

Legal education and lawyer's social representation in México: insights from the cultural studies of the law

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Abstract

What can we learn about Mexican legal culture through looking at the profiles of the people that law students find as representative of the legal profession? In this article we address this question by inquiring about the people who are the more widely known references of the legal profession for law students in México. In order to do this, we carried out a survey with law students from all around the country. The insights brought forward by this survey are particularly relevant to an intersection of three different areas of inquiry: legal culture, legal education and the cultural studies of the law. Furthermore, the results compliment previous findings on Mexican legal education and legal profession, also bringing forward new insights that show how an inquiry that bridges the gap between a certain legal culture and popular culture references for the legal profession can help us better understand said legal culture.

Key words: legal culture, legal education, popular culture, México.

Introduction

What does a lawyer look like? The legal profession is highly performative so that most people have an idea, an expectation, of what a lawyer looks like. One can say the same for many other professions but, for lawyers, you can even find manuals which discuss the importance of wearing a suit and tv shows with episodes about how lawyers dress. It is also not uncommon for law students to be required to use a professional formal attire for instances like exams and express themselves in a certain manner additionally to the technical language typical of the profession. There is even the occasional anecdote of professors who will ask students to leave a classroom on account of being underdressed. This may seem banal, however, we argue that it is far from being so and that students' professional references can be indicative of wider aspects of a certain legal culture. What can we learn, for example, about Mexican legal culture through looking at law students' references of the legal profession?

In this article we address this question by inquiring about the people who are the more widely known references of the legal profession for law students in México. In order to do this, we carried out a survey with law students from all around the country. The insights brought forward by this survey are particularly relevant to an intersection of three different

areas of inquiry: legal culture, legal education and the cultural studies of the law. Furthermore, the results compliment previous findings on Mexican legal education and legal profession, also bringing forward new insights that show how an inquiry that bridges the gap between a certain legal culture and popular culture references for the legal profession can help us better understand said legal culture.

First we address how the concept of legal culture intersects with legal education, and how can both in turn be informed by an exploration in cultural studies of the law, specifically in relation to the professional references of law students. In a second section we describe the methodology developed to gain some insight on law students' professional references in México. In the third section of this article we present our main findings and, finally, we highlight some contributions of this research.

1. Law student's legal culture and cultural studies of the law

The concept of legal culture has been widely developed in socio-legal studies to analyze the practices, attitudes and beliefs that shape the legal field. The concept of legal culture is generally attributed to Lawrence Friedman (ref.) although it has been popularized and further developed significantly in European socio-legal studies (Nelken 2005). Studies of legal culture tend to broaden the perspective on law, allowing to see how beliefs and practices have an impact on legal systems, legal institutions as social environments and issues such as access to justice (i.e. Dingwall *et al.* 2001, Nelken 2005, 2010, Kurkchiyan 2009, Bárcena 2018). Studies of legal culture also differentiate between the legal culture of law professionals – *internal legal culture* – and the legal culture of people who are not specialized in law – *external legal culture*. Underlying this distinction, there is an assumption that the practice of law not only brings a certain knowledge over it, but also changes other cultural aspects of a person, that is, that her behavior and beliefs are also transformed.

Thus, the legal profession is a relevant concern of socio-legal studies. Studies of the legal profession do not always subscribe to the conceptual framework of legal culture; often taking a Bourdiean approach based on the study of the legal field (i.e. Dezalay y Garth 2002, Dezalay y Madsen 2010) or a more general approach from the sociology of professions. The Research Committee for the Sociology of Law (RCSL) in fact has a long established and thriving Working Group of the study of the legal profession. These studies have documented the transformations of the legal profession in different countries, including the increasing participation of women and the impact of globalization. In Latin America, the study of the legal profession is also a relevant feature of socio-legal studies (Ibarra Rojas 2018), taking on also a gender perspective and a concern for the changes brought by the transformation of legal systems, but also, distinctively, the way social concerns and struggles have shaped specific areas of professional practice, such as alternative, popular, militant or community lawyers (i.e. Carlet 2013, Manzo 2013, 2014, Aragón Andrade 2019). These, however,

continue to be particular forms of practicing law which are presented as non-dominant in relation to traditional forms of the legal profession. The more dominant and traditional practice of law then subscribes to a legal culture characterized by its formalism and the belief that legal practice depends of a technical knowledge and argumentative process that is detached from politics and, often, also from social issues.

Although legal culture and legal profession studies rarely touch upon this, there is hardly doubt that legal education plays a fundamental role in the reproduction of the legal culture. As Miguel Rábago¹ suggested to us, the education process can be seen as a bridge, a transition period between external and internal legal culture, even if there has been no attention to this. Often times, recently graduated lawyers complain that the legal education has a theoretical nature that hardly prepares them for the “real word” (Lista 2012) and there are certainly several aspects of the legal practice as a social environment that depend upon actual work experience. Nonetheless, legal education is a clear entry way to the legal profession, and it is the process through which many elements of an *habitus* are shared with newcomers.

Studies on legal education indeed do account for the ways in which formalistic and positivistic views are the dominant ideology present in legal education, often to the point that sometimes no other perspective is ever presented. This is the case in México (Ibarra 2012, Medellín Urquiaga 2017), along with an education that is focused on monologues by the professors, based on memorizing laws and where students’ participation is either discouraged or requested in a context of competition between students. However, this is no exclusive to México, as studies from different countries report similar findings (i.e. Brigido *et al.* 2009, Lista 2012, García 2013, Hagino 2013). Another common finding is that subjects such as civil and criminal law, which are litigation areas, are considered more important than those seen as non-legal, which have theoretical orientation or an orientation towards social sciences. Thus, legal education highly socializes students in a view of law that is limited to written laws and litigation.

Nonetheless, as we mentioned in the introduction, there is also a performative element to legal profession and it is identified as the *hidden curricula* (Brigido *et al.* 2009, Lista 2012). That is, what students learn in law school is not limited to the explicit contents of the courses, but also extends to an embodiment of the persona of the law professional. As Duncan Kennedy’s (2004) early work on legal education suggests, the identity that is established as desirable, and that students are expected to emulate, is that of a wealthy white man. Professors who do not embody this identity, according to Kennedy, also take great measures to emulate it. Kennedy’s work is based on his experience with elite legal education in the United States, but similar elements can be found in the hidden curricula of law schools in Latin America (Brigido *et al.* 2009, Lista 2012). The studies on legal education

¹ Personal communication during the XXX Seminar (further information will be provided after peer-review).

that take into account the hidden curricula, however, remain scarce; so that it is hard to say if this tendency towards the reproduction of hierarchies is expressed in the same manner in different law schools. Furthermore, attempts at bringing alternative social agendas to legal education are hardly, if ever, presented in terms of also transforming law schools' hidden curricula.

Legal education, however, is not alone in reproducing a certain ideal of the legal professional; arguably, popular culture, particularly that which is consumed by lawyers and law students, would also have an impact. Law schools do not constitute a bubble that contains all the knowledge about law and lawyers that law students come into contact with. Thus, another aspect that is probably essential to understand a legal culture are the popular cultural references of the legal profession. As we shall see, these persons can be family members, but also famous lawyers from real life or fiction. Nevertheless, even if they are not the first to come to mind, who law students think when asked about famous lawyers and their main references of lawyers in legal culture also bring forward interesting insights. Popular culture's representations of law and lawyers have been studied in the cultural studies of the law, which is also a well-developed field (Sherwin 2004, Salzmann y Dunwoody 2005). The cultural studies of the law can in fact be identified with different kinds of inquiries, from law and literature as a highly consolidated field, to its expansion beyond and into different art forms. In fact, the law and popular culture Working Group of the RCSL is also an active environment for scholars interested in these questions.

Nevertheless, studies in this field tend to analyze the portrayal of law and law professionals in popular culture as a somewhat separate phenomenon from the legal profession, rather than to bridge these portrayals with the legal field. Salzmann and Dunwoody (2005) carried out one of the few studies that do attempt connection between popular culture, public perception of law, law making and even the perception of law students of the legal profession and the tv shows that they watch. Their survey, however, was limited to two institutions in the United States, and their focus was whether law students understood the difference between fictional law practice and non-fictional law practice. Their results showed that students did understand the difference, but hardly inquired over other beliefs and roles that might be socialized through popular culture. This, we believe, leaves the question open as to what can be learned from an exploration of law students' references of the law profession.

2. Methodology

This article began, in a way, back in 2018 during the professional practices at XXX². Several law programs in México have courses on professional practices or legal ethics, but they tend

² Further details will be provided after peer-review.

to be either just an opportunity for students to join a legal work environment or a course on philosophical views on ethics. The professional practices course at XXX is particular in its design. We do address philosophical discussions on legal ethics, but we also include discussions on ethics responsibilities of lawyers and a wide section inspired by studies on the legal profession. In this section we begin by analyzing findings on legal education in Latin America and continue to analyze the legal profession from an intersectional perspective. We also bring forward a skills section focused on issues such as corruption, dealing with victims and how to implement a feminist and intercultural legal practice.

A couple years ago, during a session aiming to bring an intersectional perspective on the legal profession, the professor (one of the authors of this article) asked the students about the first person they thought off when thinking about someone who practices the legal profession. With this question, she intended to illustrate that the students' imaginary about the legal profession was dominated by the same references that were pointed out in the students of legal education as ideals to emulate, namely, the identity of a wealthy white male. The results were enlightening and so she carried out the same experiment the following year. In both instances she also required the students famous male and female lawyers either from reality or fiction. This experience provided relevant insight, but the results were not integrated into the sample that informs this article. As it was a class exercise, students participation was not entirely optional and their consent to use their responses in academic research was not obtained.

Taking from this experience, a formal instrument was designed and implemented through the years 2020 and 2021 to carry out a first exploratory study on the cultural references of Mexican law students. The survey was created in the google forms platform and it was distributed through different digital means. Social media, mainly Facebook and Twitter, was used to distribute the survey, targeting both law students and professors known to the authors, as well as Facebook groups of law students and Twitter accounts on legal education. Students at XXX and XXX, were professors were willing to allow some space in their course, were also invited to join the survey, this time clarifying that it was an entirely voluntary activity and gathering their consent in the digital form. We also requested professors and students from other universities to share the survey through e-mails. This proved to be a helpful resource since often responses would come in block from the same university after sending said e-mails or tagging professors in social media. We tried contacting directly eight universities to distribute the sample directly, either through program coordination or students affairs offices, but this proved to be a fruitless activity as we barely got responses and no actual compliance.

