



# The American Legal Profession in Crisis: Resistance and Responses to Change

By James E. Moliterno

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## The American Legal Profession in Crisis: Resistance and Responses to Change By James E. Moliterno

Throughout history, the American legal profession has tried to hold tight to its identity by retreating into its traditional values and structure during times of self-perceived crisis. *The American Legal Profession in Crisis: Resistance and Responses to Change* analyzes the efforts of the legal profession to protect and maintain the status quo even as the world around it changed. Author James E. Moliterno, consistently argues that the profession has resisted societal change and sought to ban or discourage new models of legal representation created by such change. In response to every crisis, lawyers asked: "How can we stay even more 'the same' than we already are?"

The legal profession has been an unwilling, capitulating entity to any transformation wrought by the overwhelming tide of change. Only when the shifts in society, culture, technology, economics, and globalization could no longer be denied did the legal profession make any proactive changes that would preserve status quo. This book demonstrates how the profession has held to its anachronistic ways at key crisis points in US history: Watergate, communist infiltration, waves of immigration, the explosion of litigation, and the current economic crisis that blends with dramatic changes in technology, communications, and globalization.

Ultimately, Moliterno urges the profession to look outward and forward to find in society and culture the causes and connections with these periodic crises. Doing so would allow the profession to grow with the society, solve problems with, rather than against, the flow of society, and be more attuned to the very society the profession claims to serve.

This paperback version includes a commentary on the prevailing crisis in legal education.

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### **Editorial Review**

#### **Review**

"James Moliterno's *The American Legal Profession in Crisis: Resistance and Responses to Change* joins a raft of recent books about the looming crisis facing the legal profession. What sets this book apart is Moliterno's recognition that the profession has bounced from crisis to crisis to crisis for more than 100 years, and that many of the more contemporary crises are echoes of crisis of the past. Moliterno develops his argument through ten chapters, eight of which discuss a particular issue or set of issues that the profession struggled with, or in a few cases, is still struggling with." --Herbert M. Kritzer, *Law and Politics Book Review*, University of Minnesota Law School

#### **About the Author**

**James E. Moliterno** is the Vincent Bradford Professor of Law at Washington and Lee University School of Law. He is one of the nation's leading educators in professional responsibility and experiential legal education. Since 2009, he has held a leadership role in Washington & Lee's ground-breaking third year curriculum reform, and in 1988, he designed William & Mary Law School's award-winning ethics, skills, and professionalism program. He received the 2012 Rebuilding Justice Award from the Institute for the Advancement of the American Legal System in recognition of his career-long legal education reform efforts.

Professor Moliterno is a member of the American Law Institute, and he has held committee leadership roles in both AALS and the ABA. He has also engaged in substantial international legal ethics and legal education reform work, designing new lawyer and judge ethics courses, training law professors and judges, and revising the lawyer ethics code in over a dozen countries. Professor Moliterno is widely published in the field of legal education and professional responsibility, with twelve books and numerous articles.

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