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ARTICLE

Putting the client to work: power dynamics in the family lawyer-client relationship

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Abstract

In a context promoting partners' active participation in their divorce or dissolution, family lawyers often put their clients to work – from stating goals and supplying information for the written file, to embodying the case at the hearing. This article focuses on the coproduction of legal work between family lawyers and their clients, based on long-term collective research on family law in mainland France: interviews with attorneys, observations of encounters between lawyers and clients in lawyer offices and in courts, as well as a "3,000 family cases" database. Using a relational, materialist, structural, and intersectional theoretical approach, we show that coproduction of legal work and its meaning varies greatly depending on the power dynamics between lawyers and clients, – on a spectrum that goes from exploitation to empowerment of the client. Coproduced legal work varies according to configurations of class, race, gender, and age on both side of the desk, as well as according to the structure of the legal market. Interactions between lawyers and their clients thus contribute to shape inequality before the law.

Keywords family law; lawyer-client relationship; legal work; coproduction of legal services; divorce; client agency; intersectionality; legal market; France

Introduction

In 1995, Austin Sarat and William Ferguson published a landmark book for socio-legal scholarship: *Divorce Lawyers and their Clients. Power and Meaning in the Legal Process*. Bringing together studies conducted in the 1980s in California and Massachusetts in divorce lawyers offices, inspired by a Foucauldian view of power as relational and dynamic, the two authors developed an interactive, two-sided conception of lawyer–client interactions that became a model for thinking about client agency and the uncertainty, tensions, and negotiations in the lawyer's representation work. Beyond the realm of family law, this book paved the way for a *coproduction analysis*, wherein both lawyers and clients play an active and indispensable role in the delivery of legal services.

It is no coincidence that this theory was first developed in the field of family law. The description of the divorce lawyer–client interaction as a relationship in which both parties co-produce the legal case is indeed congruent with a new social norm of clients as active participants in their peaceful divorce or dissolution. As divorces became more common, legal procedures changed to accompany the trend: the rise of uncontested ("no fault") divorce transformed the legal regulation of family issues (Eekelaar and Maclean 2013; Maclean et al. 2015). Legal professionals and institutions strongly encouraged undisputed procedures to reduce court congestion (Biland and Steinmetz 2017). For litigants, it became the fastest and cheapest way to end their marriage while keeping it out of court. American legal scholars Mnookin and Kornhauser introduced the concept of "private ordering" to describe how individuals can make their own decisions about divorcing without going to court. In practice, however, divorcing parties do not bargain alone "in the shadow of the law" (Mnookin and Kornhauser 1979): much of the actual bargaining is done by legal professionals, mainly lawyers (Griffiths 1986). Consequently, a range of alternative dispute-resolution methods has emerged to support uncontested divorce and dissolution procedures (mediation, participative procedures, collaborative law), used by lawyers to foster agreement between parties.

In this context, the legal practice literature stresses the client's role in legal service delivery, from communicating the need for and type of service required; providing data and information; stating goals and interests; to making decisions; and performing set tasks that would otherwise be performed by the family lawyer, such as fact-gathering, researching, and document drafting (Robertson 2002). Legal professionals promote private ordering to empower individuals to resolve their problems at a pivotal moment in their private lives, although they have various techniques for controlling what those solutions should be (McEwen et al. 1994). As Biland stresses, "It places power in the hands of separating couples, while *at the same time* reinforcing the power of private professionals" (2023: 8–9).

What if the clients' contribution to the coproduction with their lawyer was conceptualized not only as a distribution of power and attribution of meaning but also as a form of work? Two main theoretical traditions inspire us to use a broad notion of work here. The first is the feminist scholarship which describes as work the invisible, unpaid, physical, and intellectual labor, as well as emotion work conducted most often by women (Hochschild 1979). The second is the recent body of studies of labor organization and relationships in contemporary neoliberal capitalism, which describes how customers are put to work in service industries, "the substitution of paid or wage labor with the unpaid labor of consumers" – for example, self-checkout technologies in retail (Andrews 2019: 1).

Considering as work the client's contribution to the coproduction with their lawyer allows us to address dimensions that are mostly absent from the existing literature. First, it helps us apply a materialist focus on practices, effort, cultural skills which can be valued as professional skills, while most scholarship is more concerned with meaning and control, in the tradition of symbolic interactionism. A second added value of framing this as work is in the importation of a structural and intersectional theoretical approach which has been developed in the contemporary sociology of work and organization (Rodriguez et al. 2016). The combined social characteristics of lawyers and clients along lines of class, race, gender, and age come into play at different times and in different ways, facilitating or limiting clients' access to quality legal advice,

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lawyers' ability to advance professionally, and their mutual ability to understand each other and develop a common purpose. Therefore, we consider the social attributes of clients and lawyers on both sides of the desk and the influence of power dynamics on coproduction. This issue is all the more interesting to study in family law because of the greater social diversity of litigants compared to other areas of law.

This article is based on empirical observations of attorney–client interactions occurring in family lawyer offices and family courts in several parts of mainland France between 2014 and 2019. Like other countries, France follows its own path toward private ordering (Biland et al. 2015), in a context where marriage is losing ground. Encouraged by the French Ministry of Justice, a new generation of family lawyers, mostly women, are developing alternative dispute-resolution methods to avoid going to court, promoting uncontested procedures and marital dissolutions without conflict. We study how the work relationship between lawyers and clients varies according to class, gender, age, and race. It also depends on the law-firm size, how lawyers are paid and the segmentation of the legal market.

Theoretical background

Filling gaps in the literature on coproduction in the legal services

One central issue in socio-legal scholarship and the legal practice literature since the 1960s has been the extent to which lawyers control their clients and their clients' cases. The functionalist sociology of professions portrays lawyers as dominating their clients with their professional skills and the authority of their function (Heinz 1983; Parsons 1939; Rosenthal 1974). Since the 1980s, a subsequent body of socio-legal scholarship, inspired by a Foucauldian view of power as relational and dynamic develops a more interactive, two-sided conception of the lawyer–client relationship. It emphasizes client agency and focuses on uncertainty, tensions, and negotiations, especially in family law representation work (Griffiths 1986; Ingleby 1992; Mather et al. 1995, 2001; Sarat and Festiner 1995). More recently, a relational approach in sociology conceptualizes the lawyer–client relationship as a set of repeated interactions between a client and a professional that is constrained by institutional rules and procedures (Clair 2021; Emirbayer 1997). Clients and lawyers' objectives, strategies, and tactics are transformed over the course of their interactions. All of these studies enable us to consider the relationship between lawyers and clients as a *coproduction* of legal services, wherein clients play an active and indispensable role in the delivery of legal services (Robertson 2002), even though it is often difficult to ascertain "whose input is represented by the outcome" (Ingleby 1992: 135).

However, this scholarship does not delve into the nature of work performed by lawyers and clients. The legal practice literature generally uses a limited definition of work, based on legal paid work. It describes how, in order to reduce costs and to allow clients to feel more in control, some family lawyers offer their clients to take on some of the tasks usually carried out by themselves in a full-service package, and contract with them accordingly (Mosten 1994; Hunter et al. 2000: 202). Paying attention to the plural dimensions of work, socio-legal scholarship has addressed the *emotional labor* performed by lawyers, who must welcome and guide their clients' emotions (Harris 2002). However, *emotion work* performed by the clients remains in the dark – according to the distinction made by Arlie Hochschild between the display of certain emotions

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to meet the requirements of a job in a paid work setting (*emotional labor*) and within the private sphere for personal purposes (*emotion work*) (Hochschild 1979). The legal practice literature is thus primarily concerned with the work that the lawyer transfers to the client (such as gathering facts, researching the law, document drafting, etc.) and pays less attention to other types of work carried out by clients, such as work on themselves, on their material situation or on their demands.

