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David Wilkins

Ronit Dinovitzer

Rishi Batra

St. Mary's University School of Law, rbatra@stmarytx.edu

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URBAN LAW SCHOOL GRADUATES IN LARGE LAW FIRMS

David Wilkins,* Ronit Dinovitzer** & Rishi Batra***

[Wall Street firms] want lawyers who are Nordic, have pleasing personalities and ‘clean-cut’ appearances, are graduates of the ‘right’ schools, have the ‘right’ social backgrounds and experience in the affairs of the world, and are endowed with tremendous stamina.

-*Erwin O. Smigel, The Wall Street Lawyer: Professional Organizational Man? (1969)*¹

[L]aw firms in the Am Law 200 . . . now require about 10,000 new associates each year out of about 40,000 graduates coming from all of the nation’s approximately 200 law schools combined.

-*Ward Bower, Consultant at Altman Weill*²

I. INTRODUCTION

Two major trends have dominated the American legal profession in recent years. First, “the legal profession has seen a striking growth in the largest firms during the latter part of the last century.”³ In 1960, Shearman Sterling & Wright (now called Shearman & Sterling) was the largest firm in the country – and therefore the world. It had 125 lawyers.⁴ By the close of

* Kirkland & Ellis Professor and Director, Program on the Legal Profession and Center on Lawyers and the Professional Services Industry, Harvard Law School.

** University of Toronto, Department of Sociology.

*** Harvard Law School.

1. ERWIN O. SMIGEL, *THE WALL STREET LAWYER: PROFESSIONAL ORGANIZATIONAL MAN?* 37 (4th ed., Indiana University Press 1969) (1964).

2. Leigh Jones, *Midsized Law Firms Shift Recruiting Strategies*, NAT’L L.J. February 16, 2007, <http://www.law.com/jsp/law/careercenter/lawArticleCareerCenter.jsp?id=1171533773416> (paraphrasing Ward Bower).

3. Robert L. Nelson, *The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society*, 44 CASE W. RES. L. REV. 345, 345 (1994).

4. SMIGEL, *supra* note 1, at 34-35.

the century, there were more than 250 firms larger than Shearman & Sterling had been forty years before, with the largest ten topping the scales at 1000 lawyers or more.⁵ Today, in order to make the top 250, firms must have at least 175 lawyers, and the median size is well over 500.⁶ Moreover, these “mega-firms” (to use a now antiquated sounding phrase that scholars once used to refer to what they then regarded as new and rare entrants on the professional scene) can now be found in virtually every major city in the country, and many minor ones as well. Cities like Milwaukee, Wisconsin and Columbus, Ohio are now home to indigenous law firms with more than 100 lawyers. At the same time, firms from larger cities such as New York, Los Angeles, Chicago, and Atlanta have been opening “branch offices” in cities both large and small at an ever increasing rate, further proliferating the reach of “big law” (to use another quaint sounding phrase) around the country.

The second trend has been the growth of the profession itself. The U.S. legal profession doubled in size from 1960 to 1985 – and nearly doubled again between 1985 and 2000.⁷ For the most part, this growth has not been fueled by an increase in the number of law students graduating from the country’s oldest and most prestigious law schools. With few exceptions, the enrollment of these schools has remained remarkably constant during this period – at least with respect to their J.D. programs.⁸ Instead, growth has primarily come from the creation of new law schools and expanded enrollment in schools located outside of the top tier as measured by U.S. News and World Report.⁹

In this paper, we analyze one important group of lawyers who reside at the intersection of these two trends: graduates of “urban law schools,” by which we mean schools located in major urban areas that are ranked outside of the top tier, who are working in large law firms. During the so-called “Golden Age” of the 1960s,¹⁰ graduates from urban law schools had

5. *The NLJ 250*, NAT’L L.J. Nov. 13, 2006.

6. *Id.*

7. CLARA N. CARSON, AMERICAN BAR FOUNDATION, THE LAWYER STATISTICAL REPORT: THE LEGAL PROFESSION IN 2000 1 tbl.1 (2004).

8. There has been an increase in the size of LLM classes at these institutions, fueled in large measure by a rise in the number foreign students seeking U.S. legal education. See Carole Silver, *The Case of the Foreign Lawyer: Internationalizing the U.S. Legal Profession*, 25 FORDHAM INT’L L.J. 1039, 1046-51 (2002).

9. JOHN P. HEINZ ET AL., URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR 58 (2005).

10. MARC GALANTER & THOMAS PALAY, TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM 20 (1991) (referring to the late 1950’s and early 1960’s as the “golden age” of the big law firm). As Galanter is quick to point out, these times were far less “golden” than many scholars and practitioners would care to admit. See Marc Galanter,

virtually no chance of being hired by elite law firms. As Smigel found in his classic study of Wall Street firms cited in the first epigraph to this article, virtually all of the lawyers hired by these institutions graduated in the top of their class from one of the country's premier law schools.¹¹ Not only did the graduates of the country's growing number of urban law schools not have this "right" educational pedigree, but most were not "Nordic" or from the "right" social backgrounds either. But as the second epigraph makes clear, the tremendous growth in both the number and absolute size of "large" law firms during the last decades of the twentieth century – combined with the relative stability in the size of the graduating classes at most elite law schools – has meant that there are simply not enough of these prized recruits to fill the hiring needs of the nation's top law firms. Although firms have responded to this labor crunch by reaching deeper into the class at the schools from which they have traditionally recruited, they have also significantly expanded the number and diversity of law schools from which they hire. In the pages that follow, we investigate how these changing recruiting patterns are affecting the careers of the graduates of urban law schools – and, in turn, what the careers of these graduates can tell us about the continuing significance of the status hierarchies that defined large law firms during the "Golden Age."

We do so by using data from *After the JD* ("AJD"), a ten-year longitudinal study of the careers of over 4000 lawyers who entered the bar in 2000.¹² In 2003, we surveyed these lawyers on a wide range of topics concerning their backgrounds, experiences, and expectations for the future.¹³ As a result, we now have an unprecedented amount of information about the opportunities available to newly minted lawyers from various law schools – and, equally important, about what these women and men think about these opportunities and about their ability to succeed in their careers.

In this paper, we call upon this rich data to answer four questions about the graduates of urban law schools who begin their careers in large law firms. First, *how many* such graduates are there? The dramatic growth in law firm hiring means that some urban graduates are finding their way into elite firms, but how widespread has this new trend become? Are urban law school graduates now entering large law firms at the same rates as their

Lawyers in the Mist: The Golden Age of Legal Nostalgia, 100 DICK. L. REV. 549, 553-58 (1996) (criticizing scholars for romanticizing the American legal profession during this period).

11. SMIGEL, *supra* note 1, at 39.

12. For a full description of the AJD study, see Sterling et al., *The Changing Social Role of Urban Law Schools*, 36 SW. U. L. REV. 385, 394 (2007).

13. RONIT DINOVIETZ ET AL., *AFTER THE JD: A NATIONAL STUDY OF LEGAL CAREERS* 25 (The NALP Foundation for Law Career Research and the Education and American Bar Foundation 2004).

counterparts from more elite schools, or do these latter graduates still have a significant competitive advantage in obtaining these positions? Moreover, how do the graduates of urban schools fare vis-à-vis their counterparts at schools not ranked in the top tier but located outside of major urban centers? Collectively, these trends should give us some insight into the extent to which the historical prejudice against the graduates of urban law schools – and the demographic groups who traditionally populated these institutions – has diminished in recent years.

Second, *which* urban graduates are getting jobs at large law firms? If elite firms have truly discarded the less than golden recruiting practices Smigel describes – as both firms and many legal scholars insist – then we should expect that the urban graduates hired by firms will, on average, have higher meritocratic credentials (e.g., be graduates of more highly ranked schools or have better grades or other traditional credentials) than their peers working in other sectors. To the extent that the picture is more complicated than this standard account, it suggests that additional factors – including potentially the kinds of status-based considerations firms openly relied on during the “Golden Age” – may continue to influence elite firm hiring even as these institutions explicitly embrace the ethos of the meritocracy.

Third, how do urban law graduates *obtain* law firm jobs? As a corollary to the view that law firm hiring has become more meritocratic, most observers contend that it has also become more standardized. In the early years of the twentieth century, law firm hiring was largely informal. Interested young men would write letters of inquiry or just simply come to the firm during the Christmas holidays.¹⁴ By the “Golden Age,” however, the process had become considerably more formalized. Law schools, in Smigel’s apt (if for educators not entirely flattering) phrase had become “employment middle-men,” providing the principle forum for law firm hiring.¹⁵ As large law firms have expanded their recruiting to include the graduates of urban law schools, we should expect to see these graduates use the same formal processes and standard entry mechanisms – e.g., on campus interviews and call backs, summer associate positions – to obtain their jobs as their counterparts from elite institutions. Moreover, we should expect that the recruiting process would not only look the same for urban law school graduates, but that these potential recruits would be judged by the same standards as their elite school counterparts during the formal recruiting process as well. To the extent that urban and elite graduates utilize different pathways to obtain law firm jobs, or perceive that the same

14. GALANTER & PALAY, *supra* note 10, at 24.

15. SMIGEL, *supra* note 1, at 59.

pathways operate differently for members of the two groups, the hiring practices of large law firms may be less standardized and bureaucratic than they may at first appear.

Finally, and arguably most importantly, what happens to urban law school graduates *once they begin their careers* in a large law firm? Do they practice in the same areas as graduates from more elite law schools? Are they given the same kinds of work and developmental opportunities? Are they likely to be as satisfied as other associates and do they intend to remain with their current employer for similar periods of time? Elite law firms have long claimed that every associate is treated equally and has the same chance to compete for partnership as his or her peers. We should therefore expect that the graduates of urban law schools who enter these institutions will have experiences that are similar to their peers from more highly ranked schools, particularly in the first few years of practice. To the extent that differences between the two groups are already apparent, it suggests that although the doors to large law firms have opened for urban law school graduates in the years since the “Golden Age,” law school status may still play an important role in shaping the pathways to success once inside these organizations.

In order to investigate these questions, we employ the AJD data to make three basic comparisons. First, we compare those graduates of urban law schools who enter large law firms with their classmates who begin their careers in government service, small firms, and the other sectors in which the graduates of these schools have traditionally been employed. Second, we compare urban law school graduates entering large law firms with their counterparts entering these same institutions from both highly ranked law schools and comparably ranked “non-urban” schools located outside of major metropolitan areas. Third, we compare urban law school graduates entering large firms with the women and racial and religious minorities who have also begun to enter these institutions in greater numbers since the 1960s. As indicated above, all of these groups were expressly excluded by the recruiting policies employed by most elite firms during the “Golden Age.” To the extent that these groups continue to share common characteristics and experiences in their dealings with large firms today, it suggests that the informal practices and culture of large law firms may continue to shape the careers of those who have traditionally been excluded from these institutions long after the formal barriers to their inclusion have been removed.

The rest of this article proceeds in eight parts. Part II sets out a brief history of the exclusionary hiring practices employed by law firms during the “Golden Age” of the large law firm – roughly the period after World

War II and before the late 1960s – and describes how the changes in the market for both clients and labor eroded these practices in the last decades of the twentieth century. Part III gives a brief overview of the AJD Study and defines the graduates and firms we examine in the paper. Parts IV through VII use data from AJD to investigate each of the four questions outlined above. Part VIII concludes by discussing some of the implications of our findings for understanding the new social structure of the bar.

II. THE NOT SO GOLDEN AGE

It is hard to overstate the symbiotic and mutually reinforcing relationship between the elite corporate bar and elite law schools during most of the twentieth century. Paul Cravath, who headed the law firm now known as Cravath Swaine & Moore,¹⁶ and who is widely credited with creating the model for the modern large law firm, also deserves much of the credit for forging this link. When Cravath assumed the reigns at Cravath, Henderson & De Gersdorff, most lawyers still entered the bar through apprenticeship. Cravath, however, was a graduate of Columbia Law School and he decreed that at his firm only those with a similar pedigree would be allowed to become associated with the firm.¹⁷ In the words of his biographer, for Cravath “mastery of the fundamental theories of the common law is a *sine qua non* of legal competence . . . and that such mastery can better be taught in the law schools than by practitioners in a busy office.”¹⁸ And the best of such graduates, Cravath believed, “are most likely to be found in the law schools which have established reputations by reason of their distinguished faculties and rigorous curricula, and which, by that very fact, attract the more scholarly college graduates.”¹⁹ For the first half of the twentieth century, this meant that the Cravath firm hired primarily from Harvard, Columbia, and Yale, preferably students who had been editors of their respective law reviews. When recruiting needs increased in the decade before World War II, Swaine reports, “there was a conscious effort to take at least one man a year from other law schools of high repute, such as Pennsylvania, Cornell, Virginia, Michigan, and Chicago.”²⁰

By the “Golden Age” of the 1960s, Cravath’s recruiting practices – like

16. SMIGEL, *supra* note 1, at 114.

17. SMIGEL, *supra* note 1, at 114.

18. 2 ROBERT T. SWAINE, *THE CRAVATH FIRM AND ITS PREDECESSORS, 1819-1947* 2. (1948).

19. *Id.*

20. *Id.* at n.1.

the rest of his model – had been picked up and copied by virtually every law firm that regarded itself as part of the elite. Thus in his study of Wall Street firms, Smigel found that in 1957, 71% of the partners at the twenty largest law firms in New York were graduates of Harvard, Yale, or Columbia law school.²¹ Five years later, although the absolute number of partners had increased by over 15%, the percentage of partners from the same three schools remained virtually unchanged.²² Similarly, in a study of four large Chicago law firms, Robert Nelson reports that of the lawyers who joined the firms before 1970, 56.9% graduated from elite national law schools, with another 25.9% graduating from prestigious regional schools, primarily the University of Chicago, Northwestern, and the University of Michigan.²³ Less than six percent of lawyers in the pre-1970 cohort in these firms went to “local” law schools – the schools from which almost half of all Chicago lawyers graduate.²⁴ Even West Coast firms had a strong preference for the graduates of elite Eastern law schools, with one large California firm boasting that 41% of all its lawyers attended either Harvard or Yale.²⁵

Simply graduating from an elite law school, however, was just the beginning of the competition. Recruits were also expected to have high grades and other academic honors as well. In Smigel’s study of initial job placements of students graduating from Yale in the years 1955-57, for example, 53% of those hired by large firms were in the top 25% of their class with 27% placing in the top decile.²⁶ Most valued of all, according to Smigel, were “law review men.”²⁷ Firms competed fiercely to obtain the services of these valued recruits, sometimes even violating the “gentlemanly” restrictions on competition that firms expressly maintained during this period by offering to pay those with law review credentials more money than the “going rate” or offering them other inducements to persuade them to sign on.²⁸

As the quote from Smigel that begins this article suggests, however, even outstanding academic credentials from a top school were insufficient

21. SMIGEL, *supra* note 1, at 39.

22. SMIGEL, *supra* note 1, at 39.

23. ROBERT L. NELSON, PARTNERS WITH POWER: THE SOCIAL TRANSFORMATION OF THE LARGE LAW FIRM 132 (1988) [hereinafter NELSON, PARTNERS WITH POWER].

24. *Id.* The estimate of the total number of Chicago lawyers who are graduates of large law schools comes from a study done in 1975. *See id.* (citing HEINZ ET AL., *supra* note 9).

25. SMIGEL, *supra* note 1, at 43.

26. SMIGEL, *supra* note 1, at 38. A similar study of Harvard Law School graduates found that 45% of the lawyers hired by the ten largest Wall Street firms came from the top ten percent of their class.

27. SMIGEL, *supra* note 1, at 39.

28. SMIGEL, *supra* note 1, at 58.

to guarantee admission to one of the country's premier firms during this period. Having the "right" race, gender, and social class were also required. Smigel offers a host of evidence of the importance of what the French sociologist Pierre Bourdieu calls "social capital" to the hiring decisions of large law firms during the "Golden Age."²⁹ Fully 30% of all of the partners in the Wall Street firms Smigel studied, for example, were listed in the social register.³⁰ Sixty-four percent attended an "elite" or "socially acceptable" college, with fully 40% graduating from Harvard, Yale, or Princeton.³¹ In a similar vein, as many as 55% of the lawyers in one Wall Street firm had attended elite prep schools such as Groton, St. Paul's, St. Mark's, and Kent.³² Finally, 29% of Smigel's sample said that they obtained their jobs partly on the basis of social or family connections.³³ And, of course, virtually all of these lawyers were white, Anglo Saxon, Protestant, and male.³⁴

Collectively, these distinct factors produce an interlocking system of social advantage. Needless to say, graduates of the urban law schools that proliferated during the first half of the twentieth century were expressly excluded by – and from – this system.

Indeed, for most of this period, many of the lawyers who ran the country's large law firms worked assiduously to drum the new urban law schools and their graduates out of the profession. As early as 1878, the elite lawyers who formed the American Bar Association went on a crusade to "improve" the legal profession by mandating that all future entrants graduate from law school and pass a rigorous examination to ensure their competence. Although there were undoubtedly many in the bar who supported these reforms for virtuous reasons, it is now well documented that many others were primarily interested in stemming the rising tide of new lawyers, particularly those from ethnic or religious minority groups, who were flooding into the profession.³⁵

Any doubt about these objectives was quickly removed as the pace of immigration quickened and a number of part-time and night law schools sprang up to handle the increased demand by those still hungry to enter the profession. Paradoxically, the shift from apprenticeship to legal education

29. Pierre Bourdieu, *The Forms of Capital*, in HANDBOOK OF THEORY AND RESEARCH FOR THE SOCIOLOGY OF EDUCATION 241, 248-52 (J. G. Richardson ed., 1986).

30. SMIGEL, *supra* note 1, at 39.

31. SMIGEL, *supra* note 1, at 73.

32. SMIGEL, *supra* note 1, at 72.

33. SMIGEL, *supra* note 1, at 57.

34. See SMIGEL, *supra* note 1, at 44-47.

35. See JEROLD S. AUERBACH, UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA 106-08 (1976).

ultimately facilitated rather than suppressed entry by the profession's traditional outsiders. By transferring control over entry from practitioners to educators, the bar inadvertently placed its fate in the hands of a group whose incentive was to increase, rather than decrease, the production of new lawyers.³⁶ Not surprisingly, the number of law graduates grew dramatically in the first decades of the twentieth century, with the largest growth occurring in schools offering part-time instruction with no or minimal admission and graduation requirements. Suffolk Law School in Boston, for example, enrolled 415 students when it was founded (over the objection of neighboring Harvard) in 1915. By 1922, it had tripled in size to over 1500 students. Six years later, it had ballooned to 4000 students, making it the largest law school in the country.³⁷ Virtually the entire student body was comprised of ethnic and religious minorities: 48.5% Irish; 18% Jewish; and 6% Italian.³⁸

The ABA under the auspices of its Section on Legal Education responded by attempting to shut down these part-time programs. Bar leaders made no secret of their motivations. As University of Wisconsin's Dean Harry S. Richards bluntly stated during the 1915 annual meeting:

[N]ight schools enroll[] a very large proportion of foreign names . . . emigrants [sic] covet the title [of attorney] as a badge of distinction. The result is a host of shrewd young men, imperfectly educated . . . all deeply impressed with the philosophy of getting on, but viewing the Code of Ethics with uncompromising eyes.³⁹

In the short run, these efforts proved quite successful. As Richard Abel observes, the ABA's campaign to require that all law schools be accredited by the organization resulted in the closure of many of the new urban law schools – and part-time legal education in general – by the

36. In her insightful history of blacks in the accounting profession, Theresa Hammond identifies the difficulty in satisfying the apprenticeship requirement as a major impediment for aspiring black CPAs well into the 1960s. See THERESA A. HAMMOND, *A WHITE-COLLAR PROFESSION: AFRICAN AMERICAN CERTIFIED PUBLIC ACCOUNTANTS SINCE 1921* 3 (2002). Similar statements about the discriminatory affects of apprenticeship requirement have been used to explain the low number of women solicitors in England. See HILARY SOMMERLAD & PETER SANDERSON, *GENDER, CHOICE, AND COMMITMENT: WOMEN SOLICITORS IN ENGLAND AND WALES AND THE STRUGGLE FOR EQUAL STATUS 92-94* (1998).

