public interest,” could they “subvert the law by interpreting it in an implausibly narrow manner” and engage in torture?<sup>36</sup> Wendel argues no—not because torturing a human being contravenes ordinary morality but because torturing was

29. *Id.* at 93 (internal citation omitted).

30. *Id.*

31. *Id.* at 114.

32. *Id.* at 115-33.

33. *Id.* at 171-211.

34. “[T]his political account of the lawyerly virtue therefore provides the substantive ideals that the formal moral argument about integrity-preserving role-based redemption needs in order to succeed. It provides lawyers with substantial lawyerly virtues that they may adopt in place of ordinary first-personal ambitions that conflict with their professional obligations to lie and cheat. It allows lawyers to fulfill their professional obligations even while living a life that they endorse from the inside, even, that is, while sustaining their integrity.” *Id.* at 210-11.

35. WENDEL, *supra* note 3, at intro. (quoting John Woo, “one of the principal legal architects of the Administration’s response”).

36. *Id.* at ch. 4, § 4.1.

clearly illegal.<sup>37</sup> Wendel's point is that a lawyer's ethics is rooted in legality.<sup>38</sup> In other words, her work is ethical because she protects her clients' legal entitlements.<sup>39</sup> His theory turns on the important difference between "the law and what someone—a citizen, judge, or lawyer—thinks ought to be done about something, as a matter of policy, morality, prudence, or common sense."<sup>40</sup> Torturing a human being is abhorrent to our ordinary moral sense, but, if it were legal, Wendel's argument forces him to conclude that it is ethical for a lawyer to assist in state-sponsored torture.

Because Wendel refocuses a lawyer's ethics from pursuing client interests to pursuing legal entitlements, he needs to justify why such legal entitlements are worthy of lawyers' fidelity. He argues that legal entitlements in the United States are the collective product of a people sharing a legitimate legal system.<sup>41</sup> The collective product aspect of Wendel's argument is important because it emphasizes that laws develop "in the face of uncertainty and disagreement."<sup>42</sup> People have very different notions of justice—as well as very different personal interests—so we rely on the law to resolve disagreements individuals would be unable to resolve on their own.<sup>43</sup> This democratic achievement commands moral respect, and a lawyer acts as a quasi-political official in promoting respect for the law.<sup>44</sup>

Although Wendel's argument is valuable to legal ethics scholarship, it is, at its core, another version of a greater good argument. For Wendel, the greater good is legality, not the adversarial process, which traditionalists consider the

37. *Id.*

38. *Id.* at ch. 1, § 1.1. According to Wendel, his focus on legality is what distinguishes his argument from the "Standard Conception" of legal ethics that focuses on fidelity to clients' interests. *Id.* at ch. 1, § 1.3.

39. *Id.* at ch. 2, § 2.1 ("[L]egal entitlements of clients, and not clients interests, ordinary moral considerations or abstract legal norms such as justice, should be the object of lawyers' concern when acting in a representative capacity."). Wendel defines a "legal entitlement" as "a substantive or procedural right, created by law, which establishes claim-rights (implying duties upon others), privileges to do things without interference, and powers to change the legal situation of others, e.g., by imposing contractual obligations." *Id.* It is crucial to Wendel's argument that legal entitlements include procedural entitlements. If they did not, then the aggressiveness of adversary advocacy would be in doubt. *See, e.g., id.* at ch. 2, § 2.2.1.

40. *Id.* at intro.

41. Wendel explains that a legal system is legitimate "if its citizens ought to accept the laws it enacts, even if she disagrees with the substance of the law." *Id.* at ch. 3, § 3.1. Wendel focuses, therefore, on procedural legitimacy. *Id.* at ch. 3, § 3.2.2.

42. *Id.* at ch. 2, § 2.2.4.

43. *Id.* at ch. 3, § 3.2.2.

44. *Id.* at ch. 4.

source of redemption.<sup>45</sup> But the adversarial process might be described as one aspect of legality, so Wendel merely widens the scope of the traditional greater good argument. Focusing on legality adds a distinctive twist to the scholarship, but it relies on the same basic logic. Wendel admits as much when he writes that his argument is “a version of the Standard Conception.”<sup>46</sup>

## II. FROM THEORY TO PRACTICE

Both Markovits and Wendel develop innovative theories of legal ethics. Neither devotes much attention to the practical implications of his argument, but such implications are important to how we evaluate and structure laws governing lawyers. This Part seeks to demonstrate why we must make a choice between Wendel’s and Markovits’s theories.<sup>47</sup>

### A. *Evaluating Existing Ethics Laws*

Because Wendel redeems lawyers through legality, his theory limits us to evaluating ethics laws based upon process inquiries only. Markovits’s theory, in contrast, offers more room to evaluate the substance of a law: the behavior the law seeks to regulate. For example, consider the recently enacted Rule 502 on Attorney-Client Privilege and Work Product (effective September 19, 2008) of the Federal Rules of Evidence.<sup>48</sup> The new rule forbids a lawyer from entering into evidence any document accidentally disclosed to the opponent during discovery. This rule reversed the common law approach, which allowed the opponent to make full use of disclosures.<sup>49</sup>

How we would evaluate this change depends upon which author’s theory we believe. If we subscribe to Wendel’s argument, we would say that, if Rule 502 was enacted consistent with all procedural requirements, its practical implications are irrelevant. As long as the lawyer follows the current rule, there is no impact on the lawyer’s virtue; the substance of the law is really outside the scope of evaluation.

