

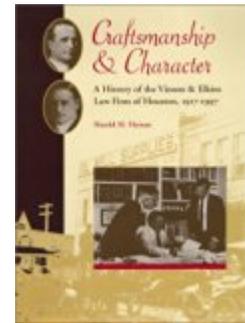
H-Net Reviews

in the Humanities & Social Sciences

Harold M. Hyman. *Craftsmanship and Character: A History of the Vinson & Elkins Law Firm of Houston, 1917-1997.* Athens: University of Georgia Press, 1998. \$60.00 (cloth), ISBN 978-0-8203-1973-5.

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Lives of the Not-Quite Saints

As a genre, the law-firm history spans a wide spectrum, including self-glorifying yarns spun by retired partners with a penchant for story-telling; “yellow” exposes by journalists bent on exposing power and greed; and the careful treatises of academics. While there are a few outstanding earlier examples that are effectively derived from the biographies of lawyers,[1] this genre of scholarship has experienced some growth in recent decades. In part, this growth has been driven by the increasingly institutional nature of the large law firm, a phenomenon that invites study for many reasons, not the least of which is that the lawyer and the firm setting continue to exert a strong influence in American fictional and dramatic culture. Even so, the gulf separating the tales of John Grisham from the corporate complexity of a multinational law firm would suggest that there is a different urge propelling the growth of law-firm histories, both in America and in Britain.[2]

The motives of the authors are one method of categorizing the field. Most of these books appear to have been written and published at the behest of a firm for an occasion requiring commemoration.[3] Others are more in the strain of story-telling or reminiscence,[4] and some are simply score settling[5] or journalism.[6] Some are social science writ large.[7] The last and perhaps the best is the social history of the firm written by an outsider in an attempt to chronicle a social phenomenon.[8]

Perhaps nowhere is the genre better demonstrated than in recent histories of law firms in Texas, which have

inspired books that echo the genre as a whole: a laudatory in-house anniversary history,[9] a careful social science monograph, and a more traditional academic history.[10] Into this field has entered Harold Hyman, an historian at Rice University, whose works in legal history have had both influence and critical acclaim.[11]

Hyman set out to tell the story of the powerful Houston law firm Vinson and Elkins as an exercise in legal history, a field that he believes is the poorer for its lack of good histories of firms; this lack, he suggests, is primarily due to the difficulty that historians face in gaining access to firm records.[12] Although many scholars have faced this problem, Hyman has been amazingly successful in his own efforts to find a firm agreeable to giving him access to personnel and records on a fairly impressive scale.

Using these records, Hyman set out to tell the story of the firm by emphasizing its “services, methods, and practitioners” as opposed to its “major cases, clients and attorneys.”[13] The distinction between these approaches may seem fuzzy, but perhaps we can best understand it by seeing the firm as an institution in sum rather than as merely the vessel for its constituent parts.

The book is a large project, with sixteen chapters and five hundred and fifty pages of dense typeface. Except for the introduction, Hyman has organized his chapters chronologically, divided initially by stages in the careers of the founding partners, and then by the administrations of various later managers.

I. The Story of the Firm

Chapters two through ten are dominated by the stories of William Vinson and, more particularly, James Elkins. Their story is, more than less, the firm's story from World War I, when the firm was founded, until well after World War II. As Hyman depicts the firm, the years that followed have been almost as strongly characterized by the actions of managing partners and committees. Although the effect is a bit reminiscent of a portrait of an army focusing on its generals, Hyman has painted less a series of portraits and more of a mural, showing scenes from the lives of less powerful partners, as well as associates, clients, and staff.

The firm's founding in 1917 brought together Vinson, a lawyer in a young partnership in Houston, and Elkins, a former county judge, whose personality and politics were as important to the firm's growth as either his or Vinson's skills at the bar. Amassing a growing client list in rail and oil, Elkins opened the Guaranty Trust Bank in 1924, which both promoted firm finances and satisfied some law firm client needs.

In many ways, V&E is a model firm for study. Its growth in numbers of lawyers (from two at the outset to about 525 in 1997), its growth in specialization, in branch offices, in political connections used for its clients, in the use of legal assistants, and in office space, well illustrate the American regional corporate firm. Hyman presents such raw data, including both careful discussions of particular cases and clients, such as V&E's work for the pipeline company TETCO and its opening of a Moscow office, and stories and vignettes about the people involved. His use of the lens provided by management transitions reflect in part the nature of the archive but also how the people in the firm saw it over time, although he does not leave the story only to those in center stage.

One of Hyman's initial foils in telling his story is the entrance and career of Carol Dinkins into the firm as an associate (V&E's first female attorney) in 1973; Dinkins later became V&E's first female partner and member of its management committee. Indeed, throughout his detailed consideration of firm hiring and promotion, Hyman is unstinting and rarely temporizing in treating the firm's hiring practices regarding women and members of racial minorities. Dealing with both attorneys and staff, Hyman depicts both the firm's early maintenance and later destruction of various barriers, particularly for women, Jews, and African Americans.^[14] This same is true in Hyman's occasional discussions of the hiring and

activities of secretarial and support staff.

