

OBSERVATIONS FROM THE AFTER THE BAR SURVEY OF THE BAR CLASS OF 2000

*By Robert L. Nelson, Ronit Dinovitzer, Bryant G. Garth, Joyce S.
Sterling, Gita Z. Wilder & Terry K. Adams**

I. INTRODUCTION

The premise of this article is that we may gain insights into the future of the legal profession based on what we observe about the early stage of the careers of the entering bar class of 2000. The basis for these observations is the After the JD Project, a survey of a national sample of lawyers conducted in 2003, just two to three years after this cohort entered practice. The After the JD Project will track the careers of this sample for a full ten years by re-interviewing subjects after six years in practice and ten years in practice. The longitudinal results will provide essential data on how lawyer careers change over time. The first wave of data already offers important, comprehensive data on the early careers of American lawyers.

The first wave results paint the portrait of a profession that is highly segmented by region, practice setting, law school selectivity, gender, and class. Thus, even though the legal profession is clearly now open to women and minorities and to different class origins, entry into the profession will not automatically translate into equal career opportunities. Unequal access to career opportunities is one of the challenges the legal profession continues to face in the foreseeable future. Yet the results also suggest that there is much opportunity in law, and many career paths that can lead to satisfying professional lives.

After briefly describing the After the JD study, we present selected findings from the first wave of the study.

* Robert Nelson is Director of the American Bar Foundation. His remarks at the symposium summarized a previously unpublished article that he and others had recently written. The authors of the article have authorized the article's publication here in lieu of the Nelson summation.

II. THE AFTER THE JD STUDY

After the JD (“AJD”) is the first national study of legal careers. The first full report of the AJD study contains a full methodological appendix, list of contributing organizations, and academic advisors. It may be accessed at <http://abf-sociolegal.org/afterjd.html>. AJD constructed a sample of the bar class of 2000, as well as an oversample of minority attorneys, drawn from all four major legal markets (New York, Washington, D.C., Chicago, and Los Angeles) that contain more than 2,000 new lawyers a year, five of nine large markets that contain 750-2,000 new lawyers a year (such as San Francisco, Boston, Houston, Atlanta, and St. Louis), and nine of the remaining markets distributed geographically (such as parts of Connecticut, Minnesota, New Jersey, Florida, Tennessee, Oklahoma, Indiana, Utah, and Oregon). Respondents completed a mailed survey or a telephone interview. Some 4,538 responses were received for a response rate of 71%.

Comparisons between AJD respondents and other data about lawyers in the general population indicate that the sample is highly representative of the national population of young attorneys. The AJD sample almost exactly matches the racial composition of young lawyers according to the U.S. Census Bureau (AJD: 5.6% black vs. 6.1% black in census data). The AJD sample closely approximates the distribution of lawyers across law firms, government, and business employers (e.g., 70% working in private firms in AJD vs. 68% according to census data). The AJD sample almost exactly matches ABA estimates of the percentage of women among younger lawyers (46.2% in AJD vs. 46.0% in ABA data).

Table 3.1 displays the distribution of AJD respondents across practice settings (broken down both by size of office in which the respondent works and total size of firm in all locations) compared to the distribution of the general population of lawyers. The differences between the AJD sample and the general lawyer population reflect both the relative youth of the AJD sample and the more urban character of the AJD sample. The data we report here is unweighted by sampling unit, which results in a slight overrepresentation of urban law markets compared to other law markets. Thus, while 32% of lawyers overall are solos, only 5% of our respondents work in solo practice. Most lawyers start out working with other lawyers, if only for a period of training. Hence, this proportion is likely to increase over the life course for the

AJD sample. Similarly, we find much higher proportions of AJD respondents working in large law firms (28% in firms over 100) than is the case for lawyers generally (8%). For other practice contexts, the proportions are roughly the same across the AJD sample and the general lawyer population. Some 68% of AJD respondents work in private practice; 16% in federal or state government; 6% in legal services, public defender offices, public interest organizations, or non-profit and educational institutions; and 9% in business organizations.