Thus, we gathered 289 responses from law students from 56 universities in México. In spite of the diversity of the sample, we cannot claim representativity of our data since the sampling method was not random. Although less than ideal, nonprobability sampling can be the only way to approach populations which are hard to account for or highly fluctuating

(Babbie 2007); and law students are both. Wherever data is available, law professionals are growing in numbers (Kritzer 2013) and México is no exception (Meneses-Reyes y Caballero 2018). Nevertheless, in México, this growth is also one of law programs, especially in small private universities. Although there are no official records on the issue, recent studies (Medellín Urquiaga 2017, Pozas Loyo y Ríos Figueroa 2021) report well over a thousand law programs, overwhelmingly in private institutions, and over three hundred thousand law students in México; although this number is highly fluctuating if we consider that some programs in private institutions can last as little as two years, while public law programs tend to be five years long. The disproportionate number of private law programs, however, must be taken with caution. At least in the previous teaching experience of one of the authors of this article, small private universities can open a course with as little as three students, while, in the same city, a public university may have well up to thirty groups in a single semester with up to a hundred students in each group. Despite the high numbers in law programs, reports indicate that 45% of the documents³ that qualify a person to practice law have been granted to students from only five public universities (CEEAD in Pozas Loyo y Ríos Figueroa 2021, p. 26).

Thus we aimed to gather a sample that was as broad and diverse as possible considering the important limitations there are to this aim. Nonetheless, we have achieved our goal to some extent with the on-line survey we carried out. Although gathering data in a digital form means that only a segment of the population had access, this was done also in the context of the COVID pandemic, in which law schools all around the world had to turn to virtual education which, undoubtedly, increased the use of digital tools. Besides this limitation, we did get a diverse sample, as revealed by the fact that we gathered information from 56 universities, both public and private, from several Mexican states. We also managed to gather answers from non-binary students which both challenges the binary and hierarchical structure of information generally used in data analysis (D'Ignazio y Klein 2020), and, more importantly, represent the experience of this group of people who tends to be overlooked in Mexican academic spaces. We did not, however, receive sufficient responses from non-binary students to produce proper analysis.

The survey implemented asked people to mention the very first person, preferably well-known, that comes to their mind—regardless of their gender—when thinking about the legal profession, which we have named their primary reference. We later asked about famous male and female lawyers and male and female lawyers from fiction. Traditionally, surveys tend to be carried out as close ended questions and people select their answers from limited list of possibilities. However the defining element of a survey is a highly structured data collection mechanism, often a questionnaire, applied uniformly to each unit

³ Lawyers in México do not require to pass a bar exam to practice law, they only have to acquire a degree according to the regulations of the university where they study. The Secretariat of Public Education then grants them a document which allows them to practice law throughout the country.

of analysis, while the data collection technique may vary (De Vaus 2002). In this case, the questionnaire was indeed standard for each unit of analysis, but each student wrote her answer; which required for the researcher to standardize spelling. While, after the first experience with students at XXX it was possible for the researcher to put forward some suggestions, this would have limited exceedingly the richness of the sample and the value of this exploration.

Within said limitations, the research carried out does provide relevant information. This work represents one of the first efforts to gather information about cultural references of Mexican law students, since systematic and representative surveys of students in Mexico —let alone law students— are quite limited⁴. Additionally, our research questions do not try to establish a casual analysis; rather, we aim to the kind of descriptive exploration that can be achieved through nonprobability samples (Kohler *et al.* 2019). This description aims to understand the social representation that dominates as reference for law students. Thus, the actual individuals mentioned are in several instances less relevant than the demography that they represent. Our analysis however, is not entirely quantitative. As some individuals were quite dominant as references in our sample, they became particularly significant as portrayals of the ideal type of lawyer (in the Weberian and not the aspirational sense).

The individuals mentioned were further classified according to four criteria. The first was gender, which was missing in the primary reference column. The second criteria we included is whether the person named is a local reference —Mexican or from a Latin American show business— or an international reference —such as politicians or justices from another country or lawyers in tv shows from the United States. The third criteria references the main area of the legal profession in which a person works: litigation, jurisdictional, political, academia, showbiz and public notary. Finally, in those cases in which we could identify it, the litigation and academia profiles were also classified according to the area of law that they practice or teach: criminal law; constitutional law; philosophy of law; human rights; electoral law; commercial law; civil law, were we included family law, tax law and corporate lawyers in general; and social sciences, were we included mainly history and sociology. Once data was processed and codified, we grouped and cross-analyzed the answers across respondent and their reference's characteristics (namely respondent's gender and university, and reference's gender, origin, field, and area of law). With this analysis, we managed to find general trends that reveal the composition of cultural references for law students in Mexico and the differences (or similarities) across gender and university of origin.

3. Results: lawyer's social representation in México

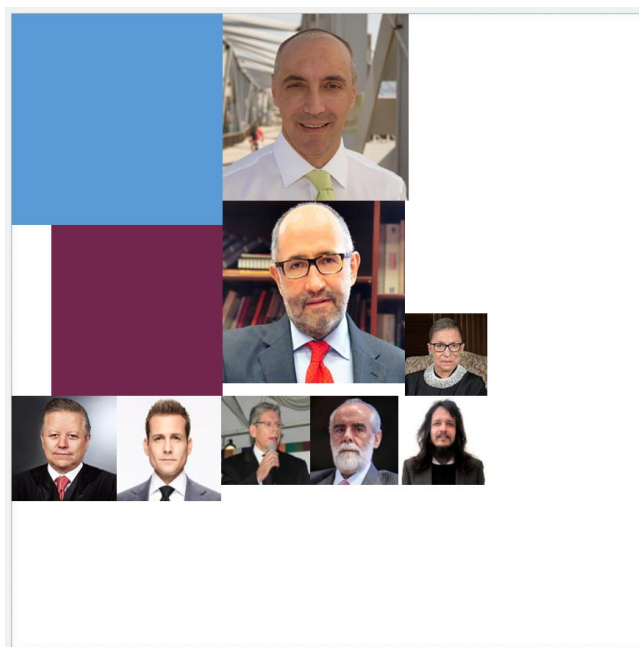
⁴ One example of this can be found in the work of Fix-Fierro and López-Ayllón (2006).

In this section we will present the main findings from the survey carried out with the methodology described above.

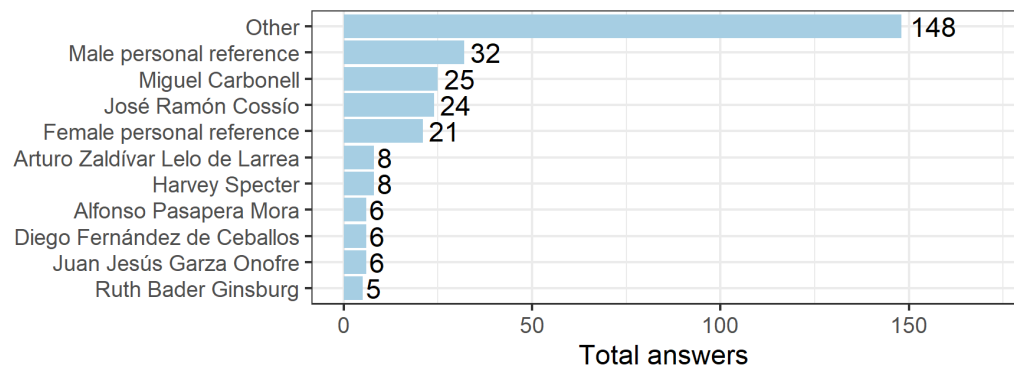
3.1 Women's visibility in the legal profession

As we mentioned, the legal profession is one that continues to be highly male dominated (Fondevila y Mejía 2014, Manzo *et al.* 2016, Abogadas MX 2018, Pozas Loyo y Ríos Figueroa 2021). Indeed, the literature on the legal profession in México shows that, even though women are often the majority of the population in law schools, they still face many challenges. Glass ceilings for women continue to be present in all areas of the legal profession, even more so in elite private practice, accompanied by a negative perception of motherhood, among other things. This does not entail that there have not been great improvements in the role of women in the legal profession. One example of how law has improved is the increasing recognition of the need for gender perspective in the judiciary. Nevertheless, our findings do show that the influence of a masculine ideal of the legal profession runs deep in Mexican internal legal culture.

Figure 1. Top ten primary references

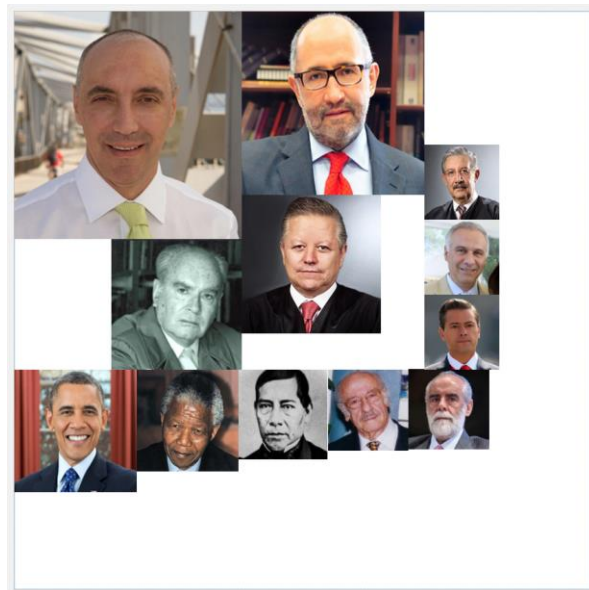


Primary referents in law 10 most frequent answers

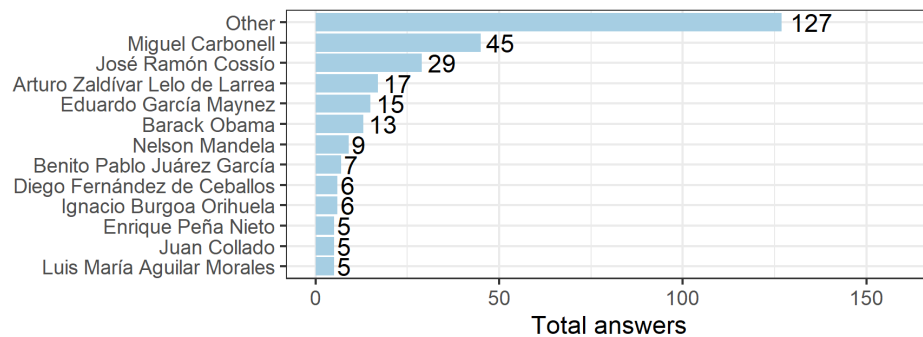


Source: Own elaboration

Figure 2. Top ten famous male lawyers.