37. See RICHARD L. ABEL, *AMERICAN LAWYERS* 54 (1989).

38. *Id.*, at 86.

39. SUSAN K. BOYD, *THE ABA'S FIRST SECTION: ASSURING A QUALIFIED BAR* 17 (Section of Legal Education and Admissions to the Bar, American Bar Association) (1993) (quoting WILLIAM R. JOHNSON, *SCHOOLED LAWYERS: A STUDY IN THE CLASH OF PROFESSIONAL CULTURES* 150 (1978)).

1950s.⁴⁰ In the long run, however, the bar's effort to shut down urban schools failed. Some urban schools like Suffolk survived the accreditation process (although in Suffolk's case, with far fewer students than in its prime) and as the economy improved in the 1960s, others opened their doors.

Nor was the elite bar successful in keeping out traditional outsiders. Throughout the middle decades of the twentieth century, law continued to be an important avenue of social mobility for the sons of Jewish and Catholic immigrants.⁴¹ Beginning in the late 1960s, these traditionally excluded groups were joined by women and racial minorities. In 1970, women accounted for only 8.5% of all law students.⁴² Thirty years later, their share of law school seats was approaching 50%.⁴³ The growth in the number of racial minorities going to law school, while less dramatic, has nevertheless been significant. As late as 1976-77, 92.4% of all law degrees were awarded to non-Hispanic whites. Twenty years later, more than 20% of all law students were black, Hispanic or Asian.⁴⁴

Eventually, law firms followed suit. Jews were the first to begin to be included. By the early 1960s, cracks had begun to open up in the wall that for the first half of the century firmly separated Jewish lawyers from all but "Jewish" law firms.⁴⁵ Cravath appointed its first Jewish partner in 1959.⁴⁶ Davis Polk followed suit two years later.⁴⁷ Not surprisingly, these first Jewish partners – and their Catholic counterparts – all had impeccable academic credentials. Indeed, by 1964 a study by the Yale Law Journal concluded that there was "little difference" between the opportunities of Jews and Gentiles in the top third of the law school's graduating class.⁴⁸

Even for graduates of top law schools, however, only those outsiders who also had the appropriate social capital were likely to find employment in a large law firm. Although the Yale study found that Jews who graduated at the top of their class in elite law schools faced little religious

40. ABEL, *supra* note 37, at 72.

41. ABEL, *supra* note 37, at 85-86.

42. ABEL, *supra* note 37, at 91.

43. See CATALYST, WOMEN IN LAW: MAKING THE CASE 7 (2001).

44. HEINZ, *supra* note 9, at 152.

45. See Eli Wald, *The Rise and Fall of the WASP and Jewish Law Firms* 43 (February 15, 2007) (unpublished manuscript, on file with the author).

46. GALANTER & PALAY, *supra* note 10, at 25.

47. GALANTER & PALAY, *supra* note 10, at 25.

48. Note, *The Jewish Law Student and New York Jobs – Discriminatory Effects in Law Firm Hiring Practices*, 73 YALE L.J. 625, 646 (1964) [hereinafter *The Jewish Law Student*]. See also, NELSON, *supra* note 23, at 130 (reporting a decline in overt discrimination against Jews after the mid-1950s); RICHARD L. ZWEIGENHAFT & G. WILLIAM DOMHOFF, *JEWS IN THE PROTESTANT ESTABLISHMENT* 39 (1982) (reporting Los Angeles' O'Melveny and Meyers hired its first Jewish lawyer in 1955).

discrimination, those who stood below the top still encountered substantial obstacles. As the editors reported, in addition to whatever problems that their lower grades may have caused, Jews in the bottom two-thirds were also more likely to have additional “handicap[s]” including coming from “immigrant families, from the lower socio-economic brackets, and from New York City.”⁴⁹ Notwithstanding the assurance of hiring partners, who consistently insisted “that such factors as economic class or immigrant parents are irrelevant,” the editors found that these factors correlated with poor success in the job market.⁵⁰ Likewise, Smigel quotes a law school dean as saying: “In almost every case it is not being Jewish that throws a man back but lack of polish that accompanies anyone who is half a generation away from another country.”⁵¹

The first wave of women and racial minorities to join large law firms in the late 1960s and early 1970s followed a similar pattern. In their classic study of the Chicago bar, Heinz and Laumann found that although white women made up less than 3% of the bar, they were the most likely to have attended an elite law school and tended to come from more privileged backgrounds than their male peers.⁵² Studies of women lawyers during this period suggest that those who entered large law firms tended to be from the most elite part of this already elite distribution.⁵³ Although Heinz and Laumann found that minorities were significantly less likely to have attended an elite law school or come from privileged backgrounds in 1975,⁵⁴ available evidence indicates that the few black lawyers who were hired by large firms during this period once again tended to come from the most elite part of the distribution.⁵⁵

As law firms continued to grow exponentially, however, simply taking a few traditional outsiders with the same credentials as the white Anglo Saxon Protestant men of means that they had always hired could not begin to fill the escalating demand for labor. As the average size of a “large” law

49. *The Jewish Law Student*, *supra* note 48, at 647.

50. *The Jewish Law Student*, *supra* note 48, at 647.

51. SMIGEL, *supra* note 1, at 65.

52. HEINZ, *supra* note 9, at 62-65.

53. See CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 180 (2d ed., University of Illinois Press 1993) (1981); JUDITH RICHARDS HOPE, *PINSTripES & PEARLS: THE WOMEN OF THE HARVARD LAW SCHOOL CLASS OF '64 WHO FORGED AN OLD-GIRL NETWORK AND PAVED THE WAY FOR FUTURE GENERATIONS* 163-64 (2003).

54. HEINZ, *supra* note 9, at 62-65.

55. See GERALDINE R. SEGAL, *BLACKS IN THE LAW: PHILADELPHIA AND THE NATION* 41 (1983). One of our forthcoming books on the development of the black corporate bar in the fifty years since *Brown* confirms that the first black lawyers to integrate large law firms tended to come from elite educational institutions and to have high social backgrounds. See DAVID B. WILKINS, *THE BLACK BAR: THE LEGACY OF BROWN V. BOARD OF EDUCATION AND THE FUTURE OF RACE AND THE AMERICAN LEGAL PROFESSION* (forthcoming 2008).

firm has gone from 50 to 150 to 500 and more, firms have been forced to dramatically increase the number of law students that they are willing to interview and hire. Although as this process unfolded, many firms undoubtedly would have liked the 20, 50 or even 100 or more new recruits that they began to hire every year to fit the mold of the three or four associates that they brought on board during the “Golden Age,” the mismatch between their needs and the pool of graduates from elite law schools with the academic and social characteristics that the firms once required made this impossible.

As a result, firms have had to relax virtually every aspect of the interlocking web of credentials that once governed their hiring practices. Ethnoreligious prejudice – at least at the hiring level – has all but disappeared.⁵⁶ Similarly, since the mid-1980s, women have constituted over 40% of entering associates in large law firms and by century’s end, their representation among entering classes was nearly 50%.⁵⁷ Racial minorities have fared less well than either religious minorities or women, but the growth in their representation in large law firms is nevertheless significant. By 2000 when AJD respondents began entering the bar, almost 10% of the associates in large law firms were black, Hispanic, or Asian with larger percentages in the more junior classes.⁵⁸

Academic credentials have been relaxed as well. Even the best firms will now take students from top law schools who graduated far from the top of their class. But even scraping the bottom of the barrel at the country’s elite law schools is not enough to fill the hiring needs of the growing number of large law firms. As a result, virtually every firm has greatly expanded the number of schools from which it recruits. The result has been a dramatic expansion in the opportunity for graduates from urban law schools to enter large law firms. In 1975, for example, only 7% of the lawyers working in large Chicago law firms were graduates of “local” law schools. By 1995, these same institutions produced 26% of the attorneys working in firms with 100-299 lawyers and 17% of those in firms with 300

56. Although ethno-religious prejudice is no longer a significant issue with respect to hiring, there is evidence that these issues are still salient once lawyers begin working in large firms. See Ronit Dinovitzer, *Social Capital and Constraints on Legal Careers*, 40 LAW & SOC’Y REV. 445, 464 (2006); John Hagen et al., *Class Structure and Legal Practice: Inequality and Mobility among Toronto Lawyers* 22 LAW & SOC’Y REV. 9, 36 (1988); Hugh F. Lena et al. *Professional Status at Midcareer: The Influence of Social and Academic Origins on Lawyers’ Achievement*, 8 SOCIOLOGICAL FORUM 365, 379 (1993). We return to this issue below. See *infra* Part VII.

57. See CATALYST, *supra* note 43, at 29-30.

58. See ELIZABETH CHAMBLISS, MILES TO GO 2000: PROGRESS OF MINORITIES IN THE LEGAL PROFESSION 6-8 (2000).

or more lawyers.⁵⁹

The question remains, however, whether this new wave of expansion represents a fundamental transformation of the stratification and hierarchy that characterized the elite corporate bar during the “Golden Age,” or whether the traditional forms of academic and social capital that firms used to require of all of their new recruits continue to shape the careers of this new generation of lawyers in subtle but important ways. As we explain below, the data collected in the first wave of AJD can help us to begin to answer these questions – and in turn to understand how much has, and has not, changed since the “Golden Age.”

III. DEFINITIONS AND METHODOLOGY

AJD follows a representative sample of over 4000 lawyers who entered the bar in 2000 through the first ten years of their careers. The lawyers included in the study were selected from eighteen geographic areas across the country, including the four largest legal markets (New York, Washington, D.C., Chicago, and Los Angeles), and fourteen other areas ranging from small metropolitan areas to entire states.

In May 2002, we surveyed the sample for the first time. Responses were gathered via a mail questionnaire or by an abridged telephone interview. Seventy-one percent of those in the original sample who could be located and who met the study’s eligibility requirements responded to either the mail or the telephone questionnaire.⁶⁰ In addition, the study also includes a minority “over sample” consisting of 1,465 black, Hispanic, and Asian lawyers who also entered the bar in 2000 and otherwise met the study’s eligibility requirements.⁶¹

The results of this first wave of data underscore just how much the legal profession has changed in the last thirty years. As expected, AJD respondents are substantially more diverse (46% female and 17% non-white) as compared to the profession as a whole (26% female and 8% minority).⁶² More important for present purposes, however, they are also

59. Heinz et al., *The Scales of Justice: Observations on the Transformation of Urban Law Practice*, ANN. REV. SOC., Jan. 1, 2001, 337, at 349.

60. Based on the standard definitions provided by the American Association for Public Opinion Research, the response rates for the AJD study range from 53-55%, due to the unlocated sample members.

61. The analyses in this article rely on version 1.0 of the AJD weights, not adjusted for nonresponse. The authors have also replicated all analyses in this article with version 1.0 of the AJD weights, adjusted for nonresponse. While the exact estimates vary in range by a few percentage points, our essential findings remain substantively similar.

62. See DINOVIETZ ET AL., *supra* note 13, at 19-21; CHAMBLISS, *supra* note 58, at 5.

much more likely to work in the corporate hemisphere of legal practice. Although the percentage of lawyers who work as solo practitioners has been steadily declining in recent years,⁶³ the plurality of all lawyers in private practice – 32% in 2000 – continue to practice on their own. At the opposite end of the spectrum, notwithstanding all of the attention that they receive, only 8% of the country’s one million lawyers work in law firms with 100 or more lawyers. For AJD respondents, these percentages are nearly reversed: 28% of AJD lawyers are employed in firms with 100 or more lawyers – with the great majority (20%) working in firms with 251 lawyers or more – and only 5% are engaged in solo practice.⁶⁴

In this paper, we seek to better understand the extent to which the graduates of the kind of “urban” law schools that historically were denied access to the elite echelons of the corporate bar are helping to fuel this dramatic increase in the number of lawyers starting their careers in the nation’s largest law firms. To examine this question, we have divided our sample of 173 accredited law schools into three categories: “urban” law schools, by which we mean schools located in metropolitan area with a population of over one million and ranked lower than thirty-one in the *U.S. News and World Report* 2003 Law School Rankings (“U.S. News rankings”); “elite” law schools, by which we mean schools ranked thirty-one or higher in the U.S. News rankings regardless of their location; and “non-urban” law schools, which are located outside of major metropolitan areas and ranked below thirty-one in the U.S. News rankings.⁶⁵

Although any division of law schools into categories is by its very nature arbitrary – a critique that has been repeatedly, and persuasively leveled against the U.S. News rankings themselves⁶⁶ – the categories we

63. NELSON, *supra* note 3, at 370-71.

64. DINOVIETZ ET AL., *supra* note 13, at 27.

65. Sterling et al., *supra* note 12, at 396; *The Top Law Schools – Plus the Rest*, U.S. NEWS & WORLD REP., Dec. 31, 2002, at 60-63 [hereinafter *The Top Law Schools – Plus the Rest*]. This paper uses the 2003 rankings of law schools, as that is the year that the survey data was compiled. An argument can be made that since law school rank is such an important factor for students in deciding which school to choose, using the law school rankings of the year that these respondents applied to law school may be a more accurate reflection of school and, therefore, student selectivity. In addition, many of our respondents graduated in the year 2000, and the U.S. News rankings changed their methodology in 1999, changing the rankings significantly between the time these graduates applied and when they left school. Compare Amy E. Graham & Robert J. Morse, *How We Rank*, U.S. NEWS & WORLD REP., Mar. 29, 1999, at 76, with Gayle Garret et al., *Making Sense of All Those Numbers*, U.S. NEWS & WORLD REP., Apr. 9, 2001, at 65. Yet, the respondents did not all apply the same year, the rankings did not change significantly between 2000 and 2003, and since employers most likely depend on the current rankings when hiring, so this paper will use the 2003 rankings.

66. See, e.g., Michael Sauder & Wendy Nelson Espeland, *Strength in Numbers? The Advantages of Multiple Rankings*, 81 IND. L.J. 205, 217 (2006).

utilize here allows us to evaluate the continuing significance of the division between “elite” and “non-elite” schools described in the preceding section while also investigating whether a school’s location exacerbates or mitigates these traditional hierarchies. It also gives us a sufficient number and diversity of schools within each category to investigate whether differences among schools of a particular type are as – or more – important than differences across the categories. Thus, using the above definitions, 89 out of the 173 law schools are “urban”, 53 are “non-urban,” and the remaining 31 are (by definition) “elite.” Of those in the “urban” category, 21 are ranked between 32-65, 22 between 66-100, 17 are in Tier Three, and 29 are in Tier Four.⁶⁷ Eighteen of the urban schools are historically Catholic law schools and twelve are independent non-Catholic law schools not associated with a university.⁶⁸ In the non-urban category, 13 schools are ranked between 32-65, 10 between 66-100, 19 in Tier Three, and 11 in Tier Four.

Our study also defines a “large law firm” as any private firm with more than 100 attorneys distributed across all offices. Once again, this cut off is arbitrary – and arguably in today’s market too low, since as indicated above the smallest of the nation’s 250 largest law firms now consists of over 175 lawyers. Nevertheless, even though 100 lawyers no longer qualifies as a “megafirm” in today’s legal market place, virtually all of the private firms of this size primarily serve corporations, as opposed to individuals, and have a bureaucratic, as opposed to a collegial, form of organization. As a result, 100 lawyer firms are likely to have more in common with today’s true megafirms than with the smaller firms in which 60% of lawyers working in private practice continue to work. Because we recognize that firms with over 100 attorneys do vary considerably both in size and in other arguably significant characteristics and practices, where relevant and feasible we break down the category of “large law firm” into firm sizes of 101-250, 250-500, and over 500.

Even within these more finely grained categories, however, it is important to emphasize that in comparing urban law school graduates who enter law firms with their elite counterparts we are not directly comparing lawyers who are entering the *same* law firms. It is therefore possible that some of the effects we observe are the result of the fact that urban graduates are working in different kinds of law firms than their counterparts from the other categories of lawyers with whom they are being compared. Although standardizing for firm size should help to reduce this problem, we recognize that there are significant differences in the work, clients, structure, and

67. *The Top Law Schools – Plus the Rest*, *supra* note 65, at 60.

68. *The Top Law Schools – Plus the Rest*, *supra* note 65, at 60.

culture of law firms of similar sizes, particularly in the 101-250 range.

This last point underscores three additional features of our data that shape the conclusions that we draw in this paper. First, because AJD tracks decisions made by individual lawyers, as opposed to those made by the firms that may or may not hire them, our conclusions about the overall nature of the law firm hiring market must inevitably be speculative. Thus, to foreshadow a point we will discuss later on, just because we find that urban graduates working in large law firms are significantly more likely to have higher grades than their classmates working in other sectors does not necessarily mean that law firms place significant emphasis on this credential in recruiting. It is possible that law firms do not place considerable weight on grades but that those with high grades are more likely to want to work for firms and therefore more likely to be represented in the pool of potential applicants.

Second, our data is also subject to a general selection bias. Sticking with the finding that urban graduates in firms have higher law school grades than their classmates in other jobs, even if we assume that firms do care about this credential the size of the effect we report may be greater or smaller than is warranted depending upon how many urban school graduates with high grades actually chose to work in firms. Prior research on the graduates of NYU Law School, for example, found that a significant percentage of the students with the very highest grades chose to work in public interest jobs as opposed to large law firms.⁶⁹ If the same is true for urban graduates, then data we report may actually underestimate the value that employers place on high grades.

Finally, because our data is based on what AJD respondents report, it is subject to all of the inherent limitations of self-reporting. AJD respondents may be mistaken or biased in what they perceive or inaccurate in what they report. They may, to stay with the point about grades, misreport their law school grades or overestimate the importance that employers place on this credential relative to others that firms actually consider more important. Because AJD does not contain corresponding information from either law schools or employers, there is no way for us to cross-check to correct for these potential problems at the individual level.

Notwithstanding these limitations, however, we believe that the AJD data provides an important window into the hiring and status questions we investigate below. Although the study only addresses the “supply” side of the hiring market, to the extent that we see hiring patterns in the data that

69. Lewis A. Kornhauser & Richard L. Revesz, *Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt*, 70 N.Y.U. L. REV. 829, 914-15 (1995).

conform to other information we have about law firms, for example the information about their practices during the “Golden Age” presented above, it provides support for the proposition that these prior practices remain influential today. Similarly, although not all students with the credentials to obtain jobs in large law firms (whether in urban or elite schools) actually apply for these positions, it is also true that law firm jobs are among the highest paying and most prestigious available and most knowledgeable observers believe that they remain highly sought after by most law students. Finally, research in other domains, such as work in criminology, has consistently found self-report surveys to be a reliable form of data collection.⁷⁰ Moreover, self-reported data provides valuable insight into the factors that respondents believe to be important (even if they are mistaken) and how they present themselves to the world. To the extent that urban graduates perceive the world to be different from their counterparts from more elite law schools, it is reasonable to predict that both urban graduates – and the firms that hire and employ them – may act in ways that are consistent with what these graduates perceive to be true.