Second, most studies examining family lawyer–client interactions from a relational perspective disregard the social attributes of both parties and the influence of power dynamics on coproduction. This inadequacy is apparent in works by Sarat and Festiner (1995) and Griffiths (1986) as noted by Seron and Munger (1996: 197) who advocate for a more structural approach. This structural approach relies on two consequent bodies of literature.

The first one deals with the social characteristics of clients and how they affect the legal services provided. This scholarship shows that working-class and poor litigants, people of color, and women are less likely to take their legal problems to a lawyer for lack of money or information, but also because they may not feel entitled to it or may feel powerless due to past encounters with the civil justice system (Sandefur 2007). Focusing on economic inequality, it examines how clients' financial means shape the quality and quantity of legal services received (Mather 2003), reveals that lawyers may screen out nonprofitable cases (Blumberg 1967; Katz 1982; Michelson 2006), studies the effect of legal fee practices (such as hourly rates, flat fees, contingent fees) on access to representation for the middle and lower classes (Kritzer 1987) or the effect of legal aid on how divorces and dissolutions are handled (Hunter 2003). Feminist scholarship demonstrates that the rise of undisputed divorce exacerbates gender inequality due to the economic resource gap between male and female partners (Smart 2012 [1984]; Weitzman 1985; Fineman 1991; Li 2022; Michelson 2022). In line with other fields such as education (Calarco 2018) or healthcare experience (Gage-Bouchard 2017), socio-legal studies show that privileged educated clients are more likely to enhance their own expertise and feel entitled to question professionals' strategies, which results in rewards for them (Berrey et al. 2017). Less educated clients are more deferential to professional authority, yet Clair (2021) shows that socioeconomically disadvantaged and racially marginalized defendants are not passive: they cultivate their own legal skills and resist the authority of their court-appointed lawyers, whom they distrust, often to their detriment.

Another body of literature concentrates on lawyers and the structure of the bar (Heinz et al. 2005; Heinz and Laumann 1982; Karpik 2000). The legal market as a whole can be described as a field (Bourdieu 1987). This is true also for each specialized segment (as shown by Parikh and Garth 2005 about the personal injury bar), which functions as a semiautonomous social space with a specific hierarchy and power structure depending on a particular set of resources, according to the lawyers' social characteristics such as gender, education, ethno-religious and socioeconomic background, social networks, seniority, location, firm size, clientele, and type of fees. Despite the feminization of bars that has occurred in many countries since the 1990s (Heinz et al. 2005; Kay 2009; Raggio 1999), female lawyers still fall behind their male colleagues in terms of income, partnership attainment, and career advancement (among many studies, Li 2022 about China; Hull and Nelson 2000 about the US; Bajos et al. 2018 about France). In family law, the feminization of the profession has altered divorce

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law practices by introducing new legal techniques and modes of pleading. Female family lawyers are more mediation-oriented (Menkel-Meadow 1985), and they value "sensitive listening to clients" (Mather et al. 2001: 82–83) even though sociologists also note more adversarial advocacy from experienced female family lawyers with a focus on feminist defense of female clients, particularly on topics such as the financial hardships experienced by women post-separation (*ibid.*). Some studies underline the considerable discrimination people of color face in law schools and law firms (Dias 2021) and how race affects lawyers' careers (Hale 1952). Situations of proximity between White judges and lawyers can play against racially marginalized defendants (Clair 2020; Van Cleve 2016).

However, these two bodies of literature typically concentrate on either clients or legal professionals, rather than encompassing both (for an exception, Bogoch 1997). A coproduction analysis should take into account social characteristics such as (and not limited to) social class, gender, and race on both sides of the desk.

A relational, materialist, structural, and intersectional approach

In this article, we build on the achievements of the relational approach of the lawyer–client relationship. However, instead of focusing on the meanings shaped in the lawyer–client interaction (like Sarat and Felstiner's approach anchored in symbolic interactionism), we describe instead the coproduction of family legal services from a materialist perspective which focuses on the actual work performed by lawyers and clients.

To do so, we use a broad definition of work rooted in feminist studies. Reproductive labor, primarily performed by women in a family setting, is the archetype of unpaid work that never gets recognized as such (Federici 2012). Work performed by clients is like reproductive labor: unpaid, unseen, and unrecognized. Like reproductive labor, it is gendered, since we know that women initiate divorce and dissolution procedures more often than men and are more involved in the administrative work generated by legal procedures (Collectif Onze 2013; Bessière and Gollac 2023 about France; Biland 2023 about Quebec). We argue that clients must perform emotion work to build their legal case and, sometimes, to present it effectively in court, all of this during a challenging and exceptional period of their lives such as a divorce or a dissolution. While emotional labor performed by lawyers can be part of their professional routine and sometimes financially recognized (for instance, through extensive hours spent on a case), clients' emotion work is never paid.

Furthermore, the family lawyer–client relationship can be considered as a service relationship, i.e. a dynamic interaction that transforms both parties: doing something "for" the client is also doing something "to" the client, and conversely the service provider rarely emerges unscathed from the relationship (Hughes 1956: 3). There are few possibilities for increasing productivity in activities whose relational dimensions are difficult to standardize or automate such as services. One solution adopted by companies in many sectors is putting their customers to work, for example by getting them to scan their own items at the supermarket or manage their accounts online (Andrews 2019; Ritzer 2015). The latter scholarship asks, from a Marxist perspective: are companies extracting productive work from consumers? Or do these changes contribute to consumer empowerment in certain circumstances, such as ethical consumption

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practices (Dubuisson-Quellier 2010)? Transposed to the family lawyer–client relationship, the question becomes: do lawyers exploit their clients, or do they achieve the ideal of private ordering by making their clients the main actors of their divorce or dissolution? We argue that there is no univocal answer to this question: it depends on the power dynamics at play in the specific family lawyer–client relationship.

Our approach is thus a structural one, to capture how lawyers' and clients' combined social characteristics along class, race, gender, and age lines come into play at different times and in different ways, easing or limiting clients' access to quality legal advice, lawyers' ability to advance professionally, and their mutual ability to understand each other and develop a common goal. This topic is all the more interesting to study in the field of family law, given the greater social diversity of litigants compared to other fields of law (especially criminal law).

Data permitting the study of lawyer–client relationships must also strive toward intersectionality. Since the pioneering work of Crenshaw (1989), intersectionality scholarship has showed how advantages and disadvantages do not always add up for those who find themselves at the intersection of several lines of discrimination; (dis)advantages are context-dependent and should be analyzed as specific, situated configurations (Collins and Bilge 2020). A large body of socio-legal scholarship in matters of civil rights has endeavored to consider *together* the effects of multiple disadvantages on recourse to justice (Sandefur 2007) and on the plaintiffs' outcomes in courts (Best Rachel et al. 2011). Yet, in the French context, social scientists and legal scholars have long considered legal inequalities mainly in terms of social class, in a Marxist and Bourdieusian tradition (Herlin-Giret and Lejeune 2022): the incorporation of gender into analyses began in the 2010s (Cardi and Devreux 2014; Hennette-Vauchez et al. 2014), the attention to race is even more recent (Vuattoux 2018 on juvenile courts; Bessière et al. 2018 on family courts; Jobard and Slaouti 2020 on criminal courts). Given the legacy of the "colorblind" republican model (Bleich 2004), racial categories are not institutional categories in France, meaning that people are never asked to self-identify in official settings, neither in surveys nor in court or in legal records. Studies that systematically articulate race, gender, and social class have only recently developed, in a highly charged political context (Lepinard and Mazouz 2021).

The French case

In France, marriage is losing ground. According to the French national census, only 72% of couples were married in 2019, in contrast with 90% 20 years earlier. In 2022, 64% of children were born outside of marriage (according to the French National Institute for Statistics and Economic Studies – INSEE). As a result, family court handles two situations in comparable proportions: divorces make up about one half of the caseload, and dissolutions of marriage-like relationships involving children the other half.