Famous male lawyer 10 most frequent answers

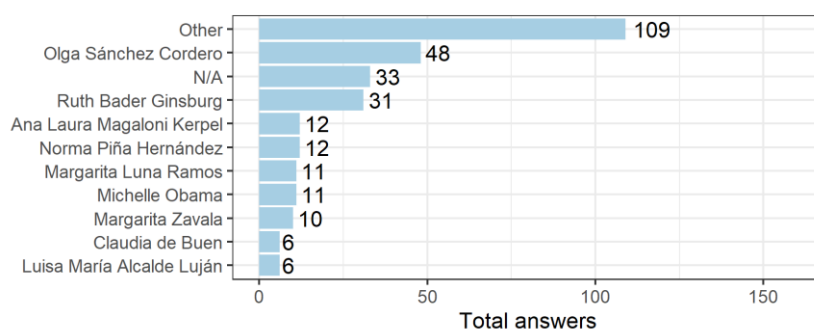


Source: Own elaboration

Figure 3. Top ten famous female lawyers.

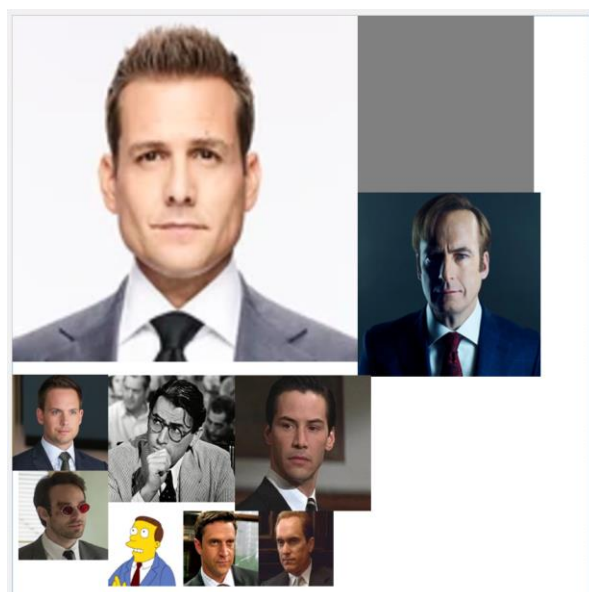


Famous female lawyer



Source: Own elaboration

Figure 4. Top ten fictional male lawyers.



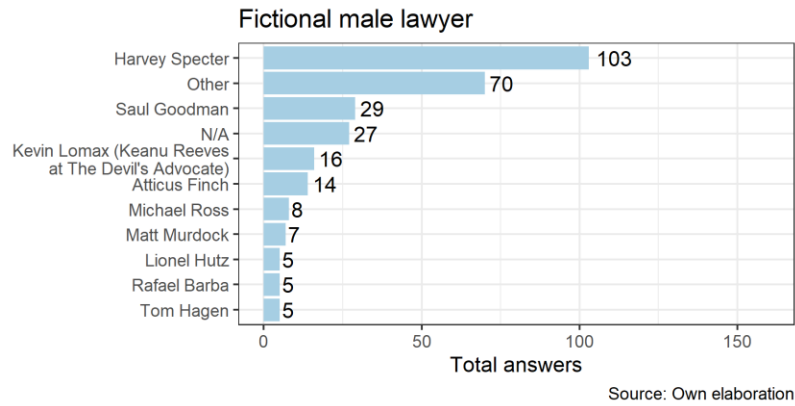
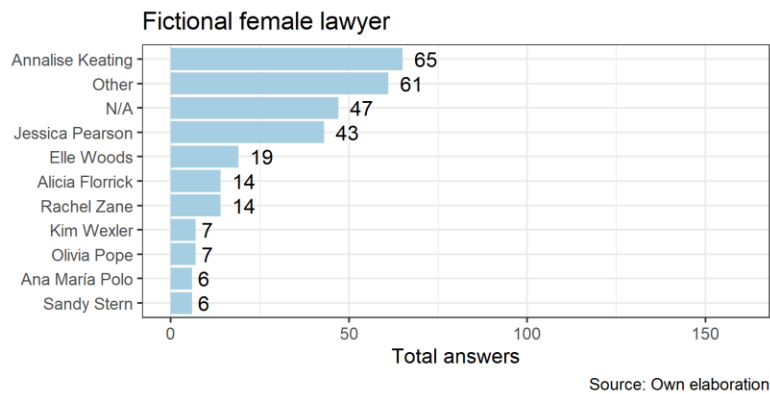
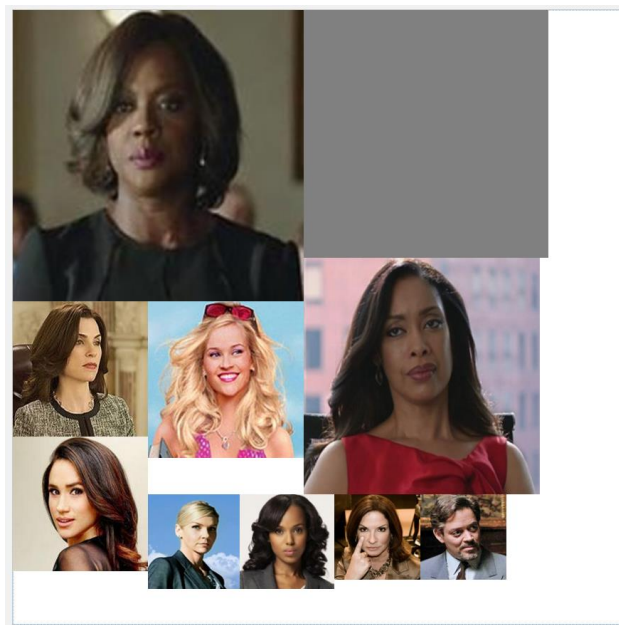


Figure 5. Top ten fictional female lawyers.

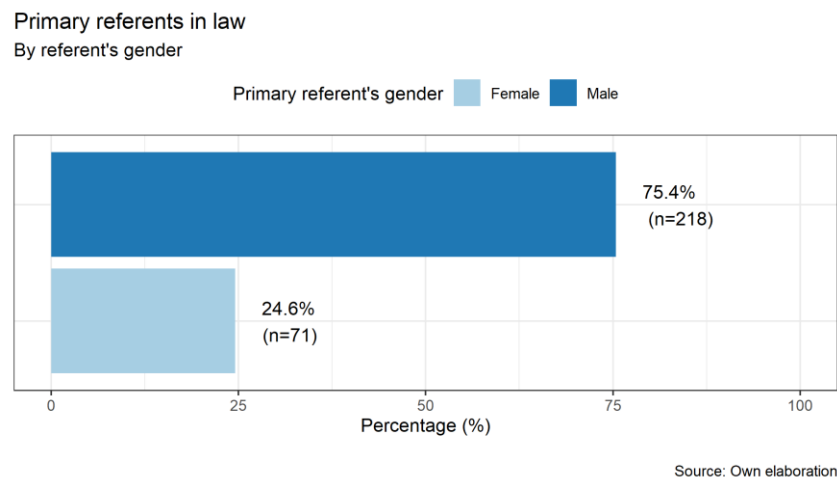


Men are favored as references in the legal profession. As we can see from the results of the survey, 75.4% of the students surveyed named a man as primary reference (Fig. 6). Only two categories (students who name a personal female reference and Ruth Bader Ginsburg)

from the 10 most frequent primary references were female, the remaining eight were male (Fig. 1). These men are also mainly within the demographic associated with the legal profession: older, from the higher classes and white. The same applies to the top ten men mentioned in the famous male lawyer and famous fictional lawyers categories. The full set of answers, if we consider the totality of names mentioned, would include women, even to a large extent, but this is because the survey specifically asks law students to name famous and fictional female lawyers. What the sample hardly includes are well-known LGBTQ lawyers as only two people have been mentioned in the responses of real people. One LGBTQ lawyer is indeed quite relevant (*Annalise Keating from the tv show How to get away with murder*), but she is a fictional character from a United States tv show.

Perhaps more telling is the fact that respondents who did not mention a famous or fictional female lawyer is the second largest answer in each category (33 people failed to name a famous female lawyer and 47 a fictional female lawyer; these answers were coded as N/A). Actually, if we add up these responses, the second largest category of the whole sample would be that of people who could not come up with a name for a female lawyer. Additionally, a male character came up as one of the ten main female fictional characters. Alejandro a.k.a. “Sandy” Stern is a lawyer in the movie and book *Presumed Innocent*, the name Sandy is more common for females, which may account for the confusion. Nevertheless, the famous female category also includes Rafael Rojina Villegas who is also male. These results, are highly discouraging as to the knowledge of law students about relevant female lawyers.

Figure 6. Percentage of male and female primary references.