III. HOURS WORKED BY PRACTICE SETTING

The practice contexts in which young lawyers work make significantly different demands in terms of hours worked. Figure 4.1 displays mean hours worked across practice settings, as well as the percent of respondents working more than sixty hours a week. True to their reputation, large law firms (offices of more than 250 attorneys) command the most hours of work, an average of fifty-two hours a week from respondents. Almost one-third of attorneys work more than sixty hours a week. The average translates into roughly 2,500 hours per year. Those averaging sixty hours or more are working roughly 3,000 hours per year.

We then observe a unilinear decline in average hours reported by size of private practice, down to forty-nine hours a week for small law firms and forty-eight hours a week for solos. The government and public interest settings report the lowest hours worked, between forty-five to forty-seven hours a week. Nonprofits and business organizations command just under fifty hours a week from young attorneys on average.

We shortly will see that practice settings not only determine the hours that lawyers work, but are also related to very significant differences in terms of income, family relationships, and satisfaction.

IV. GENDER BY PRACTICE SETTING, MARITAL STATUS AND NUMBER OF CHILDREN, AND CAREER INTERESTS

The existing literature on gender in lawyers' careers suggests that men and women enter law practice for different reasons, start off in

somewhat different practice contexts, and their typical career paths diverge over the life course.¹ Women are more likely to enter government, inside counsel, and non-profit/public interest contexts than men, and are more likely than men to exit large law firms for these destinations as their careers progress.

Two years into the careers of our respondents we already see the beginnings of these patterns, although the differences are not yet very pronounced. As Table 8.1 reports, women are somewhat less likely to work in small law firms, somewhat more likely to work in government, and about twice as likely to work in legal services, public interest, or nonprofit or educational institutions. These differences in the representation of women and men across practices settings have important implications for the salaries earned and hours worked even at this early stage of lawyer careers—differences that will become even more dramatic as these lawyers mature into their careers.

We find more striking gender differences with respect to marriage and children. As Table 8.3 demonstrates, young female attorneys are much more likely than young male attorneys to be single and childless. It is particularly interesting that this pattern is the reverse of what we see for all U.S. residents aged twenty-seven to thirty-two, where a larger percentage of women than men are married and have children. Male attorneys are somewhat different from males in general on these characteristics. Female attorneys are very different from women in the general population. Only 36% of women aged twenty-seven to thirty-two in the general population have no children, compared to 76% for female attorneys. Moreover, 42% of women this age in the general population have two or more children, compared to only 9% of female attorneys in the AJD sample.

Within the legal profession, women continue to face a tradeoff between marriage, children, and career that their male counterparts do not face so frequently. Female attorneys, perhaps like other professional women, are far more likely to forego or delay having children than are women generally. It will be interesting to watch how this pattern unfolds for the AJD sample over the course of the next six to seven years.

Young male and female respondents in our sample gave very different answers when asked what other careers they considered other

1. JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE, A STUDY OF LAWYERS' LIVES* 5 (1995); JOHN P. HEINZ ET AL., *URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR* 264-66 (2005).

than the practice of law. Women were much more likely to consider public service or social service jobs (42% vs. 24%) and community organizing (15% vs. 7%) than were men. Men were much more likely to name business (52% vs. 35% for women), politics (37% vs. 27% for women), starting their own business (40% vs. 27% for women), and consulting (30% vs. 23% for women). If we were to summarize the difference in these profiles, many more women seem drawn to work involving public service, while men are much more interested in jobs offering money and power. Perhaps not surprisingly for a well educated group, the most common response for the sample overall was teaching or academia (mentioned by 50% of women and 48% of men).