The following sections use the AJD data to explore four interrelated questions about the generation of urban law school graduates now entering large law firms: How much has the door to this sector of the bar opened for urban law school graduates?; Which urban graduates have walked through these doors and how do they compare to their classmates who have started their careers in other sectors and their fellow associates from other schools?; What pathways and strategies did urban law school graduates use to secure their jobs in large firms?; and how have these newcomers fared in their first few years on the job?.

IV. HOW FAR HAS THE DOOR BEEN OPENED?

In order to gauge how much things have changed since the “Golden Age,” we begin with a general comparison of the overall employment patterns of urban law school graduates and their counterparts from elite schools. As Table 1 indicates, both sets of graduates begin their careers in a diverse array of sectors, including firms of all sizes, government employment at both the state and local levels, and a variety of other public

70. See, e.g., Travis Hirschi et. al., *Reply to "On the Use of Self-Report Data to Determine the Class Distribution of Criminal and Delinquent Behavior."* 47 AM. SOCIOLOGICAL REV. 433, 433-35; see also Terrence P. Thornberry, & Marvin D. Krohn, *The Self-Report Method for Measuring Delinquency and Crime*, in CRIMINAL JUSTICE 2000, VOL. 4: MEASUREMENT AND ANALYSIS OF CRIME AND JUSTICE. (Department of Justice, 2000).

and private settings.⁷¹ Nevertheless, there are important differences. Compared to elite graduates, urban graduates are more likely to work as solo practitioners, much more likely to work in state as opposed to federal government, and are slightly more likely to be in business or professional service jobs.⁷² They are also much less likely to work in large firms.⁷³ Fifty two percent of elite law school graduates work in law firms with more than 100 lawyers as compared to only 17% of graduates from urban schools.⁷⁴

TABLE 1: Practice Setting by School Type

	Urban Law Graduates	Elite Law Graduates
Solo Practice	5.90%	1.80%
Private firm – 2-20 attorneys	31.50%	11.20%
Private firm – 21-100 attorneys	12.40%	10.80%
Private firm – 101-250 attorneys	5.50%	11.70%
Private firm – 251-499 attorneys	5.80%	11.40%
Private firm – 500+ attorneys	6.00%	28.60%
Federal Government	4.00%	5.70%
State Government	13.50%	5.00%
Legal services or Public Defender	2.60%	2.80%
Public Interest, Non Profit, or Education	2.60%	5.00%
Professional Service/Fortune 1000	5.50%	3.10%
Other Business	4.70%	2.90%

Given the history documented in Part II, this last difference is hardly surprising. As we have seen, large law firms traditionally had a strong preference for hiring the graduates of elite law schools.⁷⁵ The fact that almost three times as many elite law school graduates as urban graduates start their careers in firms suggests that this preference continues to exist.⁷⁶ Although it is possible that elite graduates are more likely to apply to firms than their urban counterparts, it seems unlikely that the choices of individual law students from the two types of schools would diverge to this magnitude.

Indeed, when we look at employment for the entire AJD sample, it is clear that law school status continues to play a pivotal role in shaping the careers of today's law school graduates. Thus, in Table 2 we see that the

71. See *infra* tbl.1.

72. See *supra* tbl.1.

73. See *supra* tbl.1; see also *infra* chart 1.

74. See *supra* Part II.

75. See *supra* tbl.1.

76. See *supra* tbl.1.

proportion of graduates working at a large law firm moves in complete lock-step with the ranking of the institution from which a respondent graduated.⁷⁷ Once again, our data is confined to the actions of law graduates, not the preferences of firms. Nevertheless, just by looking at the results of the hiring process, there is little reason to think that large law firms have abandoned the premium that they placed on law school status during the “Golden Age.”

TABLE 2: Practice Settings by Law School Tier – All Respondents

	Ranked 1-10	Ranked 11-31	Ranked 32-65	Ranked 66-100	Tier 3 101- 137	Tier 4 138- 178
Solo	0.0%	2.7%	3.1%	4.9%	6.7%	8.3%
Private firm – 2-20 attorneys	3.0%	15.4%	27.0%	25.4%	34.9%	39.8%
Private firm – 21-100 attorneys	6.5%	13.0%	13.6%	14.5%	13.7%	10.0%
Private firm – 101-250 attorneys	12.9%	11.0%	8.0%	6.4%	4.9%	2.4%
Private firm – 251+ attorneys	51.9%	33.7%	13.8%	14.8%	8.8%	3.6%
Government	9.6%	11.4%	20.7%	17.3%	16.3%	20.6%
Legal services or Public Defender	3.6%	2.4%	3.3%	3.1%	2.8%	3.5%
Public Interest	4.9%	1.9%	0.1%	1.0%	0.3%	0.3%
Non Profit or Education	1.9%	2.3%	2.4%	1.6%	2.1%	1.7%
Business	5.7%	6.1%	7.3%	10.7%	8.8%	9.9%
Other	0.0%	0.1%	0.6%	0.3%	0.5%	0.0%

What is surprising, therefore, is how many graduates from urban law schools in our sample are now working in large law firms. While the 17% of urban graduates working in large firms⁷⁸ is substantially below the percentage of elite graduates in similar positions, it represents a major increase in the percentage of urban law school graduates working in comparable institutions during the “Golden Age.” The fact that the

77. See *infra* tbl.2. The only exception to this linear correlation is that a slightly higher percentage (14.8% to 13.8%) of graduates in schools ranked 66-100 are working in firms of 251 lawyers or more than graduates of schools ranked 32-65.

78. See *supra* tbl.2.

percentage of urban graduates working in large law firms is nearly identical to the percentage of lawyers from these schools who begin their careers working for the state or federal government⁷⁹ underscores just how much the employment patterns of urban law school graduates have changed in recent years.

Moreover, of the urban graduates employed at large firms, a plurality actually work in the largest of the large firms.⁸⁰ As Chart 1 indicates, approximately 40.5% of the graduates of urban law schools working in this sector are employed in firms with over 500 attorneys.⁸¹ This pattern is similar to (although far less pronounced than) the distribution of elite graduates.⁸²

On one level, this too is not surprising. The bigger the firm, the more lawyers it will need to hire – and the less likely it will be to fulfill its hiring needs by simply hiring the graduates of elite schools.⁸³ This simple arithmetic also helps to explain, for example, why studies of law firm diversity have also found that minority lawyers tend disproportionately to be concentrated in the largest firms.⁸⁴ From the perspective of the history recounted in Part II, however, the fact that the largest law firms have become the largest employers of the graduates of non-elite law schools (and of minority lawyers as well) represents a significant change – not just in hiring practices but arguably in the correlation between size and elite status as well. In the “Golden Age,” the largest law firms were also the most profitable and prestigious. Today, this synergy between size, profit, and prestige – like many of the other taken for granted synergies of the “Golden Age” – has significantly broken down. Thus, many of the most profitable and prestigious firms – Wachtel Lipton, Sullivan & Cromwell, and even Cravath itself – are “mid-sized” at best by the standards of today’s true mega-firms.⁸⁵ Although the graduates of elite law schools also work

79. See *supra* tbl.2.

80. See *infra* chart 1.

81. See *infra* chart 1.

82. See *infra* chart 1.

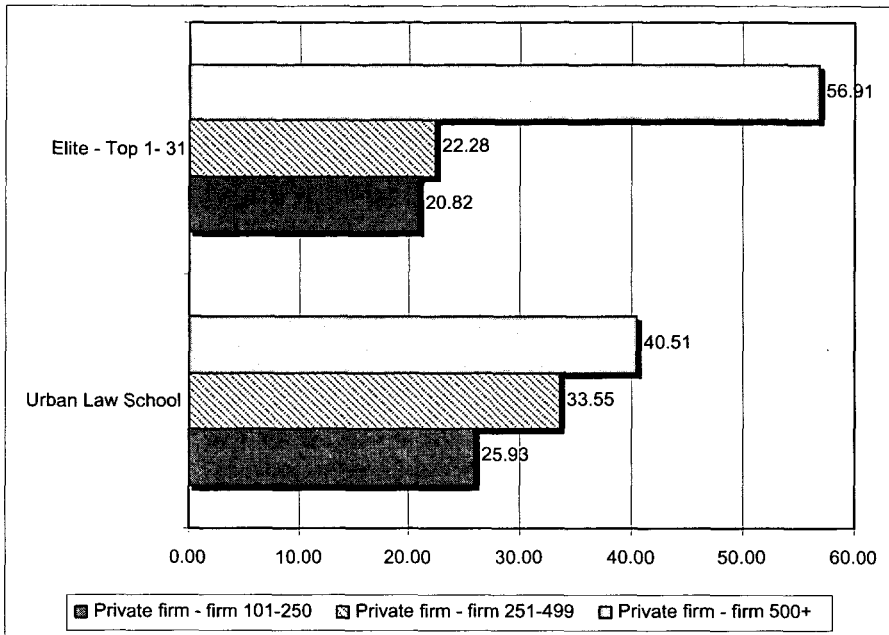
83. Rachel Parkin draws a similar conclusion from her analysis of the law school connections of lawyers working in firms listed in Martindale Hubble. See Rachel Parkin, *Legal Careers and School Connections* 11 (November 25, 2006) (unpublished manuscript, on file with the author) (finding larger offices more diverse in terms of the number of law schools represented among lawyers than smaller offices). We return to Parkin’s analysis later in the article.

84. See, e.g., ELIZABETH CHAMBLISS, *MILES TO GO 2000: PROGRESS OF MINORITIES IN THE LEGAL PROFESSION* 6 (ABA Commission on Racial and Ethnic Diversity in the Profession 2000) (finding that “minority representation is highest in the very largest (251-plus lawyer) firms”); Kornhauser & Revesz, *supra* note 69, at 932.

85. Vivia Chen, *The Am Law 100: A Look Behind the Numbers*, THE AMERICAN LAWYER, April 30, 2007, <http://www.law.com/jsp/law/LawArticleFriendly.jsp?id=1177664676190>.

overwhelmingly in the largest firms the fact that well over 40% are found in firms below 500⁸⁶ suggests that the largest firms can no longer count on being able to attract the most elite graduates.

CHART 1: Distribution of Large Firm Respondents by Size of Firm



V. WHICH URBAN GRADUATES HAVE WALKED THROUGH THE DOOR?

Of course, not every urban law school graduate has the opportunity to work at a large law firm. In this section, we explore which urban graduates are working at large firms and how the credentials of these graduates compare to those of the graduates of elite law schools hired by similar institutions.

We begin with the conventional wisdom about how law firms have responded to their rapidly expanding need to hire new lawyers. As indicated above, as firms expanded during the 1970s and 1980s they could no longer depend upon the top graduates from the country’s best law schools to fill their needs. Not surprisingly, the first thing that these institutions did was to go “deeper in the class” to hire students from elite

86. See *infra* chart 1.

schools whose academic credentials were below – increasingly, significantly below – the level of those of their prior recruits. When this did not prove sufficient, firms expanded the network of schools from which they were willing to recruit. With each move down the prestige chain, however, firms have required a corresponding increase in academic standing. The result, according to this standard account, is a “sliding scale” in which students from less highly ranked schools are required to have significantly higher academic credentials – high grades, law review membership, federal court clerkships – then their counterparts from elite schools.⁸⁷

We have already seen that there are good reasons to believe this standard account. As Table 2 underscores, law school status is highly correlated with the likelihood of working at a large law firm.⁸⁸ As firms nevertheless have had to look beyond the graduates of elite law schools to fill their hiring needs, it should not be surprising that they have also looked for the kind of distinguished academic credentials in these new recruits that they used to require of all of their lawyers.

Our data on urban law school graduates, however, presents a more complex picture of the hiring patterns of large law firms than the conventional wisdom would lead one to believe. As predicted, law school status, high grades, and other academic accomplishments do play a significant role in determining which urban graduates are hired by big firms. But other factors are also important, beginning with the fact that these recruits have graduated from an *urban* law school. The presence of these additional factors complicates the standard meritocratic story in which high grades and law review membership are portrayed as a simple and complete substitute for the interlocking set of elite characteristics that defined law firm hiring during the “Golden Age.”

87. The popular student publication THE INSIDER'S GUIDE captures this conventional wisdom in describing the hiring criteria employed by Baker Botts, a large firm based in Houston Texas, in the mid-1990s:

[The firm] looks at people in the top quarter of their class at the University of Texas, the top five percent of their class at the University of Houston, and the top half of their classes at national law schools such as Columbia, Harvard, Stanford the University of Chicago, the University of Virginia, and Yale.

THE INSIDER'S GUIDE TO LAW FIRMS 230 (Sheila V. Malkani & Michael F. Walsh eds., 1994), quoted in David B. Wilkins & G. Mitu Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis*, 84 CAL. L. REV. 493, 547 n.184 (1996) [hereinafter Wilkins & Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms?*].

88. See *supra* tbl.2.

TABLE 3: Practice Setting by Law School Tier – Urban and Elite Graduates Only

	Urban Rank 32-65	Urban Rank 66-100	Urban Rank Tier 3	Urban Rank Tier 4	Elite Rank 1-10	Elite Rank 1-31
Solo Practice	3.2%	4.8%	4.6%	8.5%	0.0%	2.9%
Private firm – 2-20 attorneys	28.4%	24.1%	35.8%	39.5%	3.4%	16.2%
Private firm – 21-100 attorneys	12.4%	14.1%	13.7%	10.0%	7.5%	12.9%
Private firm – 101-250 attorneys	7.6%	6.6%	5.7%	2.1%	11.9%	11.5%
Private firm – 251-499 attorneys	8.5%	7.1%	4.9%	1.9%	11.9%	11.0%
Private firm – 500+ attorneys	6.9%	9.3%	5.1%	2.1%	38.9%	22.0%
Federal Government	5.5%	4.9%	2.5%	2.9%	6.7%	5.1%
State Government	13.6%	11.6%	11.7%	18.6%	3.7%	5.9%
Legal services or Public Defender	2.1%	2.9%	3.2%	2.7%	4.0%	2.0%
Public Interest	2.8%	3.3%	2.4%	1.8%	6.4%	4.2%
Non Profit or Education						
Professional Service/Fortune 1000	5.8%	6.7%	6.1%	2.7%	2.7%	3.4%
Other Business	3.3%	4.5%	4.3%	7.0%	2.9%	2.9%

A. Law School Status

The conventional wisdom suggests that urban graduates from higher ranked schools should enter large firm practice in greater numbers than those from lower ranked schools. As Table 3 demonstrates, this is precisely what we observe.⁸⁹ While the overall percentage of urban law school graduates that enter large firms is 17.3%,⁹⁰ about 23% of urban graduates from those schools ranked from 32 to 100 go to large law firms as compared with only 15.7% of urban graduates from Tier 3, and only 6.1%

89. See *infra* tbl.3.

90. See *supra* tbl.3.

of urban graduates from Tier 4.⁹¹ Thus, law school status does play a significant role in determining which urban graduates go into large firms.⁹² The regression analyses we present below reinforce this conclusion.

Our data suggests, however, that two additional characteristics of the schools in our sample overlooked by the conventional wisdom are also important for the graduates of urban law schools.

The first is whether a graduate has attended an “urban” school, as opposed to a comparable – or indeed even more highly ranked – school located outside of a major urban center. Table 4 reports the employment characteristics of the graduates of “non-urban” law schools in the AJD sample.⁹³ As indicated there, non-urban law schools send only 14.6% of their graduates into large firm employment, a percentage that is less than all urban categories (and of course less than elites), with the exception of Tier 4 graduates.⁹⁴ Moreover, those non-urban graduates who do work in firms are, unlike their counterparts in both urban and elite schools, most likely to work in firms with fewer than 250 lawyers.⁹⁵

TABLE 4: Practice Settings for Non-Urban Law Graduates

Non Urban Law Graduates	
Solo	6.5%
Private firm - firm 2-20	30.3%
Private firm - firm 21-100	14.4%
Private firm - firm 101-250	6.2%
Private firm - firm 251-499	4.0%
Private firm - firm 500+	4.4%
Federal Government	4.5%
State Government	17.1%
Legal services or Public Defender	4.4%
Public Interest, Non Profit or Education	1.9%
Professional Service/Fortune 1000	3.3%
Other Business	3.0%

This employment gap cannot be explained by the difference in overall law school status between urban and non-urban schools. Both school clusters have almost identical percentages of schools ranked in each of the

91. *See supra* tbl.3.

92. *See supra* tbl.3.

93. *See infra* tbl.4.

94. *See supra* tbls.3, 4.

95. *See supra* tbl.4.

four categories.⁹⁶ Indeed, the non-urban category has a higher percentage of schools ranked between 32 and 65, due to the number of large and relatively highly ranked public law schools in this cluster, and a lower percentage of schools ranked in Tier Four than the urban category. As a result, the data suggests that geography plays a role independent from school status in shaping the employment opportunities of today's law school graduates. Table 5 confirms this suggestion by demonstrating that urban law school graduates are significantly more likely to work in large law firms than their counterparts at non-urban schools.⁹⁷ As we indicate below, this intuition is also supported by our finding in our regression analysis that having taken a bar exam in a large metropolitan area significantly increases the odds that a respondent will be working at a large law firm.⁹⁸

TABLE 5: Cross-tabulation of Firm Size by School Type

	Urban Law School	Non Urban Law School
Works in a large firm	17.30%	14.50%
Does <i>not</i> work in a large firm	82.70%	85.50%

Chi Square=15.04, p<.000

One can speculate that there are many reasons why being located in a major city might make it easier for the graduates of urban law schools to secure a job at a large law firm. The first, of course, is a straightforward variation of the bank robber Eddie Sutton's famous quip about why he robbed banks: "It's where the money is!" Most large law firms are located in major metropolitan areas. Urban law schools are simply closer to these employers than are their non-urban counterparts.

We doubt, however, that mere physical proximity is the deciding factor.⁹⁹ After all, firms have no problem flying hundreds or even

96. The percentage of urban graduates in each category is as follows: 32-65 (21.2%); 66-100 (23.4%); Tier Three (18.0%); and Tier Four (30.8%). The corresponding percentages for non-urban schools are 24.5%; 18.8%; 35.8%; and 20.7%.

97. See *infra* tbl.5.

98. See *infra* tbl.10.

99. Physical proximity does, however, appear to play an interesting role in whether a graduate is likely to work in the "home" or "branch" office (or if a branch office, the size of that branch) of a large law firm. In an earlier analysis, some of us examined the likelihood that graduates of different law school tiers would work in the different offices of a law firm of a given size. In that analysis we found that those who went to less highly ranked schools were significantly less likely than their elite firm counterparts to work in larger offices. For example, while 50% of graduates from top ten law schools worked in offices larger than 100, only 10% of graduates from schools ranked 41-100 worked in such offices. As Table 3 indicates, the 10% working in offices of 100 or more is significantly less than the 21.2% of graduates in schools ranked 66-100 working in firms of equivalent size – and significantly less than the percentage of

thousands of miles to recruit students from Harvard and Yale – or Michigan or the University of Virginia for that matter. Instead, we suspect that proximity is important because it helps to foster relationships between urban schools and prominent members of the local bar, many of whom either work in large firms or have influence over them. These relationships build connections across the traditional prestige hierarchies of the bar and make it more difficult for elite practitioners consistently to snub the graduates of schools located in their local communities.