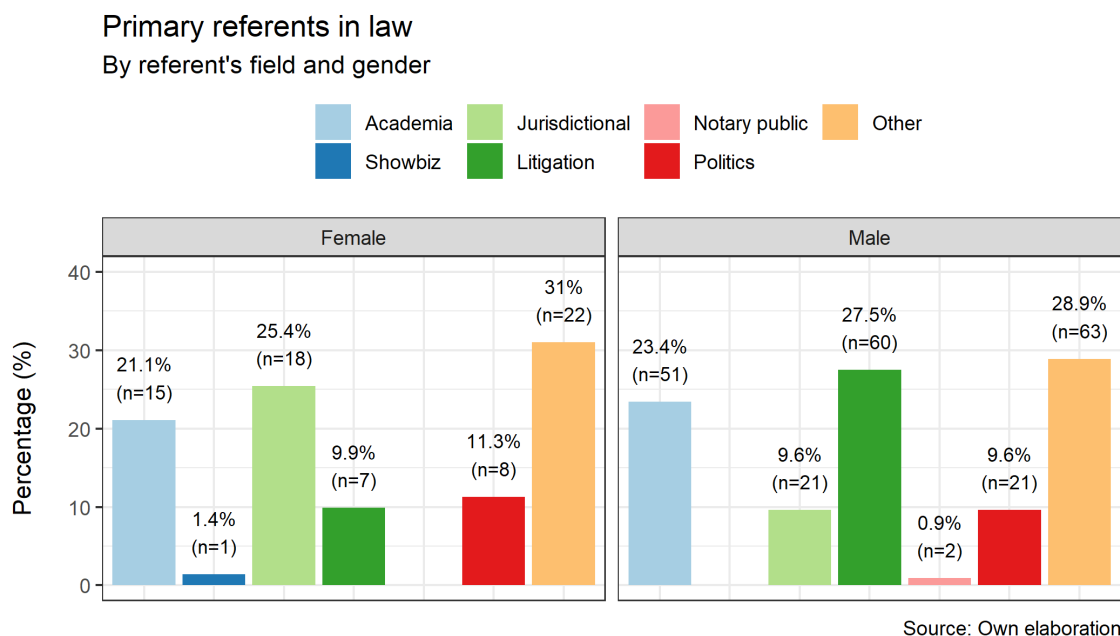


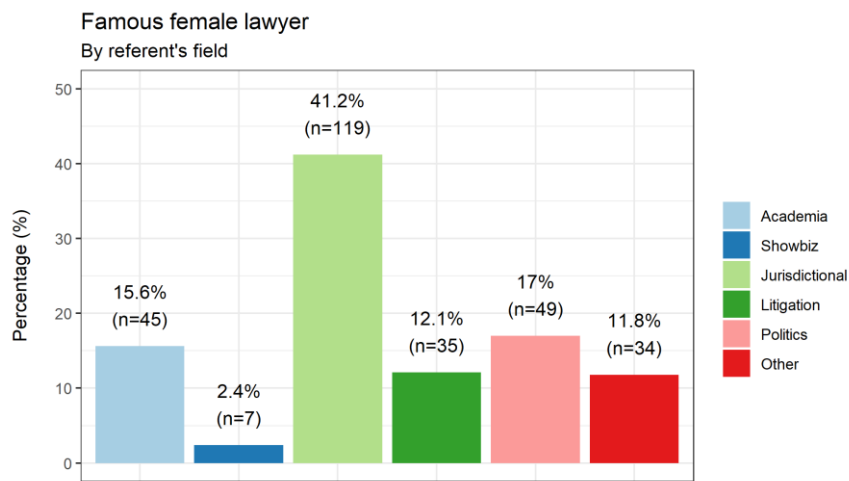
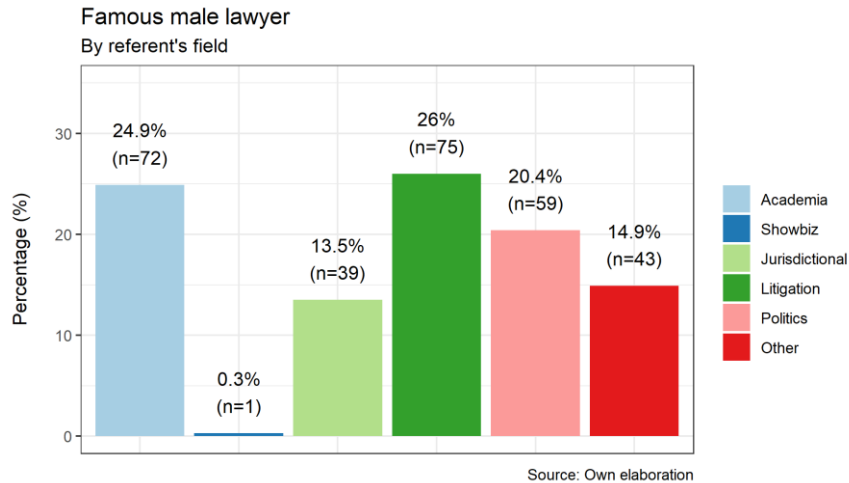
There are also differences in the professional profile of male and female lawyers. This is particularly evident in the judiciary and litigation fields. For females as primary reference the judiciary is the most relevant⁵ professional profile (25.4%), while litigation falls in fourth

⁵ This is without considering the “other” category. This category refers mostly to personal acquaintances for whom we cannot determine the field and area of expertise.

place (9.9%). This is evident in the top ten profiles for famous women, out of which the top places (Olga Sánchez Cordero, Ruth Bader Ginsburg, Ana Laura Magaloni, Norma Piña Hernández, and Margarita Luna Ramos) have been had links to the judiciary. This results shape the famous female lawyer category so that the judiciary is the more relevant professional profile. For men, the situation is reverse as the most relevant primary professional profile is litigation (27.5%) while the judiciary is tied with politics in third place (9.6%). This is also reflected in the top ten spots for famous lawyers, where we can find law practitioners, followed by members of the judiciary and politicians. Another particularity is that famous male lawyers are also significantly in academia, however, many of those professors are also law practitioners, which is not the case for female professors. In general, private practice (litigation) is considered to be the more profitable professional profile for lawyers (Meneses-Reyes y Caballero 2018), and the fact that it is often shown to be a less female “friendly” field than the judiciary is considered a factor in women earning less in the legal profession than males. Additionally, in the survey carried out by Fix-Fierro and López-Ayllón (2006) with law students, 34.5% expect to develop in private practice, while the legislative branch (14.7%), the judiciary (14.4%), the legal justice system (14.4%) and public administration (13.3%) follow, no information is given as to scholarly aspirations. Thus, it is fair to say that even famous women do not achieve this recognition through the most esteemed professional profile: that of the practitioner.

Figure 7. Professional profiles of primary and famous references according to their gender.

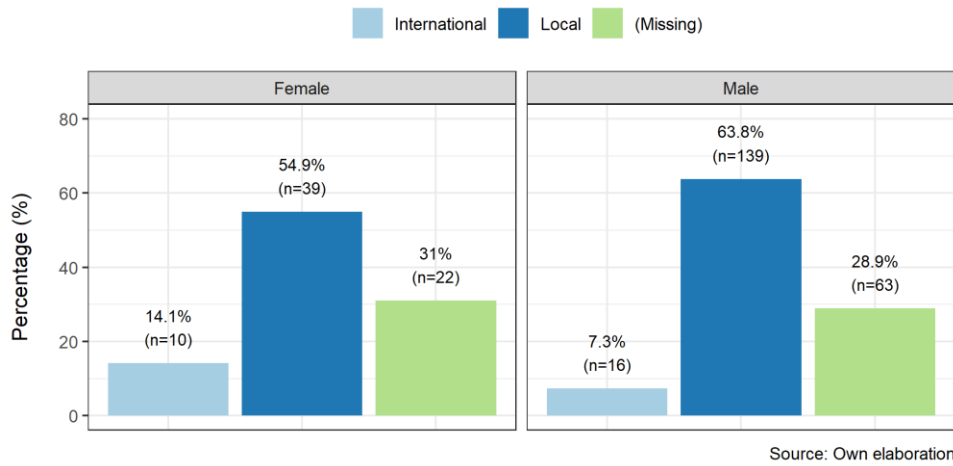




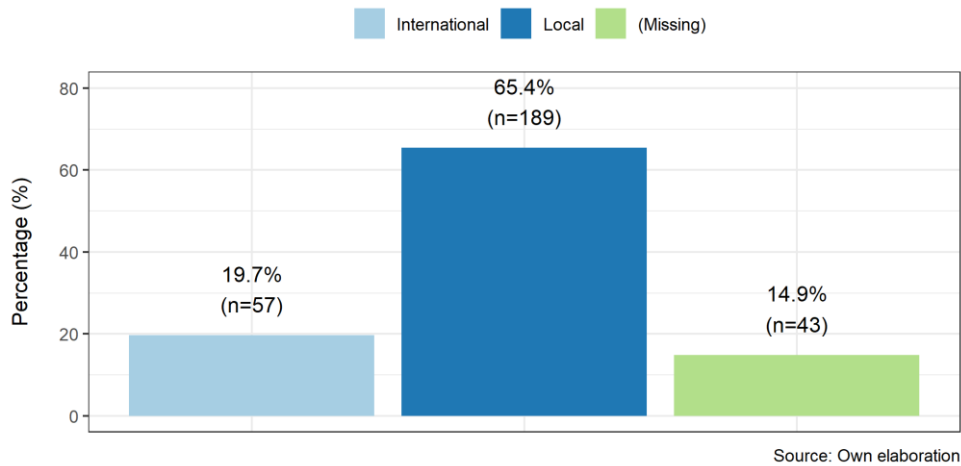
When we analyze the primary references by origin (local or international) we find two different patterns. On the one hand, most real life references are local. On the other hand female references are more likely to have an international background than men —since 14.1% of female primary references are international against 7.3% male primary references; also, 23.9% of famous women are international compared to 19.7% of famous men—. We identify this phenomenon as the Ginsburg effect —she is the only woman to make it to the top 10 most frequent primary reference answers—, since she encompasses 60% of all the international female primary references.

Figure 8. Origin of primary and famous references according to their gender.