II. Law, the Law Firm, and Scholarship

All in all, Hyman does a staggering job of presenting his subject in detail and with as much verve as it will allow. His research appears thorough, and his grasp of the interrelationship of the many threads of his story is keen. He presents his players with such warts as he found, and it is evident that he looked fairly closely for them.

In chapters one and sixteen, Hyman takes the stage as Greek chorus, giving us both his context for telling the tale and what morals we might derive from it. The introduction is sound, short, and careful, ably setting out Hyman's reasons for such a study, following Kermit Hall's view that law is something of a mirror on society, which we will do well to study to know ourselves.

If there is a disappointment in the enterprise, it comes at the end. Chapter sixteen is a fast-paced summary of changes in the firm's management since the late 1980s, particularly the significance of the ascent to firm management by once-young-Turk Harry Reasoner. It also, in one regrettably brief last section, gives a two-paragraph overview of the firm's future, in which uncertainty necessarily abounds.

Hyman is clearly favorably impressed with V&E's success "its size, its income, its client list, and its claims to having a distinct culture and tradition," and rightly so. One might have hoped, however, that at the end of this gargantuan study Hyman would have given us more of his insights as to what he makes of the institution he studied so carefully. Is it better or worse that the firm has grown so large? That it takes so much profit from other enterprises? If we are indeed looking at ourselves through V&E, what does Hyman see looking back from the mirror?

No one is likely to know as much about a single law firm as did Hyman when he began writing this tome. His detailed research, interviews, and archival spelunking have borne a bumper crop. The most important share of this crop is, at least from Hyman's apparent view, the story itself. Although he leaves it to others to interpret the various meanings of that story, it is nonetheless unfortunate that we do not have here the benefit of Hyman's lessons learned. Writing as the academic outsider, Hyman has an important perspective on his subject. Although some might complain that he is socially cut from the same cloth as such lawyers as Judge Elkins or Harry Reasoner, such an ability to be both internal and exter-

nal to the firm's culture provided him an interpretative opportunity that might still bear fruit. As the Durants' postscript to their history required a separate volume, so too might Hyman's.

All in all, six hundred dense pages is an awful lot of reading for the history of just one law firm. The patient reader is, however, rewarded with a comprehensive sweep to the tale and with a fair view of the changes in the firm and in the law and politics that its lawyers practiced.

NOTES

[1]. The Nineteenth Century saw a voluminous didactic literature and oratory describing the legal practice of individual lawyers, which is well chronicled in Michael Hoeflich's forthcoming *Spirit of the Legal Profession: The Lawyer and Character, 1780-1900* (Athens: University of Georgia Press, 2000). The capstone of this style, and perhaps the augur of a more careful historical approach, came with William Draper Lewis's mammoth *Great American Lawyers: The Lives and Influence of Judges and Lawyers Who Have Acquired Permanent National Reputation, and Have Developed the Jurisprudence of the United States: A History of the Legal Profession in America* (Philadelphia: J.C. Winston, 1907-1909, 8 vols.). Occasional histories followed, the most influential of which were produced about New York firms, particularly Robert Swaine's surprisingly candid, privately printed history, *The Cravath Firm and its Predecessors* (New York, Priv. print. at Ad Press, 1946-48).

[2]. The last twenty years has seen a growth of books devoted to individual firms, particularly regional firms, as well as to phenomena across the industry. This interest may have been brought on, at least initially, by several lurid books about the lawyer as power-monger. See, e.g., Joseph C. Goulden, *The Super-Lawyers: The Small and Powerful World of the Great Washington Law Firms* (New York: Weybright and Talley, 1972); Paul Hoffman, *Lions in the Street; The Inside Story of the Great Wall Street Law Firms* (New York: Saturday Review Press, 1973); Paul Hoffman, *Lions of the Eighties: The Inside Story of the Powerhouse Law Firms* (Garden City, N.Y.: Doubleday, 1982). Books on English firms have developed on lines similar to the more institutional American histories, owing mainly to one author, Judy Slinn. See Judy Slinn, *Clifford Chance: its Origins and Development* (Cambridge, Eng.: Granta Editions, 1993); Judy Slinn, *Linklaters & Paines: The First One Hundred and Fifty Years* (London: Longman, 1987); Judy Slinn, *A History of Freshfields* (London: Freshfields, 1984). See also Alison Hunt, *The History of Radcliffes &*

Co. (London: Radcliffes & Co., 1991).