Uncontested divorce (called "divorce by mutual consent"), first introduced in the French Civil Code in 1975, allows couples who agree on divorce to end their marriage without giving a reason, and to make their own arrangements for its dissolution. Since the 2010s, more than half of all divorcing couples have chosen this procedure, which has been simplified over time. Since 2017, couples can divorce by mutual consent without going to court, as long as both parties are represented by a lawyer and the agreement is registered in a notary's office. Divorce by mutual consent is a socially

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selective procedure, common amongst middle- and upper-class couples who have dual incomes (Biland et al. 2020: 553). Conversely, socioeconomically disadvantaged litigants are more likely to go to court, either in contested divorce proceedings, but more importantly as unmarried parents, or parents who have already divorced, for the purpose of settling or modifying child support and/or custody (*ibid.*). A large proportion of the French family court caseload is initiated by the custodial parent (often a mother), who is required by law to have the court recognize the noncustodial parent (often a father) as being impecunious, in order to receive a child support allowance (*allocation de soutien familial*) from the public Family Benefits Office (*Caisse d'allocations familiales*): this requirement accounts for around a third of family court decisions on child support (Collectif Onze 2013: 213-219). Unlike the United States or Canada (Biland 2023), none of these procedures at court involve long adversarial hearings with examination and cross-examination of witnesses. Hearings are rather short: according to our observations, they range from three minutes to an hour and 20 minutes, with an average of 18 minutes (Collectif Onze 2013:15).

Not all litigants are represented by a lawyer in French family courts. Hiring a lawyer is mandatory for divorces, but not for procedures involving unmarried or already-divorced couples. In 2013, in non-divorce proceedings, 55% of women were represented versus 41% of men (source: 3,000 Family Cases Database). This gender gap is due to the greater involvement of women in legal proceedings because of greater economic consequences for them at the moment of dissolution – which can also be seen in the fact that, compared to men, women are more often plaintiffs and present in court (Collectif Onze 2013; Bessière and Gollac 2023: 191). Legal representation mostly depends on the financial means of the litigant. In non-divorce proceedings, 80% of litigants who earn more than 5,000 euros per month are represented, whereas it is the case for only 53% of litigants earning less than 1,200 euros per month. There is no specialized legal aid office or lawyers in France, but legal aid is available for low-income clients to hire any lawyer at a set rate (at the time of research, 685 euros for an uncontested divorce, and 776 euros for a contested divorce). Lawyers have the right to refuse to work for these low fees and are more or less willing to accept legal aid clients.

Data and methods

As of 2008, a collective study involving a total of some 50 sociological researchers – academics and students – was conducted on the legal handling of divorces or dissolutions of marriage-like relationships in mainland France family courts (Collectif Onze 2013). In five family courts and two courts of appeals of different sizes located in diverse areas (urban or rural, big or mid-size city), 400 hearings of various dissolution procedures were observed at different stages of the process; judges and clerks were also interviewed. As many aspects of divorces and dissolutions are not settled in court, we extended our fieldwork to law offices practicing in some of these courts over the period of research (2014–2019). A dozen researchers (including the three authors) conducted long interviews (between 2 and 3 hours) with 56 lawyers who practice family law. These 13 men and 45 women, between 30 and 65 years old are mostly White (6 among them can be considered as people of color). Women are more present but also more specialized in family law than men: 24 of the 45 women declared that over half of their practice was in family law, but only 1 of the 13 men. They have small firms: one third of them

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have no partner, and few have more than five employees. Interviews systematically covered the following topics: the attorney's professional career and their educational and familial background; the place of family law in their practice; the division of work within the firm; the client base; and the lawyer's relationships with clients.[1]

Lawyers belong to different bars with different clienteles: the Paris bar (n = 23) concentrates highly educated, mostly White, affluent upper class clientele; the Naverty bar (n = 10) is in a socioeconomically disadvantaged and racially marginalized suburb north of Paris, one of the poorest areas in France; the Besson bar (n = 23) is located in a medium-sized city in rural Western France and predominantly inhabited by White working and middle classes. All place names were changed except for Paris, which stands out for its specific concentration of wealth and its size that makes identification of participants impossible. According to the French Ministry of Justice, in 2020, 43% of French lawyers were registered with the Paris bar, totaling 29,855 lawyers, while the Naverty and Besson bars had around 600 and 350 lawyers, respectively. All lawyer and client names have been changed.

Along the interviews, we observed 14 different lawyers in 50 client meetings. Working in pairs, we took notes, without interfering verbally in the interaction between the lawyer and the client. Our goal was to document all conversations word for word and accurately reflect all attitudes and expressions by attorneys and clients. As the research team had prior permission to observe court hearings, we followed some lawyers and their clients into court. Lawyers have strong professional regulations and ethics codes protecting attorney–client privilege. Access to lawyer–client meetings, individual files, and court hearings was made possible by a relationship of trust built over time between the research group and bars.

The qualitative data collected from law firms and courts are not statistically representative as the selection of legal professionals and clients was the result of fieldwork opportunities. However, we tried to vary social characteristics on both sides of the desk. In all bars, we first contacted lawyers we had met in family courts or professional events (about collaborative law for instance) and has a snow-ball sampling strategy. In Besson and Naverty, we also wrote to all the lawyers listed as specializing in family law on the bar list. This strategy was not successful in Paris, due to the large size of the bar, so we used the personal network of some team members instead. The way we contacted lawyers may have led to an over-representation of women who specialize in family law and were willing to be interviewed in depth about this area of their practice. Lawyers in Naverty were less responsive to our requests than in Besson or Paris, perhaps because of their more precarious economic status and busy schedules.

To strengthen our argument, we occasionally use the statistical analysis of a database we collected from a random sample of 3,000 court rulings issued by family court judges in 2013 in seven lower courts (3,000 Family Cases Database). They all fall under the jurisdiction of the court of appeals of Paris and Besson, where the observations of lawyer–client interactions took place. This original database is derived from archived court files, which include court decisions and the files of both parties involved. In addition to the final rulings and procedural information, this database attaches great importance to the legal professionals involved (including the location of their firm) and the sociodemographic characteristics of the litigants. The category of sex has been entered according to the administrative sex (male or female) indicated in the civil status documents present in the file (children's birth or marriage certificates)

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or for professionals by the use of the titles Mr. and Mrs. The socioprofessional category of litigants was coded using the various resources available in the files, favoring the most recent, using the INSEE's nomenclature. We were unable to include racial categories in the database (nor for lawyers or litigants), yet we were sometimes able to use country of birth or nationality of litigants as proxies (for a detailed description of the database, see Bessière and Gollac 2023: 236–263).

Findings

After presenting the matching process between lawyers and clients, we explore three coproduction configurations based on the division of work between lawyer and client, as well as the interaction's smoothness. Each configuration is embedded in combined structures of inequality based on class, race, and gender. Coproduction proceeds effortlessly in the first configuration – when a lawyer requires much from a client (usually a woman) who fulfills these expectations. This configuration is widespread across all social classes, albeit taking on different forms depending on the legal market's structure. The second configuration – when a lawyer demands little and the client does not contribute much – primarily pertains to male clients of the upper class, mostly White in mainland France, who are taken in charge by highly specialized elite law firms. By contrast, we examine the failures of coproduction, when a lawyer asks for a lot, but the client does not do enough or do it badly, a situation often found when clients and lawyers are socially distant. This is particularly true for economically disadvantaged and racially marginalized clients, who may lack the cultural resources necessary to meet the expectations placed upon them and to avoid essentialization in court.

How I met my lawyer: Segmentation of the family law market in mainland France

The family law market is highly segmented in Paris and its suburbs. A small number of firms in the posh neighborhoods and wealthy suburbs of Paris, specialized in estate or private international law, offer their expert counsel to wealthy and mostly White clients. They cater to clients from the economic, political, or intellectual French and international elite. Most of these lawyers are White women from the upper-class, socially close to their clients. These firms offer personalized service to their clients, dealing with all aspects of their family disputes, trying their best to protect their business from the inquisitive gaze of the courts. They often promote alternative dispute resolution as an elitist practice to attract a wealthy clientele. Their fees are high, between 250 and 550 euros per hour and they will not take any legal aid cases.