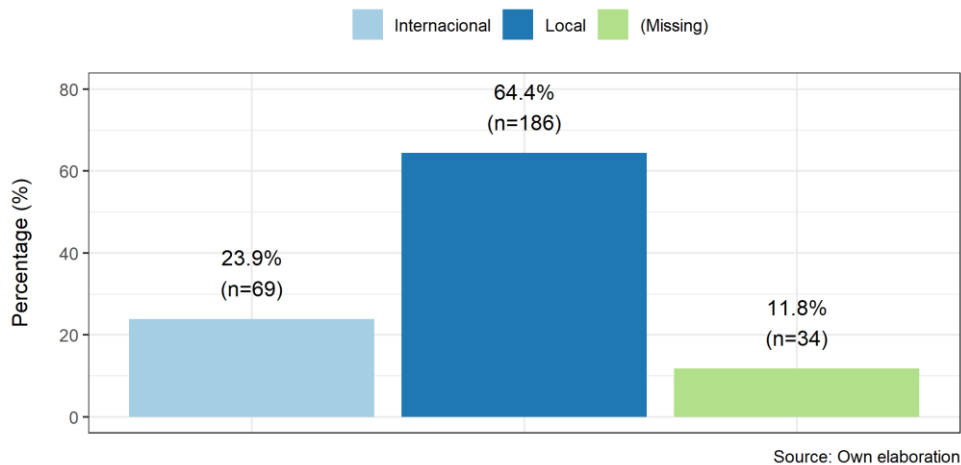
Primary referents in law
By referent's origin and gender



Famous male lawyer
Famous male lawyer's origin

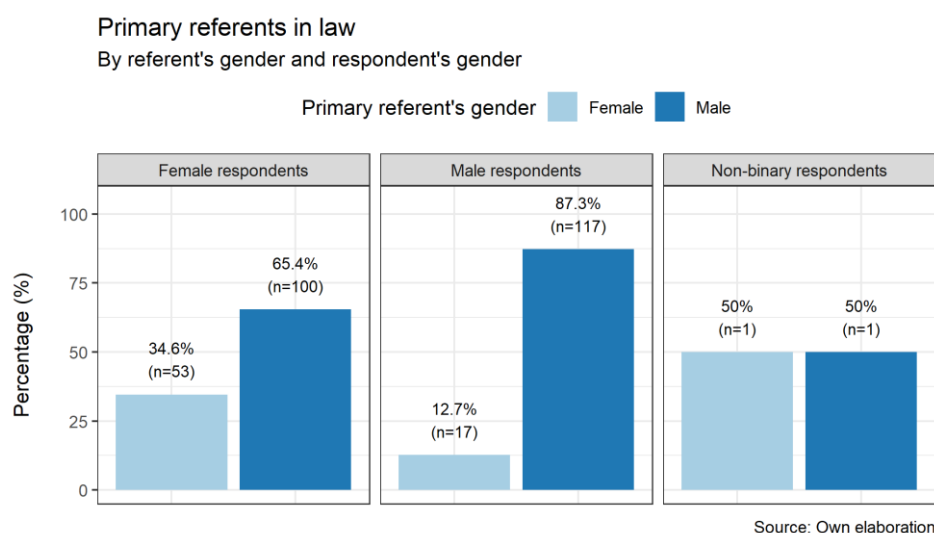


Famous female lawyer
Famous female lawyer's origin



Female presence in the legal profession, as in most professions really, continues to be in a process of continuous redefinition of a traditionally male environment. Nonetheless, in the survey with legal professionals carried out by Pozas and Ríos (2021) women respondents demonstrate a greater awareness of how being female in the legal profession represents a disadvantage in the legal profession. Also, female mentorship is acknowledged by practitioners for the role it plays in aiding the career of young female lawyers (Abogadas MX 2018). Indeed, women respondents have more primary female references, even though the majority of their references are still male —for the female respondents of our survey, 65.4% of their primary references are male and 34.6% are female)—. Men reported the lowest proportion of female primary references (only 12.7%).

Figure 9. Percentage of male and female references according to respondent's gender.



The survey carried out does provide insight also into law students in México. While female references are more international than male references, we found out that female students were more likely to name a local personality as their primary reference than male students (7.8% of female respondents named an international primary reference against 10.4% of male respondents), as shown in Figure 11. Female law students were also more likely to mention a person from academia as primary reference — 26.1% of their references comes from academia, against 19.4% of references of male students and 0% of references of non-binary students—.

Figure 11. Origin of primary references according to respondent's gender.

Primary referents in law

By referent's origin and respondent's gender

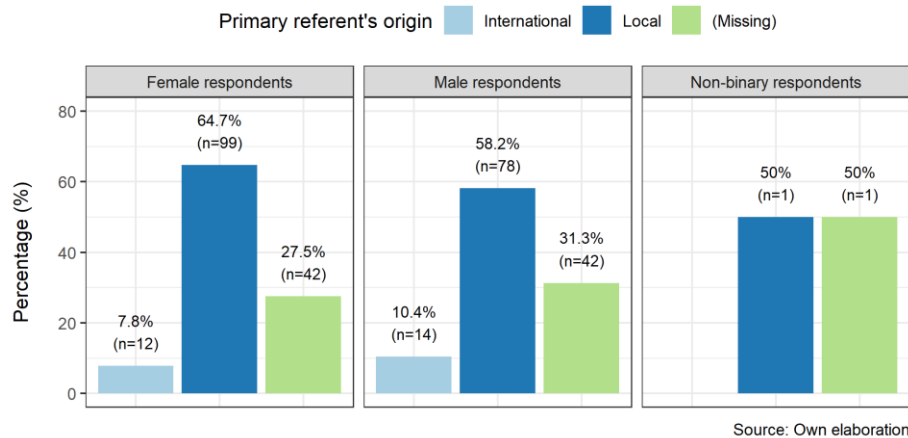
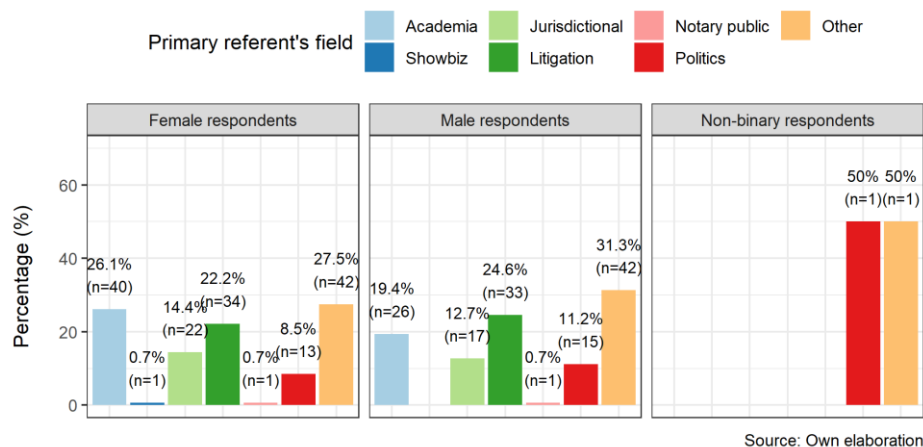


Figure 12. Professional profiles according to respondent's gender.

Primary referents in law

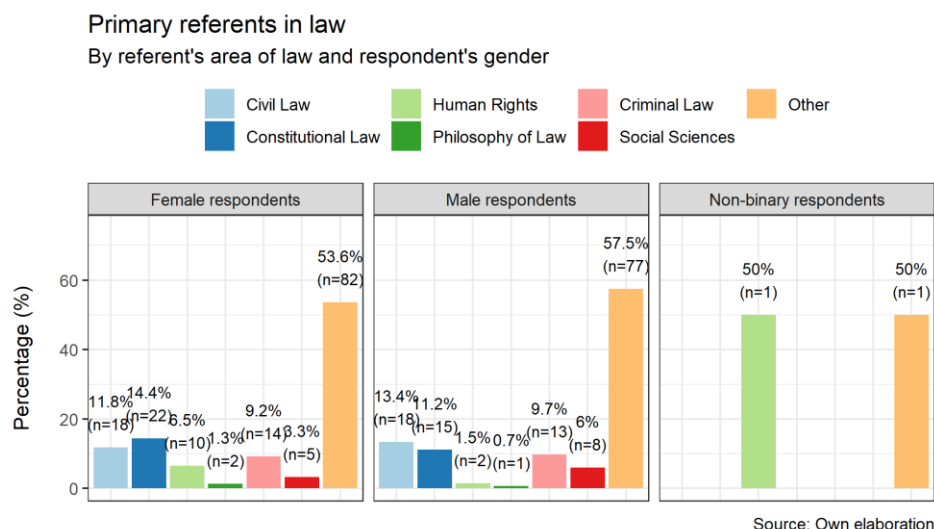
By referent's field and respondent's gender



The classification according to area of law was included to better account for the relevance of some fields over others that is often reported in studies of legal education (Lista 2012). As these indicate, subjects on the main areas of practice – civil and criminal – are often considered the 'true' law courses, and others are seen as secondary, complementary or less important. It is also pointed out that fields such as criminal law quite male dominated while women are more oriented towards family law. Thus, here it is also significant that women and non-binary people are also more oriented to the human rights fields than men —50% of non-binary respondent's primary references were dedicated to human rights, 6.5% of women's references and only 1.5% of men's references —, although, interestingly, there are no significant differences between men and female law students regarding their reference to criminal law. While exploring the sample in a more detailed manner, however, it turns out that most of the women who are mentioned in the criminal law field are in fact scholars (in 60% of the cases), while men diverge between scholars and practitioners (50%

and 40.9% of the cases, respectively). Before moving on, we would like to clarify that this specific analysis was particularly difficult since the area of law could not be determined in most cases, due to the high frequency of personal references given by the students for whom we did not have more information than their name.

Figure 13. Area of law according to gender.



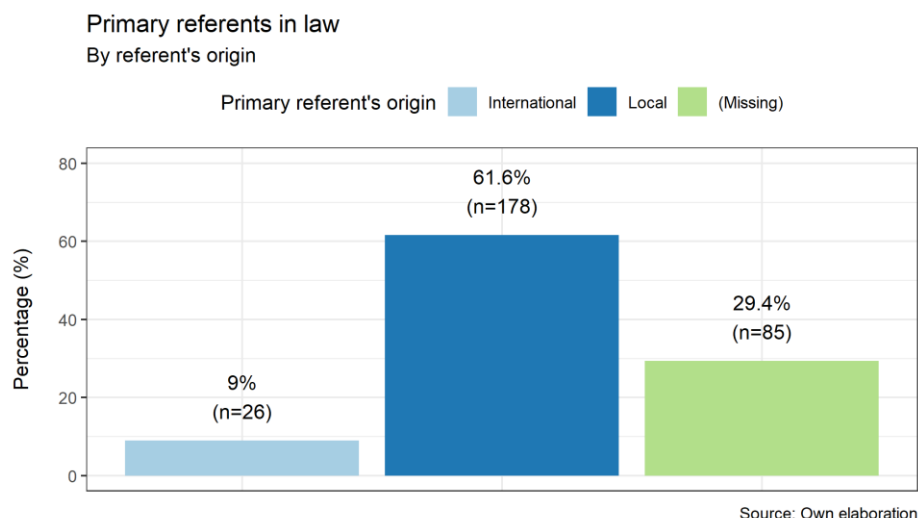
3.2 The local and the cosmopolitan in Mexican legal culture

Indeed, the past couple of decades have brought changes that would indicate a turn towards a more globalized legal field in México and yet their impact seems to be limited (Meneses-Reyes y Caballero 2018). The signing of the North American Free Trade Agreement (NAFTA) supposed the possibility of transnational legal practice and generated concerns for the introduction of United States' law firms in México. However, as Meneses and Caballero (2018) point out, this has been rather constrained to a smaller group of elite lawyers and, otherwise, the larger section of the legal profession has not changed. The past twenty years have also brought several transformations in México's legal system, but the legal culture seems to have little changes. One example of this, is that the many reforms of the Mexican legal system seem to have had little impact on law programs (Medellín Urquiaga 2017).

