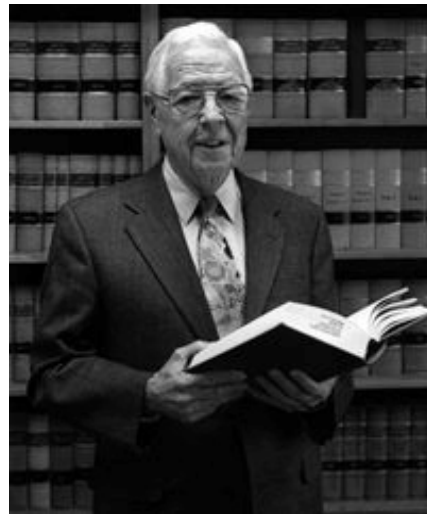


Past, Present, Future
The changing legal landscape
By Gordon Griffin, Esq. Mason, Griffin & Pierson, Princeton

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A champion of Princeton's legal causes for over fifty years, Gordon Griffin, Esq., founding partner of Mason, Griffin & Pierson, has watched his profession evolve from yesterday's humble single on the door to the multinational, corporate law firms of today.



The professional life of a small town American lawyer during World War II bore a marketed resemblance to that of Abraham Lincoln's practice in the mid-1800s. The Anglo-American common law was a comfortable security blanket for Mr. Lincoln. But, by the end of World War II, seismic changes in the American way of life had begun to erupt.

For example, the tension between federal and state laws, an issue as far back as the Civil War and Reconstruction, became more pronounced, and important changes in school law, voting qualification and civil rights, among others, occurred. In the civil law area of torts, the idea of punishing a wrongdoer for injury to a person or to property brought about the assessment of punitive damages in addition to compensatory damages after the war.

An important development in criminal law has been the criminalization of certain activities evidencing ethnic or religious discrimination, commonly referred to as "hate" crimes.

Some of the most far reaching and dramatic changes have occurred in federal tax law. This body of statutes and regulations is now measured in thousands of pages and by weight in multiples of 100 pounds. But tax simplification is still a Congressional perennial that fails to bloom.



Founding partner Ralph Mason enjoyed a room with a Nassau Street view in 1949.

These trends in the law were accelerated by the contemporaneous explosion in information and the tools to handle it. As a result, the business of law offices has evolved over the past 50 years - the stenographer was replaced by the computer expert; shorthand was replaced by dictating machines and email; onion skin and carbon paper was replaced by photocopy machines; researchers were replaced by paralegals; libraries with books on shelves were replaced by software of endless variety; personal telephone contact was replaced by menus and touch tones.

Is it any wonder that a kaleidoscope of talents is needed to cope with today's vast reservoir of legal and corporate knowledge? The businesses of accounting, banking, trust companies, brokerage houses, financial services companies, real estate brokers and life insurance companies, to name a few, overlap with the services offered by law firms, especially in the knowledge that is used.

It shouldn't be surprising, then, that the law office has perforce grown and changed in order to serve its clients and to meet its competition. The general practice firm has diversified into multiple specialty departments. The legal structure of the firm is no longer just a partnership or sole proprietorship; increasingly, it is a professional corporation or association.

The number of people employed at a law firm today was unimaginable just 50 years ago. In 2000, the largest U.S. law firm employed about 1,000 lawyers. The ban on lawyer advertising disappeared several years ago. Take a look at the Yellow Pages to see just one venue for legal service advertisements. In short, the practice of law today is conducted more like a business than a profession. If these characteristics continue, as I believe they will, an important question for lawyers to answer will be whether their practice will evolve into a multidisciplinary organization.



Not yet a partner, a young Gordon Griffin, Esq., works at his desk in the new offices of Montgomery and Mason at 245 Nassau Street, Princeton, circa 1949.

Will lawyers be co-owners and cooperators of enterprises with accountants, bankers, brokers, financial service providers, realtors, trust companies, life insurance companies, or others? This question has already surfaced, and the jury is still out on the answer. Objections raised by some in the legal profession include the weakening of attorney-client confidentiality and the prospect of many conflict-of-interest situations.