At the bottom of the ladder in greater Paris, relative to remuneration and client wealth, are the junior lawyers on the legal aid list. They are forced to work a heavy caseload to earn a living and build a clientele. They are more often racially marginalized with parents coming from West and North Africa or Southern Europe, and they often share ethnic or national origin – and consequently a language – with their clients. Aissa Sissoko, for instance, is a 35-year-old Black lawyer born in Mali, her parents were illiterate when they came to France and her father works as a bus driver. Her practice is in the poor Paris suburb of Naverty, and most of her clients (85% according to her) receive legal aid and come from her former and relatively underprivileged

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neighborhood (Aïssa Sissoko Interview, October 2019, with Céline Bessière and Gabrielle Schütz).

Observations in western France, revealed a much less segmented legal market. Lawyers practicing family law see each other frequently in court and work with roughly the same clientele, overwhelmingly working- and middle-class, and White. As Yves Le Floch, a lawyer with over 30 years' experience, explained, "we aren't in Paris, here. In Paris you can be selective, you have the clientele and the litigation […] In bars like ours, we can't" (Yves Le Floch Interview, February 2014, with Camille Bertin and Gabrielle Schütz). Thus, all the lawyers in Besson accept legal aid, although to varying degrees. The fees they charge are much lower than in Paris. An uncontested divorce with one lawyer for both parties is billed at 1,400–2,100 euros, and the base rate for a contested divorce is 2,000–2,500. In Besson, the most profitable clientele is made of self-employed professionals, business people, and corporate executives who are socially similar to their lawyers who come from White middle-class backgrounds. As in Naverty, most firms in Besson rely on a heavy caseload for economic viability, although a few specialized lawyers target a middle- and upper-class clientele (albeit less wealthy than in Paris) which they meet at social and professional circles.

Clients and lawyers are not randomly matched. Female lawyers are more numerous regardless of location – of the 1847 lawyers in the 3,000 Family Cases Database, two-thirds are women – and female clients are more likely than men to be represented by a female lawyer, 71% compared to 63%. In Besson, all lawyers and most clients are White, whereas in Paris and its suburbs, lawyers and clients belong more often to racial minorities. A proxy to measure it with the 3,000 Family Cases Database is through the country of origin: 90% of litigants in Besson are born in France, whereas it is the case of only 51% in Naverty (36% are born in North and sub-Saharan Africa) and 59% in Paris (25% from North and sub-Saharan Africa).

Also, couples of lesser means do not have access to the same lawyers as wealthier couples. This has an impact on the time and energy lawyers devote to cases and on clients' experience of the legal process. Some lawyers sell budget packages for quick divorces or can't afford to spend much time on their numerous clients' cases, in contrast to elite specialized family lawyers hired for the (billable) full availability they offer.

Therefore, the circumstances and lengths of the meetings vary significantly depending on the clients' social class. Of the 40 observed meetings where we know the client's occupation, those involving working-class clients averaged 41 minutes ($n = 16$) versus 55 minutes for middle-class clients ($n = 11$) and 61 minutes for upper-class clients ($n = 13$). The average appointment with low-income clients lasted 31 minutes ($n = 12$). Lengths of the meetings vary depending on gender too: appointments were on average longer with male clients ($n = 20$), 55 minutes versus 44 minutes with women ($n = 24$).

There are discrepancies in the size of legal files as well. The length of lawyers' legal submissions varies with their clients' social class and income (there is no difference in mean or median submission size by gender). It is significantly shorter for legal aid recipients: 6 pages on average versus 10 pages for the other litigants. It averages nearly 12 pages for executives, and higher intellectual professions, and only 7 or 8 pages for laborers and basic employees. The higher the litigants' income, the longer

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the submissions: up to 15 pages for litigants earning over 5000 euros per month versus 7 pages for those under 2000 euros (source: 3,000 Family Cases Database).

The quantity of documents included in the file (typically, pay slips, bills, and testimonies from relatives) also varies depending on the client's social class and gender. In the contested divorces proceedings (N = 1950 litigants with information on file composition in the 3,000 Family Cases database), the files of executives and higher intellectual professions include on average 26 documents, whereas laborers' files only contain an average of 13, and basic employees' files 17. Regardless of social background, women go to court with a thicker file than men.

More than the quantity, lawyers say the quality of this documentation is crucial. Michèle Abitbol, an experienced lawyer of the Besson bar summed it up with a baking analogy: "A file and its documentation is like a cake, if you bring me good ingredients it makes a good cake, and if not, it makes one that isn't great" (Michèle Abitbol Interview, February 2014, with Marie Hautval and Muriel Mille). Clients are unequally positioned to provide the "good ingredients" and the quality of these depends in part on the power dynamics with their lawyer.

When coproduction runs smoothly

In a first scenario, lawyers demand a lot from their clients, and clients meet their expectations. Coproduction then runs smoothly. This easy cooperation mainly involves female clients and is widespread across all socioeconomic and racial backgrounds, although it takes different forms depending on the structure of the legal market. It is found in three configurations.

The first one is that of working-class women (racially marginalized or not) who provide ample neatly sorted documentation to their lawyer, frequently junior and sometimes racially marginalized too, who also do a great deal of work for them. For instance, Mélanie Touraine N'Diaye, 42, a mixed-race lawyer, coming from a middle-class background (her mother is a nurse from Normandy and her father an engineer from Guinea), runs a small office in the poor Paris suburb of Naverty. She gives a glowing description of her racially marginalized, lesser-educated female clientele:

> The vast majority is cleaning women, salesclerks, caregivers, classroom assistants; the husbands are usually security guards, mechanics… (…) I see more and more women – honestly, I think to myself, 'Bravo!' – who have an ability to bounce back, who resume their educations. I have more and more cases like that, with women who have two, three children, the youngest 3 or 4 years old, and who start training to be a nurse's aide, caregiver, even nurse, and who juggle that with return-to-work assistance. Personally, I see a connection between the fact that these women make contact with nonprofits, learn to read, and, actually, one day, wake up saying, 'But I have rights! And he does nothing!' and then take their lives in hand. (Mélanie N'Daye Interview, October 2019, with Mathieu Brier and Abigail Bourguignon)

Lawyers' moral judgments of their clients are inextricably linked to how actively each client works on his or her case, which they refer to as client "involvement." Working-class women – including racially marginalized migrants who are well connected to

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welfare institutions (the family benefits office, literacy organizations) – are more likely than their male partners to comply with lawyers' expectations, confirming a classic pattern in the division of domestic work relating to papers, money and administrations in working-class families (Zelizer 1994). They initiate legal proceedings more often than men (in 65% of cases when there is no joint request, source: 3,000 Family Cases Database) and some may have already prepared them with case workers. Legal advisors in welfare centers may also regularly follow up with a lawyer (who is often poorly paid with legal aid) when a case is stagnating, nudging her back into action.