For the most part, our results would indicate that the legal culture continues to be mostly referential to the local context regarding well-known lawyers. The primary reference of the legal profession for law students is usually a local reference. Only 9% of the students interviewed indicate an international profile as primary reference. Primary references are often personal acquaintances of the students, such as family members, although men much more than women (32 to 21 mentions). The references are also often local professors of each university, mainly in the civil and criminal law courses. This is perhaps less evident in the statistical analysis as they are different in each school so that, individually, they are

hardly mentioned with enough frequency. Nevertheless, a closer look at the academic profiles does explain this.

Figure 14. Region of primary reference.



Indeed, there are small hints of differences that appear in a closer look (almost qualitative) and indicate towards differentiated cultural capitals in some schools. The classification of profiles was introduced so our results would be legible with audiences less familiar with the Mexican legal field. With this classification there would seem that there are no major differences among lawyers from different schools which would support the notion that legal education is highly standardized (Meneses-Reyes y Caballero 2018). However, by looking at the profiles to provide the classification, it became evident to us that there were some nuances that would be missed in the general classification so we offer some findings that emerge from a detailed analysis of the categories created.

In this detailed analysis it becomes evident that the elite of corporative lawyers is also linked to some universities. Indeed, the firms with more than fifty lawyers, which are identified with the way law firms are structured in the United States, have grown in size, though not in number; many of those firms are also international and oriented towards corporate law or relevant areas to corporate law such as intellectual property (Meneses-Reyes y Caballero 2018). These, however, do continue to be a rather small part of the legal profession in México and their connection to law schools is also rather focused in elite institutions. Unlike some suggest, in fact, we can hardly say that law schools are “authentic factories of corporate lawyers that supply an inexpert and docile work force for the large law firms” (Vázquez in Pozas Loyo y Ríos Figueroa 2021, p. 31). While the category of civil lawyers appears in most law schools with fairly good numbers, corporate lawyers are named as references in schools such as Universidad Panamericana (3 answers out of 6 respondents), CIDE (8 answers out of 36 respondents), Instituto Tecnológico y de Estudios Superiores de Monterrey (ITESM) (3 answers out of 29 respondents), Facultad Libre de Derecho de

Monterrey (2 answers out of 13 respondents), Anahuac (2 different by the same respondent out of 4), Universidad de las Américas Puebla (UDLAP) (1 out of two respondents), Universidad Autónoma de Nuevo León (UANL) (1 out of 2 respondents), Universidad Iberoamericana (1 out of 4 respondents) and UNAM (1 out of 43 respondents). In some cases, these lawyers are also teaching in the schools where they are named, but this is not the rule.

In other law schools the more usual scenario is that civil and criminal lawyers named are professors of the school or the writers of the textbooks used. Interestingly, a criteria highlighted by Meneses and Caballero (2018) to account for the standardization of legal training is the common use of textbooks and manuals, often written over fifty years ago. However, in our sample, the authors of these textbooks do not appear as particularly relevant. When asked for a famous real lawyer, Ignacio Burgoa was mentioned six times (UMSNH, UNAM, Universidad de Durango campus Morelia and UVM) and two students referenced Felipe Tena Ramírez, both from the Universidad Michoacana de San Nicolás de Hidalgo (UMSNH) in the state where the scholar was from and where he remains a highly relevant local reference. Classical international authors were also mentioned as famous lawyers —Kelsen is cited on four occasions (Escuela Libre de Derecho, Facultad Libre de Derecho de Monterrey, UASLP and Universidad Iberoamericana) and Ronald Dworking twice (CIDE and ITAM)—.

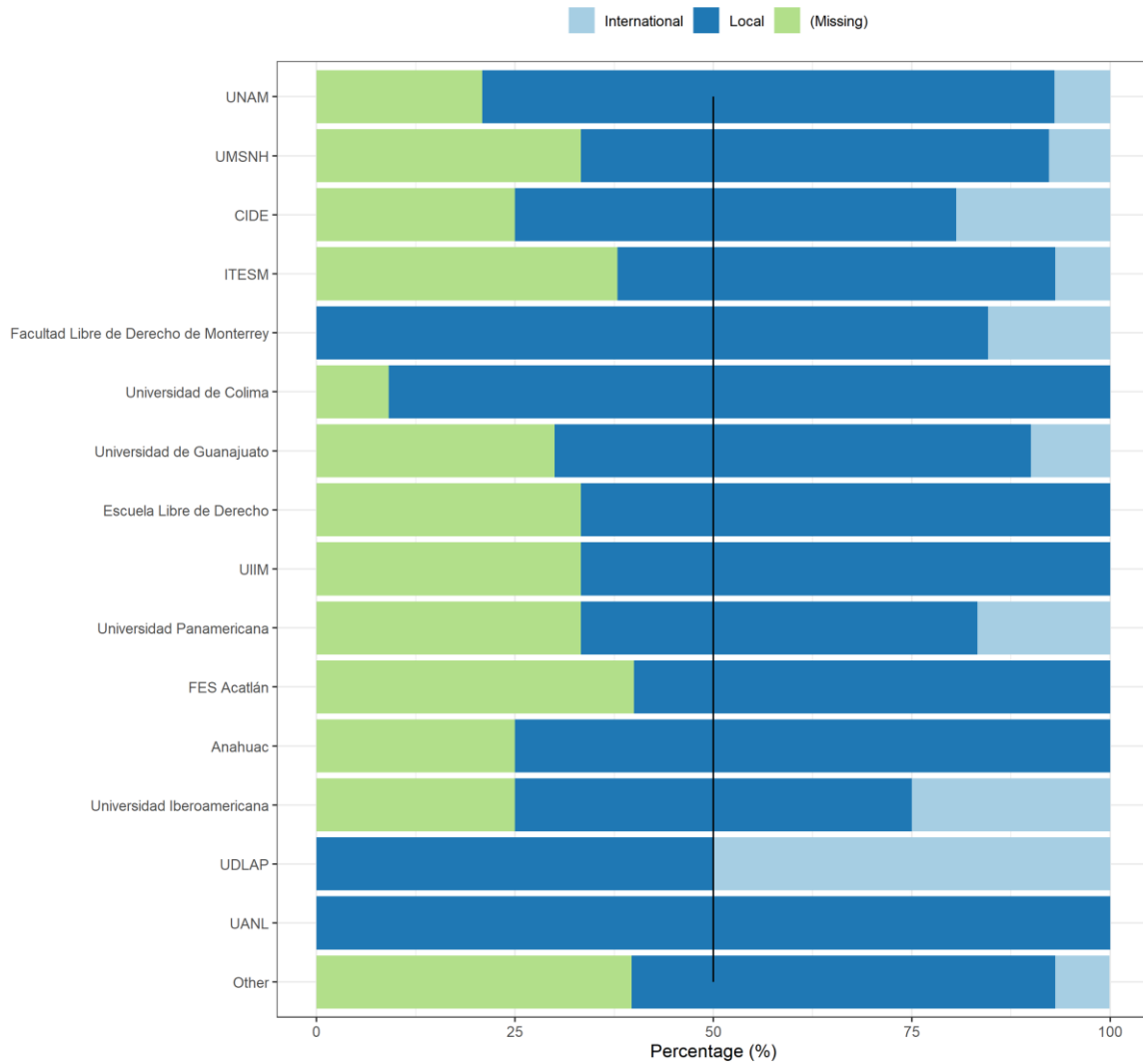
Coming back to the references that would indicate some level of cosmopolitanism in the legal profession, we must point out that there is not a complete coincidence between universities where corporative lawyers are named and those that have a higher degree of global references. As we mentioned, especially the primary references, tend to be local; yet, according to Meneses and Caballero “Corporate lawyers not only tend to emphasize their particular specialties, they also tend to emphasize how “Americanized” they have become” (Meneses-Reyes y Caballero 2018, p. 190). This does not reflect on all the institutions in which corporate lawyers appear as references. In some universities there is a significant orientation towards the international legal field as primary reference and in regards to their knowledge of famous lawyers. This is the case of the Universidad Panamericana, CIDE, and the Facultad Libre de Derecho de Monterrey. Institutions such as the ITESM and the Universidad Iberoamericana include international references to a lesser extent, and in the Anahuac the contact with the corporate field is not accompanied with a greater cosmopolitanism in their references of the legal profession, as their references remain quite local in nature⁶.

Figure 15. Top universities with global references in the categories of primary references, male and female famous lawyers.

⁶ We are not mentioning results for institutions that have less than two respondents, as we do not consider this enough data. This includes institutions such as the UDLAP and the UANL.