Whether or not multidisciplinary organizations materialize, it is likely that more law firms or part-law organizations will go online. The increasing demands of a shrinking world

and an expanding clientele would hardly permit the practice of law to bypass the Internet.

What has been the Princeton legal community's experience amid all this? First is the migration of large metropolitan law firms to the area, attracted by its academic, research and service oriented climate. As a result of this trend, the most recent New Jersey Lawyers Diary lists about 900 lawyers with offices in Princeton. At the end of World War II, if memory serves, there were about six practitioners in Princeton proper, not counting the few who might have been in sparsely developed nearby areas. Intuition suggests this influx will continue.

But Princeton, like the rest of New Jersey, continues to be affected by home rule syndrome. The state consists of 566 incorporated municipalities, and they cover every square foot of New Jersey's land mass. This configuration in part results from and is responsible for local resistance to any diminution of municipal powers and for cautious approach to municipal mergers.

Perhaps as a result of this resistance, three proposals to consolidate Princeton Borough and Princeton Township into one municipality were voted down by the electorate over the past several decades, all three by the Borough and one by the Township. This led to "creeping consolidation," as it was then known, whereby the two municipal governing bodies by legislative action combined several departments or services, one at a time. These included the joint public library, the regional planning board, the civil rights commission and the board of health. There also is a joint sewer operating committee, but this was established in the late 1920s or early 1930s under a tripartite agreement among the Borough, the Township and Princeton University. The university later withdrew from the arrangement. In addition, the Borough-Township regional public school system was authorized by the electorate of both municipalities in the 1950s. In the light of plebiscite results on municipal consolidation, it is unlikely that Princeton will become a merged municipality within the foreseeable future.

Land use regulation, chiefly planning and zoning, has been an important issue in Princeton, as in most of New Jersey, because of population density, urban sprawl, open space acquisition, historic sites and districts, and the New Jersey Mount Laurel court decision, which mandated the availability of affordable public housing. With a joint planning board, both Borough and Township have a voice concerning land use matters in either municipality.

Other issues that have recently surfaced or resurfaced in Princeton include active recreation areas, continuing care facilities for senior citizens and parking. State law requires periodic study and revision of land use master plans, so it may be assumed that this part of local government will continue to be in the public eye.

One aspect of municipal law practice, in Princeton as well as elsewhere in New Jersey, has been progressively restricted over the years - the legal representation of municipal boards and bodies. The following entities can be quickly identified; municipal governing body, planning board, zoning board, board of health, library board, municipal

prosecutor, and municipal court defender. It used to be that several of these departments were represented by the same lawyer, usually the municipal attorney.

As municipal work became more sophisticated and better understood, the courts ruled that dual or multiple representation in some instances is barred by concern over conflict of interest. It has recently been judicially determined that a municipal court prosecutor can't represent any person who is a defendant in another municipal court in the same county. One might perceive this as increasing the job market for lawyers. From a municipality's perspective, however, it may cause a financial burden.

Perhaps a municipal attorney, as distinguished from lawyers in other fields, more closely resembles the Abe Lincoln-type of legal practitioner. A municipal attorney has a one-on-one relationship with his or her client, the technology of the practice seems manageable, the legal issues are frequently grass roots and interesting, and the subject matter is concerned with the citizen's stance on the first rung of the governmental ladder.

Gordon D. Griffin, a graduate of Princeton University and the University of Pennsylvania Law School, has practiced law in Princeton for more than 50 years. In 1955, Mr. Griffin and Ralph Mason formed the law partnership of Mason & Griffin with offices at 245 Nassau St., now named Mason, Griffin & Pierson PC with offices at 101 Poor Farm Road. He served as the Princeton Township attorney from 1952 to 1980, as the Princeton Borough attorney from 1962-1980, and is a past trustee of the Mercer Bar Foundation.