Equally important, the students who attend urban law schools are increasingly likely to have important connections of their own that may give them a leg up in being hired by large firms. As the companion paper in this symposium underscores, urban law schools are no longer filled with the sons and daughters of working class immigrant families.¹⁰⁰ As admission to law school has become increasingly competitive, a substantial number of the children of middle and upper income families have been drawn to these institutions as well.¹⁰¹ Although this trend has undoubtedly raised the socio-economic profile of students in non-urban schools,¹⁰² since urban schools typically draw many of their students from the metropolis in which they are located, urban law students from privileged backgrounds are likely to have ready access to whatever connections their parents may have to the profession's elite. The fact that law school applicants are now encouraged to pick a law school based on their preference for long term residence in that area suggests that some self selection in geographic preference is also at play.¹⁰³

Self-selection, combined with access to specialized networks, may also help to explain the fact that a school's religious affiliation also has a mediating effect on law school status as a predictor of large firm employment.¹⁰⁴

all urban graduates (17%) working in firms of a similar size. Yet nearly half of all urban graduates (46 out of 94) go to schools ranked below 100. As a result, it appears that non-urban graduates are more likely to work in smaller offices than are their urban counterparts, even if the firms they work for are of equivalent size. Given that it can be harder to make partner from a small branch office than it is from the firm's main office, this finding could be significant for the long-term success of urban graduates and their non-urban peers. See David B. Wilkins, *On Being Good and Black*, 112 HARV. L. REV. 124, 1046-47 (1999) (discussing the "branch office blues").

100. See Sterling et al., *supra* note 12, at 399.

101. See Sterling et al., *supra* note 12, at tbl.1.

102. See DINOVTZER ET AL., *supra* note 13, at 20 (indicating that the socioeconomic status as measured by parental occupation of all AJD respondents is significantly higher than the national average).

103. ROBERT H. MILLER, LAW SCHOOL CONFIDENTIAL: A COMPLETE GUIDE TO THE LAW SCHOOL EXPERIENCE: BY STUDENTS, FOR STUDENTS 72 (2004).

104. See *infra* tbl.6.

TABLE 6: Practice Setting by Type of Law School

	Catholic Law School (excluding non urban)	Independent Law School (excluding non urban)	Non-Urban
Solo Practice	3.80%	8.30%	6.50%
Private firm – 2-20 attorneys	25.80%	30.90%	30.30%
Private firm – 21-100 attorneys	13.80%	9.30%	14.40%
Private firm – 101-250 attorneys	7.90%	5.60%	6.20%
Private firm – 251-499 attorneys	8.20%	4.10%	4.00%
Private firm – 500+ attorneys	11.40%	4.20%	4.40%
Federal Government	4.60%	2.90%	4.50%
State Government	11.90%	14.40%	17.10%
Legal services or Public Defender	2.20%	3.70%	4.40%
Public Interest, Non Profit or Education	2.00%	2.40%	1.90%
Professional Service/Fortune 1000	4.70%	5.90%	3.30%

Note: Catholic and Independent Categories exclude Non-Urban Schools

As Table 6 demonstrates, traditionally Catholic law schools send a higher percentage of their graduates to large firms than urban law schools generally – and a substantially higher percentage than non-urban schools.¹⁰⁵ Catholic law schools send 27.5% of their graduates to large law firm practice, which is much higher than the average urban law school at 17%. This proportion is also higher than other comparison groups, such as independent law schools, at 13.9%.¹⁰⁶ In addition, Catholic schools send a higher percentage of their graduates to the largest of the large law firms than all comparison groups except elite schools.¹⁰⁷

Like the urban advantage generally, some combination of preferential access to important networks and self-selection probably lies behind the greater success of graduates from Catholic schools. Although not as discriminated against as Jews, Catholics were nevertheless excluded from most elite law firms during the “Golden Age.” As a result, like their Jewish

105. See *supra* tbl.6.

106. See *supra* tbl.6.

107. See *supra* tbl.6; see also *infra* tbl.5.

counterparts, many Catholic lawyers established their own firms in cities with large Catholic populations. Not surprisingly, these firms recruited heavily from Catholic law schools. As discrimination against Catholics receded, many of these firms prospered or merged into larger and more profitable (traditionally Protestant) firms. Given their prior history, however, it is likely that many of the Catholic lawyers in these now establishment enterprises remain loyal to the Catholic law schools that gave them their start, thus giving the graduates of these institutions a considerable advantage in the job market. The fact that similar loyalties may still persuade Catholics to send their children to Catholic colleges and law schools over other more highly ranked institutions will only serve to reinforce this advantage.

Once again, the point is not that law school status does not matter for the graduates of urban law schools. It does. It is only that other aspects of these institutions, such as their location and religious affiliation, matter as well. As we will see below, the same is true with respect to the grades and other academic credentials that make up the other prong of the conventional wisdom.

C. Law Review Participation and GPA

As we saw in Part II, in the “Golden Age” even graduates of top law schools had to have high grades and other academic credentials – most notably law review membership – if they hoped to be hired by an elite law firm.¹⁰⁸ Given this history, it is not surprising that the conventional wisdom suggests that these credentials would be especially important for urban graduates seeking jobs with large law firms who, by definition, do not have the credential of coming from a highly ranked school.

TABLE 7: Law Review Participation and GPA by School Type

	Urban Graduates		Elite Graduates	
	Not in a large law firm	Works in a Large Firm	Not in a large law firm	Works in a Large Firm
Was on the General Law Review	16.10%	45.5%*	15.40%	26.7%*
Law School GPA	3.166	3.491*	3.302	3.475*

*Note: *p<.05*

108. See *supra* Part II.

Table 7 indicates that this prong of the conventional wisdom – like the prong about law school status – is substantially correct.¹⁰⁹ For example, urban graduates employed in large law firms are almost three times as likely to have been on the general law review at their schools than urban graduates employed in other settings.¹¹⁰ Nearly 50% of urban graduates employed at large law firms (45.5%) reported participation on the general law review, compared to only 16.1% of those not at large firms.¹¹¹

Table 7 also demonstrates that elite school graduates report a difference in law review participation between lawyers employed by large law firms and those employed elsewhere, but the difference is not nearly as great.¹¹² Only 26.70% of the elite school graduates working in large law firms report having this credential.¹¹³ Although this was still almost double the percentage of elite graduates working outside the large law firm sector who were members of their school's general law review, this ratio is still significantly smaller than the three to one differential that one finds between the comparable populations of urban graduates.¹¹⁴

This too is consistent with the conventional wisdom. The “sliding scale” approach to recruiting described above means that firms are willing to hire students from the middle of the class at top schools but only top students from schools ranked in the middle of the law school hierarchy. Moreover, in many schools law review membership is no longer simply a proxy for the students with the best grades. Ironically, this is particularly true for schools in the top tier, which now give substantial weight to writing and other criteria when selecting members.¹¹⁵ As a result, firms that put a high premium on academic credentials are more likely simply to look at grades directly.

Not surprisingly, when we look at law school GPA we see that grades are still a significant credential for both urban and elite school graduates working in large law firms. Table 7 shows that urban graduates at large firms have a higher self-reported GPA on average than their counterparts in other employment areas.¹¹⁶ Urban graduates at large firms had a mean GPA of 3.491, compared with a mean of 3.166 for those not in this

109. *See supra* tbl.7.

110. *See supra* tbl.7.

111. *See supra* tbl.7.

112. *See supra* tbl.7.

113. *See supra* tbl.7.

114. *See supra* tbl.7.

115. BCG ATTORNEY SEARCH, THE 2003 BCG ATTORNEY SEARCH GUIDE TO CLASS RANKING DISTINCTIONS AND LAW REVIEW ADMISSION AT AMERICA'S TOP 50 LAW SCHOOLS 9 (2003).

116. *See supra* tbl.7.

sector.¹¹⁷ Elites working in law firms also report higher grades than their peers in other sectors, but as with law review membership the difference between elite school graduates in firms and those in other areas is not nearly as great as it is for the equivalent urban graduates. Thus, the average GPA of elite graduates working in large law firms was 3.475, only a little more than one-tenth of a point higher than the 3.302 average GPA for those not at large firms, though this substantially smaller difference remains statistically significant.¹¹⁸ Once again, this is what the conventional wisdom would predict given that elite graduates no longer have to be at the top of their class to be hired by an elite law firm.

What is surprising – and at first blush contrary to the conventional wisdom – is that there is no significant difference between the average law school GPA of urban graduates at large law firms and their counterparts from elite schools.¹¹⁹ Comparing the second and fourth columns of Table 7, the mean GPA for urban law school graduates at large firms is 3.491 (on a four-point scale) versus 3.475 for elite graduates.¹²⁰ This finding appears contrary to the conventional wisdom since it suggests that if large law firms employ a grade cutoff, that cutoff does not vary by school ranking.

We suspect, however, that this finding masks important differences between what appear to be similar grade point averages at different schools. Specifically, the well-recognized phenomenon of grade inflation at elite law schools may explain this counterintuitive result. In the AJD study, for example, no graduates of a top ten law school self-reported a law school GPA below a 3.0!¹²¹ At the opposite end of the law school hierarchy, it is common for schools outside of the top tiers to maintain a rigid grade curve that both guarantees low grades and limits the number of high ones.¹²² This suggests that while the average GPAs of urban and elite graduates may be the same at large law firms, the same GPA at an urban law school represents a significantly higher class rank, a fact most likely recognized by law firm recruiters.

As we said at the outset, therefore, the AJD data supports the conventional wisdom that law school status and traditional academic credentials such as law review membership and high grades play a key role in the hiring decisions of large law firms.. Even with respect to these two factors, however, the data presents a more nuanced story than the standard

117. *See supra* tbl.7.

118. *See supra* tbl.7.

119. *See supra* tbl.7.

120. *See supra* tbl.7.

121. DINOVTZER ET AL., *supra* note 13, at 44 tbl.5.3.

122. For example, Southwestern Law School, where this conference is being held, recently moved to raise its mandatory grade curve from an average grade of C to B.

account typically acknowledges. This too should not be surprising. As we saw in Part II, even in the “Golden Age” traditional academic credentials never constituted the only factors law firms considered in making hiring decisions.¹²³ Once we expand our focus to examine other kinds of “credentials” that law students bring to the job market, we see that school status and academic achievement also do not fully explain the employment patterns of urban and elite law school graduates today.

D. Other Credentials

We can begin to see these differences by taking a closer look at the backgrounds and experiences of the urban law school graduates working in firms versus their counterparts in other sectors. Tables 8 and 9 compare these two groups with respect to their demographic characteristics (Table 8) as well as their choices before coming to law school and entering the work force (Table 9).¹²⁴ As we will see, there are significant differences between the two groups on both dimensions.

TABLE 8: Family Background Characteristics for Urban Graduates by Firm Size

Urban Graduates Only	Not in a Large Firm %	Works in a Large Firm %
Black	5.1%	2.2%*
Hispanic	4.4%	3.8%
Asian	5.3%	6.1%
Both parents born outside of USA	10.7%	14.7%*
Roman Catholic	33.5%	43.7%*
Jewish	7.0%	8.4%
Parent or grandparent was a lawyer	34.1%	36.3%
Father ISEI occupation status (mean score)	58.3	62.4*

*Note: *p<0.5*

123. See *supra* Part II.

124. See *infra* tbls.8, 9.

1. Demographic Characteristics

a. Race and National Origin

Both race and national origin differentiate urban law graduates at large firms from their counterparts in other employment sectors.¹²⁵ A significantly smaller proportion of Black urban law graduates work at large law firms compared to their representation in other settings.¹²⁶ And while not reaching the level of statistical significance, the data suggest that Hispanic graduates from urban schools are less likely to work in large law firms than in other sectors, whereas the opposite appears to be true for Asian graduates.¹²⁷ Most surprisingly, lawyers whose parents were born outside of the United States are now more likely to be employed at large firms than in the small firms or government jobs in which they were traditionally confined just a generation ago.¹²⁸ Immigrant status no longer appears to be the bar to entry into the elite bar that it once was during the “Golden Age.”

b. Religion

Given the success of Catholic law schools in placing their graduates in large firm employment, it is not surprising that Catholics are significantly overrepresented among urban graduates working at large law firms.¹²⁹ Jewish lawyers also appear to be more likely to work in firms, but the number of Jews in our sample from urban law schools is too small for this result to reach statistical significance.¹³⁰

Once again, these results represent a substantial change from the “Golden Age” when elite firms expressly discriminated against both Catholics and Jews – particularly those who attended lower status law schools. Indeed, the fact that there were not enough Jews in our sample of urban law school graduates to reach a definitive conclusion about their likelihood of being employed at a large law firm signals a dramatic change from the days in which Jewish students dominated the ranks of urban law

125. *See supra* tbl.8.

126. *See supra* tbl.8.

127. *See supra* tbl.8.

128. *See supra* tbl.8. Given recent immigration patterns and the fact that they are somewhat more likely to work in large law firms than in other sectors, it is likely that many of the children of recent immigrants working in firms are Asian.

129. *See supra* tbl.8.

130. *See supra* tbl.8.

schools.¹³¹

c. Parental Occupation

As the quote from Smigel that begins this article underscores, during the “Golden Age” being from the “right” social background was an essential credential for anyone hoping to be hired by a Wall Street law firm. The AJD data suggests that parental pedigree still matters. Thus, urban graduates working in large law firms come from families where the father is employed in an occupation with significantly higher social status (as measured by their mean ISEI¹³² status codes, a relative measure of the social status of different occupations) than their counterparts starting their careers in other sectors. Indeed, this pattern also holds true for elite school graduates. Students from highly ranked schools who begin their careers in large law firms also continue to have higher social status as measured by father’s occupation than those who begin their careers elsewhere.¹³³ Although there are many factors that might explain these differences, it appears that notwithstanding the corporate bar’s whole-hearted embrace of the meritocracy in the years since the “Golden Age,” family background still plays an important role in determining who is hired by these organizations, even with respect to those applicants who have elite educational credentials.

While general social capital in the form of the father’s occupational status apparently continues to matter in determining who is likely to work at a large law firm, specific legal capital apparently does not. Urban law school graduates working in large law firms are no more likely to have a parent or grandparent who is a lawyer than graduates working in other sectors. Although there are no significant differences between urban graduates working in firms and those working elsewhere with respect to this factor, it is important to note that the percentage for both groups is quite high – in each case over a third. This suggests that while having a parent or grandparent who is a lawyer may not influence whether a student goes to a large law firm, it may play an important role in determining whether that student goes to law school in the first place. If true, this would also constitute a continuation of the situation during the “Golden Age” where many of the Catholics and Jews attending law school in the first half

131. For a more complete description of this transformation, *see generally* Sterling et al., *supra* note 11.

132. Harry B. G. Ganzeboom et al., *A Standard International Socio-Economic Index of Occupational Status*, 21 SOC. SCI. RES. 1, 1-56 (1992).

133. *See, e.g.*, Robert Nelson, *After the JD*, 36 SW. U. L. REV. 351, tbls.35-36 (2007).

of the twentieth century were the children of lawyers.¹³⁴

2. Personal Characteristics

Table 9 compares the personal characteristics of urban graduates working in large law firms with their counterparts in other sectors.¹³⁵ As we explain below, there are significant differences here as well.

TABLE 9: Personal Background Characteristics for Urban Graduates by Firm Size

Urban Graduates Only	Not in a Large Firm %	Works in a Large Firm %
Married	56.9%	64.1%*
Has at least one child	31.9%	31.5%
Undergraduate science training	9.6%	17.1%*
Intended to practice law	81.9%	85.7%*
Age at graduation (mean)	30.7	29.4*
Undergraduate GPA (mean)	3.37	3.37

Note: * $p < 0.5$

a. Marital and Family Status

Urban graduates at large firms are more likely to be married two years after taking the bar than those that are not at large firms.¹³⁶ Notwithstanding their greater likelihood of being married, however, urban graduates working in firms are no more likely to have children than their peers working in other jobs.¹³⁷

The first of these findings is at first surprising given that the demands of large law firm practice are typically portrayed as inconsistent with family life, particularly for women lawyers.¹³⁸ These accounts, however, often undervalue those aspects of marriage that may benefit lawyers seeking to work in firms or which encourage them to pursue opportunities in this setting over other options. Thus, a spouse may allow law students to better

134. ABEL, *supra* note 37, at 86-87.

135. *See infra* tbl.9.

136. *See supra* tbl.9.

137. *See infra* tbl.9.

138. *See, e.g.*, Nancy J. Reichman & Joyce S. Sterling, *Recasting the Brass Ring: Deconstructing and Reconstructing Workplace Opportunities for Women Lawyers*, 29 CAP. U. L. REV. 923, 937 (2002).

manage the demands of their course work – and young lawyers to better manage the demands of their jobs. Similarly, firms may prefer married associates on the ground that they are more likely to be stable and to value the high salaries paid by these institutions – which, in turn, may be part of the reason that married lawyers are attracted to these positions. Of course, all of these benefits are more likely to accrue to married men than they are to women. It is therefore not surprising that most of the urban graduates working in large law firms who are married are men (72% of men versus 55% of women).

The finding about children is also surprising given that urban law school graduates working in firms are no less likely to have children than their counterparts who are not working in this sector. Once again, the fact that most of the urban graduates with children are men helps to explain this puzzling finding (35% of men versus 28% of women).

b. Intent to Practice Law

Urban graduates at large firms are slightly more likely to have intended to practice law at the outset of their legal education than those that have obtained other employment, and this difference is statistically significant.¹³⁹ This result may very well be the result of hindsight bias – after all these urban graduates have gone on to obtain prestigious and financially rewarding jobs as lawyers. In addition, it may simply reflect the fact that the category of those not working in large firms includes graduates currently working in business and other non-legal employment. Nevertheless, this finding provides some support for the claim that those students who enter law school with a clear intent to succeed in the profession are more likely to find their way into large law firms which continue to represent the profession's most prestigious sector.¹⁴⁰

c. Age at Graduation

Urban graduates working in large law firms tend to be slightly younger at graduation than those employed elsewhere, and again this difference is statistically significant.¹⁴¹ This finding is consistent with other data suggesting that large firms prefer somewhat younger candidates.¹⁴²

139. See *supra* tbl.9.

140. DINOVIETZ ET AL., *supra* note 13, at 25-26.

141. See *supra* tbl.9.

142. See William D. Henderson, *An Empirical Study of Single-Tier Versus Two-Tier Partnerships in the Am Law 200*, 84 N.C. L. REV. 1691, 1749 (2006).

d. *Undergraduate Experience*

Law has always regarded itself as a “generalist” occupation. Prospective law students are told that there are no requirements for applying to law school and that what they have learned as undergraduates is essentially irrelevant to their success as law students and, by implication to their future success as lawyers. Our data, however, cast doubt on at least this latter assumption with respect to the graduates of urban law schools.

One of the most interesting differences between urban graduates in large firms and their classmates in other settings is the prevalence of an undergraduate science background among those in the former category.¹⁴³ While only 9.6% of urban graduates who do not work at large firms have undergraduate science training, 17.1% of those working in these firms do.¹⁴⁴ Although it is impossible to tell from our data whether this finding is the result of the fact that firms prefer to hire urban law graduates with science training, or conversely whether those who have this training are more likely to want to work for firms, there are reasons to suspect that there are at least some demand side factors that favor those with a science background.

