THE
CONSCIOUSNESS
OF THE
LITIGATOR
THE

CONSCIOUSNESS

OF THE

LITIGATOR

Duffy Graham

THE UNIVERSITY OF MICHIGAN PRESS
Ann Arbor
For
Jan Deutsch
and
Robert Jackall
CONTENTS

Acknowledgments ix
Introduction 1

PART ONE The Context of the Litigator’s Work
1. The Lawyer in American Society 15
2. The Judicial Process 39

PART TWO The Moral Consciousness of the Litigator
3. The Two Rules of Practice 55
4. Planting the Flag 83
5. Enforced Realism 109

Author’s Note 125
Notes 129
Index 137
ACKNOWLEDGMENTS

The author will always be grateful to the following individuals for various and invaluable contributions to this book: Jan Deutsch, Robert Jackall, Jim Reische, Arthur J. Vidich, and each of the attorneys who participated in the field interviews.