What Happened to the Class of 2010?
Empirical Evidence of Structural Change
in the Legal Profession

DEBORAH JONES MERRIT**

The law school Class of 2010 faced a bleak employment market. Nine months after graduation, only 87.6% of the class reported a job of any type. More than a tenth of the employed graduates were working part-time, and more than a fifth held jobs that did not require a law license. As the National Association for Law Placement (NALP) declared when releasing these figures, the job market for 2010 graduates was riven by “many underlying structural weaknesses” and represented “the interruption of employment patterns for new law school graduates that [had] been undisturbed for decades.”

Some scholars predicted that the setbacks would prove temporary, that the new graduates would reap better jobs as the economy recovered or they honed their practice skills. Others were

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* John Deaver Drinko/Baker & Hostetler Chair in Law, Moritz College of Law, The Ohio State University. I am grateful for the help of my excellent research assistant, Molly Werhan. [Peer acknowledgements to be added after full circulation.]


3 Id. (reporting that 7,453 graduates were working in jobs that did not require bar admission, out of 35,620 employed graduates for whom job type was known). NALP uses the phrase “bar admission required” to designate jobs that require a license. Throughout this Article, I use the phrases “bar admission required,” “job requiring a law license,” and “lawyering job” interchangeably to designate that category of jobs. Like NALP and other sources, I include judicial clerkships in the category of jobs requiring bar admission. See NALP, GRADUATE SURVEY FORM—CLASS OF 2014 (2014), available at http://www.nalp.org/uploads/ERSS/2014gradsurveywFAQs_june2014.pdf.


5 See, e.g., Michael Simkovic & Frank McIntyre, The Economic Value of a Law Degree, 43 J. LEGAL STUD. 249, 271–76 (2014); Steven Davidoff Solomon, Debating, Yet Again, the Worth of Law School, N.Y. TIMES (July 18,
more pessimistic, warning that the negative employment patterns reflected structural shifts in the legal employment market. As the members of the Class of 2010 near the fifth anniversary of their law school graduation, it is possible to explore these predictions by examining early career outcomes for the class.

This Article offers an empirical survey of early career outcomes for the Class of 2010. Using court records and other publicly available sources, I compiled comprehensive data on December 2014 jobs for lawyers who passed the 2010 bar exam in a large, representative state. In addition to analyzing these positions, I compare the class’s current employment pattern to the ones that NALP described for the class nine months after graduation. I also contrast outcomes for the Class of 2010 with those provided by the Class of 2000 as part of the After the JD (AJD) study. The latter project is a highly regarded longitudinal survey conducted by the American Bar Foundation and the NALP Foundation for Law Career Research and Education.

My analyses show that employment patterns for the Class of 2010 have improved only marginally during the four and a half years since law school graduation. Unemployment still

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7 Benjamin Barros conducted an earlier study on career outcomes for 2010 and 2011 graduates of his own law school (Widener Law’s Harrisburg campus) and published those results as both a working paper and series of blog posts. See Barros, supra note 5. By limiting his inquiry to a single school, however, Barros can draw only limited conclusions about outcomes for the class as a whole. See also infra notes 20–25 and accompanying text (discussing limits of studies focused on single schools).

8 NALP collects employment data from law schools each year and publishes aggregate information in an annual report titled Jobs & JDs. See infra note 21 and accompanying text for more detail on NALP’s annual data reports.

9 Those organizations launched AJD in the late 1990s “to track the careers of a nationally representative cohort of lawyers admitted to the bar in the year 2000.” AM. BAR FOUND. & NALP FOUND. FOR LAW CAREER RESEARCH & EDUC., AFTER THE JD III: THIRD RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS 14 (2014) [hereinafter AJD III].
stands at 6.3%, and one fifth of the graduates still work in jobs that require no law license. The percentage of graduates working in law firms has stagnated at just 40%, while the percentage of solo practitioners has leaped. These outcomes contrast markedly with those for the Class of 2000. Although a recession shadowed the early years of that class’s employment, the 2000 graduates substantially bettered their positions as they moved into their careers. That type of progress did not occur for the Class of 2010.