Two such factors seem particularly plausible in today’s market. First, given the rising importance of intellectual property issues for many corporate clients, firms may value recruits with science training for the quantitative or methodological skills that they bring to their work.¹⁴⁵ Apart from specific skills, however, firms may view a degree in science as a signal of intelligence or hard work since science majors are generally thought to be more demanding than majors in the social sciences. Thus, even though urban graduates working in large firms did not have undergraduate GPAs that were significantly higher than their counterparts in other settings, firms might nevertheless conclude that the undergraduate training of the former group is more likely to be rigorous and therefore a better signal of quality than grades received in other areas.¹⁴⁶

3. Logistic Regression

While the above discussion shows that there are a number of factors

143. *See supra* tbl.9.

144. *See supra* tbl.9.

145. *See* Kara Hagen, *An Essay on Women and Intellectual Property Law: The Challenges Faced by Female Attorneys Pursuing Careers in Intellectual Property*, 15 SANTA CLARA COMP. & HIGH TECH. L.J. 139, 151 (1999).

146. *See supra* tbl.9.

besides law school status and traditional academic credentials, such as high grades and law review participation, that distinguish urban law school graduates working in large law firms from those employed in other sectors, it does not tell us how important these factors are independent of each other. We therefore ran two different logistic regression models to determine the extent to which each of the variables discussed above is independently related to the odds of an urban law school graduate working in a large law firm.

a. Law School Status

As the standard story predicts, Model 1 demonstrates that holding all other variables constant except for GPA, law school status significantly increases the odds of a law student beginning his or her employment in a large law firm.¹⁴⁷

TABLE 10: Logistic Regression predicting the likelihood of working in a large firm (Unweighted)

	Model 1			Model 2				
<i>Law School Type</i> (excluded category is urban law school tier 4)	B	S.E.	Exp(B)		B	S.E.	Exp(B)	
Urban Ranked 32-65	1.39	0.29	4.02	***	1.40	0.30	4.04	***
Urban Ranked 66-100	1.10	0.29	3.01	***	1.21	0.30	3.36	***
Urban Ranked Tier 3	0.49	0.30	1.63		0.68	0.31	1.97	*
Elite Top 11-31	2.07	0.27	7.89	***	1.91	0.28	6.78	***
Elite Top 10	3.07	0.32	21.61	***	2.84	0.33	17.14	***
Non Urban	0.84	0.28	2.33	**	0.91	0.30	2.48	**
Male	0.05	0.12	1.05		0.08	0.12	1.08	
Over thirty-six years old	-0.36	0.18	0.70	*	-0.34	0.18	0.72	+
White	0.34	0.16	1.40	*	0.11	0.17	1.12	
Has children	-0.29	0.15	0.75	+	-0.36	0.16	0.70	*
Married	0.36	0.13	1.43	**	0.28	0.13	1.32	*
Father Socioeconomic status	0.01	0.00	1.01	+	0.00	0.00	1.00	
Lawyers in family	-0.11	0.12	0.90		-0.08	0.13	0.92	
Took bar in large metro area	0.95	0.14	2.58	***	0.85	0.15	2.35	***

147. See *infra* tbl.10.

<i>Law School Type</i> (excluded category is urban law school tier 4)	Model 1				Model 2			
	B	S.E.	Exp(B)		B	S.E.	Exp(B)	
Took bar in small metro area	0.81	0.16	2.25	***	0.83	0.17	2.28	***
Science undergraduate	0.45	0.17	1.57	**	0.48	0.18	1.62	**
Intended to practice law	0.27	0.16	1.31		0.27	0.17	1.31	
Served on Law Review	1.26	0.13	3.54	***	0.68	0.14	1.97	***
Law School GPA					2.42	0.22	11.27	***
Constant	-4.28	0.39	0.01	***	-	0.84	0.00	***
Nagelkerke R Square	0.30				0.37			

Note: + $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

Using Tier 4 as a baseline, going to a top ten school increases a graduate's odds of going to a large firm nearly twenty-two times.¹⁴⁸ From there, consistent with Table 2, the odds of working in a large law firm decrease in direct relationship to law school rank. Graduates from schools ranked in the top thirty-one have almost eight times the odds of going to large firms as graduates in Tier 4.

The same holds true for urban graduates. Those from urban law schools ranked thirty-two to sixty-five have four times the odds of their Tier 4 peers of working in a large law firm. Urban graduates from schools ranked 66 to 100 have three times the odds of working in large firms while graduates of Tier 3 schools have 1.6 times the odds.¹⁴⁹ Graduates from non-urban law schools follow a similar pattern. Graduates from these institutions have 2.33 times the odds of Tier 4 graduates of working in large law firms.¹⁵⁰

Model 2 underscores that this strong effect persists even when we account for differences in law school GPA. As Model 2 indicates, accounting for grades does change the magnitude of the odds of a graduate of a given school type working in a large law firm relative to the baseline of the graduates of Tier 4 schools. The substantive changes to the coefficients, however, are relatively small, particularly for urban graduates in schools ranked higher than sixty-five. Once again, these results suggest that law school status operates independently from grades in determining the odds that any graduate will work in a large law firm.

148. See *supra* tbl.10.

149. See *supra* tbl.10.

150. See *supra* tbl.10.

b. Other Credentials

Table 10 also examines the other credentials discussed in Part V that have shaped the career prospects of urban law school graduates. It demonstrates that the significance of many of these factors is diminished once we account for differences in law school grades.

Thus, before controlling for law school GPA, several of the factors discussed above were independently significant. For example, in Model 1 of Table 10, law review participation increases the odds that a graduate will work in a large firm by over three and a half times.¹⁵¹ Similarly, being admitted to the bar in a metropolitan area more than doubles a student's odds of being in a large firm, further confirming the urban effect discussed above.¹⁵² Being an older student (over thirty-six at the time of graduation) slightly reduces the odds of working in a large firm, while being married or white slightly increases these odds.¹⁵³ Finally, having an undergraduate science background continues to be a significant and positive predictor of working in a large firm.¹⁵⁴

Unlike law school status, however, the magnitude of most of these effects is greatly diminished when we control for law school GPA.¹⁵⁵ The large advantage that law review participation appears to give urban graduates, for example, is greatly attenuated (though remains statistically significant) once we control for GPA.¹⁵⁶ This suggests that while law firms claim that they value law review participation for the independent experience that it gives students – writing skills, hard work, collegiality, etc. – these employers are to some extent using this credential as a proxy for those students with the best grades.¹⁵⁷ On the other hand, some variables are not moderated when controlling for the effects of GPA. Indeed, the effect of having an undergraduate science degree actually becomes somewhat stronger in the second Model, suggesting that this is not simply a proxy for students who because of their science background do well in law school.¹⁵⁸

Taken together, all of these variables plus GPA explain about 37% of the variance in the model.¹⁵⁹ Although this is a substantial amount by the

151. *See supra* tbls.7, 10; *see also supra* Part IV.

152. *See supra* tbl.10.

153. *See supra* tbl.10.

154. *See supra* tbl.10.

155. *See supra* tbl.10.

156. *See supra* tbl.10.

157. *See supra* Part V (law review as another filter for law firms).

158. *See supra* tbl.10.

159. Nagelkerke's R-Square coefficient is an approximation of the proportion of the

accepted standards of social science, it nevertheless means that there is a large amount of variance that remains unexplained.¹⁶⁰ The same is true with respect to the differences between the graduates of urban law schools working in large law firms and their fellow associates who entered these employers from elite schools.¹⁶¹

3. Comparison with Elite Graduates

Table 11 compares the regression results for urban graduates working in law firms with their elite school counterparts with respect to each of the factors discussed above.¹⁶² The Z test compares the coefficients for each of these regressions. The results indicate that several factors are significantly more important to urban graduates who work in large law firms than they are to the graduates of elite schools.¹⁶³

variance in the regression model that is explained by the variables in the model. N. J. D. Nagelkerke, *A Note on the General Definition of the Coefficient of Determination*, 78 BIOMETRIKA 691, 691 (1991).

160. *See supra* tbl.10.

161. *See supra* tbl.10.

162. *See supra* tbl.11.

163. *See supra* tbl.11.

TABLE 11: Logistic Regression Predicting the Likelihood of Working in a Large Firm, by Law School Type (Unweighted)

	Urban Law School	Elite Law School	Z Tests
	<i>Exp (B)</i>	<i>Exp (B)</i>	
Male	1.07	1.11	-0.152
Over thirty-six	0.64 *	0.60	0.149
White	0.94	1.44	-1.237
Has children	0.76	0.79	-0.123
Married	1.33	1.18	0.405
Father's socioeconomic status	1.01	1.00	0.256
Lawyer in family	1.04	0.77	1.082
Took bar in large metro area	2.12 ***	3.94 ***	-1.870
Took bar in small metro area	1.74 *	2.35 **	-0.791
Science undergraduate	2.19 ***	0.94	2.229
Intended to practice law	1.38	1.68 +	-0.545
Served on Law Review	1.96 ***	1.33	1.247
Law School GPA	17.84 ***	6.75 ***	1.991
Constant	0.00 ***	0.00 ***	-2.365
Nagelkerke R Square	0.28	0.24	

Note: + $p < .10$, * $p < .05$, ** $p < .01$, *** $p < .001$

There are two notable results where the difference in coefficients is significant at the 0.05 level or better (indicated by a Z test of ± 1.96 or greater). First, once again we find that having a science undergraduate degree is an important credential for urban law graduates, more than doubling their odds of working in a large law firm.¹⁶⁴ For elite law graduates, however, having this credential does not significantly improve a graduate's chances of working in a large law firm.¹⁶⁵

Second, we find that the effect of GPA is less important for elites than it is for urban graduates.¹⁶⁶ For every one point increase in law school GPA (on a four point scale), urban graduates increase their odds of working at a large firm by almost eighteen times. Elite graduates who have a similar increase in GPA, on the other hand, increase their odds by less than seven times.¹⁶⁷ Once again, these findings confirm that law firms continue to

164. See *supra* tbl.11.

165. See *supra* tbl.11.

166. See *supra* tbl.11.

167. See *supra* tbl.11.

place substantial weight on law school status in making hiring decisions.¹⁶⁸

Overall, these findings have important implications for the current debate over affirmative action in law schools. In two recent articles that draw on data from the AJD study, Professor Richard Sander argues that affirmative action actually hurts the black students these policies intend to help.¹⁶⁹ Specifically, Sander argues that the primary effect of affirmative action is to allow black law students to attend schools that are twenty to fifty places above the schools that they would have been admitted to in the absence of these policies.¹⁷⁰ Although this might seem to be an advantage for those who receive such a boost, Sander argues that black students are actually harmed by this arrangement because they will be “overmatched” in the schools in which they are placed.¹⁷¹ As a result, Sander argues that black students are more likely to receive poor grades, which will in turn produce poor performance on the bar examination and less success in the job market.¹⁷²

Although a full response to Sander’s provocative thesis is well beyond the scope of this article,¹⁷³ the data presented above should at least make us pause before accepting the claim that “the net trade-off of higher prestige but weaker academic performance substantially harms . . . most new black lawyers in the job market.”¹⁷⁴ As Tables 10 and 11 demonstrate, law school status continues to play an independent and highly significant role in determining who is hired by a large law firm.¹⁷⁵ Although we have not done a full analysis of the precise trade off between attending a more highly ranked school but receiving lower grades and receiving higher grades from a less prestigious school, the regressions outlined in Table 10, especially when combined with the significantly different importance of high grades for elite and urban graduates, provide important clues as to how that

168. For a discussion of why this preference continues, see David B. Wilkins & Mitu G. Gulati, *Reconceiving the Tournament of Lawyers: Tracking, Seeding, and Information Control in the Internal Labor Markets of Elite Law Firms*, 84 VA. L. REV. 1581, 1651-57 (1998).

169. Richard H. Sander, *The Racial Paradox of the Corporate Law Firm*, 84 N.C. L. REV. 1755, 1759 (2006) [hereinafter Sander, *The Racial Paradox of the Corporate Law Firm*]; Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 369 (2004) [hereinafter Sander, *A Systemic Analysis*].

170. Sander, *A Systemic Analysis*, *supra* note 169, at 478.

171. Sander, *A Systemic Analysis*, *supra* note 169, at 478-79.

172. Sander, *A Systemic Analysis*, *supra* note 169, at 479.

173. For a more detailed discussion of how elite schools may benefit black law students despite lower GPA, see David B. Wilkins, *A Systematic Response to Systemic Disadvantage: A Response to Sander*, 57 STAN. L. REV. 1915, 1916 (2005) [hereinafter Wilkins, *A Systematic Response to Systemic Disadvantage*]. See also James E. Coleman, Jr. & Mitu Gulati, *A Response to Professor Sander: Is It Really All About the Grades?*, 84 N. C. L. REV. 1823, 1835-36 (2006).

174. Sander, *A Systemic Analysis*, *supra* note 169, at 371-72.

175. See *supra* tbls.10, 11.

analysis is likely to come out.¹⁷⁶

Chart 2: Predicted Probability of Working in a Large Law Firm

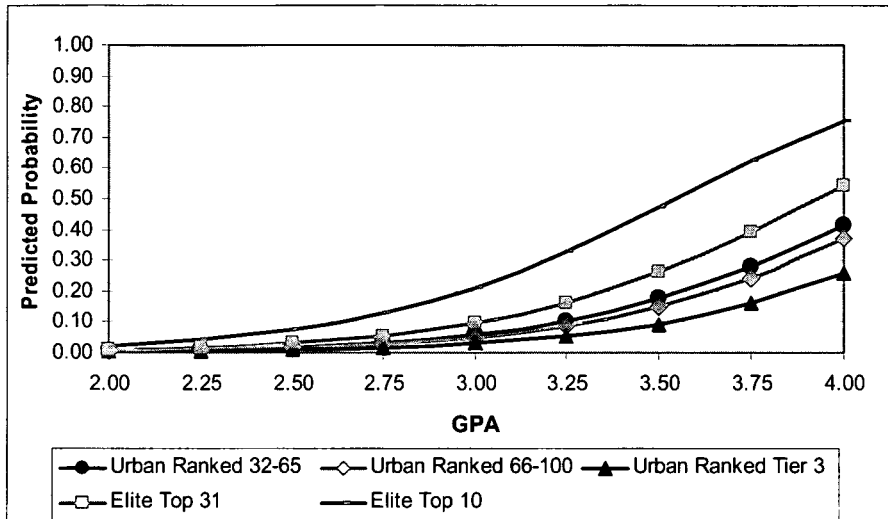


Chart 2 graphically portrays the results of Model 2 in Table 10.¹⁷⁷ It shows that holding everything else in the regression constant, for any given grade point average those who attend more highly ranked law schools have a greater predicted probability of working in a large law firm than their peers from less highly ranked schools.¹⁷⁸ Although this result is not surprising in and of itself, the fact that the advantage enjoyed by graduates of better ranked schools persists at all grade levels – and appears to increase slightly for those with higher grades – is. Thus, even a Tier 3 graduate with a perfect 4.0 grade point average would have only about half the chance of a student from a school ranked eleven to thirty-one of working in a large law firm – and a less than 30% chance overall.¹⁷⁹

Moreover, Chart 2 also gives us an inkling of how much better the grades of the graduates of lower ranked schools would have to be in order to have the same odds of working in a large law firm as their counterparts from more highly ranked schools. For example, a student in an urban law school ranked thirty-two to sixty-five would have to improve his or her grade point average a full half point to 3.5 in order to have the same

176. See *supra* tbl.10.

177. See *supra* chart 2.

178. See *supra* chart 2.

179. See *supra* chart 2.

probability of working in a large law firm as a graduate of a top ten school has with a 3.0 average.¹⁸⁰ Even graduates of schools ranked eleven to thirty-one need to improve their grades by more than a quarter point (to over 3.25) in order to do as well as a top ten graduate with a 3.0.¹⁸¹ Given these differences, it is likely that black students would have to improve their grades considerably in the lower ranked schools which Sander's proposal would place them in before they would have any hope of overcoming the advantage of the reduced scrutiny about grades that elite graduates appear to enjoy.¹⁸²

More generally, these findings also remind us that notwithstanding the tremendous changes that have occurred in the legal market place over the last three decades, the hierarchies and cleavages that characterized the "Golden Age" continue to survive. As we will see in the next section, the graduates of urban law schools are well aware of this fact.

VI. HOW HAVE URBAN GRADUATES OPENED THE DOOR?

Tables 12 compares the perceptions of urban and elite law school graduates working in large law firms about the relative importance of various factors in obtaining their respective jobs.¹⁸³ Needless to say, these perceptions may prove to be mistaken. Nevertheless, as we suggested above, they provide an important window into the job market – and, equally important, into the way that law students and firms may try to adjust their expectations and behavior to what they perceive about the market, even if these perceptions turn out to be wrong.¹⁸⁴ In this case, these perceptions suggest that urban law school graduates believe that they need a wide array of personal qualities and accomplishments to reach the same positions that elite students obtain simply on the basis of their status as elite graduates.

180. See *supra* chart 2.

181. See *supra* chart 2.

182. See Wilkins, *A Systematic Response to Systemic Disadvantage*, *supra* note 173, at 1928-30 (making a similar point).

183. See *infra* tbl.12.

184. See David B. Wilkins & G. Mitu Gulati, *What Law Students Think They Know About Elite Law Firms: Preliminary Results of a Survey of Third Year Law Students*, 69 U. CIN. L. REV. 1213, 1214-15 (2001) [hereinafter Wilkins & Gulati, *What Law Students Think They Know About Elite Law Firms*].

TABLE 12: Importance of Factors in Organization's Decision to Make Respondent an Offer, Large Firm Respondents, by Law School Type (Mean Scores)

<i>How important do you believe each of the following factors was in this organization's decision to make you a job offer?</i>	Urban (Mean)	Elite (Mean)	
My law school grades	5.86	5.76	
My personal qualities	5.1	4.31	*
My participation in law journal of moot court	4.91	4.34	*
My prior work experience	4.82	3.83	*
My prior work experience in this organization	4.05	4.51	*
Reputation of the law school I attended	3.91	6.04	*
Reputation of the undergraduate school I attended	3.48	3.82	*
My potential for attracting clients	3.34	2.68	*
My physical appearance	2.78	2.48	*
My personal connections (e.g. Families, Friends, Colleagues)	2.58	1.79	*
Recommendations of faculty from my law school	2.09	2.06	
My gender	2.05	1.88	*
My race or ethnicity	1.72	1.76	

Note: * $p < .05$ or better

Note: Measured on a scale from 1-7, with 1="not at all important" and 7="extremely important"

This difference in perception is apparent in nearly every factor discussed in Table 12. Thus, elite graduates believe that their law school's reputation was the most important factor in their being hired by their large law firm employer.¹⁸⁵ For urban graduates, this factor was a distant fifth, almost two full points below their number one factor: law school grades.¹⁸⁶ Indeed, in describing how they got their current job elite graduates working in large law firms rate the reputation of their *undergraduate* institution almost as highly as urban graduates rate the reputation of their law school.¹⁸⁷ Similarly, urban graduates rank personal accomplishments – such as law review, moot court participation, and prior work experience – and personal characteristics, ranging from connections and the potential for bringing in business to gender and physical attractiveness – as significantly more important in obtaining their jobs than their counterparts from elite schools.¹⁸⁸

185. See *supra* tbl.12.

186. See *supra* tbl.12.

187. See *supra* tbl.12.

188. See *supra* tbl.12.

Given, as we have seen, that elite law students continue to enjoy substantial advantages in the market for large law firm jobs, it is not surprising that both elite and urban graduates are aware of this reality. A study of the perceptions of third year law students at ten law schools conducted by one of us in 1998 found similar differences between elite and non-elite law students with respect to the factors that they believed to be important in obtaining law firm jobs.¹⁸⁹ What is surprising is the extent to which the perceptions of urban graduates resemble those of another traditional group of outsiders: women.