V. INCOME BY PRACTICE SETTING, REGION, AND GENDER

Not surprisingly, early career salaries for lawyers vary dramatically by practice setting and region. AJD respondents in firms over 250 lawyers in New York City, as with hours worked, lead the pack with median earnings of \$170,000 per year. Firms of similar size in other cities pay their young lawyers between \$105,000 and \$160,000. In New York City, young government attorneys earn a median of \$55,000 per year, while the median salary for New York lawyers in public interest work and legal services is \$47,000. The salary range for the government and public interest sector does not vary greatly across region. Salaries range from medians between \$33,000 and \$46,000 in non-metropolitan areas to \$44,000 to \$63,000 in metropolitan markets.

AJD data confirm the findings of other research that income inequality within the legal profession has grown significantly. A junior government attorney in the mid-1970s earned about one-half of what a beginning associate in a large law firm made. By 2003, large law firm associates make more than three times what a young government lawyer makes.

What is surprising, however, is that just two years into their careers, we see significant differences in the earnings of male and female lawyers, even controlling for practice context. Table 8.2 compares female and male earnings across practice settings. Overall, women earn \$66,000 compared to \$80,000 for men, with women earning less than men in seven of ten practice settings. Because these respondents typically do not work for the same employer, these differences are not evidence of discrimination, and while identifying the factors that drive

this gender gap is complex, analyses suggest that a large portion of the gap is due to the fact that women do not receive the same valuations as do men for similar characteristics (such as their GPA or hours worked). The prevalence and size of these differentials suggest that young female attorneys continue to face challenges in gaining equal treatment in the legal workplace.

VI. INTENTION TO LEAVE EMPLOYER BY REGION, GENDER, AND PRACTICE SETTING

Lawyers today are far more mobile than was the case thirty years ago.² More than one-third of AJD respondents already had changed jobs at least once (not counting judicial clerkships), and some 18% had moved twice. Lawyers in large law firms are the least likely to report a move (16%), compared to one-half of solos, 42% of lawyers in offices of two to twenty-one lawyers, and one-third or more of government, legal services, and public interest organizations.

One measure of satisfaction with a current job is whether a lawyer plans to leave that job within the next two years. In the sample, overall 44% of respondents say they plan to change employers in two years. This varies from a high of 60% in New York City to a low of 35% in non-metropolitan areas that include parts of Florida, Tennessee, Oklahoma, Indiana, Utah, and Oregon. These patterns suggest that the longer hours and higher cost of living associated with working in large urban cities such as New York may generate a level of dissatisfaction that is not wholly counterbalanced by the higher salaries earned in these cities, but it also suggests a more general pattern that lawyers working in large law firms (who are overrepresented in the large cities) expect to leave their jobs as part of the tournament of lawyers, initially described by Galanter and Palay.³

Young lawyers working in large law firms (of 250 lawyers or more), government jobs, and public interest jobs report the highest levels of intentions to leave. Both ends of the spectrum in terms of hours worked and salary can lead lawyers to express an intention to leave their current employer within two years. Future waves of AJD data collection

2. See HEINZ, *supra* note 1, at 141-47.

3. MARE GALANTER & THOMAS PALAY, *TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM* (1991).

will reveal whether stated intentions are acted upon.

VII. RELATIONSHIP BETWEEN LAW SCHOOL SELECTIVITY AND CAREER PROSPECTS, INCOME, STUDENT DEBT, AND CLASS ADVANTAGE

Although law school rankings are unpopular in many quarters of the legal profession, and although the placement of particular law schools in status categories inevitably is arbitrary, law school status has profound consequences for the early careers of lawyers. We followed the most common selectivity index, devised by U.S. News, to divide law schools into the top 10, top 11-20, top 21-40, top 41-100, tier 3, and tier 4. The graduates of top 10 law schools were significantly more likely to obtain jobs in large law firms than the graduates of less selective schools. For example, 50% of top 10 law school graduates obtained jobs in firms of 100 or more lawyers compared to 32% of top 11-20, 25% of top 21-40, and 11% of top 41-100.