A second configuration when coproduction runs smoothly occurs in a completely different situation, that of low-cost mutual consent divorce requiring little legal work. In France, mutual consent divorce is a rather selective proceeding, more often chosen by middle- and upper-class couples than by working-class couples (Biland et al. 2020: 553). Some lawyers only accept cases of divorce by mutual consent, which they expedite as "quick and easy" divorces, dealing mostly online with their clients. Significantly, mutual consent files in our database were more likely to be represented by male lawyers (39%) than other contentious proceedings (27%). For instance, Arthur Ndongo is a Black lawyer in his thirties, born in Republic of Congo, with a clientele of small business owners from North and sub-Saharan Africa. His practice is focused on commercial and immigration law, and only 10% of his cases are in family law: he turns down cases that would be costly or time-consuming and only accepts simple divorces by mutual consent, with a flat rate adapted to his clients' income (between 1,500 and 3,000 euros). Like many of these non-specialized lawyers, he relies on the material and emotion work of the clients to expediate these amicable proceedings, expecting his clients to come to an agreement and to provide all necessary documents:

> I meet people only once, to be honest (…) I invite them to come to my office (…) In the meantime, I've already asked them to prepare a number of documents, by post or e-mail. So, when they come to my office, they're usually prepared, they bring documents, and I have my questions on a piece of paper. I ask them the questions and I write them down. In the end, I've got everything I need and I can write up my agreement. Then I send a copy of the draft to the clients to see if it's OK. When I've got the agreement, I go to court and the next time we meet, it's before the judge, they go in as a married couple and when they come out divorced. (Arthur Ndongo Interview, November 2014, with Anna Chamfrault and Muriel Mille)

A last configuration of smooth coproduction is linked to the development since the 2000s of "collaborative law" in France, offered by lawyers who are generally White women who cater only to middle- and upper-class clients. Derived from the Anglo-American legal tradition, collaborative law seeks the amicable settlement of an uncontested divorce through a series of formal meetings between the divorcing parties and their respective lawyers, which lead to a written agreement outlining the arrangements for the divorce. This practice was developing in the area of western France that we studied, where it was billed at a flat rate of 2,500 euros; however, overrun charges, billed at 200 euros an hour, were common. "It's actually quite appealing, financially, for us," the lawyer Grâce Dupont-Bernard concluded at an informational session on

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collaborative law for fellow members of the bar, though several lawyers responded by decrying the fact that legal aid recipients were ineligible for it, regretting a form of "two-tier justice" (Observation by Camille Bertin, Sibylle Gollac and Gabrielle Schütz, February 2014). Beyond money, lawyers practicing collaborative law stress that the divorcing couple must have the adequate cultural skills. Grâce Dupont-Bernard repeatedly stressed that the appointments of separating parties and their respective lawyers averaged two and a half hours, and only those clients "with a certain level of culture" were able to "be sufficiently focused" and "knew how to make an effort." Consequently, only the local elite of businesspeople, members of the professions, managers, and teachers (almost always White) with enough economic and cultural resources actually take advantage of collaborative law. It allows lawyers to draw at least part of their clientele from the more affluent social groups closest to their own and foster in-group complicity, favoring satisfactory arrangements out of court. The three collaborative law appointments that we observed in the Besson region stood out for their durations (from an hour and a quarter to two hours) and the variety of topics, from assets and taxes to intimate lives (each case included lengthy stories of adultery). By laying out their private lives and asset arrangements in the confidentiality of the law office, the clients avoid having to air them publicly in court.

In all three configurations, beyond a request for evidence to support their case, lawyers' have several kinds of expectations toward their clients.

First, they expect them to have a certain state of mind in the coproduction, noticeably trusting them and not hiding anything. Clients are generally required to tell lawyers their whole personal stories. In interviews, lawyers explained this was the purpose of the first meeting, dedicated to unpacking their clients' emotional baggage. This is particularly the case of collaborative law, but it is also true of other practices. For instance, an experienced female lawyer in Besson, Michèle Abitbol, encouraged a White commercial sales representative (late thirties, married to a nurse's aide) to tell all, saying: "I'm your lawyer. I need to know everything. I won't use it, but at least I'll know." The client told her about his affair and his wife's suicide attempt, and Michele Abitbol peppered him with questions about his feelings and emotions as well as his professional and economic situation. To the researchers, she made a parallel between the hour-and-a-half meeting and a "confessional" (Observation by Marie Hautval and Muriel Mille, April 2014). Even when appointments are shorter, lawyers insist that clients reveal their intimacy, asking them to defer to their expertise and rely on them to avoid unpleasant surprises. This disclosure is all the easier when there is a social proximity with their clientele, which can help establish a certain connivance. For instance, when Grâce Dupont-Bernard received in her Besson office a female 50-year-old university teacher divorcing an architect, their meeting began by listening to a voice message from the husband, followed by a lengthy discussion on its interpretation and various considerations on his personality. This moment revealed the excellent understanding between the two women, who are roughly the same age and belong to the same social class (Grâce Dupont Bernard is married to a medical doctor). "You've seen the complicity I have with her," commented the lawyer afterwards (Observation by Céline Bessière and Camille Phé, February 2014).

Second, lawyers expect their clients to work: on their material situation, on their demands and, in the case of contested proceedings, on their presentation in court. At the beginning of a divorce or a dissolution, clients must reorganize their lives meaning

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that they have to arrange their material and personal situations to be able to support their legal demands. They face a variety of challenges: a parent leaving the marital home needs a new place to live where he or she can accommodate the children; a partner staying in the marital home need to have it assessed to compensate the departing partner; debts have to be accounted for to know how much alimony can be paid. These issues are structured by social class – some have assets in need of evaluation, others have debts to settle –, but also by gender – women are less likely to keep the marital home because they cannot afford to maintain it or pay the bills alone (Bessière and Gollac 2023: 128) –, or by migration history since settling the material situation can be particularly complicated if there are foreign assets. Some issues are urgent, some are not. They weigh more or less heavily on personal life and living conditions, depending on the available financial resources and family support, but also on the duration of the procedure.

Additionally, clients work to transform themselves into litigants and to align their claims with the expectations and norms of legal institutions. This "legal" normalization of clients, as previously described by Sarat and Festiner (1995), can also be considered as a "moral" normalization (Bessière et al. 2020). Clients are expected to work on their claims, their self-presentation, their behaviors, and their emotions in order to conform to the expectations of legal professionals (in matters of parenthood for instance), or to the polished attitude expected in court.

The "legal" normalization work can take different forms, from online divorce by mutual consent (where standardized options minimize the lawyer's work) to custom alternative dispute resolution methods. For instance, collaborative law develops tailor-made solutions for affluent couples, but it must also help clients to work deeply on their affects in order to ensure a truly sustainable outcome. As lawyer Grâce Dupont-Bernard put it:

> When we don't use this method, there's a ton of things left unsaid. It's the realm of the unspoken […] Which creates conflict. The idea is to purge it all, not to suppress conflict. […] And we'll prod the hidden part of the iceberg, we won't be satisfied with what we are told. So, it's like untangling what people say, knowing why they're doing it, what happened in order to bring them to this. And to try to understand, to better help them. (Grâce Dupont-Bernard Interview, February 2014, with Céline Bessière and Camille Phé)

The last type of work required of clients is the preparation for the hearing, in particular in contested proceedings. This part of the work implies a moral normalization of the clients' behaviors. The hearing can be described as a stage where litigants incarnate their demands and must strive to present themselves in the most favorable light before the judge. To achieve this, they must work on themselves beforehand, with the guidance of their lawyers in order to navigate stereotypes in the most favorable way for their cases. We examine here two cases that are related to gender stereotypes faced by working- and middle-class mothers, which their female lawyers try to work around, since it is the most frequent situation observed in the smooth coproduction configuration.

Preparation for the hearing implies self-presentation and emotion work (Hochschild 1979) from the client, as we can see in the observation of a

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lawyer–client meeting that took place in a small office located in a suburban house basement in the Parisian suburb of Naverty. A French-Portuguese lawyer, aged 30, Mylène Després, met with her White female client who was around the same age and worked as an emergency room nurse. The client was afraid that her husband would ask for sole custody, as she wanted to keep her three young children living with her. Mylène Després lamented the fact that her client had sent several aggressive text messages to her ex, which might be used against her at the hearing, so she coached her client:

> So please, most importantly, be nice, do some breathing exercises beforehand! Client: I won't be angry, I won't cry. Mylène Després: Crying isn't a big deal, [but] getting angry, no! […] Practice in front of the bathroom mirror, because it's neutral, it's easier. It's difficult, emotions will surge up, it's a marriage coming to an end, it's hard. (Observation by Gabrielle Schütz, November 2019)

In this case, self-presentation and emotion work are obviously gendered, as this lawyer wants her client to work on her emotional state. The latter should suppress certain emotions, especially the aggressive ones, which would not fit into the lawyer's strategy of presenting her client as a reasonable and responsible mother. This advice is based on a stereotypical image of women who must be gentle and master their anger, as anger is considered a more masculine emotion to display (Hochschild 1983:163).