TABLE 13: Importance of Factors in Organization's Decision to Make Respondent an Offer, All Respondents, By Gender (Mean Scores)

<i>How important do you believe each of the following factors was in this organization's decision to make you a job offer?</i>	Female (Mean)	Male (Mean)	
My personal qualities	5.22	4.77	*
My prior work experience	4.97	4.75	*
My law school grades	4.54	4.37	*
Reputation of the law school I attended	4.33	4.16	*
My prior work experience in this organization	4.22	3.89	*
Participation in law journal or moot court	3.68	3.35	*
My personal connections (e.g. Families, Friends, Colleagues)	3.20	3.07	*
Reputation of the undergraduate school I attended	3.13	3.01	*
My potential for attracting clients	3.10	3.22	*
My physical appearance	2.84	2.52	*
My recommendations	2.66	2.19	*
My gender	2.44	1.48	*
My race or ethnicity	1.80	1.58	*

*Note: *p < .05 or better*

Note: Measured on a scale from 1-7, with 1="not at all important" and 7="extremely important"

Table 13 reports data on the same factors for the entire AJD sample broken down by gender.¹⁹⁰ Although both women and men rate personal qualities and prior work experience as the two most important factors in obtaining employment, women's ratings of the array of personal achievements and qualities -- including many of the same ones identified by

189. See Wilkins & Gulati, *What Law Students Think They Know About Elite Law Firms*, *supra* note 184, at 1232-35.

190. See *supra* tbl.13.

the graduates of urban law schools -- are significantly higher than men's.¹⁹¹ The only factor that men rate higher than women is their potential for attracting clients. The 1998 study of third year law students found a similar pattern among women and men about to begin their careers in large law firms.¹⁹² These comparisons suggest that traditional newcomers of all kinds believe that they will have a more difficult time being accepted by large law firms and other employers. Although as we said at the outset, these perceptions may ultimately be mistaken, they nevertheless are likely to influence the behavior of both lawyers and firms.

One place where we can see this difference with respect to urban and elite law school graduates is in the manner in which the two groups obtained their jobs at large law firms. As indicated in Table 12, elite school graduates were more likely than their urban school counterparts to believe that their "prior work experience in this organization" played an important role in their being hired by a large firm.¹⁹³ Table 14 underscores that this is probably due to the different pathways that elite and urban graduates take to large law firm employment.¹⁹⁴ Specifically, while elite school graduates primarily use the resources available to them through their law schools to obtain law firm employment, urban school graduates rely much more on networking and direct contact.¹⁹⁵

191. *See supra* tbl.13.

192. Wilkins & Gulati, *What Law Students Think They Know About Elite Law Firms*, *supra* note 184, at 1228-30.

193. *See supra* tbl.12.

194. *See infra* tbl.14.

195. *See infra* tbl.14.

TABLE 14: Importance of Factors in Obtaining First Job, Large Firm Respondents, by Law School Type (Mean Scores)

<i>How important were each of the following in helping you obtain your first job?</i>	Urban (Mean)	Elite (Mean)	
Family members	2.07	1.85	*
Law school classmates	1.94	2.12	*
Other friends	2.64	2.18	*
Direct unsolicited contact with employer	3.65	3.07	*
Response to an ad	1.47	1.29	*
Law schools placement office	4.01	4.99	*
On-campus interview	4.12	5.43	*
Summer Position	4.7	5.62	*
Part-time Position	2.19	1.63	*
Unpaid internship	1.1	1.19	*
Recommendation of a law professor	1.92	1.66	*
Law school's alumni network	2.16	2.26	
Experience in a judicial clerkship	1.87	1.62	

*Note: *p<.05 or better*

Note: Measured on a scale from 1-7, with 1="not at all important" and 7="extremely important"

When asked to rank the importance of several factors in obtaining their first job on a scale of 1 to 7, both elite and urban graduates at large law firms gave the formal hiring mechanisms of the law school placement office, on-campus interviews, and summer clerkships their highest ratings.¹⁹⁶ Elite graduates, however, rated these standard hiring processes about a full point to a point and a half higher than their urban counterparts.¹⁹⁷ Urban graduates, on the other hand, were significantly more likely than their elite counterparts to attempt to find jobs by contacting employers directly or by utilizing connections with friends or business associates, family members, and even law professors.¹⁹⁸

These results indicate the extent to which law firm hiring has become almost completely formalized for elite school graduates, but still retains some of its traditional informal – and connections driven – character for graduates from urban schools. Indeed, the only contacts that elite graduates found more important than their peers from urban schools were law school

196. *See supra* tbl.14.

197. *See supra* tbl.14.

198. *See supra* tbl.14. The 1998 study of third year law students reached similar conclusions with respect to the importance of various hiring criteria for elite and non-elite graduates working in large law firms. *See Wilkins & Gulati, What Law Students Think They Know About Elite Law Firms, supra* note 184, at 1232-34.

classmates and alumni.¹⁹⁹ Although the difference between the two groups for law school alumni does not rise to the level of statistical significance, the difference in importance of law school classmates does. This underscores the important networking and socialization benefits of attending an elite law school – benefits that Professor Sander fails to take into account when calculating the benefit that black students receive from affirmative action.²⁰⁰

Moreover, these networking and socialization benefits are unlikely to disappear when a new recruit walks through the door of his or her law firm and begins working. To the contrary, there are good reasons to suspect that the simple fact of being “a Harvard man” or a “Stanford woman” can open up opportunities for relationship building across generations and domains of expertise and interest – both with associates and partners inside the firm and clients and other important decision makers outside of the organization – that can be immensely valuable to lawyers attempting to build successful careers in the increasingly competitive world of large law firms.²⁰¹ The next section investigates the extent to which the AJD data reveals evidence of these continuing advantages.

VII. WHAT HAPPENS TO URBAN GRADUATES ONCE THEY GET INSIDE?

Given the changes in the market for corporate legal services outlined in Part II, it is inevitable that some urban law school graduates will begin their careers in large law firms, although the number of those who do is more than many might have expected. The real question is what happens to these new entrants once they arrive. Will urban law school graduates succeed in being promoted to partnership at the same rates as their counterparts from elite schools? Or, will they end up departing after a few years as junior associates, leaving the partnership ranks of large law firms looking very much as they did during the “Golden Age”?

There are good reasons to fear the less optimistic of these two projections. When we look at what we know about other recent entrants into large law firms, we see that most of these groups have had much greater success in being hired than in being promoted to partnership. Thus, women have constituted more than 40% of entering associates for more than twenty years, yet they account for just over 15% of the partners

199. See *supra* tbl.14.

200. See Wilkins, *A Systematic Response to Systemic Disadvantage*, *supra* note 173, at 1932-37.

201. Wilkins, *A Systematic Response to Systemic Disadvantage*, *supra* note 173, at 1932-37.

today.²⁰² Even Jews and other religious minorities are still somewhat underrepresented among the partners in elite law firms, particularly in certain high prestige fields such as securities law.²⁰³

The evidence to date with respect to law school status points in the same direction. In 1975, for example, the probability that a graduate from a top law school would have become a partner in a "large" law firm (defined as a firm with thirty or more lawyers) was 17%, while the similar probability for graduates of a regional or local school was only 2%.²⁰⁴ Twenty years later, researchers found that while the probability of making partner in a large law firm (this time defines as having more than 100 lawyers) had gone up for both groups, the disparity between them nevertheless continued to be large and highly significant: 21% for graduates from elite or prestigious schools, and only 8% for those coming from regional or local schools.²⁰⁵ Indeed, in a study conducted in 1995 of five large law firms in top legal markets across the country, one of us found that 70% of all of the partners in these institutions were graduates of one of thirteen top law schools, with one firm, New York's Cleary Gottlieb, counting 93% of its partners from these institutions.²⁰⁶

Rachel Parkin's forthcoming study of the effect of law school connections on hiring and promotion rates reaches an analogous conclusion.²⁰⁷ Parkin uses Martindale-Hubbell data to estimate the probability that a lawyer will be hired and promoted based on the percentage of partners in the organization who attended the same law school. She finds significant evidence of "clustering," by which she means lawyers from the same school working in the same firm, especially for firms with at least 100 lawyers.²⁰⁸ This clustering, Parkin demonstrates, cannot be explained either by random chance or by obvious quality matching whereby lawyers are sorted by the quality of their law schools (as measured by U.S. News rankings) into firms of corresponding quality (as measured by profits per partner). Moreover, Parkin finds that partners are even more highly clustered than associates.²⁰⁹ And, most notably for our purposes, Parkin finds that the odds of a given associate's being promoted increase significantly the more he or she is connected by law school

202. See CATALYST, *supra* note 43, at 30.

203. HEINZ ET AL., *supra* note 9, at 67.

204. HEINZ ET AL., *supra* note 9, at 59.

205. HEINZ ET AL., *supra* note 9, at 59.

206. Wilkins & Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms?*, *supra* note 87, at 741 tbl.5.

207. See Parkin, *supra* note 83.

208. Parkin, *supra* note 83, at 13.

209. Parkin, *supra* note 83, at 14.

affiliation with partners in the firm. Depending upon various assumptions, those with the most ties to other partners have a 9%-18% greater chance of being promoted than their less connected peers.²¹⁰ Tellingly, connections appear to be most important for lawyers who attended law schools that are ranked lower than the average ranking of the partners in the firm.²¹¹ Given urban law school graduates' recent entry into large law firms, this finding suggests that they will face greater obstacles to partnership in firms that contain relatively few partners from their ranks.²¹²

Needless to say, many factors may help to explain these statistics. Moreover, it is obviously too soon to determine whether these patterns, whatever their cause, will persist for lawyers in the AJD cohort itself, who at the time they were surveyed in 2003 were only in the early stages of their careers. The AJD data does, however, give us insight into the early experiences of urban and elite school graduates in law firms that may provide clues about their future success.

Specifically, when we look at the early careers of urban versus elite school graduates two trends emerge. First, urban graduates are on average more satisfied than are their elite counterparts working in firms and are also more likely to express the desire to stay with their current employer for a longer period. Second, when we look at the population of all urban and elite graduates going to large law firms, those from urban schools appear to be doing different, and in some (though not all) respects less prestigious or substantive, work than their peers from more elite institutions. Similarly, urban graduates also appear to be engaging in networking strategies that focus more on connections outside of the firm than associates from elite schools. Although some of these differences appear to be result of the fact that urban and elite law school graduates may be going to different firms, others persist even when we look only at those going to firms with over 500 lawyers. Sections A and B set out the data underlying each prong of this apparent inconsistency. Section C attempts to unravel it and set out some of the implications of our analysis for comparable claims that have been

210. Parkin, *supra* note 83, at 14-15 (finding that those in the top quartile of connections have a 9% greater chance of being promoted than those in the bottom quartile); *see id.* at 19 (finding in a regression controlling for several variables that a one standard deviation in connectedness increases the odds of being promoted by 14-18%).

211. Parkin, *supra* note 83, at 22.

212. Indeed, Parkin finds that *undergraduate* connections are also independently significant in determining law firm promotions. As Parkin argues, this strongly points to favoritism, as opposed to unobserved quality, as the explanation for clustering. Whether this favoritism will harm or benefit urban graduates depends upon whether those who work in large law firms are more or less likely to have attended the kind of undergraduate institutions that are prevalent among the partners in large law firms. Researchers affiliated with AJD are in the process of investigating this question. Parkin, *supra* note 83, at 22.

made about the experience of women and minorities in firms.

A. Satisfaction

One of the most surprising findings – at least from the perspective of the conventional wisdom – is how satisfied all AJD respondents are with their decision to become a lawyer at this stage of their career.²¹³ Nearly 80% of the sample as a whole was “moderately” or “extremely” satisfied with their decision to enter the profession.²¹⁴ Both elite and urban law school graduates working in large law firms fit this general pattern. There are, however, important differences between the two groups.

As Chart 3 indicates, over 80% of urban law school graduates working in large firms report being moderately or extremely satisfied with their decision to become lawyers.²¹⁵ Although elites also express high rates of satisfaction, the percentage of graduates from these schools who report similar levels of satisfaction is almost 10% less (74%) than their urban law school peers.²¹⁶ Moreover, this overall difference masks a much larger difference in those who report being “extremely satisfied” with their careers. Of respondents working in large law firms, urban law graduates are nearly one-third more likely (36% to 26%) to say that they are extremely satisfied with their decision to become a lawyer than the graduates from elite schools.²¹⁷

213. For an account of the conventional wisdom that there is widespread dissatisfaction among lawyers about their careers, see ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS IN THE LEGAL PROFESSION* 2 (1988). Although the belief in Kronman’s view is widespread, the few systematic studies of lawyer satisfaction reach results that are consistent with the data reported here. See HEINZ ET AL., *supra* note 9, at 256-74.

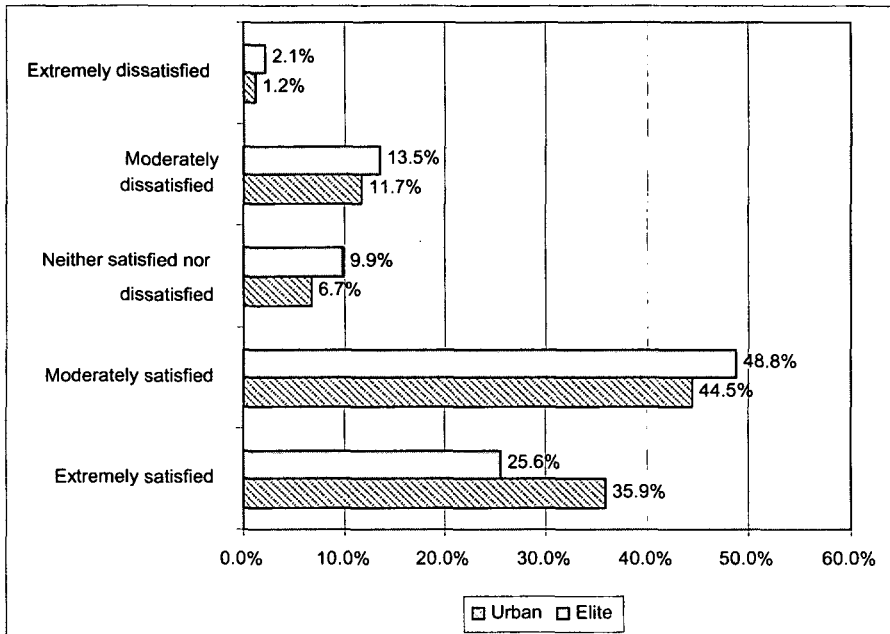
214. DINOVTZER ET AL., *supra* note 13, at 47. For a more complete discussion of satisfaction in the AJD sample, see Ronit Dinovitzer & Bryant G. Garth, *Lawyer Satisfaction in the Process of Structuring Legal Careers*, 41 *LAW & SOC’Y REV.* 1 (2007).

215. See *infra* chart 3.

216. See *infra* chart 3.

217. See *infra* chart 3.

CHART 3: Satisfaction among Large Law Firm Respondents, By Law School Type



Question: How satisfied are you with your decision to become a lawyer?

When we look more closely at what these two groups of lawyers think about the tasks they perform and the opportunities they are given, the overall pattern of urban graduates being significantly more satisfied than their counterparts from elite schools persists. Table 15 reports the mean satisfaction levels of the two groups with respect to a range of tasks and opportunities.²¹⁸ It demonstrates that urban graduates working in large law firms report being significantly more satisfied in virtually every category than their elite school counterparts²¹⁹ Indeed, only with respect to compensation, travel, and the opportunity to do pro bono work do elite graduates report significantly higher levels of satisfaction than their urban law school peers.²²⁰

218. See *infra* tbl.15.

219. See *infra* tbl.15.

220. See *infra* tbl.15.

TABLE 15: Satisfaction with Various Aspects of Current Job, Large Firm Respondents, by Law School Type (Mean Scores)

<i>How satisfied are you with each of the following aspects of your current position?</i>	Urban School	Elite School	
Relationships with colleagues	5.53	5.37	*
Compensation (including salary, benefits, and bonus)	5.4	5.54	*
Intellectual challenge of your work	5.4	5.24	*
Level of responsibility you have	5.39	5.19	*
Substantive area	5.26	5.18	
Opportunities for building skills	5.22	4.96	*
Tasks you perform	4.95	4.71	*
Control you have over how you do your work	4.9	4.82	
Opportunities for advancement	4.85	4.71	*
Amount of travel required	4.82	4.94	*
Recognition you receive for your work	4.81	4.81	
Job security	4.76	4.85	
Opportunities for doing pro bono work	4.43	4.57	*
Diversity of the workplace	4.07	3.89	*
Control over the amount of work you do	3.99	3.67	*
Performance evaluation process	3.86	3.8	
Value of your work to society	3.85	3.57	*

Note: * $p < .05$ or better

Note: Measured on a scale from 1-7, with 1="highly dissatisfied and 7="highly satisfied"

These higher satisfaction rates also appear to be producing a greater commitment among urban law school graduates to stay with their current employer. It is no secret that attrition rates among associates in large law firms have been steadily climbing in recent years.²²¹ Chart 4 indicates that the graduates of elite schools conform to this general pattern.²²² Fifty-three percent of those in this group intend to leave their current large law firm within two years.²²³ The comparable percentage for urban graduates, however, is only 42%. More importantly, when we examine the opposite end of the spectrum, 39.9% of urban graduates intend to stay with their current employer for five years or more – virtually identical to the number who intend to leave in two years – as compared with the 21% of the

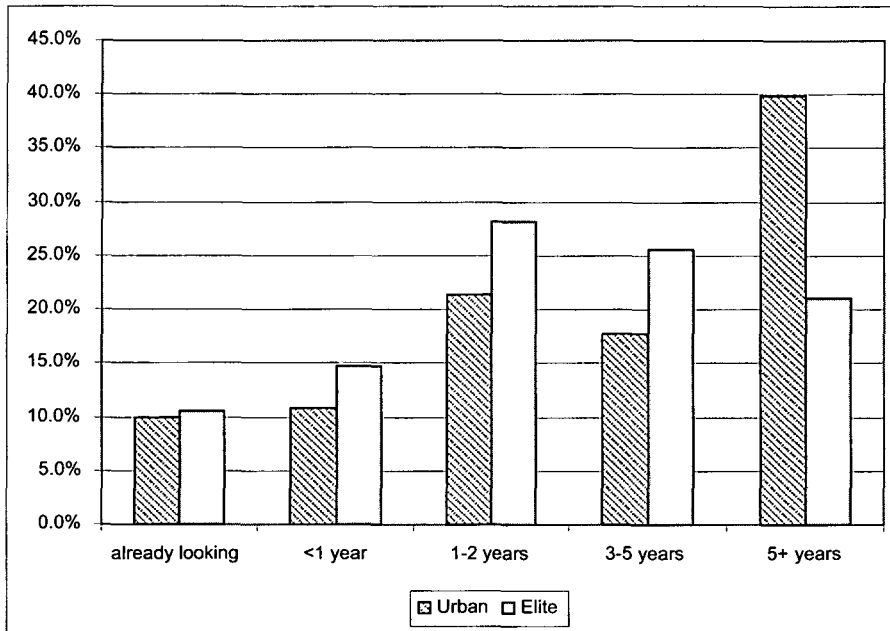
221. See Marie Beaudette, *Associates Giving Up on Partnership*, LEGAL TIMES, Sept. 29, 2003, at A1 (reporting that associates often take firm jobs after law school to pay off debt and then leave before making partner to pursue other interests). See also DINOVIETZ ET AL., *supra* note 13, at 54 tbl.7.1 (indicating that 45% of lawyers in firms between 101-250, and 55% of those in firms with 251 or more lawyers intend to leave their law firms within two years).

