



Patron v. Client: the modern lawyer's relationships

Lawyers often refer to those who pay for services as 'clients', yet in the same breath frame their efforts in their service recipient's interest. Use of the word 'client', though widespread in English, is inexact--and indeed may invert the relationship. The proper term does relate to the patron-client relationship, but lawyers are in fact the clients.

This slight terminological difference is hugely important as we [bring technology into the profession](#). The distinction goes back to Roman extra-familial relationships. Clients were, in that context, dependent upon their patrons' support. Lawyers existed in each of these modes. Some were professional technicians who received patronage from law-makers and litigants. Others were patrons who shielded clients before the magistrates.

Cicero, himself a famous advocate, describes this mode in *De Officiis*. He makes a rough distinction between solicitors and barristers

Thus, among the many admirable ideas of our ancestors was the high respect they always accorded to the study and interpretation of the excellent body of our civil law. ...

Closely connected with this profession, furthermore, is the gift of eloquence; it is at once more popular and more distinguished. For what is better than eloquence to awaken the admiration of one's hearers or the hopes of the distressed or the gratitude of those whom it has protected? It was to eloquence, therefore, that our fathers assigned the foremost rank among the civil professions. The door of opportunity for generous patronage to others, then, is wide open to the orator whose heart is in his work and who follows the custom of our forefathers in undertaking the defence of many clients without reluctance and without compensation.

Bk. II.19

A barrister was a patron when the defendant received free assistance. Patronage extended the barrister's eloquence to shield the defendant, thus placing her or him in the orator's debt.

Cicero's view of the lawyer who accepted money for a defense of for provision of technical knowledge treads into the client's territory. He tells us that 'as a rule, our will is more inclined to the one from whom we expect a prompter and speedier return' (II.20). The lawyer's knowledge is power, but the service provided takes on different colours depending on the motives for and results of its provision.

If a lawyer can be said to sit astride the dividing line between patron and client, the profession's modern dilemma asks us to determine the exact nature of our knowledge. Technologies like CanLII and publicly available statutes remove some of the lawyer's unique ability. Courts that tolerate the self-represented litigant lessen the need for legal patronage. Lawyers employed by institutions depend on the employer for financial protection.

The humdrum communication that bombards a modern professional further distracts us from these finer points. Each suggests that the lawyer stands in a particularly vulnerable position in the democratic era. Technology is the democratization of knowledge. Law books and reams of filed documents don't carry the same weight when much of the technical knowledge needed to plead a case lies haphazardly in the *forum*.

If a lawyer is vulnerable, she or he is a client in need of protection or aid. The tools at our disposal force lawyers to organize technical knowledge, to build eloquence, and above all to carefully build relationships with our life-givers. Legal technology plays an increasing role in this endeavour. It has breathed life into our new *forum* and it is on this rock that lawyers must now build.