Table 5.3 reports the average earnings of our respondents by selectivity of law school and law school grade point average. For graduates of top 10 law schools grades do not matter much to earnings: all graduates make between \$125,000 to \$140,000. As one goes down the selectivity categories of law schools, the average earnings for A students decline, from \$135,000 for top 11-20 law schools to \$79,000 for tier 4 law schools. Earnings also drop off within selectivity categories as one goes from As, to A-s, to B+s, and below.

One of the important implications of this table is the significance of law school selectivity relative to law school grades. Admission to a top 10 law school offers earning potential that cannot readily be made up through higher grades at a less selective law school. This pattern has important implications for recent debates about affirmative action in law school. Because affirmative action by race helps to place larger numbers of minorities in top law schools than might otherwise be the case, it contributes to higher minority earning potential upon graduation. These advantages could not readily be obtained by minorities attending less selective law schools and achieving higher grades.

AJD respondents leave law school with debts that average roughly \$70,000. A striking finding of the survey is that debt levels are largely constant across the practice settings in which lawyers work and the selectivity of the law schools they attend. One slight exception is jobs in nonprofits and educational institutions, where the average debt level is

\$60,000. Given the dramatic differences in the earnings of lawyers across practice settings, which correlate with the selectivity of the law schools they attended, this means that debt has differential economic impacts on career paths. A typical graduate of a top 10 law school can expect to earn \$135,000 with a law school debt of \$80,000. The typical graduate of a top 21-100 law school can expect to earn \$73,500, with a debt of \$65,000. The typical graduate of the tier 4 law school can expect to earn \$56,341 with a debt of \$72,000.

These data make clear that law school selectivity is a critical gradient of opportunity within the legal profession. The final observation we offer here concerns the relationship of law school selectivity to class advantage and, in turn, satisfaction with the decision to become a lawyer. AJD respondents overall have parents who have much higher levels of post-graduate education than the population aged forty-five to sixty-four. Some 26% of the mothers of AJD respondents and 44% of the fathers of AJD respondents did post-graduate work compared to 10% of women and 13% of men in the general population. Within our AJD sample we see similar effects of parental education on law school. Some 68% of AJD respondents graduating from top 10 law schools have fathers who received post-graduate education. The percentage of post-graduate educated fathers declines slightly for top 11-20 and top 21-40 law schools and then drops significantly to 42% of top 41-100 law schools and to just over one third for tier 3 and tier 4 law schools.

Parental education is only one measure of class advantage, and an imperfect measure at that. Yet it is highly suggestive that entry to the legal profession in general and admission to the most selective law schools remains strongly correlated with parental education. The profession of law has always been held out as a path for upward mobility in American society. In the competitive environment of professional education of the late 1990s, students with well educated parents fared much better in gaining entry to the profession and to the elite law schools that created the most economically rewarding jobs.

Yet there is a final twist in these data. Despite all the advantages the graduates of top law schools accrue, they report lower levels of satisfaction with their current jobs and with their decision to become a lawyer than their peers in less selective law schools. Some 58% of the graduates of top 10 law schools expressed an intention to leave their employer within two years, compared to only 37% of the graduates of tier 3 and 4 law schools. It may simply be that elite law school

graduates confront a world full of opportunities that make them less committed to their current employers. It is heartening, nonetheless, that graduates of less selective schools seem more content with the opportunities they see in their current workplace.

VIII. CONCLUSION

This overview of selected findings from the AJD project reveals that the American legal profession remains a dynamic and complex occupational system. Even two years into the careers of young lawyers, we see remarkable segmentation across regions and practice settings. There is a vast gulf in earnings between large law firms in major metropolitan areas and practitioners in other locations in the profession. And with very few exceptions, it appears that the opportunities for high paying large firm positions are structured by selectivity of law school, which in turn is structured by the educational backgrounds of the parents of law school applicants. Women continue to face significant challenges in achieving economic success in the profession and continue to confront tradeoffs between their careers and marriage and children that men do not face to the same degree. At this early stage in careers, we find less evidence of career differentiation by minority status. But for both women and minorities, it will be important to observe how their careers unfold over the course of future waves of interviews.