222. See *infra* chart 4.

223. See *infra* chart 4.

graduates of elite schools who intend to stay for a similar period of time (less than half of the percentage of elites who plan to depart in two years).²²⁴

CHART 4: Length of Expected Stay at Current Position for Large Firm Respondents, by School Type



Question: How long do you intend to stay in your current position?

In Section C we will discuss some of the reasons that might explain this dramatic difference in both the satisfaction levels and intentions of urban and elite graduates, but before doing so it is important to note that these differences do not seem to result from the fact that urban law school graduates are getting significantly better work than their elite law school counterparts.

B. Work and Networking

Urban law school graduates appear to do somewhat different kinds of work in large law firms than their counterparts from elite schools. Table 16

224. See *infra* chart 4.

examines the fields of law in which the two groups practice.²²⁵ Although the plurality of both groups practice in civil litigation, elite law school graduates are more likely to spend significant time working in corporate fields such as general corporate, securities, and tax.²²⁶ Urban graduates, on the other hand, are more likely to spend time working on matters in intellectual property, and personal injury defense.²²⁷

225. *See infra* tbl.16.

226. *See infra* tbl.16.

227. *See infra* tbl.16.

TABLE 16: Percent of Time Spent In Various Areas of Legal Practice, Large Firm Respondents, by Law School Type (Mean Percent Time)

<i>What percentage of your work over the past year has involved non-U.S. clients or cross-border matters?</i>	Urban School	Elite School	
Percent of time devoted to non-US clients or cross border matters	17.8	17.3	
<i>Approximately what proportion of your time do you spend in each of the following areas of law?</i>	Urban School	Elite School	
General Practice	2.8	2.76	
Antitrust	1.32	2.15	*
Bankruptcy	3.29	6.27	*
Civil Litigation	24.21	27.01	*
Civil Rights/liberties	0.48	1.07	*
Commercial Law	7.81	6.12	*
Criminal Law	0.86	1.44	*
Employment Law Union	0.41	0.28	
Employment Law Mgmt	8.23	7.65	
Environmental Law	2.74	3.52	
Family Law	0.93	0.22	*
General Corporate	12.19	17.62	*
Immigration Law	3.55	0.76	*
Intellectual Property	18.21	13.58	*
Municipal Law	1.68	1.28	
Personal Injury Plaintiff	0.18	0.02	*
Personal Injury Defense	4.11	1.11	*
Probate	1.41	1.44	
Public Utilities	2.35	2.62	
Real Estate Commercial	6.45	5.61	
Real Estate Personal	1.03	0.78	
Securities	8.34	13.87	*
Tax	4.22	6.15	*

Note: * $p < .05$ or better

These differences are potentially important.²²⁸ As the authors of Urban Lawyers report, securities is the most prestigious legal field.²²⁹ Tax and general corporate are not far behind, ranking 6th and 9th respectively.²³⁰ Personal injury defense, on the other hand, ranks near the bottom of the prestige hierarchy (thirty out of forty-two).²³¹ Urban law graduates do,

228. See *supra* tbl.16.

229. See HEINZ ET AL., *supra* note 9, at 84 tbl.4.2.

230. HEINZ ET AL., *supra* note 9, at 84 tbl.4.2.

231. HEINZ ET AL., *supra* note 9, at 84 tbl.4.2.

however, spend significantly more time than elite graduates doing intellectual property work, which is generally considered quite prestigious.²³² However this field of law is also highly specialized and therefore potentially more risky than other areas of corporate practice.

Before we conclude that urban law school graduates are working in less prestigious areas of practice than their more elite counterparts, it is important to consider another possible explanation for these apparent differences between elite and urban law graduates: urban graduates could be working in different kinds of "large" law firms than elite school graduates. As we indicated above, there is no way to dismiss this possibility completely. Nevertheless, looking only at lawyers in the largest firms (those with more than 500 lawyers) should reduce potential firm variation considerably. Although there are probably a number of 100 lawyer firms that concentrate on personal injury defense, for example, there are few if any firms over 500 lawyers who work primarily in this area. Instead, firms of this size are likely to engage in a broad range of corporate and litigation practices. Consequently, if we continue to find significant differences between the fields of law practiced by urban and elite law school graduates in firms of this size we can be relatively confident that we are observing differences that are meaningful across comparable firms.

232. Although intellectual property work is not rated directly by HEINZ ET AL., trademark and patent work are ranked two and five respectively. See HEINZ ET AL., *supra* note 9, at 84 tbl.4.2.

TABLE 17: Percent of Time Spent In Various Areas of Legal Practice, MEGA Firm Respondents, By Law School Type (Mean Percent Time)

<i>Approximately what proportion of your time do you spend in each of the following areas of law?</i>	Urban School	Elite School	
General Practice	2.41	1.02	*
Antitrust	1.21	1.04	
Bankruptcy	3.55	2.60	
Civil Litigation	27.51	24.39	
Civil Rights/liberties	0.85	1.70	
Commercial Law	9.24	7.00	
Criminal Law	0.39	0.87	
Employment Law Union	0.75	0.05	*
Employment Law Mgmt	7.59	13.23	*
Environmental Law	3.15	3.09	
Family Law	2.15	0.15	*
General Corporate	8.56	14.96	*
Immigration Law	2.34	0.42	*
Intellectual Property	27.68	16.01	*
Municipal Law	1.66	4.09	*
Personal Injury Plaintiff	0.00	0.01	*
Personal Injury Defense	3.36	2.14	
Probate	0.86	2.37	
Public Utilities	1.42	4.65	*
Real Estate Commercial	5.20	8.87	*
Real Estate Personal	0.32	0.15	
Securities	6.16	12.08	*
Tax	4.62	3.22	

*Note: *p<.05 or better*

Note: Mega-Firm = firms with 500 or more attorneys

Table 17 presents the same analysis of the fields of law for urban and elite school graduates working in law firms with more than 500 lawyers.²³³ It demonstrates that some – but by no means all – of the differences between urban and elite law school graduates are a function of the fact that urban law school graduates are more likely to work in smaller firms. Thus, to continue with the issue of personal injury defense, the difference between urban and elite graduates remains but loses its statistical significance (in part because of the reduction in sample size).²³⁴ The same is true of the

233. See *supra* tbl.17.

234. See *supra* tbl.17.

significant advantage that elite graduates enjoyed in the field of tax.²³⁵

On the other hand, some important differences remain. Even in the largest firms, elite graduates are significantly more likely to work on securities matters, general corporate work, and related corporate fields such as public utilities, commercial real estate, and the management side of labor issues.²³⁶ Urban school graduates, by contrast, are more likely to engage in general practice, family law, immigration law, and intellectual property.²³⁷ Indeed, with respect to family law, standardizing for firm size reverses the pattern we saw when we looked at all firms larger than 100 lawyers where elite school graduates were more likely to spend time working in this area.²³⁸

Overall, standardizing for firm size provides some further support for the conclusion that urban law school graduates are doing different – and other than in intellectual property, generally less prestigious – work than their counterparts from more elite schools. An analysis of the specific tasks and networking activities of urban and elite law school graduates reinforces this conclusion.

235. *See supra* tbl.17.

236. *See supra* tbl.17.

237. *See supra* tbl.17.

238. *See supra* tbl.17.

TABLE 18: Types of Tasks Respondents Perform on at Least Half of Their Matters in the Last Three Months, Large Firm Respondents, by Law School Type

<i>Over the total life of these matters, on how many of them were you . . .</i>	Urban School	Elite School	
Responsible for keeping client updated	51.90%	42.50%	*
Limited to routine research and memo writing	23.80%	14.80%	*
Spending 100 or more hours reviewing discovered documents or due diligence	9.90%	10.40%	
Writing motions or taking depositions	28.30%	31.40%	
Appearing in court as first or second chair	11.80%	4.90%	*
Drafting transactional documents	44.80%	46.40%	
Formulating strategy with senior lawyers or clients	59.80%	61.30%	
Traveling	23.30%	24.80%	
Assigning/supervising work of others	24.90%	32.20%	*
Handling entire matter on own	18.40%	9.80%	*

*Note: *p < .05 or better*

Note: Percentage of respondents responding "At least half"

Consider first the specific tasks performed by urban and elite law school graduates. Table 18 reports the percentage of lawyers working in law firms with more than 100 lawyers who perform particular tasks on half or more of their matters.²³⁹ The tasks range from legal research and document review to keeping the client informed and handling entire matters on one's own.²⁴⁰ Although all junior associates do a certain amount of routine work, the data reveal an interesting set of differences between the experiences of urban and elite law school graduates. In certain respects, urban graduates are more likely to do routine work than associates from elite law schools.²⁴¹ Thus, urban graduates in large firms report that they are significantly more likely to do work that is confined to routine research and memo writing.²⁴² They are also significantly less likely to assign work to or supervise others.²⁴³ On the other hand, urban graduates are significantly more likely than their elite school counterparts to do substantively responsible work such as keeping the client informed, being

239. *See supra* tbl.18.

240. *See supra* tbl.18.

241. *See supra* tbl.18.

242. *See supra* tbl.18.

243. *See supra* tbl.18.

first or second chair in court, and handling an entire matter on their own.²⁴⁴

Once again, it is plausible that some of these differences are the result of urban and elite school graduates working in different kinds of “large” firms. Thus, if urban graduates are more likely to work in firms at the smaller end of the spectrum (i.e., those with 100-250 lawyers) it would not be surprising to find that they were given greater responsibility for meeting with clients and handling important matters on their own since both the average size of the matters and the teams assigned to work on them are likely to be smaller. Elite graduates working in larger firms would likely have the opposite experience.

TABLE 19: Types of Tasks Respondents Perform on at Least Half of Their Matters in the Last Three Months, MEGA Firm Respondents, by Law School Type

<i>Over the total life of these matters, on how many of them were you . . .</i>	Urban Law School	Elite Law School	
Responsible for keeping client updated	55.30%	51.70%	
Routine research and memos	26.00%	19.60%	
100 or more hours reviewing discovered documents or due diligence	12.20%	7.90%	
Writing motions or taking depositions	36.10%	31.20%	
Appearing in court as first or second chair	16.70%	5.30%	*
Drafting transactional documents	38.90%	39.80%	
Formulating strategy with senior lawyers or clients	74.00%	72.10%	
Traveling	26.40%	29.10%	
Assigning/supervising work of others	29.50%	30.50%	
Handling entire matter on own	25.90%	9.70%	*

*Note: *p < .05 or better*

Note: Percentage of respondents responding “At least half”

Note: Mega-Firm = firms with 500 or more attorneys

Table 19 confirms this intuition.²⁴⁵ When we look at only those urban and elite graduates working in firms over 500, almost all of the statistical differences in the tasks performed by lawyers in the two groups lose significance.²⁴⁶ The only exceptions are those related to assuming first or second chair responsibility when appearing in court and handling matters alone – both of which continue to favor the graduates of urban law schools

244. *See supra* tbl.18.

245. *See supra* tbl.19.

246. *See supra* tbl.19.

by significant margins.²⁴⁷ This finding suggests that urban graduates in very large law firms are given important responsibility for the matters on which they work. It is possible, however, that because urban graduates tend to work on matters in fields of law – e.g., intellectual property, family law, immigration – where matters and teams are often smaller that this finding does not necessarily indicate that they are being given more real responsibility than their elite school peers who may be working on smaller pieces of larger projects. The fact that almost 50% more urban graduates report spending substantial time on routine research and memo writing than elite graduates (26% versus 19.6%) and that the percentage of urban graduates reporting spending more than 100 hours reviewing documents or performing due diligence is almost 100% greater than the corresponding percentage for elites (12.2% versus 7.9%) – even though these differences do not rise to the level of statistical significance – provides some cause for concern that when urban graduates are put on large matters they may be more likely to do routine work.²⁴⁸

TABLE 20: Networking Activities Performed on a Recurring Basis, Large Firm Respondents, by Law School Type

<i>Which of the following do you do on a recurring basis?</i>	Urban Law School	Elite Law School	
Participate on the office/firm recruitment committee	28.90%	34.90%	*
Join partners or senior attorneys for breakfast or lunch	49.00%	53.10%	
Spend recreational time with partners or senior attorneys	26.80%	21.60%	*
Spend recreational time with associates or peers	72.30%	83.30%	*
Write for publications or presentations, or employer sponsored seminars	26.50%	17.90%	*
Participate at least monthly in either bar association activities, civic groups, or non profit associations	32.30%	25.90%	*

*Note: *p<.05 or better*

The picture is similarly complex when we examine the networking and career building strategies employed by the two groups of lawyers. Elite school graduates appear to be spending substantial time building relationships within the firm. For example, graduates of these institutions are more likely to be involved in the firm’s recruiting committee. Elites are also significantly more likely to socialize with their fellow associates than

247. See *supra* tbl.19.

248. See *supra* tbl.19.

are their urban law school peers. Urban law school graduates, however, are more likely to spend recreational time with partners than are their elite school counterparts. They are also, however, significantly more likely to spend their networking time outside the firm, for example, by writing for publications or participating in seminars, bar associations, and community organizations.

As with the previous two analyses, it is likely that some of this variation is due to the fact that urban and elite graduates are working in different kinds of firms. To take only the most obvious example, it is likely to be much easier to spend recreational time with partners in a law firm that is closer to 100 lawyers than one that is closer to 1000 lawyers. Similarly, those in smaller firms might plausibly have more time to engage in outside activities like writing or participating in seminars or bar events.

TABLE 21: Networking Activities Performed on a Recurring Basis, MEGA Firm Respondents, by Law School Type

<i>Which of the following do you do on a recurring basis?</i>	Urban Law School	Elite
Participate on the office/firm recruitment committee	31.40%	36.40%
Join partners or senior attorneys for breakfast or lunch	50.80%	63.80% **
Spend recreational time with partners or senior attorneys	30.20%	15.80% ***
Spend recreational time with associates or peers	66.00%	82.70% ***
Write for publications or presentations, or employer sponsored seminars	27.20%	18.20% *
Participate at least monthly in either bar association activities, civic groups, or non profit associations	40.80%	15.90% ***

*Note: *p<.05 or better, **p<.01, ***p<.001*

Note: Mega-Firm = firms with 500 or more attorneys

Table 21 suggests that the networking differences between urban and elite school graduates are exacerbated, rather than reduced, when one standardizes for firm size.²⁴⁹ With only one exception – participating in law firm recruiting (where elites still are overrepresented, although the difference is no longer significant) – every difference between urban and elite graduates in the sample of all law firms over 100 is magnified when we confine our attention to lawyers working in firms over 500 lawyers.²⁵⁰ Thus, elite graduates are significantly more likely to join partners for meals

249. See *supra* tbl.21.

250. See *supra* tbls.20, 21.

(a difference that was present but not significant before) and spend recreational time with associates. Urban graduates, on the other hand, are still more likely to spend time outside of the office socializing with partners and participating in outside activities such as writing and going to seminars and bar events.

Only time will tell which of these differing networking strategies will pay higher dividends as urban and elite law school graduates make their way toward partnership – or toward futures outside of the firms in which they are currently working. In years to come, for example, the additional outside activities of urban law school graduates may well prove more valuable in building a successful career than the generally more internally focused strategies being pursued by their elite peers.²⁵¹ For present purposes, however, it is important to note that even if successful, these strategies are typically pursued by outsiders who do not have access to the traditional pathways to success.²⁵²

Indeed, urban graduates may already be falling behind their more elite peers in at least one crucial respect. Table 22 compares urban and elite graduates on three key metrics that are often used to measure success in a large law firm: hours worked; pro bono work; and salary.²⁵³ As the top part of the Table indicates, when we look at all firms over 100 lawyers, we see significant differences between urban and elite school graduates on each dimension.²⁵⁴ Elite graduates work harder (as measured by the percentage of these graduates who worked more than 60 hours in the past week), do more pro bono, and earn higher salaries than their urban school counterparts.²⁵⁵ As with fields of law and tasks performed, however, most of these differences disappear when we confine our analysis to those in the largest firms – except one.²⁵⁶ Even after only two or three years of practice, elite school graduates earn significantly more than associates from urban schools.²⁵⁷ Although this still may be due to an unobserved difference in the kinds of firms that these two sets of graduates are going to, it nevertheless suggests that urban law school graduates may have good

251. One of us has written about the value of these external strategies at some length. See David B. Wilkins, *Doing Well by Doing Good?: The Role of Public Service in the Careers of Black Corporate Lawyers*, 41 HOUS. L. REV. 1, 1 (2004).

252. See Bryant G. Garth, *Nobless Oblige as an Alternative Career Strategy*, 41 HOUS. L. REV. 93 (2004); Robert W. Gordon, *Private Career-Building and Public Benefits: Reflections on "Doing Well by Doing Good,"* 41 HOUS. L. REV. 113 (2004).

253. See *infra* tbl.22.

254. See *infra* tbl.22.

255. See *infra* tbl.22.

256. See *infra* tbl.22.

257. See *infra* tbl.22.

reason for investing in career strategies that maximize their options outside of the firm.

TABLE 22: Salary, Work, and Pro Bono Hours For Large and Mega Firm Respondents, by Law School Type

	Urban Law School	Elite Law School	
Works in a large firm			
Hours worked last week (mean)	51.5	51.21	
Worked over sixty hours last week	25.80%	30.90%	*
Worked any pro bono hours	64.40%	72.40%	*
Number of pro bono hours for those doing any pro bono (mean)	60.64	73.34	*
Salary	\$117,623	\$133,299	*
Works in a Mega firm			
Hours worked last week (mean)	51.88	51.85	
Worked over sixty hours last week	29.70%	33.30%	
Worked any pro bono hours	36.30%	33.60%	
Number of pro bono hours for those doing any pro bono (mean)	48.84	50.81	
Salary	\$109,880	\$123,661	*

*Note: *p < .05 or better*

C. Compared to What?

When we compare the early working and networking experiences of urban graduates at large law firms with their counterparts from elite schools, it is hard to see why the former group is so much more satisfied with their jobs than the latter group. To be sure, on some dimensions – for example, handling matters on their own or spending recreational time with partners - urban graduates in large law firms appear to be doing better than graduates from elite schools. As to others – for example, working in prestigious areas of practice and salary level - however, urban graduates appear to be doing less well than elite graduates, even when we look only at those working in the largest firms. Overall, the situation appears to be at best a wash as between the two groups, with a pessimistic account suggesting that urban graduates are already doing less well – and that they may face diminishing prospects for success over time. Add to this the fact

that urban graduates have had to work harder than their elite counterparts to get in the door of one of these institutions, and that they can expect to find fewer of their fellow urban graduates among the firm's associates and partners upon whom to call for career support, and one might expect these graduates to be significantly *less* satisfied with their careers than associates coming from elite schools and less likely to see themselves as having long-term futures in their firm.