For Markovits, lawyerly virtue is rooted in fidelity, meaning client partisanship.<sup>50</sup> Although the new rule seems to promote fair play, a person subscribing to Markovits’s theory could say that the rule damages lawyerly ethics because it overly limits client partisanship. Perversely, the old rule, which sanctioned cheating, furthered the core of what makes a lawyer’s work ethical. Markovits

---

45. See *supra* note 5 and accompanying text.

46. WENDEL, *supra* note 3, at ch. 1, § 1.3.

47. Of course, Markovits and Wendel are not the only two scholars to develop theories of lawyers’ ethics. I only mean to indicate that their theories are incompatible.

48. FED. R. EVID. 502.

49. See, e.g., *Hoy v. Morris*, 79 Mass. (13 Gray) 519 (1859).

50. MARKOVITS, *supra* note 2, at 27.

does not believe that his arguments “countenance untrammelled partisanship in lawyers,”<sup>51</sup> but that “some partisanship—that is, legal representation by advocates who are recognizably adversary and therefore expose themselves to the lawyerly vices that render their ethics so difficult—remains essential for legitimacy.”<sup>52</sup> Markovits leaves ambiguous how to define “excessive partisanship [that] undermines the legitimacy of adjudication,”<sup>53</sup> but Rule 502 certainly makes advocacy less adversary in nature.

### B. *Restructuring the Law Governing Lawyers?*

Since the American Bar Association first promulgated the Model Rules of Professional Conduct,<sup>54</sup> the legal regime governing lawyers has become more detailed and more threatening. The Model Rules have consistently moved away from providing guiding principles on how to behave and toward mandating specific behavior. Judges are also more inclined to allow private parties to sue lawyers for a breach of ethics laws.<sup>55</sup> Whether such trends are positive developments is not an easy question, and each author’s argument provides a different perspective on the answer.

Because the indeterminacy of law is a significant problem for Wendel’s argument, his theory would seem to favor the trend toward more specific rules for lawyers’ ethics. Wendel locates lawyers’ ethics in legality, which means that lawyers are ethical because they follow the law. Following the law, however, is not straightforward. The law—like language—is indeterminate. If different lawyers can interpret the same law differently, then how can a legal theory be rooted in following the law, rather than interpreting the law to favor one’s client? In other words, what does following the law actually require? Wendel addresses this critique, but the indeterminacy problem is not easily solved.

A more specific law regulating lawyers’ behavior, however, provides clearer prescriptions for behavior than a general norm. Wendel, in fact, makes the point that indeterminacy is an insignificant problem for laws whose meanings—even if not unquestionable—are very clear. It seems, therefore, that Wendel’s theory would favor the current trend in ethics laws toward specific rules. The more specific the rule, the harder it becomes for the lawyer to interpret it in light of her own or her client’s particular desires.

Before discussing the implications of Markovits’s argument on restructuring ethics laws, one needs to understand his theory’s most significant barrier:

---

51. *Id.* at 202.

52. *Id.* at 203.

53. *Id.*

54. MODEL RULES OF PROF. CONDUCT (2003).

55. MARKOVITS, *supra* note 2, at 235-36.

the possibility of actually achieving integrity.<sup>56</sup> Even though the lawyer's life is theoretically worthy of commitment, the concluding chapter argues that "integrity-preserving role-based redescription is practically unavailable to contemporary lawyers."<sup>57</sup> In order to recast lying and cheating as lawyerly virtues, the lawyer must be able to withstand the barrage of criticisms from non-lawyers.<sup>58</sup> It takes support to withstand that criticism, and Markovits offers reasons why the current state of the American bar is ill-suited to provide that support.<sup>59</sup>

Similarly, Markovits argues that expanding the legal regime to govern lawyers' behavior—as opposed to offering guidance—jeopardizes lawyers' ability to feel as though they are leading a well-lived life.<sup>60</sup> Creating stricter, more specific rules sends the message that lawyers are not ethical agents and that burdensome regulation is required to keep them honest. Markovits admits, however, that increased rule specificity and greater repercussions for breaches may generate more ethical behavior among lawyers.<sup>61</sup> His point is really that two worthy goals—more ethical behavior and lawyers achieving integrity—are incompatible with each other.<sup>62</sup>

If one agrees with Markovits that such a tradeoff necessarily exists, then it becomes clear why adopting a normative theory of legal ethics is practically important. Adopting Wendel's theory and its implication to create more specific rules might generate more ethical lawyers. Adopting Markovits's theory and its possible implication to retreat to more general guidance might create happier lawyers.

## CONCLUSION

Both authors assure lawyers that their work is ethical, but only Wendel's theory reaches an optimistic conclusion. Wendel tells lawyers that, as long as they follow the law, they are engaged in a noble pursuit and should be morally satisfied with their professional life. Markovits's theory, in contrast, is quite pessimistic. Even if a lawyer's professional virtue can be located in lying and cheating for her client's ends, engaging in such behavior takes a significant personal

---

56. I do not intend "barrier" to mean an idea that jeopardizes the logic of Markovits's argument. Rather, it means the impediment that renders his negative capability argument difficult to achieve.

57. MARKOVITS, *supra* note 2, at 223.

58. *Id.* at 224-25 ("[T]he lawyer can successfully employ role-based redescription to defend his integrity only if he continues to find the redescription persuasive even in the face of the fact that it is rejected by others, indeed by most or all others who are not themselves lawyers, as it inevitably will be.").

59. *Id.* at 214-43.

60. *Id.* at 233-43.

61. *Id.* at 244-45.

62. *Id.*

toll. In other words, the anxiety expressed in lawyer jokes is ultimately inescapable. Is such a high price ever worth paying for the sake of being a lawyer? Neither of these books can answer that question; it is one for personal introspection. They do, however, begin the inquiry and offer at least some peace of mind for those of us harboring doubts.