The data also yielded key insights on three characteristics frequently associated with workplace achievement. First, significant gender differences emerged in the jobs pursued by the Class of 2010. Although these gaps resemble those identified among earlier graduates, the disparities are larger. Second, job outcomes for the Class of 2010—like those for earlier classes—are stratified by the prestige of the schools they attended. Finally, geography affects job placement even more than legal educators may realize, and that factor interacts with both gender and school prestige.

Overall, I find that the available evidence points toward structural, irreversible shifts in the legal employment market. These changes raise troubling questions about career prospects for law graduates, as well as about the cost and structure of legal education. I examine those issues in Part IV of the Article, offering two predictions about the job market for junior lawyers and two forecasts about that market’s impact on legal education. To lay the foundation for that discussion, Part I outlines my research method, Part II presents key results, and Part III looks

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10 Solo practitioners technically constitute “law firms,” and many sources count them within that larger category. I distinguish solos from other law firms throughout most of my discussion, because solo practice differs substantially from other firm settings for new lawyers. When discussing both solos and attorneys practicing at larger firms, I use the phrase “private practice.”

11 See infra Part III.A.

12 See infra Part III.B.

13 See infra Part III.C. Unfortunately, I could not examine associations between job outcomes and race or ethnicity, because my research sources did not identify those characteristics. See infra note 67 for several excellent sources discussing the effects of race or ethnicity on legal careers.
more closely at associations of employment outcomes with gender, geographic mobility, and law school prestige.

I. METHOD

Many studies of the legal profession rely on surveys. That method allows researchers to gather a wide range of information, including personal opinions and other data that are not readily available from public sources.\textsuperscript{14} Properly designed surveys, however, can be expensive and time consuming to administer.\textsuperscript{15} More troubling, response rates are often low; this raises serious concerns about differences between respondents and non-respondents.\textsuperscript{16}

For some types of data, the internet now offers an attractive alternative to survey research.\textsuperscript{17} Lawyers’ current jobs appear on several publicly available sites, including official bar records, commercial directories, employer websites, and professional networking sites like LinkedIn.\textsuperscript{18} At law schools, career service professionals routinely use these sites to generate

\textsuperscript{14}The AJD surveys, for example, were able to collect information about respondents’ income, job satisfaction, and future plans. See AJD III, supra note 9, at 44-47, 50-56, & 60-61.
\textsuperscript{16}See DAVID S. MOORE & WILLIAM I. NOTZ, STATISTICS: CONCEPTS & CONTROVERSIES 53–75 (6th ed. 2006); PEW RESEARCH CTR., supra note 15, at 2. Even the carefully constructed AJD study, for example, achieved response rates of about 50%. AJD III, supra note 9, at 15. Respondents differed significantly from non-respondents on several key dimensions, including gender, race, geographic region, and law schools prestige. Id. at 99–102.
\textsuperscript{17}See generally Samuel D. Gosling & Winter Mason, Internet Research in Psychology, 66 ANN. REV. PSYCHOL. 877 (2015); Robert Stebbins, The Internet as a Scientific Tool for Studying Leisure Activities: Exploratory Internet Data Collection, 29 LEISURE STUD. 469 (2010).
\textsuperscript{18}LinkedIn is an online professional network with more than 300 million participants worldwide. Press Release, LinkedIn, LinkedIn Announces Fourth Quarter and Full Year 2014 Results (Feb. 5, 2015), https://press.linkedin.com/site-resources/news-releases/2015/linkedin-announces-fourth-quarter-and-full-year-2014-results. Participants post current jobs, employment histories, and other career-related information on the site. Access to this information depends in part on whether a user purchases one of LinkedIn’s premium subscriptions. In that sense, LinkedIn is similar to professional directories sold by other publishers.
some of the employment data they collect for each graduating class. I used the same publicly available information to identify the research population and gather data about population members. In the sections that follow, I briefly describe the population, data gathering method, generalizability, treatment of missing population members, and limitations of this research.

A. Population

Much research on the legal profession tracks job outcomes for graduates of a particular law school. Every year, for example, schools measure the employment status of their own graduates nine months after graduation. Schools submit this information to both NALP and the American Bar Association (ABA), which publish the information in different formats. Schools also publish employment data on their websites, as required by an ABA accreditation standard. Scholars from several schools, finally, have produced helpful analyses of data gathered from their own graduates.