When we compare the position of urban graduates working in firms to their peers from similar institutions working in other sectors, however, it is easy to see why the former group may be feeling so good. Precisely because they face longer odds in obtaining a job in a large law firm, urban graduates who succeed in securing one of these coveted positions are likely to think that they have "made it," and therefore feel that they made the right decision in pursuing a legal career.²⁵⁸ This is particularly likely to be true for those urban graduates from lower-middle or working class backgrounds who may have had few other opportunities for upward mobility.²⁵⁹

The fact that urban law school graduates are relative newcomers to the world of large law firms may also help to explain why they are more likely to express an intent to stay with their current employer for a substantial period. If these graduates believe that they were fortunate to secure their job at an elite firm, it is not surprising that they will hesitate before leaving, instead trying multiple strategies – including building capital outside the firm, for example, through writing and bar organizations – to be successful. The fact that these graduates are more likely to have used similarly entrepreneurial strategies to get their jobs in the first place will only make them more confident in their ability to succeed in this new environment – and, at least at the beginning of their career – more satisfied with their choices.

In this respect, urban law school graduates appear similar once again to other traditional outsiders who have recently entered large law firms such as women and minorities. In the AJD sample as a whole, for example, black lawyers report the highest level of satisfaction with their decision to become a lawyer – including the highest percentage of respondents who are "extremely satisfied" – of any racial group.²⁶⁰ Yet blacks have the lowest median income of all groups.²⁶¹ Other studies of attitudes and experiences

258. See Sterling et al., *supra* note 12, at 410-11.

259. DINOVTZER ET AL., *supra* note 13, at 43.

260. DINOVTZER ET AL., *supra* note 13, at 64.

261. DINOVTZER ET AL., *supra* note 13, at 68.

of blacks have produced similarly paradoxical results.²⁶² The fact that black AJD respondents were the most likely to come from families in which the father completed only trade or vocational school, and the least likely to report having a father or grandfather who is a lawyer, helps to unravel this puzzle. Compared to what their parents have been able to achieve – and even, perhaps, what they may have expected to achieve themselves – the careers of black AJD respondents are eminently satisfying, even as they recognize that they have to work harder to achieve these results.²⁶³

These similarities, however, should also make us suspicious of recent claims that attribute the failure of other traditional outsiders solely to the credentials or characteristics of these groups. Professor Richard Sander's recent critique of affirmative action in law firm hiring is a case in point. Using AJD data, Sander reports that black lawyers in law firms with 100 or more lawyers are significantly more likely than their white peers to spend substantial time doing routine work like reviewing documents or performing due diligence, and are less likely to be involved in networking or mentoring activities with partners.²⁶⁴ Sander attributes this difference to the fact that blacks who are hired by large law firms tend to have lower grades than their white peers do.²⁶⁵ The analysis of the differences between urban and elite law school graduates on these same dimensions presented above, however, should make us skeptical of this conclusion.

Specifically, the data on urban graduates casts doubt on both Sander's methodology and on his conclusions. With respect to methodology, Sander fails to account for the fact that the differences he finds between black and white lawyers may be due in part to the fact that the two groups may be joining different kinds of large law firms. As we saw in the section above, many of the differences in the fields of work, tasks, and networking activities of urban and elite graduates that we initially identified disappear or are substantially minimized when we standardize for firm size. The same may be true for the differences between minorities and whites Sander finds as well. As indicated above, studies have found that minority lawyers are more likely to be found in larger firms.²⁶⁶ To the extent that this continues to be true, then it is possible that some of the differences Sander finds may result from the fact that a greater percentage of black associates

262. See David B. Wilkins, *Rollin' on the River: Race, Elite Schools, and the Equality Paradox*, 25 LAW & SOC. INQ. 527 (2000) (describing a similar paradox in a study of minority and white graduates from the University of Michigan Law School).

263. *Id.* at 551-53 (making a similar point about the careers of black University of Michigan law school graduates).

264. Sander, *The Racial Paradox of the Corporate Law Firm*, *supra* note 169, at tbls.19, 20.

265. Sander, *The Racial Paradox of the Corporate Law Firm*, *supra* note 169, at 1817.

266. See *supra* note 84.

are working in larger firms where all junior associates tend to spend more time on mundane tasks and have less access to partners.

Substantively, to the extent that differences between blacks and whites continue to exist along these dimensions even after we standardize for firm size, the fact that urban graduates also report some of the same patterns vis-a-vis their more elite school peers raises questions about Sander's proposed explanation. Sander asserts that black lawyers would be far better in large law firms if they attended less elite law schools where they would be more likely to obtain higher grades.²⁶⁷ The urban graduates we are discussing here, however, are precisely the kind of high achievers from lower ranked schools that Sander holds out as the model for black students in a world without affirmative action. Yet, as we have seen, these graduates appear to be suffering from some (although certainly not all) of the same problems in getting good work and networking opportunities that Sander argues are preventing black lawyers from succeeding in firms. Although there are undoubtedly differences between the circumstances of these two groups,²⁶⁸ this finding, and the other comparisons between urban and elite graduates presented above, should make us wary of Sander's claim that high grades are a full and complete substitute for law school status.

VII. CONCLUSION: REBUILDING THE HOUSE OR REARRANGING THE FURNITURE?

The story of urban law school graduates working in large law firms presented above underscores that a great deal has changed since the not-so-golden days of the profession's recent past. Urban law school graduates can now be found in significant numbers in elite law firms, including some of the country's largest. Although the percentage of urban graduates entering these institutions is still substantially below the comparable percentage for graduates of elite law schools, large law firms are now the second most important employers (behind only small firms) of the graduates of these institutions. Indeed, our data suggests that not only is going to an urban law school no longer fatal to one's hope of joining a large law firm, when compared to attending a comparably ranked school in a

267. Sander, *The Racial Paradox of the Corporate Law Firm*, *supra* note 169, at 1812.

268. For example, urban graduates appear to be more likely than blacks and other minority associates to be given significant responsibility for handling an entire matter on their own. Compare Table 15 (indicating that 65% of urban graduates report doing so "some or more of the time" – significantly more than their elite counterparts) with Sander, *The Racial Paradox of the Corporate Law Firm*, *supra* note 169, at tbl.19 (indicating that the comparable percentage for black graduates is 33%).

non-urban area, it may be an advantage.

While this trend supports the widespread belief that law firm hiring has become considerably more meritocratic and open since the 1960s, the data also indicates that the picture is more complex than this simple story would imply. As the standard account would predict, law school status and grades do play a central role in determining which urban graduates will be hired by large law firms. Moreover, as the hard working and ambitious graduates of these institutions seem to recognize, whatever disadvantages that their lack of elite educational credentials may imply can be overcome at least in part by personal and professional achievement, such as pursuing a demanding science degree as an undergraduate, or perhaps by signaling an interest or ability in being able to bring in business. But traditional forms of social capital and ascriptive characteristics, including race, religion, and parental occupation, also still play an important role – albeit a role in which some factors, for example attending a Catholic law school, now appear to be an advantage. Moreover, the importance of these traditional factors is likely to be magnified by the fact that urban graduates are more likely than graduates of highly ranked schools to have to use informal channels and personal connections and attributes to obtain large law firm jobs.

Collectively, these findings suggest that the interlocking web of advantage enjoyed by the upper-class white, Anglo Saxon Protestant graduates of elite law schools who once were the exclusive recruits of large law firms has not completely disappeared. Indeed, given the demographics of the students who now attend urban law schools, even those who obtain jobs in large law firms solely on the basis of their academic credentials are much more likely to come from relatively privileged backgrounds (albeit not nearly as privileged as their counterparts in elite schools) than the graduates who used to attend these institutions a generation or two ago. As a result, the fact that approximately one-sixth of the lawyers being hired by large law firms now come from these institutions represents less of a change to the overall social structure of the elite corporate bar than might at first appear.

Nevertheless, it is important not to minimize the opportunities that now exist for the graduates of urban law schools. Whether these opportunities will turn into successful careers for these newcomers now that the doors to the profession's elite have at least partially opened for them, however, remains an open question. The data presented above from the early years of practice presents a mixed picture.

As a preliminary matter, it appears that urban law school graduates may be joining different kinds of firms than their elite school counterparts. Although the plurality of urban graduates, like their counterparts from elite

schools, enter firms of 500 or more, almost 60% of urban graduates are joining firms with fewer lawyers, with more than one-quarter in firms between 100 and 250. To the extent that the firms urban lawyers enter tend to be somewhat smaller and more specialized (in areas such as personal injury defense), they are precisely the kind of firms that have become increasingly unstable and vulnerable to competition in today's turbulent law firm marketplace.²⁶⁹ Although many mid-size firms have merged to avoid these dangers, even those that have done so successfully often experience post-merger turmoil that can pose significant risks to the careers of associates and even partners.²⁷⁰

Even within the very largest firms, however, it appears that urban graduates may already be having different experiences than their fellow associates from more highly ranked schools – although some of these different experiences may actually be to their benefit. On the one hand, with the exception of intellectual property, where urban graduates often have unique qualifications, associates from urban schools are less likely to practice in some of the prestigious areas of law than their counterparts from elite law schools. They also appear somewhat more likely to spend more time on routine matters and seem somewhat less integrated into the internal culture and structure of firms than their elite school peers. On the other hand, urban graduates appear to be given greater responsibility for handling matters on their own than associates from more highly ranked schools and on balance are investing relatively more time in building their reputation and connections in the wider community.

Whether these differences will persist – and even if they do, whether they will adversely affect the long-term career prospects of urban graduates – remains to be seen. The similarities between the profiles, attitudes, and early experiences of urban law school graduates and the women and minority lawyers who are also seeking to build careers in law firms, however, ought to sound an important cautionary note. These other recent entrants have had much greater success getting in the door at large law firms than they have at being promoted to partnership. Although the reasons for this under-representation are complex, the fact that women and minority associates often have a difficult time gaining access to good work and mentoring opportunities in firms where the partnership remains

269. See Elizabeth Austin, *Alzheimer's Collapse Sparks Look at What Can Go Wrong*, CHI. LAW., Aug. 2003, at 26 (describing the collapse of an established mid-size Chicago law firm); Leigh Jones, *Mergers? Not Here, Thanks: Midsize Firms Resist Trend; Focused Business Plans Key*, NAT'L L.J., Jan. 18, 2005 (detailing pressure on mid size firms to merge).

270. Kelley Schmidt, *Bingham's Attrition: Big Trouble or Brilliant Rightsizing?*, THE RECORDER, Apr. 9, 2007.

overwhelming white and male has undoubtedly played an important role.²⁷¹

It is certainly plausible that urban law school graduates may face analogous difficulties. Partners have a variety of incentives to favor associates with whom they share a law school tie. Thus, partners may believe that they are better able to judge the quality of associates who went to their alma mater or feel that they share a similar attitude or style of practice.²⁷² They may also wish to help their fellow alumni out of a sense of loyalty to the school or to enhance their own position with their former school.²⁷³ Or they may simply feel more “comfortable” working with someone who reminds them so much of themselves.²⁷⁴ Even if these biases only operate at a subconscious level, it is likely to disadvantage those from urban law schools who, given historical hiring patterns, are less likely to have partners with whom they can share the old school tie.²⁷⁵

Indeed, as one of us has argued elsewhere, firms have strong incentives to hire and promote elite law school graduates in order to send a “visible and rankable signal” about the firm’s quality to both clients and potential recruits.²⁷⁶ For generations, firms have used the academic pedigrees of their associates and partners as a means of signaling their quality to potential clients.²⁷⁷ Similarly, law students choosing among firms routinely use the academic pedigree of a firm’s lawyers as a rough proxy of its reputation.²⁷⁸ The fact that firms continue to invest huge sums of money in trying to recruit associates with Supreme Court clerkships – many of whom are likely to leave after only a few years to pursue academic careers – is potent evidence that firms continue to believe that there are important benefits to hiring lawyers with prestigious academic credentials separate

271. See Wilkins & Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms?*, *supra* note 87, at 568-74.

272. See Parkin, *supra* note 83 (suggesting these and other reasons why it might be efficient for partners to favor associates who graduated from their law school).

273. See ROBERT GRANFIELD, *MAKING ELITE LAWYERS* 135 (1992) (discussing how the loyalty of the large number of Harvard Law School alumni at large law firms benefits Harvard students during the interview process).

274. See ROSABETH MOSS KANTER, *MEN AND WOMEN OF THE CORPORATION* 47-49 (1977) (discussing the preference that mentors have for protégés that remind them of themselves).

275. See *supra* Part II, see also Parkin, *supra* note 83.

276. See Wilkins & Gulati, *Reconceiving the Tournament of Lawyers*, *supra* note 168, at 1651-57; Brian Uzzi & Ryon Lancaster, *Embeddedness and Price Formation in the Corporate Law Market*, 69 *AM. SOCIOLOGICAL REV.* 319, 331-32 (2004).

277. See, e.g., NELSON, *PARTNERS WITH POWER*, *supra* note 23, at 214-15.

278. See Ann Snider, *Smaller Firms Meet the Challenge: Various Efforts Used to Hire the Best*, N.Y. L.J., Sept. 8, 1998, at S2 (special pull out section) (describing how judicial law clerks tend to look to see which firms were able to hire the most judicial law clerks in the past and migrate towards those firms).

and apart from the actual work that these lawyers might do for the firm.²⁷⁹ Having invested heavily in recruiting students with top academic credentials, we should not be surprised to see these favored lawyers receiving better work and mentoring opportunities than their less elite peers.

Yet notwithstanding these difficulties, urban graduates appear to be committed to building long-term careers in the large law firms they are joining. Of course, it is possible that those who are entering these institutions are unaware of the obstacles that they are likely to confront.²⁸⁰ For example, in the study of third year law students discussed above, respondents from less elite law schools were significantly more inclined to believe that their success in a large law firm would depend primarily on the quantity and quality of their work – and less on forming relationships with powerful partners and being perceived as having “star” qualities – than their counterparts from elite schools.²⁸¹ To the extent that relationship capital and perceptions actually play an important role in determining who is likely to win the promotion-to-partnership tournament, urban law school graduates who underestimate the importance of these factors are likely to be at a disadvantage relative to their more informed elite school peers.

It would be a mistake, however, to assume that urban law school graduates are completely naïve about the obstacles that they are likely to confront in building successful careers in large law firms. After all, these graduates have already overcome many important obstacles in obtaining their law firm jobs and have begun to build capital and relationships outside of the firm that can substitute for the mentoring and training opportunities that they may not be receiving within the organization.

Moreover, the same dynamics that have traditionally worked against these graduates are likely over time to shift – at least partially – in their favor. Thus, if even a small percentage of urban graduates now joining firms stay and make partner, these new insiders can play a potent role in improving the partnership chances of the next wave of urban graduates entering firms. Partners who have attended urban law schools arguably have even stronger incentives than their elite school counterparts to look after their fellow urban law school alumni. Not only does hiring and

279. See Tony Mauro, *Big Bucks Used to Woo Clerks at High Court*, LEGAL TIMES, June 21, 2004 (reporting firms paying \$150,000 bonuses to Supreme Court law clerks notwithstanding the danger that they may “run off to academia or government service after a year or two”).

280. For a general argument that all law students tend to be somewhat naïve about their careers, see generally David B. Wilkins, *The Professional Responsibility of Law Schools to Study and Teach About the Profession*, 49 J. LEGAL EDUC. 76 (1999).

281. Wilkins & Gulati, *What Law Students Think They Know About Elite Law Firms*, *supra* note 184, at 1243-45.

promoting his or her fellow graduates help to protect the partner's standing within the institution (both by validating that graduates with the partner's credentials can still become outstanding lawyers and reducing the partner's social isolation), it also helps to correct what the partner may justifiably see as an injustice inflicted by his or her more elite peers who fail to mentor those unlike themselves.

Once again, the experience of women and minorities is instructive. Although women and minority partners can sometimes be harder on associates from their "own" group,²⁸² in general increased gender and racial integration at the partnership level has been an important factor in creating greater diversity as a whole.²⁸³ The experience of law firms like New York's Skadden Arps Meher Slate and Flom, where partners from urban law schools (in Skadden's case Fordham) have consistently ensured that Skadden continues to hire lawyers from their alma matter and promote them to partnership suggests that the same dynamic may benefit the growing number of urban graduates entering firms.²⁸⁴

Finally, even if most of the urban law school graduates entering firms end up leaving before making partner, the experience, connections, and reputational capital that these lawyers receive from having worked in a large law firm may very well allow them to achieve professional success in other arenas. Indeed, if the analogy to women and minorities continues to hold, it is quite possible that having spent time in a large law firm will prove to be more valuable to the urban law school graduates who leave firms after only a few years than the comparable experience will be for their elite school counterparts.²⁸⁵ The fact that urban graduates are already building connections outside of their law firms is likely to facilitate such

282. See Devon W. Carbado & Mitu Gulati, *Race to the Top of the Corporate Ladder: What Minorities Do When They Get There*, 61 WASH. & LEE L. REV. 1645, 1677-91 (2004) (arguing that minorities who are most likely to succeed are less likely to help other minorities do likewise); Cynthia Fuchs Epstein et al., *Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession*, 64 FORDHAM L. REV. 291, 355 (1995) (discussing the tensions between women partners and associates).

283. See generally Elizabeth Chambliss, *Organizational Determinants of Law Firm Integration*, 46 AM. U. L. REV. 669 (1997). See also Elizabeth H. Gorman, *Gender Stereotypes Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law Firms*, 70 AM. SOCIOLOGICAL REV. 702, 722 (2005).

284. See LINCOLN CAPLAN, SKADDEN: POWER, MONEY AND INFLUENCE AND THE RISE OF A LEGAL POWER 110 (1993) (describing the importance of Fordham graduates to Skadden). Rachel Parkin's finding that graduates of non-elite school receive greater benefits from their law school connections to partners than associates from more elite schools also supports this intuition. See Parkin, *supra* note 83.

285. Cf. Wilkins, *A Systematic Response to Systemic Disadvantage*, *supra* note 173, at 1934-37 (arguing that because of background stereotypes and presumptions, elite credentials are more important for black lawyers than they are for lawyers as a whole).

transitions.

The data we collect in succeeding waves of the AJD study should go a long way in helping us to answer these and other similar questions about the careers of urban law school graduates – and about the continuing significance of the interlocking web of advantage that has traditionally governed hiring and promotion in large law firms. What is certain today, however, is that urban law schools now play a key role in facilitating the expansion of the corporate hemisphere of legal practice.²⁸⁶ Understanding what is now happening to the graduates of these institutions is therefore as crucial to developing a full account of the structure of opportunity in the American legal profession at the turn of the twenty first century as tracking the opportunities available to those who emerged from these same schools in prior generations was to understanding the bar's social structure at the turn of the twentieth.

286. See HEINZ ET AL., *supra* note 9, at 42 (reporting that the total amount of lawyer effort devoted to corporate clients grew from 53% to 64% between 1975 and 1995).