Some lawyers prepare talking points with their clients, also playing on parental and gender stereotypes. In one case, Michèle Abitbol of the Besson bar has a meeting with a recently separated White woman in her thirties, employed in a beauty salon, who had effective custody of her four-year-old daughter. In the lawyer's office, she expressed her fear that the father would demand "extended" visiting rights or even joint custody in court. She explained that her ex only notified her at the last minute when he wanted to see their daughter, she found him manipulative and thought he might have a bad influence on her daughter, so she wished he would see her less. Michèle Abitbol, writing a request for the woman as she spoke, constantly rephrased her words to soften their tone. To communicate accusations of the father's inconstancy, she wrote: "Madam wishes to schedule her time," commenting to her client, "we must especially insist on the fact that it disrupts your schedule, but you want your daughter to see her daddy for the child's best interest!" She emphasized the importance "of not limiting the father's rights," a sentence that she repeated as a mantra during the 35 minutes meeting, to ensure that her client had the best chance of success in the upcoming hearing (Observation by Céline Bessière and Gabrielle Schütz, February 2016). Thus, the lawyer tried to prevent her client from being stereotyped as an "overbearing" mother, a classic cliché used to undermine the legitimacy of women's claims in family law (Biland and Schütz 2014). Lawyers strategically play on the judge's presumed gender stereotypes about proper motherhood and fatherhood in order to win their clients' cases. In the smooth coproduction configurations involving mainly female clients, the latter are willing, albeit reluctantly, to follow the advice of their lawyers, even if it pushes them to do things they don't want to do. We will see later on that lawyers give completely different advice to their male clients regarding fatherhood, and that the latter are less eager to follow their lawyers' strategy.

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When the client is the boss: Coproduction at the initiative of the client

In a different configuration, the clients have the upper hand on coproduction. This concerns mostly White and male upper-class clients who can afford to hire expensive and highly specialized lawyers who take the "dirty work" off their hands thanks to an efficient division of labor inside law firms. These clients are more likely to take charge of the direction of their cases, but are not expected to engage in extensive work on their claims, behaviors, or personal situations. Coproduction can occur, but usually at the initiative of the client, not the lawyer.

In Paris, some specialized family firms form an elite inside the bar, with an exclusive service and very high fees. Unlike other segments of the family legal market, where lawyers typically work alone, these firms are led by experienced White female lawyers who are assisted by a legal team. The team is mostly composed of junior lawyers (who are also often female) who can help clients collect and organize personal documents to build their legal files.

Despite this delegation of menial work, clients exert strong control over their case and its legal direction, in particular by limiting the intervention of the legal institution in their personal affairs. For example, the wealthiest clients do not engage in time-costly procedures such as collaborative law: appreciated by regional elites outside of Paris, it is a poor fit for the very rich in the capital. Specialized in private international law for the very wealthy (her hourly fee is 450 euros), Paris-based lawyer Clotilde Reymbaut-Dawkins is a strong advocate of collaborative law, but only practices it with French clients who have no assets abroad: "The four cases I have are in French family law." However, most of her clientele is international and involves "financially complex cases": there is a competition between ex-spouses to be the one to initiate proceedings in the country where the law is most favorable to them, which creates "a rush to court" that is completely contrary to the principle of collaborative law, which takes time. She tells us: "This rush to court means that lawyers dealing with international matters, in reality, they cannot make their clients take the risk of … negotiating" (Clotilde Reymbaut-Dawkins Interview, December 2014, with Muriel Mille). Such cases require lawyers to negotiate in other ways, often with the intervention of other professions (mediators, psychologists, certified accountants, tax specialists, wealth managers), and can be settled without the physical presence of clients or full exposure of their personal lives, which occurs in collaborative-law meetings.

We encountered these configurations mostly in the elite law firms of Paris. In Besson, upper-class clients are not offered the same level of exclusive service as the ultra-rich in Paris, but they can be discharged of some of the tasks, while trying to exert control over their case and over their lawyer. This is made possible by the fact that clients from the professions or with business backgrounds are often familiar with legal terms and the law.

In the following case, there is legal coproduction, but it is initiated by the client rather than by the lawyer. In one meeting with his lawyer Clémence Bourgoin in Besson, a White lieutenant-colonel of the French army (married to a secondary school teacher) takes extensive notes and precisely details his personal budget. In a sort of role reversal, the client is the one conducting the meeting, presenting his lawyer with various strategies to minimize the compensatory allowance he would have to pay his wife and to hide some of his assets. Well informed, he even corrects her when,

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exhausted from her afternoon (it is her fifth meeting), she confuses two kinds of taxes on assets. During the meeting, she seems happy to use his typed response to his wife's writ of divorce: "It's great that you've prepared everything for me! You've made my work easier!," and she patiently points out the limits of his various strategies. While she keeps her composure and patience during the meeting, she lashes out with us afterward: "He killed me, he finished me off! He's really the psycho-rigid military type, he's stingy, he doesn't want to give anything away! Not one cent!" (Observation by Hélène Oehmichen and Gabrielle Schütz, February 2016).

Only an intersectional perspective considering the characteristics of both the lawyer and the client can make sense of this scene. Clémence Bourgoin is a 40-year-old White female lawyer from a family of pharmacists, one of the junior partners in a firm with 15 senior partners. Despite their social and racial proximity (as a lieutenant colonel, he belongs like her to the upper-class, used to being in charge), the 50-year-old client can exert domination over his lawyer mainly based on gender, and second age, questioning her professional skills. Just like many junior female family lawyers dealing with older, upper-class men accustomed to being in charge in their professional lives, the lawyer struggles to assert her expertise and professional autonomy with her client. This requires extra emotional labor on the part of lawyers, as they must listen to their clients, appear professional and competent, and assert their counsel, all at the same time.

In a well-known and exclusive Parisian law firm specialized in family and estate law for a wealthy clientele, three White senior partners receive clients (mostly White men and women, executives, and business owners), decide on legal strategies, and plead in court, while eight junior lawyers (exclusively White women in their twenties) compile case documents, draft legal arguments, and manage day-to-day communication with clients. Among the latter, Amélie Schwartz, 27, told us that business owners could have the upper hand with her, but it was harder for them to challenge the strategy of the senior partner she worked for – a highly regarded 50-year-old family law attorney:

> Some businessmen really nitpick and make remarks on the legal submission down to the last comma, so it's a little more complicated for us.
> *Do they know the law?*
> No, not really, but they are really detail-oriented and they re-read everything. I even had a graduate from [a prestigious elite university] who revised the whole text. He even drafted the legal submission for me! So in that case, we had to tell him no, this won't do.
> *Ultimately, then, clients are almost too invested in their cases?*
> Yes, because you have to tell them, "I don't write under your command, and I'm the one who is going to draft the submission. I can use your ideas, or your background, which will be much more precise than what I could have done, but that's it! (Amélie Schwartz Interview, November 2014, with Aurore Koechlin and Muriel Mille)

Upper-class litigants may want to decide the direction of their case, yet they frequently lack the requisite expertise to navigate the intricacies of their dissolution procedures. Business owners and senior executives commonly use unsuitable terms from corporate

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and labor law when discussing the termination of their domestic relationship, and their lawyers tactfully correct them when it occurs.

The failures of coproduction

The lawyer–client relationship may face obstacles that hinder legal coproduction. These obstacles arise from various factors, such as clients lacking the necessary resources to perform the expected work or being hesitant to follow their lawyer's advice. Furthermore, some clients may struggle to avoid gender, class, or race stereotypes, which can prove particularly problematic during hearings. Failures in coproduction often occur when lawyers represent clients who are economically disadvantaged and/or racially marginalized.