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20 Starting this year, schools are collecting these data ten months after law school graduation. See Jeff Sistrunk, ABA Pushes Back Law School Job Data Reporting Timeline, LAW360 (Aug. 13, 2013), http://www.law360.com/articles/464762/aba-pushes-back-law-school-job-data-reporting-timeline. All of the entry-level data discussed in this Article, however, were gathered at the nine-month mark. I refer to these job outcomes as both “entry-level” jobs and “nine-month” ones.

21 NALP publishes some data on its website, Recent Graduates, NALP, http://www.nalp.org/recentgraduates (last visited Mar. 7, 2015), with more detailed information in its annual report Jobs & JDs, see infra notes 41, 78. The ABA produces annual summary employment charts for each law school, as well as for the graduating class as a whole. In addition, the ABA publishes a spreadsheet with detailed information about employment outcomes at each school. These ABA resources are available at a dedicated website, Employment Summary Report, ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, http://employmentsummary.abaquestionnaire.org/ (last visited Mar. 7, 2014).

Many schools also submit their data to Law School Transparency (LST), an organization that has been instrumental in developing better information about law school outcomes. LST publishes information from schools, as well as data gathered from other sources, in a series of user friendly “score reports.” See LST Score Reports, LAW SCH. TRANSPARENCY, http://www.lstscorereports.com/ (last visited Feb. 16, 2015).

22 STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCH. 509(b)(7) (2014).

This school-specific information is useful, but it is difficult to generalize results from one school to another. As graduates move into the workplace, it also becomes harder to follow all members of a particular law school class. For these and other reasons, much research on the legal profession examines a population of bar members, rather than of law school graduates. In a path-breaking 1975 study, for example, John Heinz and Edward Laumann surveyed a random sample of licensed lawyers who maintained offices in the city of Chicago. Twenty years later, Heinz, Laumann, and two collaborators used the same sampling frame to repeat the research.

The most recent scholarly examination of the legal profession, AJD, also defined its population based on bar admission. To create a longitudinal study of career outcomes among new lawyers, the AJD researchers used a stratified national sample of lawyers admitted to the bar in 2000. To account for mobility among junior lawyers, the AJD sample included both lawyers first admitted to the bar in 2000 and those moving from another state who “had graduated from law school no earlier than 1998.”

Studies that focus on bar members omit a significant portion of law school graduates: those who never take a bar exam, those who cannot pass the exam, and those who fail to gain admission on character or other grounds. This constraint affects conclusions that a study can draw about the full universe of law school graduates; I discuss those limits further below. The universe of bar members, however, offers the appropriate window into career outcomes for


24 Some national surveys identify law school graduates, allowing analysis of that subgroup. See Simkovic & McIntyre, *supra* note 5 (using data from the U.S. Census Bureau’s Survey of Income Program and Participation). Those surveys, however, do not yet include data about recent graduates.


28 Id.

29 See infra note 60 and accompanying text.
people seeking to join the traditional law profession; bar membership is a prerequisite for that work.

I based my population, therefore, on bar membership—with particular attention to the definitions used in the recent AJD study. The research population in this Article consists of all new lawyers admitted to the bar after passing the February or July 2010 Ohio bar exam. Like the AJD researchers, I defined “new lawyer” to include attorneys who had already been admitted to another state’s bar, as long as they had graduated from law school no more than two years before their Ohio admission.

Lists of successful examinees, regularly published by the Ohio Supreme Court, established the outer population limits. A total of 1,258 applicants passed the February and July exams in 2010. Thirty-nine of these lawyers did not fit the definition of “new lawyer,” and I excluded them from the population. Two of the successful examinees passed away before 2014, and two others were never admitted to the bar. After excluding these four individuals, I retained 1,214 lawyers in the research population.

Because I defined the population by bar admission, rather than law school graduation, the population includes some lawyers who completed their degrees in 2008 and 2009. These lawyers, however, entered the employment market for licensed attorneys at the same time as

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31 I found no public explanation for these two failures of admission. The applicants may have failed Ohio’s character and fitness inquiry, or they may have decided to forgo the expense and paperwork of registration. Neither currently practices law in Ohio or any other state.
32 A very small number of lawyers completed their degrees even earlier but qualified for the population because they had not been admitted to any bar before 2010.
students graduating in 2010. In that sense, they are members of a “Class of 2010” and I use that label for simplicity.