Primary referents in law

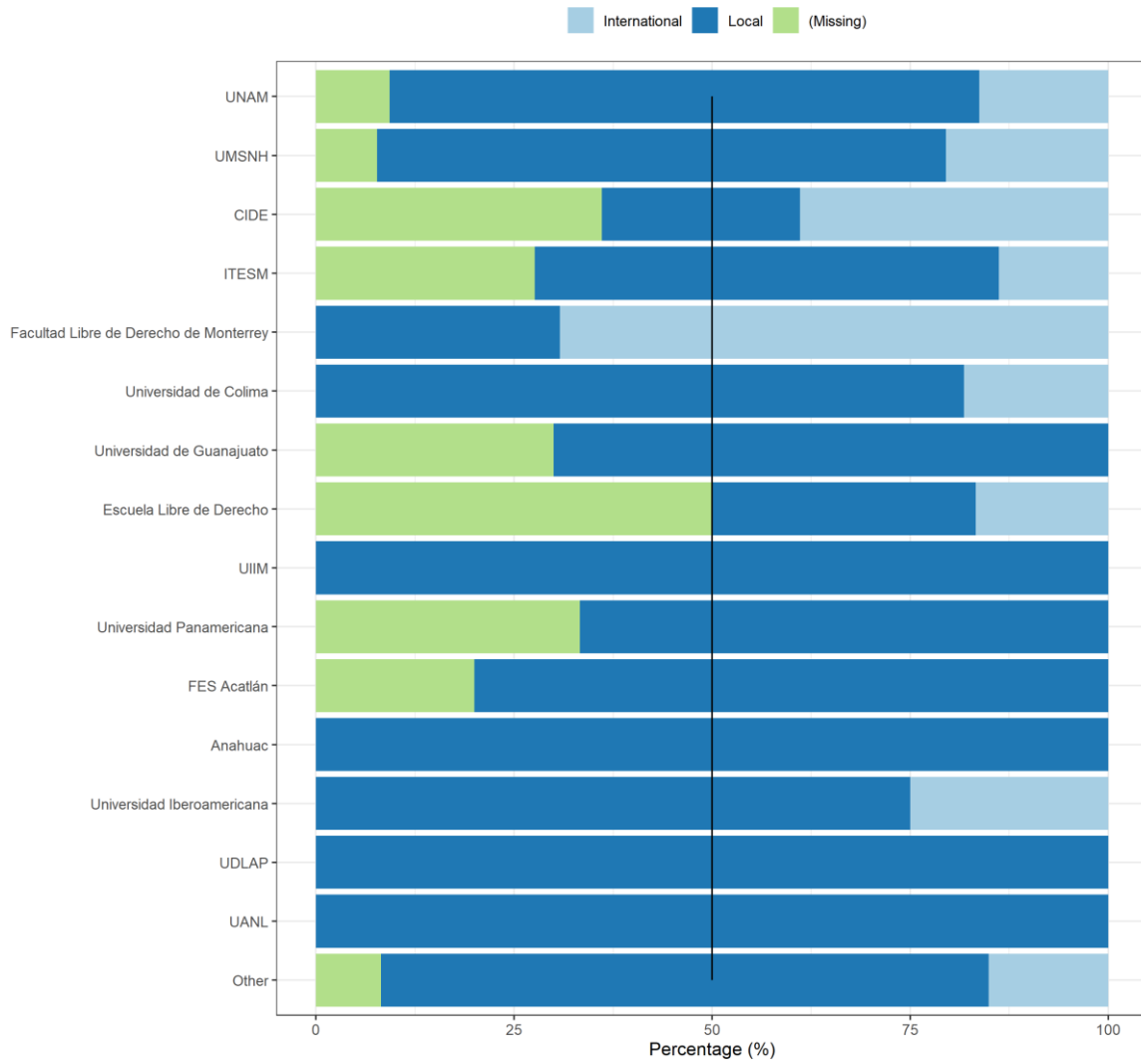
By referent's origin and respondent's university



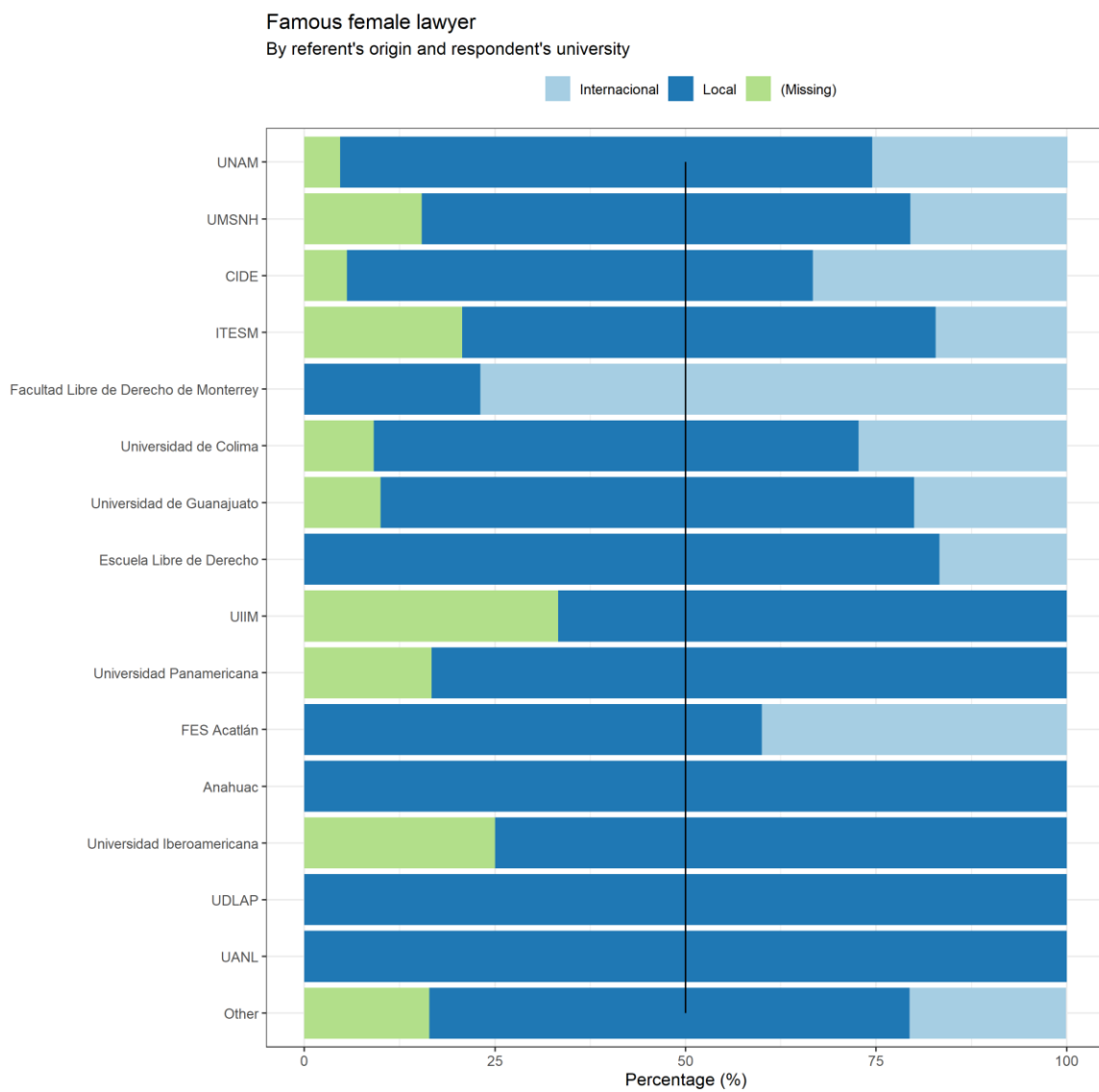
Source: Own elaboration

Famous male lawyer

By referent's origin and respondent's university



Source: Own elaboration



Source: Own elaboration

3.3 Dealing with Specter

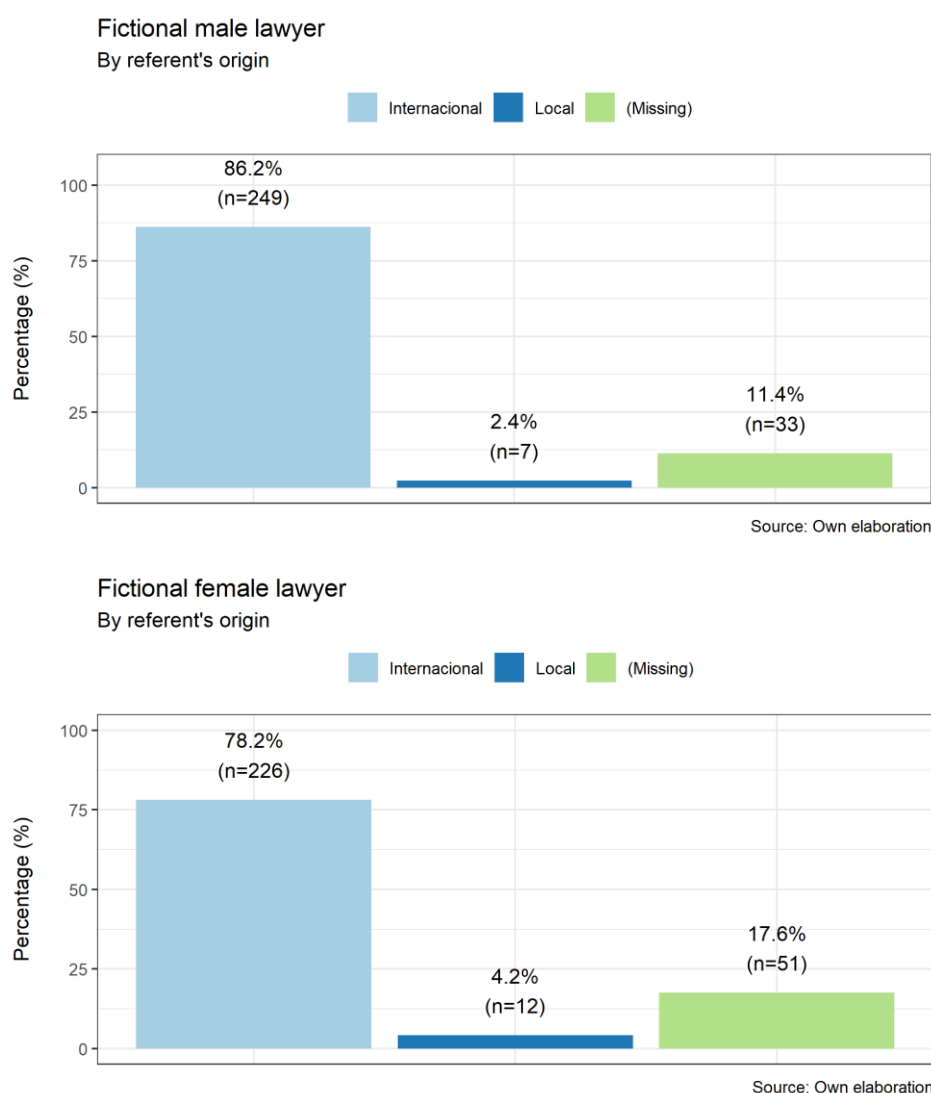
Fictional characters that law students are familiar with do not come from Mexican or Latin American cultural products. A handful of local references with no significant relevance in the sample can be identified, such as a few characters from the Mexican soap opera *Por Amar sin ley (For loving without law)*⁷. More prominent characters, as far as the sample goes, are Ana María Polo (mentioned two times as a famous lawyers and six as fictional) and Laura Bozzo (mentioned twice as a famous lawyer and twice as a fictional one) who are

⁷ Alejandra Ponce, Sofía Alcocer, Victoria Escalante and Arturo de la Barrera, although each was named only once.

talk show hosts, neither actually Mexican, but both rather popular in venues for a Latin American audiences.