[3]. This category of the genre is the oldest and most enduring. A sampling of recent books is diverse in geography if not in mission. See, e.g., *Bernstein, Shur, Sawyer and Nelson: The First 75 Years: 1915-1990* (Portland, Me.: Bernstein, Shur, Sawyer and Nelson, 1990); Carl M. Brauer, *Ropes & Gray, 1865-1990* (Boston: Ropes & Gray, 1991); Cadwalader, Wickersham & Taft, *Cadwalader, Wickersham & Taft: A Bicentennial History, 1792-1992* (New York: Cadwalader, Wickersham & Taft, 1994); Paul B. Dilks, *Morgan, Lewis & Bockius: A Law Firm and its Times, 1873-1993* (Philadelphia: Morgan, Lewis & Bockius, 1994); John A. Dolan, *Hale and Dorr, Backgrounds & Styles* (Boston: Hale and Dorr, 1993); Jethro K. Lieberman, *Stroock & Stroock & Lavan: An Informal History of the Early Years, 1876 to 1950* (New York: Stroock & Stroock & Lavan, 1987); Arthur W. Machen, *A Venerable Assembly: The History of Venable, Baetjer, and Howard, 1900-1991* (Baltimore: Dest Top Publishing Unit of Venable, Baetjer, and Howard, 1991); J. Lawrence McBride, *History of Dickie, McCamey & Chilcote, P.C.: A Pittsburgh Law Firm with a Tradition of Service for Over a Century, 1889-1993* (Pittsburgh: Dickie, McCamey & Chilcote, 1995); Jane Mobley, *Shughart Thomson & Kilroy: Fifty Years* (Kansas City, Mo.: Shughart Thomson & Kilroy, 1990); Alfred L. Rose, *Proskauer Rose Goetz & Mendelsohn: The Early Years, 1875-1930* (New York: Proskauer Rose Goetz & Mendelsohn, 1982). Older literature is collected in J. Myron Jacobstein, *Bibliography of Published Histories of American Law Firms Through 1995* (Austin: University of Texas Tarleton Legal Bibliography Series No. 41, 1996).

[4]. See, e.g., Sherwood W. Wise, *Wise, Carter, Child & Caraway: One Mississippi Law Firm, 1883-1986* (Jackson, Miss.: Mannsdale Books, 1988).

[5]. See, e.g., Steven Kumble, *Conduct Unbecoming: The Rise and Ruin of Finley, Kumble* (New York: Carroll & Graf, 1990).

[6]. See, e.g., Kim Isaac Eisler, *Shark Tank: Greed, Politics, and the Collapse of Finley Kumble, One of America's Largest Law Firms* (New York: St. Martin's Press, 1990); Lincoln Kaplan, *Skadden: Power, Money, and the Rise of a Legal Empire* (New York: Farrar Straus Giroux, 1993).

[7]. See, e.g., Marc Galanter, Thomas Palay (contr.), *Tournament of Lawyers: The Transformation of the Big Law Firm* (Chicago: University of Chicago Press, 1991). This field has also attracted graduate research. See John A. Flood, *Anatomy of Lawyering: An Ethnography of a*

Corporate Law Firm (unpub. Ph.D. diss., Northwestern University, 1987); Daniel C. Poor, *Organizational Culture and Professional Selves: The Impact of Large Firm Law Practice upon Young Lawyers* (unpub. Ph.D. diss., City University of New York, 1994); Aaron C. Porter, *The Career of a Professional Institution: A Study of Norris, Schmidt, Green, Harris, Higginbotham, and Associates* (unpub. Ph.D. diss., University of Pennsylvania, 1993); Ellyn S. Weisbord, *The Growth of Corporate Law Firms: Determinants and Outcomes of Strategic Decisions in New York City Firms Between 1983 and 1987* (unpub. Ph.D. diss., City University of New York, 1990).

[8]. See, e.g., Norman Diamond, *A Practice Almost Perfect: The Early Days at Arnold, Fortas & Porter* (Lanham, Md.: University Press of America, 1997); Anne Hobson Freeman, *The Style of a Law Firm: Eight Gentlemen from Virginia* (Chapel Hill, N.C.: Algonquin Books of Chapel Hill, 1989); William H. Harbaugh, *Lawyer's Lawyer: The Life of John W. Davis* (New York: Oxford University Press, 1973).

[9]. John H. Crooker, *Fulbright & Jaworski: 75 years, 1919-1994* (Houston, Tex.: Fulbright & Jaworski, 1994).

[10]. Kenneth Lipartito and Joseph A. Pratt, *Baker & Botts in the Development of Modern Houston* (Austin: University of Texas Press, 1991).

[11]. Harold M. Hyman is William P. Hobby Professor of History, Emeritus, at Rice University, and is best known for his work on the legal and constitutional climates of the mid- to late-nineteenth-century United States. His *Era of the Oath: Northern Loyalty Tests during the Civil War and Reconstruction* (Philadelphia: University of Pennsylvania Press, 1954), won the American Historical Association's Beveridge Prize.

[12]. Harold M. Hyman, *Craftsmanship and Character: A History of the Vinson & Elkins Law Firm of Houston, 1917-1997* (Athens: University of Georgia Press, 1998), pp. 5-9.

[13]. *Id.*, p. 13.

[14]. *Id.*, pp. 209-221, 334-336, 391-417.

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