Table I offers descriptive information about the population; I explore these characteristics, along with other outcomes, in Part II.33

Table I: Research Population
(N = 1,214)

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Percentage of Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>43.9</td>
</tr>
<tr>
<td>February Examinee</td>
<td>20.2</td>
</tr>
<tr>
<td>Active Status (Ohio Bar)</td>
<td>90.9</td>
</tr>
<tr>
<td>Active Status (Any Bar)</td>
<td>93.2</td>
</tr>
<tr>
<td>Current Job Requires Bar Admission</td>
<td>75.0</td>
</tr>
<tr>
<td>Currently in Private Practice (Solo or Firm)</td>
<td>49.7</td>
</tr>
<tr>
<td>Currently Working Outside Ohio</td>
<td>16.0</td>
</tr>
</tbody>
</table>

B. Method

The Ohio Supreme Court maintains a publicly accessible directory of all lawyers admitted to practice in Ohio.34 That directory confirmed the admission date for all population members. The directory also revealed bar status (active or inactive), disciplinary history, and JD school for every member of the population.35 Bar records further provided a current job title, employer, and workplace address for most population members.36 If an employer was not listed,

33 The bar directory does not report gender, but I was able to deduce gender for all but one population member from names, photos, and the online biographies described below. The other population attributes summarized in Table I derive either from the Ohio bar directory or from other sources described in the next section.

34 Attorney Information Search, SUPREME COURT OF OHIO, http://www.supremecourt.ohio.gov/AttySvcs/AttyReg/Public_AttyInfo.asp (last visited Feb. 24, 2015). The search engine for this directory was particularly helpful in identifying population members who had changed their last names; it allows searches by first, middle, and/or last name. Using that feature, I was able to locate every population member.

35 Just seven of the population members had disciplinary notes at this early stage of their careers; all of these were for the administrative offense of failing to register and pay the appropriate registration fee. Six of those lawyers had cured the defect and regained their good standing; one remained inactive.

36 Ohio rules require all bar members to report both their workplace and residence addresses to the bar. SUP. CT. R. FOR THE GOV’T OF THE BAR OF OHIO VI §§ 1(D), 1(F), 2(B).
the directory showed a residence address; that address, together with the JD school, provided an important lead in tracking population members.\textsuperscript{37}

Although these bar records revealed employment information for most population members, I did not rely exclusively on that source. For lawyers who listed a current workplace, I attempted to confirm employment on the employer’s website. Most law firms and government agencies list their affiliated lawyers, and many provide extensive biographies. If I could not confirm employment on the employer’s site, or if the lawyer listed only a residence address in the bar records, I turned to a series of online directories and general searches for more information.\textsuperscript{38}

Using these techniques, I identified an employer and job title for all but seventy-seven members (6.3\%) of the research population. All data were gathered during a six-week period from late November 2014 through early January 2015, reducing the possibility of calendar distortions. For simplicity, I refer to all employment data as stemming from December 2014.

In addition to identifying December 2014 employment, I obtained data on employment history for four-fifths (80.1\%) of the population. This information, like current job information, came from employer biographies, professional directories, and other online sources (such as newspaper articles or court pleadings). Although these data are not as complete as listings for current employment, they offer important insights into job turnover and other aspects of career advancement.

\textsuperscript{37} Although Ohio bar members provide a residence address to the Supreme Court, the court publishes that address only if the lawyer neglects to list a workplace. Residence addresses were particularly useful in tracking lawyers who had relocated to another state; JD school was invaluable in confirming identity of lawyers listed in online directories or other sources.

\textsuperscript{38} The most helpful online source was LinkedIn, a professional networking directory. See supra note 18. I purchased a premium subscription to LinkedIn, which allowed me to access directory information without drawing upon personal connections in the database.
I coded data using SPSS Statistics Desktop, version 22.0. Unless otherwise specified, I used Fisher’s exact test (two-tailed) to test associations of categorical data. To compare independent means, I used a conventional t-test.