Fictional references, both male and female come mainly from US originated popular culture. There is no question that the law profession is a popular topic of United States television and cinema as there is also some variety in the sources (Salzmann y Dunwoody 2005). Common references are made to shows and movies that are centered in the portrayal of the legal profession: *Suits*, *How to get away with murder*, *Better Call Saul*, *Law and Order*, *The Devil's Advocate*, *To Kill a Mockingbird*, *Legally Blonde*, *The Good Wife*, *Erin Brockovich*, among others.

Figure 16. Origin of fictional male and female lawyers.



The dominance of international references in the popular culture that is consumed by Mexican law school students should not be confused with a cosmopolitan orientation, although it can be linked with the NAFTA agreement. If the NAFTA did not bring an invasion

of US firms in México, it did much more for the US cultural industry to further establish itself in the Mexican market.

An unexpected but interesting result from our survey is the prevalence of Harvey Specter as the main popular culture reference for law students. Even if in most schools law students do not seem to be very familiar with corporate lawyers, they are familiar with a fictional depiction of a corporate lawyer in Harvey Specter. From the beginning of the exploration, Harvey Specter was the most mentioned fictional lawyer and this continued to be the case as we got more answers. We later tried to identify if he was particularly relevant in specific law schools only to find out that he was mentioned throughout practically all law schools, regardless geographical area or whether they are public or private. Harvey Specter is mentioned even by students who later are unable to identify female fictional lawyers, even though several appear in the series and he is the only fictional character that made it into the list of the top ten primary references. Cinema and tv (or streaming platforms) in México do seem to be overwhelmingly dominated by products from the United States. Within these products, even in fiction, men lawyers tend to be mainly white and heterosexual, though much younger than those named as primary references and famous lawyers if we pay attention to the top ten references for male fictional lawyers.

For readers who are not familiar with *Suits*, unlike so many law students in México, the series revolves around a law firm in the city of Chicago. Arguably, the main character, Harvey Specter, is a highly successful lawyer who mentors a young Mike Ross, a law associate who pretends to have attended Harvard Law School. Much like other tv shows centered on lawyers, the show portrays the drama of the characters' lives intertwined with the cases they represent.

Harvey Specter, in fact, embodies many of the characteristics criticized by Kennedy (2004) and identified as part of the hidden curricula (Brigido *et al.* 2009, Lista 2012). Unlike many other shows, courts are hardly ever portrayed in *Suits*. This is mostly because Harvey Specter tends to reach the end of his cases mainly by a form of negotiation that is often more like bullying. In the series, issues regarding justice are often brought forward by Mike Ross who is portrayed as a shady yet idealistic character. However, much like law students find increasingly more difficult to deal with values like justice as they advance in their education (Lista 2012), Harvey Specter tends to dismiss these concerns in favor of an approach centered in winning; his personal winning at that, even above of his clients. Harvey Specter also exhibits some traits identified with toxic masculinities, such as a generally aggressive behavior; often claiming an alpha position through undermining colleagues; problems to deal or even acknowledge emotions; among others. We did not ask students about lawyers they looked up to or admire, therefore we cannot state that law students in México actually aspire to be like Harvey Specter. Nonetheless, his mere prevalence may easily take part in the reproduction of these characteristics as an ideal of a successful lawyer.

Saul Goodman is another popular fictional lawyer and he is also interesting both for what it has in common with Harvey Specter as for what is different. Saul Goodman's series, a spin off from *Breaking Bad*, is a prequel that follows the character as he gets increasingly involved in the criminal world. Often struggling economically and far from the usual successful, handsome and astute private lawyer, Saul Goodman might be a more down to earth representation of the practice of law in many contexts, though of course very dramatized. While the glamour of Specter is missing, Saul Goodman also often turns to aggressive and less than ethical tactics. The character is defined by its corrupt and scamming practices, but also by the very complicated life and context in which he increasingly dismisses a more ethical practice.

The most relevant female characters are also interesting in how diversity plays in the students' responses. Harvey Specter's firm is actually led by Jessica Pearson, a female African American lawyer and her own profile speaks of the way racial diversity appears in the responses we gathered from law students. The female sample is much more significantly diverse also in relation to race, but only in popular culture and due to the influence of United States entertainment products. The famous lawyer category, both female and male, does include people of color, but also mainly from international politics. Nonetheless, tv shows such as *Suits* and *How to get away with murder* do showcase female African American lawyers, one of which, as we already mentioned, is the only LGBT reference of significance in the survey. US fictional law firms have greatly improved in diversity sine Lucy Liu was highly celebrated in early 2000's for being the only female of Asian descent in an important tv role as Ling Woo in the series *Ally MacBeal*. The same cannot be said in the case of *Por Amar sin Ley*, where characters are predominantly white, as is usual in Mexican Soap Operas. This will come as no surprise to most, although it is entirely undiscussed in the scholarship on the legal profession in México and in Latin America.

Nonetheless, the more diverse representation of the legal profession, in terms of gender and race, hardly impacts the actual portrayal of the legal profession. Kennedy (2004) suggests that social reproduction in law schools is not limited to the fact that most law professors are white, male and middle class, but also to the fact that female and professors from other ethnicities and races try to assimilate themselves to their white, male, middle class counterparts. A similar observation can be made to many fictional portrayals of female lawyers. This is the case of Annalise Keating, from the series *How to get away with murder*, and African American female lawyer who is also a portrayal of a law professor. This character is also dominating, prone to bullying and harassing students and, indeed, a very good example representations of the critique brought forward by Kennedy.

Final remarks

What does a lawyer look like then? Apparently, in the minds of law students, like Harvey Specter. What we learn about Mexican legal culture through looking at law students' references of the legal profession is that there is indeed several common reference points for the legal profession, which remain quite male oriented and locally grounded.

The legal profession has grown in numbers yet reluctant to expressions of diversity in what a lawyer is. The growth of the legal profession has been discussed in terms of whether it increases or rather hinders access to justice, on how the effect it has on the prestige of the legal profession and on its future as a sustainable career path or a more diverse one (Kritzer 2013, Menkel-meadow 2013, Medellín Urquiaga 2017). It stands to reason that such growth would entail more demographic diversity in law schools than our sample provides when looking at the most representative profiles. The matter of diversity, nevertheless, is absent from the literature on legal education in México. As recent articles suggest, the experience of ethnic minorities and LGBT persons in legal education continues to be challenging in countries such as the US (REF.), but these issues are hardly ever discussed in México. Even in the case of women, although female students are now the majority in law schools, glass ceilings are identified in most fields of the legal profession (Fondevila y Mejía 2014, Manzo *et al.* 2016, Abogadas MX 2018, Pozas Loyo y Ríos Figueroa 2021).

These structural obstacles are accompanied and complimented in the Mexican legal culture by a deeply masculine view of a lawyer. The performative element of lawyers – how to dress, how to act, what a lawyer looks like – is still very much dominated by male references. By looking at the popular culture references of lawyers, we can see the very same professional identity reproduction that is attributed to the hidden curricula in law schools (Brigido *et al.* 2009). Similar male oriented, authoritative and elite tendencies attributed to lawyers in the hidden curricula can be found in popular legal culture. Furthermore, students responses show a deeper male centered view of those references. Students who cannot identify a fictional female lawyer will sometimes mention Harvey Specter as a fictional male reference. *Suits*, the series in which Harvey Specter appears, also showcases women, but they are less present in student's memory when answering the survey. We mentioned already that the female category includes males, even as a relevant profile but, additionally, it includes several profiles of non-lawyers: Kim Kardashian, Erin Brockovich, Donna Paulsen are a few examples. Nonetheless, this does not displace the relevant role of professors. As we mentioned, the hidden profiles, those mentioned once or twice in our sample, are often the law schools professors that students interact with throughout their education; especially those who are teaching the courses in civil and criminal law.

Although the law students' primary references are sometimes people they know (18.3% of the answers referred to a personal reference, whether male or female), there is a popular culture element to the real life persons who are named as famous lawyers. A good example of this are the references that come from the judiciary. José Ramón Cossío was a Supreme Court Justice from 2003 until 2018, he is named significantly more as a reference than the

current Justice President of the Supreme Court, Arturo Zaldívar Lelo de Larrea. Since his retirement Cossío has become a public figure and a common commentator in one of the most relevant news outlets in México. Incidentally, and unlike other Supreme Court Justices, current or retired, both Cossío and Zaldívar are also active twitter users. A similar argument could be made in the case of Ruth Bader Ginsburg who is, indisputably, a popular culture icon for the legal profession, hence what we have called the Ginsburg effect. Miguel Carbonell, who is clearly a major reference of the legal profession in México (mentioned by students from 21 different universities) is also a frequent twitter.

Looking at the popular culture references for the legal profession also shows that there is one aspect in which globalization clearly defines a lawyer in México: through fiction. While it is clear that the popular culture products that dominate in the Mexican audience come from the US, and this says much more about the political economy of cinema and the cultural impact of regional trade agreements, this does not entail that the popular culture of law students is quite as uniform as it seems given the predominance of Harvey Specter as the main reference. As we have pointed out, the students from certain schools do have more international profiles as primary reference. This globalizing input in the local legal culture, however, hardly encourages change. Popular culture references from the US, dominant in our survey, are more racially diverse, but hardly suggest any other transformation of legal culture. Much as Kennedy suggested, diversity turns to a performance of the elite sector that dominates the legal profession.

As we analyzed, the main popular cultural referents also do portray many of the characteristics associated with the legal profession, especially in its negative connotations and its association with toxic masculinity. They are far from the ideal hero identity that Salzmann and Dunwoody (2005) attribute to lawyers in fiction. Of course there are also portrayals of lawyers that 'fight the good fight', but these are less popular. The more relevant references are highly aggressive characters, with clear tendencies towards corruption. Solutions to cases in their shows tend to come by intimidation more than by legal practice in courts. Thus, these shows would tend to reinforce several aspects of the hidden curricula that is socialized at law school while, at the same time, portraying legal practice quite far from the ideals of legal positivism.

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