There are indications that many young lawyers, faced with the strain of long hours for high pay or with low pay and few resources in government and public interest work, intend to leave their employers in the next two years. If they act on their expressed intentions, legal employers will see increasing levels of turnover among their legal staffs. If employers are interested in creating a stable professional workforce, they will need to address the roots of this discontent.

While we have documented that there is much inequality in the legal profession, which raises special concerns about equality of opportunity for women and minorities, and that many young lawyers confront tensions between work demands and quality of life considerations, perhaps we should not overlook the opportunities that exist for young lawyers now and in the future. Despite differences in career trajectories and earnings potential, it appears that young lawyers have found many, varied ways to construct a meaningful and rewarding professional career. As the AJD project follows these young lawyers

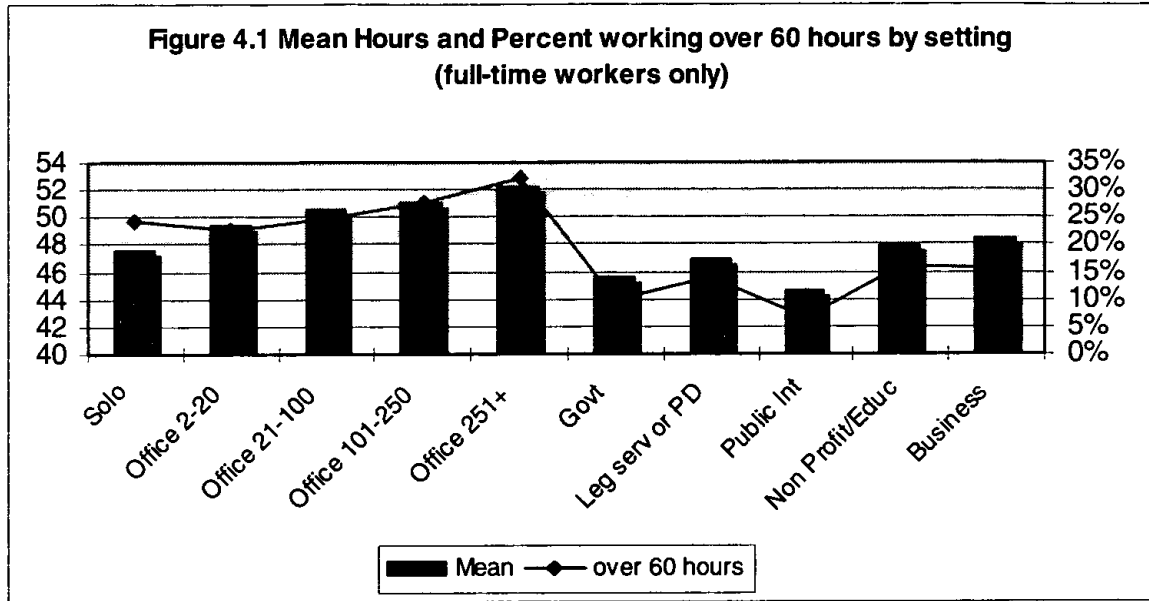
over the course of their careers, we will be watching to see how they remake the future of the legal profession as they make their own personal careers.

Table 3.1 AJD respondents by practice setting compared with the general population of lawyers

Setting	AJD (by office size)	AJD (by firm size)	All Lawyers* (by firm size)
Solo	5%	5%	32%
Private firm - firm 2-20	28%	25%	19%
Private firm - firm 21-100	19%	13%	8%
Private firm - firm 101-250	11%	8%	8%
Private firm - firm 251+	7%	20%	
Govt - Federal	5%	5%	6%
Govt - State or local	11%	11%	16%
Legal services or PD	3%	3%	
Public Int	1%	1%	1%
Non Profit or Educ & Other	2%	2%	2%
Business	9%	9%	8%
Total N	3,611	3,663	--

Sources for last column are: 2000 Public-Use Microdata 5% Samples weighted (all lawyers and judges), used to separate out lawyers into government, non-profit, legal services, and private practice; ABF Lawyer Statistical Report (1994), used to distribute private practice lawyers by

After the JD Study ze.