C. Generalizability

By focusing on a single state, I was able to gather data about almost every population member; the results paint a full picture of employment outcomes for new lawyers admitted to the Ohio bar in 2010. This focus also enabled me to describe a professional ecosystem without the distortions introduced by relying upon national averages.39

Focus, of course, can compromise generalizability: employment outcomes in Ohio cannot fully reflect outcomes in North Dakota or New York. Four factors, however, suggest that Ohio’s legal market offers insights that are valuable for educators and practitioners in all states. First, Ohio represents a substantial legal market; it ranks ninth among states for both the size of its licensed bar40 and the number of jobs provided to recent law graduates.41 The state includes two cities (Columbus and Cleveland) that rank among the top twenty cities for employing new law school graduates.42 Ohio is also home to a cross section of law offices, including the nation’s largest firm (Jones Day) and several other firms ranked among the nation’s largest.43

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42 Id. at 74.
At the same time, the largest Ohio law firms and cities do not dominate the state’s practice in the same way that BigLaw reigns over New York or that Chicago overshadows downstate Illinois. Analyzing outcomes in Ohio avoids some of the biases inherent in the very largest legal markets.

Third, as Table II shows, the distribution of nine-month jobs for 2010 graduates working in Ohio closely tracked the pattern of those positions nationally. Nine months after graduation, about half of the Class of 2010 worked in private practice, while one in eight served in government. Graduates located in Ohio were somewhat more likely than those in other states to work for businesses and somewhat less likely to hold judicial clerkships, but the overall pattern approximates the national one.


I use the phrase “private practice” in a slightly narrower sense than the American Bar Foundation (ABF) does in its periodic statistical reports on the legal profession. The ABF includes in this category all licensed lawyers working for law firms, even if they do not practice law. CARSON & PARK, supra note 40, at 276. Given the emergence of lawyers working as business managers, marketing directors, and other non-practicing staff in law firms, I limit “private practice” to solo attorneys and lawyers practicing law with firms. This distinction affects only two population members, but it is worth noting for clarity.
Table II: Employment Settings for Employed Lawyers  
Class of 2010 at Nine Months\(^{45}\)  
(In Percentages)

<table>
<thead>
<tr>
<th></th>
<th>Ohio</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>49.4</td>
<td>50.9</td>
</tr>
<tr>
<td>Government</td>
<td>12.4</td>
<td>12.8</td>
</tr>
<tr>
<td>Business</td>
<td>21.3</td>
<td>15.1</td>
</tr>
<tr>
<td>Clerkships</td>
<td>5.8</td>
<td>9.3</td>
</tr>
<tr>
<td>Public Interest</td>
<td>5.0</td>
<td>6.7</td>
</tr>
<tr>
<td>Academic/Unknown</td>
<td>6.1</td>
<td>5.2</td>
</tr>
<tr>
<td>N</td>
<td>1,037</td>
<td>36,043</td>
</tr>
</tbody>
</table>

Ohio, finally, has relatively low unemployment rates. In December 2014, Ohio tied for seventeenth place among all states and the District of Columbia, with an unemployment rate of 4.8%.\(^{46}\) Unemployment rates in the largest legal markets were considerably higher: 5.8% in New York; 6.2% in Illinois; 7.0% in California; and 7.3% in the District of Columbia.\(^{47}\) Employment outcomes for junior lawyers in Ohio, therefore, should be relatively favorable.

Throughout this Article, I compare outcomes for the research population with national data drawn from NALP reports, the AJD study, and other sources. Those comparisons are not precise: the national data do not reflect exactly what happened in Ohio, while the research data do not completely track national outcomes. The factors described above, however, support these comparisons: the legal profession in Ohio appears to mirror national averages sufficiently well to make these comparisons informative.

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\(^{45}\) Figures in this table derive from JOBS & JDs 2010, supra note 41, at 75 (Ohio percentages), 13 (national percentages).


\(^{47}\) Id. Ohio has registered lower unemployment rates than the District of Columbia, California, and Illinois in every year since the Class of 2010 entered the workforce. See Unemployment Rates for States, Annual Average Rankings, BUREAU OF LABOR STATISTICS, http://www.bls.gov/lau/#tables (last modified Mar. 4, 2015) (follow hyperlinks for “2010” through “2013” under “Annual Average Statewide Data Tables: Unemployment Rates for States”). New York registered slightly lower rates than Ohio in 2010 and 2011 but climbed above Ohio after that point. Id.

