

**2002 Mason Ladd Lecture  
Florida State University College of Law**

**3:30 p.m., March 19, 2002 (Tuesday)  
Room 101, BK Roberts Hall  
(reception to follow in the D'Alemberte Rotunda)**

**WHO NEEDS THE BAR?:  
PROFESSIONALISM WITHOUT MONOPOLY**

**William H. Simon**

Friedman Visiting Professor, Columbia Law School (2001-2002)  
William W. and Gertrude H. Saunders Professor, Stanford Law School

One of the nation's leading scholars of legal ethics and professionalism, William H. Simon is William W. and Gertrude H. Saunders Professor, Stanford Law School. Author of numerous articles, as well as the acclaimed book *The Practice of Justice: A Theory of Lawyers' Ethics* (Harvard University Press, 1998), in his scholarly writing Professor Simon sets out to reconstruct legal ethics from its impoverished conventions and traditions. Currently the Friedman Visiting Professor at Columbia Law School, he has also been awarded a prestigious Guggenheim Fellowship and has served as a Visiting Professor at Harvard Law School.



**LECTURE ABSTRACT:** In the traditional view of American lawyers, professionalism implies self-regulation through monopolistic institutions. This model has never been literally implemented, but it remains an animating ideal and current processes of admission to practice and discipline are strongly influenced by it. The model seems to be under increasing pressure. Longstanding skepticism about the bar's capacity for self-regulation has increased, and regulatory initiatives by courts and agencies have constricted the bar's influence over its own regulation. The most prominent alternative to self-regulation has been regulation through general purpose, politically accountable governmental institutions. This lecture will consider another alternative – regulation through pluralistic lawyer associations potentially competing within or across jurisdictions. Such a system would have competing certification and disciplinary regimes. No one regime would be mandatory, but lawyers who opted into one might be subject to various enforcement measures. Elements of such a regime are visible in the current terrain. The lecture will consider whether their expansion would be plausible and desirable. Would the new pressures arising from such a regime promote or hinder the traditional commitments of professionalism to client service and justice? Could we imagine a viable competitive process that embraced ethical commitment, as well as client service, and if so, would the race be to the top or to the bottom?