After the JD Study

Table 8.1 Gender by setting

	Female		Male	
	Count	Column %	Count	Column %
Solo	64	4%	114	6%
Private firm - office 2-20	415	26%	573	30%
Private firm - office 21-100	275	17%	377	19%
Private firm - office 101-250	175	11%	204	11%
Private firm - office 251+	97	6%	138	7%
Government	287	18%	269	14%
Legal services or PD	66	4%	36	2%
Public Int	31	2%	9	1%
Non Profit or Educ	50	3%	26	1%
Business	123	8%	188	10%
Total N	1583		1934	

After the JD Study

Table 8.3 Marriage and Children among After the JD Respondents and in the General Population

	AJD Respondents Aged 27-32		All US Residents Aged 27-32 in 2000 Census (5% PUMS)	
	Men	Women	Men	Women
Marital Status				
Never Married	33%	38%	38%	29%
Married	60%	51%	53%	59%
Domestic Partnership	3%	4%	n/a	n/a
Divorced or Separated	3%	5%	8%	12%
Widowed	0%	0%	0%	0%
Number of Children				
None	64%	76%	53%	36%
One	18%	15%	19%	23%
Two or More	18%	9%	28%	42%

Notes: PUMS data are based on those 27-32 year of age in April 1999, and AJD data are based on those aged 27-32 at time of graduation.

Numbers for AJD Marital Status do not add to 100% due to suppression of the "other" category

After the JD Study

Table 8.2 Salary by setting and Gender (full time workers only)

	Female		Male		Female/Male
	Median	N	Median	N	
Solo	\$ 50,000	40	\$ 55,000	74	91%
Private firm - office 2-20	\$ 56,000	364	\$ 60,000	511	93%
Private firm - office 21-100	\$ 90,000	245	\$ 100,000	347	90%
Private firm - office 101-250	\$ 125,000	162	\$ 120,000	193	104%
Private firm - office 251+	\$ 135,000	86	\$ 150,000	131	90%
Govt	\$ 50,000	262	\$ 50,000	258	100%
Legal services or PD	\$ 38,500	62	\$ 43,000	35	90%
Public Int	\$ 37,750	30	\$ 48,000	8	79%
Non Profit or Educ	\$ 53,300	42	\$ 51,000	20	105%
Business	\$ 65,000	110	\$ 87,000	165	75%
Missing & Other		109		172	
<i>Total (based on valid N)</i>	<i>\$ 66,000</i>	<i>1445</i>	<i>\$ 80,000</i>	<i>1779</i>	<i>83%</i>

After the JD Study

**Table 5.3 Grades, law school selectivity and median salary (n<10 are suppressed)
(full time workers only)**

	top 10	top 11-20	top 21-100	tier 3	tier 4
GPA 3.75 - 4.00	\$ 130,000	\$ 135,000	\$ 100,000	\$ 93,000	\$ 79,000
GPA 3.50 - 3.74	\$ 140,000	\$ 127,460	\$ 90,000	\$ 90,000	\$ 79,000
GPA 3.25 - 3.49	\$ 135,000	\$ 105,000	\$ 80,000	\$ 65,000	\$ 57,000
GPA 3.00 - 3.24	\$ 125,000	\$ 100,000	\$ 63,000	\$ 55,820	\$ 60,000
GPA 2.75 - 2.99	--	\$ 56,000	\$ 51,025	\$ 55,000	\$ 50,000
GPA 2.50 or lower	--	\$ 49,000	\$ 51,500	\$ 51,000	\$ 50,000

After the JD Study