According to NALP, New York, California, and the District of Columbia provided the greatest number of nine-month jobs to 2010 graduates. JOBS & JDs 2010, supra note 41, at 75. New York City, Washington D.C., and Chicago were the cities contributing the most positions. Id. at 74.
D. Missing Data

Drawing upon the sources described above, I obtained December 2014 employment data for 93.7% of the population members. This is a far higher rate of return than that secured by survey research.\textsuperscript{48} The missing members of my population, moreover, are “missing” in a different sense than survey non-respondents. The Supreme Court of Ohio requires all bar members “to keep the Office of Attorney services apprised of the attorney’s current . . . office address and office telephone number.”\textsuperscript{49} Ohio lawyers, therefore, have a professional obligation to list their current employer with the state supreme court. In addition to this professional obligation, most lawyers have incentives to provide professional information online.\textsuperscript{50} Junior lawyers have an especially strong incentive to publish information with LinkedIn or other professional directories; these sites are important sources of new clients and professional opportunities.\textsuperscript{51}

Lawyers, I found, respond to these incentives by publishing a large amount of professional information online. More than three quarters of the research population (77.6\%) maintained a current page on LinkedIn. Most law firms offered detailed biographies of their attorneys, and government agencies offered at least directories confirming employment.

Lawyers who do not list employment in any of these places are unlikely to be working. I found direct evidence to support this assumption for about a quarter (26.0\%) of the missing population members. Some of these individuals noted on public networking sites that they were

\textsuperscript{48} See PEW RESEARCH CTR., supra note 15, at 1 (noting that the response rate for a typical telephone survey has declined from 36\% in 1997 to 9\% in 2012); id. at 2 (investing additional resources in a telephone survey raised the response rate to 22\%). The three survey waves in AJD each obtained an admirable response rate of about 50\%, AJD III, supra note 9, at 15, but even that level falls below the one I achieved.\textsuperscript{49} SUP. CT. R. FOR THE GOV’T OF THE BAR OF OHIO VI §§ 1(D), 2(B).\textsuperscript{50} See Bonnie Booth, Lawyer Websites: The New Yellow Pages, 100 ILL. B.J. 424 (2012); Debra Bruce, No Lawyer Left Behind: The Risks of Not Having A Website, 70 TEX. B.J. 268 (2007).\textsuperscript{51} See, e.g., Dimetria A. Jackson, Putting Social Media into Practice, ORANGE COUNTY LAW., May 2012, at 7.
actively seeking work; others indicated that they were at home caring for young children. Another group maintained public employment histories that ended in 2014, suggesting that they had left the workforce or were job hunting.

For the remaining fifty-seven lawyers (4.7% of the population), public sources offered no evidence about employment status. The bar directory showed only a residential address for these lawyers; they did not maintain a current LinkedIn account; and other internet searches generated no information. Given the depth of internet presence for most employed lawyers, I concluded that these fifty-seven lawyers—like the ones described in the previous paragraph—most likely were unemployed.

Four additional factors buttress this conclusion. First, the missing lawyers were significantly more likely than other population members to have chosen inactive bar status (p = .000). Even if they hold other employment, this subset of missing population members cannot be practicing law. Their inactive status also suggests a more attenuated connection to the workplace.

Second, the missing lawyers were more likely than the employed lawyers to be female, although that correlation merely approached significance at conventional levels (p = .058). Other research has shown that female lawyers are more likely to leave the workforce than their male counterparts; AJD, for example, reported that ten percent of female lawyers were unemployed seven years after graduation, compared to just one percent of male lawyers. The

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52 26.0% of the missing lawyers were inactive, while just 5.5% of employed population members fell in that category. For all inactive population members, I searched several online directories to determine whether they had switched active registration to a state other than Ohio. “Inactive” lawyers were, to the best of my knowledge, inactive in any bar.
53 Over half (54.5%) of the missing lawyers were female, compared to just 43.2% of lawyers with identifiable December 2014 employment.
54 AM. BAR FOUND. & NALP FOUND. FOR LAW CAREER RESEARCH & EDUC., AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS 64 (2009) [hereinafter AJD II].
disproportionate number of female lawyers among the missing population members fits with an assumption of unemployment in that group.