Clients are put to work unequally. First, to limit the cost of the procedure, lawyers will ask more of those clients who cannot afford to pay them as much as others. Second, what is asked of clients doesn't take the same toll depending on their personal situation and resources. Poor and working-class men – mostly of color in Naverty or White in Besson – are usually little acquainted with legal professionals as well as with administrations and legal institutions in general. In court, some of them show up empty-handed or flaunting a "couldn't care less attitude" (Hoggart 1957: 224; Collectif Onze 2013: 108), which proves detrimental to their case. In their attorney's office, faced with the task of providing the necessary documents for their files or articulating their legal claims, many of these clients fail to live up to their lawyers' expectations. A lawyer in Besson with over 20 years of family law experience in a firm with a significant proportion of legal aid cases, Brigitte Lafon complains about the work, or lack of work, done by poor and working-class clients with limited economic and cultural resources:

> We struggle to gather evidence from our clients. Sometimes it's a material problem, because nobody wants to write an affidavit, for example. Or it can be an intellectual problem, because the clients don't understand what we are asking of them […] [Sighs] So, when the affidavit is incoherent, we give it back to them and tell them, 'Start over, this is not what we need.' […]. After the second or third time, when the affidavit is still incoherent, we can't turn the client away […], so at a given moment we stop asking for documentation and we go to court with some sketchy documents. (Brigitte Lafon Interview, February 2014, with Marie Hautval and Hélène Oehmichen)

This interview displays the role of cultural capital in meeting lawyers' expectations, as clients can struggle to write proper affidavits. When the ingredients are not "good" enough, lawyer and client risk failure in court to the detriment of client's outcome and potentially compromising the lawyer's reputation. Therefore, lawyers are careful of when to put their clients to work, depending on the clients' resources.

> *And at the other extreme, do you have people who bring too much?*
> Brigitte Lafon: Oh, yes, some bring us boxes full of documents! […] So, when it's clients who are [intellectually] limited, we look at it, we make a quick preliminary selection. […] When it's people with a certain intellectual level, we

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> say "Remember that I bill by the hour," so they bring their file home and they do the sorting."

Brigitte Lafon's choice of action, as one who sometimes refuses to sort through her clients' documents, was related to her position as an experienced lawyer in a small firm with a socially diverse (and mostly White) clientele in a small town. Economically, she had to accept low-income clientele with legal aid but could be irritated by the workload they represent, displaying a form of classism in her judgment about these clients ("intellectual problem"). Lawyers sometimes interpret the attitude of economically disadvantaged or racially subordinated clients as passivity and lack of involvement in their cases, but it can also reveal the clients' distrust of institutions and even of their own lawyers (Clair 2021).

We encountered similar configurations with young female (and not always White) lawyers working with low-income male clients of color in Naverty. They accept this clientele but can be particularly judgmental with them. Lawyers are often very directive with these clients, and ask them to work not only on providing documentation on their material situation, but also on rephrasing their demands.

Adan Yilmaz is a 40-year-old family lawyer from a Kurdish background, based in Naverty, who mainly assists Kurdish men (90% of her cases). She explained how she reformulates the demands of her migrant clients and, more profoundly, their way of being a father, to make them conform to the expectations of family justice in France:

> It's true that it's a community that's a little … well, the men are a little misogynistic: the woman at home with the kids, the man outside bringing in the money. I try to explain to them that they still have their responsibility as a father, not just for child support but also for everything else. Maybe that's also why I help a lot of men, to try to make things change and make them advance a little […]. I've never met a dad who was absolutely determined to get custody. They start from the principle that the child will be much better off with the mom and they think that seeing their child for 2-3 hours on the weekend is enough […] I have to explain to them that there's a particular practice in France, visitation and living rights. If there are no particular demands, well, it's Friday night to Sunday night, half of school vacations. They are unaware, actually, of the importance of a dad and a mom in the life of a child, actually, they don't understand. (Adan Yilmaz Interview, October 2019, with Nicolas Rafin)

Adan Yilmaz's work on her male Kurdish clients' demands has two goals: promoting their compliance with the expectations of the court throughout the procedure and, more broadly, changing their mindsets as fathers. This commitment does not go as far as trying to transform Kurdish mothers, who, she claims, have an unfortunate tendency to allege nonexistent domestic violence in order to justify their divorce and escape stigma in a community where it is still frowned upon. While Adan Yilmaz said that she willingly "pressures" men who refuse to listen to reason (on the payment of alimony, for example), she explained that "it is easier to assist men and make them understand things" compare to women that she found "difficult" and "stubborn." The lawyer's categorization of clients based on gender stereotypes should be understood

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in the context of her firm's economic model and the stage of her own career: in the beginning, she took on mostly legal aid cases, but later she stopped, which led to a decrease in the number of female clients. This change allowed her to concentrate on persuading male clients to work on themselves.

As stated previously, the legal normalization of clients is also accompanied by a moral normalization, in which the social distance between lawyer and client comes into play, framed by gendered and cultural stereotypes. Male and female working-class and racialized clients are asked to work (here by racialized lawyers) on their demands and presentation to conform to the parental and educative norms of law professionals and especially judges, often White and female in France (Bessière and Mille 2014). During the process, clients may be subjected to gender and racial essentialization by legal professionals.

Economically, culturally, or racially disadvantaged clients may feel overwhelmed by their lawyer's demands, as they may not fully understand their lawyer's strategy to fulfill or escape stereotypes that could be helpful to their case. In court, for instance, a common expectation among legal professionals – both lawyers and judges – is that a good father must work and provide for his children as evidence of good parenting (Collectif Onze 2013: 218). This is what lawyer Brigitte Lafon has in mind when she meets her client, a White man in his early thirties. A laborer in the metallurgy industry, he has been employed for the past 2 years in a factory that is about to close. He has two children in custody of their mother, and he asks to have the alimony recalculated according to his newly unemployed situation. Upset and at loss, he is accompanied in the lawyer office by his mother. Brigitte Lafon urges him to file for over-indebtedness (repeating eight times that "the over-indebtedness file must be urgently submitted") in order to prove that he cannot pay the child support any longer. Not listening to her, he goes on about his ex's behavior, accusing her of smoking weed in front of the children, and spending her social benefits on clothes and dog food. The client does not fully understand what is asked of him. His mother is not of great help. Both of them seem to have difficulties focusing on the judicial case at stake, they keep commenting on Facebook pictures of his ex and cry a lot when he says: "I'm afraid I will disappear from my children's lives (…) I want to see my children live and grow up." At one point, the client mentions that he has turned down four job offers in order to look after his children, which strongly irritates his attorney: "Do you want to be perceived as a welfare recipient?" His answer is obviously not what Brigitte Lafon was expecting: "Without working, Madam [his ex] makes more money from social benefits than I do!" Now openly upset, the lawyer concludes: "We live in a society of welfare recipients." She cuts the conversation short, urging him to find a new job: "I'll see you in August. You have to work! You'll be moping around if you don't work" (Observation by Marie Hautval, April 2014). Inextricably, class, age and gender lines come into play in this difficult interaction between a female lawyer with over 20 years' experience and her young male working-class client. Only because the client is a young man from the working class, can the experienced lawyer in her mid-forties adopt such a patronizing tone. This interaction is also highly gendered. While the client pleads that having time to care of his children is a sign of good parenting – an argument that would be more effective for a working-class mother raising alone her children – his lawyer pushes him to prioritize getting a job rather than relying on social services so that he can spend more time with his children. Through this type of interaction, lawyers are not just

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playing on gendered stereotypes to win their clients' cases at court. Rather they are actively contributing to the reproduction of gender stereotypes – available mothers versus providing fathers – as well as gendered hierarchies and inequalities.

The failures in the cooperation between lawyers and clients are particularly visible in court hearings. Indeed, an important part of the work of family lawyers consists of filtering out client requests and disclosures that do not fall within the scope of the procedure. At court, we observed that White middle- and upper-class litigants have better control over what they reveal of their private lives, due to their better mastery of the formal interactional framework of the hearing (Collectif Onze 2013: 116). Observations of lawyer–client meetings prior to hearings enhance this analysis: middle- and upper-class litigants probably have an easier time before judges because they can cooperate better with their lawyers and have a better grasp of their cases. On the other end, some litigants, often from the working-class, can challenge their lawyers' patience. In lawyer interviews, the theme of the client being the lawyer's "primary enemy" is commonplace. Sometimes, client testimony undermines laboriously crafted pleas.

