

RE: 319, Client Influence and the Contingency of Professionalism: The Work of Elite Corporate Lawyers in China

There is an interesting article in this paper, but not as presented. The key reason for this is the discrepancy between the theory used and the presentation of the data. The theoretical discussion is valuable although not really in the research context. There are a number of problems:

1. Does the theory of professions have anything to tell us about the context of lawyer-client interactions in China? In my view, no. While the author tells us of the distinction between Parsons and Hughes, virtually all his discussion is connected with structure and little about interaction. The author admits that there is little on lawyer-client interaction, yet the entire theoretical structure as presented is built on reviews of the social structure of law firms rather than what goes on in them. The author swings too much to Parsons and not enough to Hughes. In reality the typologies and categories deployed by theorists such as Johnson or Heinz & Laumann, which however are incredibly useful, are far too crude when put in the context of either detailed qualitative interview material or ethnographic data. The data probably need to speak more for themselves rather than being squeezed into pre-determined categories. The paper would benefit more from some induction as opposed to deduction.
2. The second problem with the theory as used is that it is North American-centric. It has been derived from a particular cultural, social and economic milieu that is quite different from any other, even the UK. I therefore question the use of this theory in the context of China, which is vastly more different than elsewhere; even by the author's own admission when he talks about the way lawyers have to explain things to foreigners that locals take for granted. I am not saying that we need some form of specific Chinese theory, far from it, but that we need some explanation, if possible, why this brand of theorizing is relevant. Some form of more culturally sensitive theorizing would be preferable.
3. In the end the data don't actually address the theoretical questions raised. It is hard to see patronage, collegiality at play in the ethnographic descriptions or in the interviews. And interestingly, the conclusion fails to bring back the theory of professions in a meaningful way. It is almost as if it's been forgotten.
4. Of course the division of labor has effects on the way work is done in a law firm. But is it independent of client influence. I don't think so. In the vignette of lawyers W and F, with the author, there is a lot of client perception both from the client and about the client from the lawyers. Moreover, as the author says clients pay less for associates than partners. What is interesting is how much interaction with clients associates have. Why is that? What is it about the Chinese law firm that allows that to occur? I kept wondering how do associates become partners? By bringing in business? By billing lots of hours? For me, the lawyers in the firms here operated in too much of a vacuum.

5. It took me a long time to realise that the author was talking about *Chinese* law firms rather than say big American law firms in China. What I infer from the article and should be made more explicit is the question of whether Chinese law firms have modelled themselves on US law firms or there is something peculiar about them. Rather than the extensive discussion of professionalism at the beginning, I would prefer to know something about the large Chinese law firm and how it fits within the context of the law market in China.
6. I found the discussion of how lawyers interacted with the three different types of client fascinating. Not so much in terms of professionalism theory, but in the clients' relations with the state and how that affected lawyer-client relationships. More on this would be appreciated.

In sum there is an article in here that would make a good contribution to the literature on law firms and lawyer-client interactions that would take its context seriously and sensitively and let the data speak for themselves.