Third, the percentage of missing lawyers in the research population is consistent with the percentage of unemployed bar members identified by AJD. In 2007, seven years after those lawyers obtained their law licenses, 5.0% reported that they were unemployed.\textsuperscript{55} Five years later, the percentage was 5.3%.\textsuperscript{56} The percentage of missing lawyers in the research population is somewhat higher (6.3%), and it was measured somewhat earlier in the lawyers’ careers (four years after bar admission), but it falls in the same general range.\textsuperscript{57} Given the weaker job market encountered by the Class of 2010, as well as the likelihood that unemployed graduates were less likely to respond to the AJD survey, 6.3% seems like a reasonable estimate for unemployed lawyers in the research population.\textsuperscript{58}

Finally, although a small number of missing population members may be employed, the converse is true for the population members coded as holding jobs. My research demonstrated a high rate of job turnover and periods of unemployment in this population of junior lawyers.\textsuperscript{59} It is quite likely, therefore, that some “employed” population members left their positions in late 2014 and did not update online sources before I performed my search. Given the substantial size of the research population compared to the small percentage of missing members, positive errors

\textsuperscript{55} AJD III, supra note 9, at 21.
\textsuperscript{56} Id.
\textsuperscript{57} The first wave of AJD respondents reported a lower unemployment rate (3.6%) three years after bar admission. Id. The first survey wave, however, failed to locate one fifth of the eligible sample members. AJD I, supra note 27, at 89. The missing group probably included a disproportionate number of unemployed lawyers, making the unemployment estimate unreliable. Later waves of data collection located addresses for 98% of respondents, see AJD II, supra note 54, at 12, providing a better estimate of unemployment.
\textsuperscript{58} Following the example of AJD and other workplace analyses, I do not distinguish between unemployed population members who are seeking work and those who have left the workforce. See also Burk, supra note 4, at 561 (noting the appropriateness of including all unemployed graduates in a single category when assessing the relationship between an educational program and the workplace). My data do not, in any event, allow distinction between those categories.
\textsuperscript{59} See infra Part II.G.
(reporting a job when one does not exist) are likely to at least balance negative ones (assuming unemployment when the population member is employed). Under these circumstances, the percentage of missing population members serves as a reasonable proxy for the true percentage of unemployed population members.

E. Study Limits

Like all social science research, this study has limits. When interpreting data from the current research, four limits are particularly important. First, the study includes only licensed lawyers; it does not identify job outcomes for law school graduates who were never admitted to the bar. This means that the study overestimates the percentage of law school graduates working in jobs that require bar admission; conversely, it underestimates the percentage of those graduates working in jobs that do not require a law license.60 Similarly, the study provides no information about the percentage of unlicensed graduates who are employed or the type of jobs they hold.

Second, the public sources underlying this study do not distinguish between full-time, ongoing employment and part-time or temporary arrangements. At least some of the employed population members almost certainly worked part-time. Ohio authorizes part-time assistant prosecutors and public defenders,61 and some population members seemed to hold positions of that nature. Similarly, some of the “company counsel” jobs in the database appeared to be part-

60 For an estimate of these percentages, see infra notes 137–138 and accompanying text.
Small law firms, meanwhile, make many arrangements with junior attorneys. A position labeled “attorney,” “associate,” or “counsel” might be a full-time salaried position—or it could be an ad hoc part-time one. I could not reliably distinguish part-time and temporary work from other positions, so I counted all working population members as “employed.” This label, however, overstates employment levels in the population.

Third, public sources may overstate employment in other ways. Attorneys are unlikely to fabricate jobs reported publicly, but they may exaggerate the character of the position. A “solo practitioner,” for example, may be someone who has advised a few friends on legal issues while searching for salaried work. A lawyer handling compliance issues for a company, doing the same work that non-lawyers handle, may list himself as “counsel” to the company. Public sources allow no way to test these assertions. Among other biases stemming from this limit, the study probably overstates both the number of solo practitioners and the percentage of jobs requiring bar admission.