At a hearing at the Besson Superior Court, Yves le Floch represents an assistant manager of a garage against his ex-wife, a medical secretary, who was contesting the joint custody of their two daughters to which they had agreed in their uncontested divorce 6 years earlier. The daughters did not get along with the father's new partner and her two children. A social services investigation described the great sadness of the two daughters, who felt neglected by their father, and mentioned that they had recently started seeing a psychologist. At the hearing, Yves le Floch depicts his client as a man who loves his daughters and takes good care of them, a man who "wants peace." He implies that the mother is manipulating her daughters. After Yves le Floch's pleadings, the judge questions directly the father who explains that he is "disturbed" by his daughters' attitude and their "lies." He addresses his ex-wife to ask her why she lied about the toothpaste – in the case file, the mother related that the father and stepmother had refused to buy the toothpaste recommended by the children's dentist. The judge interrupts him and interjects, "You can't act as if this [unhappiness of the daughters] doesn't exist and as if Madam X [the mother] is to blame for everything – otherwise, in three or four years, your daughters won't want to see you anymore" (Observation by Camille Bertin and Hélène Steinmetz, February 2014).

Reflecting back on this hearing during an interview, Yves le Floch doesn't hide his irritation: "The main issue of the case was the distress of the eldest child. […] And the only thing he could come up with was the toothpaste story! This is serious business!" (Yves le Floch Interview, February 2014, with Camille Bertin and Gabrielle Schütz).

The literature on service professions has long documented how difficult cooperation between service providers and clients can be, and the antagonism that can result (Hughes 1956). Lawyers face the professional challenge of controlling clients' interactions throughout proceedings (particularly those with judges and the opposing party) to prevent them from undermining their client normalization work. This can lead lawyers to judge their clients harshly, especially when their professional reputation is at stake. Aïssa Sissoko, for instance, a 35-year-old Black lawyer in Naverty, does not work actively on her clients' demands when she judges them unreasonable. She mentions a working-class father asking for shared custody of his son despite never having lived with him. "I am the voice of my client. It doesn't matter what he says, even if it strongly contradicts the objective elements of the case, it's up to me to carry his voice"

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(Aïssa Sissoko Interview, October 2019, with Céline Bessière and Gabrielle Schütz). To resolve the contradiction, she formulates a subsidiary claim that she considers as a more reasonable request. This is a strategy to keep her credibility in front of the judge and to "cool the mark out" (Goffman 1952, 1961). She plays on two scenes in order to uphold her professional authority, earning her client's trust by indulging to his unreasonable request while keeping her credibility in court.

Conclusion

In a legal and normative context that promotes the active participation of partners in their own (ideally peaceful) divorce or dissolution, family lawyers tend to put their clients to work. Building on and going beyond Sarat and Felstiner's relational approach to analyze lawyer–client interactions, we conceptualize the coproduction of legal services not only as a distribution of power and attribution of meaning but also as a form of work, including invisible, unpaid, physical and intellectual work, as well as emotion work performed by lawyers and clients on both sides of the desk. Using a relational, materialist, structural, and intersectional approach to analyze lawyer–client interactions, we showed that coproduction of legal work and its meaning varies greatly according to class, gender, age, and race, as well as according to the segmentation of the legal market. We identified three coproduction configurations.

Most of the time, clients deliver consistent work, making coproduction a relatively smooth process. This first configuration corresponds to a wide variety of situations, depending on the power dynamics between clients and lawyers as well as the legal market structure. Some lawyers offload as much work as possible onto their clients, offering them standardized solutions that give them little control over their separation. In France, this low-cost model mainly concerns the middle classes, racialized and White, engaged in divorce by mutual consent, where it is likely that a significant proportion of the client work is performed by women, in continuity with domestic work. In an almost opposite situation, collaborative law offers a tailor-made solution to middle- and upper-class clients, generally White, with economic and cultural capital: while this process is time-consuming for clients and lawyers and requires considerable emotion work, it can be viewed as rewarding for clients who feel empowered, and it is profitable for the lawyers. Female clients are more comfortable than men in this type of exercise; however, they are also more likely to make concessions in the name of family peace, so the resulting custom-tailored agreements are not necessarily to their advantage. Working-class clients are also put to work by their lawyer but in a very different way. Time and money are key: lawyers' pay is capped by legal aid or fixed-rate fees, so they expect the clients to listen and obey so that their cases will be fast and cost effective. Female working-class clients, including women of color, tend to comply with their lawyers' demands, often in line with the advice of welfare services. This administrative work comes on top of the invisible, unpaid domestic work they already perform.

In the second configuration, some clients do little work while maintaining some control over their case. It concerns clients of the upper class, especially men, mostly White in the French mainland context, who are taken in charge by highly specialized elite law firms with very high hourly rates, led by experienced and specialized White female lawyers. Coproduction runs smoothly because the division of labor within these firms allows clients to put less administrative and emotion work into their legal case,

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as senior lawyers are able to delegate some work to subordinates (usually female and junior lawyers) and to avoid going to court and thus exposing their private life.

In the third configuration, coproduction fails because of the social distance between lawyers and clients, especially between female lawyers and their male working-class clients. The latter can be overwhelmed by the work expected of them to change their economic situation or parental practices. They tend to withdraw from their case, turn up empty-handed or display an "I don't care" stance in their lawyer's office. Their attitudes are judged harshly by lawyers who make them feel guilty for not investing enough in the proceedings, blame them for the failures of coproduction and sometimes essentialize them in court.

Therefore, a first result is that inequality before the law and courts is constantly redefined through the interactions between lawyers and their clients, which depend on the combined social characteristics along class, race, gender, and age lines on both side of the desk, as well as the structure of the legal market.

A second conclusion is that the rise of private ordering and the increasing privatization of dissolution – a major tendency of family law in Western countries (Biland 2023) – perpetuates and even exacerbates inequality. Even though privatization is supposed to give clients greater power over their cases, and leave them in control by not involving courts and judges (or not right away), these promises are not for everyone. First, this type of practice exacerbates inequality between clients who have the economic and cultural capital to perform work that is expected of them by their lawyers and/or can keep a strong control over their cases, and low-income, racialized clients who don't manage to do that and whose case (and private lives) end up sometimes being exposed and essentialized in courts. Second, private ordering comes also at the price of great emotion and administrative work mainly performed by women, and the withdrawal of certain men (mostly racially marginalized and/or socioeconomically disadvantaged) from the process.

We hope this article will inspire socio-legal scholars to revisit the classic theme of client–lawyer interactions, which remains crucial to understand inequality before the law. Our analysis has some limitations and could be extended. We are aware of the difficulty of including race in our structural and intersectional analysis of lawyer–client relations in France, where formal statistics do not include race as an official category. Moreover, we studied mainland France only: further comparisons with French overseas departments, as well as other countries would be useful. Another methodological limitation is the fact that we did not conduct one-on-one interviews with clients. This precludes any possibility of analyzing these interactions in terms of legal consciousness studies, which could be enlightening (Lejeune 2022). Our analysis also leads to a discussion of the judgments and assertions lawyers make about their clients. We find that French lawyers have often similar perceptions of their clients, according to socioeconomic, gender, race, or age lines. A future avenue of research could be to question this homogeneity and study not only the education of legal professionals but also the common spaces, such as training sessions or professional meetings, where they socialize, build up experience, and form these judgments.

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Note

1. The research was conducted in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, which entered into force on 25 May 2018, and the French Data Protection Act of 6 January 1978, as amended. In France, the formal signature of consent forms is not required for interviews that do not deal with "sensitive" topics such as health, politics, or religion.

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