Finally, the study could not gather information on some factors that are essential to a full understanding of the workplace. Most regrettable, public sources do not identify race or ethnicity so I could not track race/ethnicity-related differences in employment patterns. Given the history of discrimination in the workplace and legal profession, it is vital to continue studying those

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62 One population member, for example, worked as a document reviewer for a legal process organization at the same time that he served as “transactional/corporate counsel” to a manufacturing company. He listed the latter job as his primary occupation, and I counted it as such, but it probably was not a full-time position.
63 See infra notes 98–99 and accompanying text for further discussion of this issue.
64 AJD found that 2.8% of the Class of 2000 worked part-time in 2003. AJD III, supra note 9, at 21. By 2007, the percentage had risen to 7.8%, and in 2012 it was 8.8%. Id.
65 Cf. Jamie Guillory & Jeffrey T. Hancock, The Effect of LinkedIn on Deception in Resumes, 15 CYBERPSYCHOLOGY, BEHAVIOR, & SOC. NETWORKING 135 (2012) (finding that subjects are less likely to lie about verifiable information in online directories like LinkedIn than on traditional resumes).
66 When coding employment, I defined the category of jobs requiring bar admission broadly. I included all judicial clerks, see supra note 3, as well as any job with the word “attorney” or “counsel” in the title. When in doubt, I searched online job descriptions for more information.
differences whenever possible.\textsuperscript{67} Similarly, my study could not identify salary, job satisfaction, and other employment outcomes tracked in some survey research. Other scholarship needs to continue filling these gaps.

Despite these limits, this study’s method demonstrates a low-cost, efficient means of gathering employment data on a sizable number of licensed lawyers. The method offers substantial promise for tracking employment outcomes for lawyers in other states and at other stages of their careers. Creating a set of complementary studies based on the current method could produce key insights into the evolving legal market.

II. RESULTS: CAREER PROGRESSION FOR THE CLASS OF 2010

The Class of 2010 endured a markedly poor start in the job market, as shown by the middle column of Table III. Nine months after graduation, barely two-fifths of the graduates (39.5\%) worked as attorneys in law firms. Just over two-thirds (68.2\%) held a job that required a law license.\textsuperscript{68} Among the employed graduates, more than one in ten worked just part-time; one in twelve held a position that was both part-time and temporary.\textsuperscript{69} Almost a year after earning a professional degree, one-tenth of the class was unemployed.


\textsuperscript{68} See \textit{supra} notes 3 & 66 for discussion of the phrases “jobs requiring a law license,” “bar admission required,” “lawyering jobs,” and “legal jobs.” I use these phrases interchangeably.

\textsuperscript{69} \textit{JOBS & JDS 2010, supra} note 41, at 9.
Table III: Employment Status for the Class of 2010
9 Months and 55 Months After Graduation
(In Percentages)

<table>
<thead>
<tr>
<th>Jobs Requiring Bar Admission</th>
<th>February 2011 (NALP)</th>
<th>December 2014 (Research Pop.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solo</td>
<td>2.5</td>
<td>9.1</td>
</tr>
<tr>
<td>Law Firm</td>
<td>39.5</td>
<td>40.4</td>
</tr>
<tr>
<td>Judicial Clerk</td>
<td>8.1</td>
<td>2.1</td>
</tr>
<tr>
<td>Other Government</td>
<td>8.3</td>
<td>12.2</td>
</tr>
<tr>
<td>Business</td>
<td>4.2</td>
<td>8.0</td>
</tr>
<tr>
<td>Public Interest</td>
<td>4.5</td>
<td>3.1</td>
</tr>
<tr>
<td>Academic</td>
<td>1.1</td>
<td>0.2</td>
</tr>
</tbody>
</table>

| Other Jobs                  | 18.0                 | 18.3                          |
| Law Firm                    | 2.5                  | 0.2                           |
| Government                  | 2.9                  | 4.1                           |
| Business                    | 9.0                  | 10.8                          |
| Public Interest             | 1.4                  | 1.2                           |
| Academic                    | 2.2                  | 2.0                           |

| Job Type Unknown            | 1.3                  | --                            |
| Full-Time Student           | 3.0                  | 0.3                           |
| Unemployed                  | 9.5                  | 6.3                           |
| Total                       | 100.0                | 100.0                         |

| N                           | 41,156               | 1,214                         |

Time, unfortunately, did little to cure these ills. The right-hand column in Table III summarizes the research population’s employment status in December 2014, as those graduates neared the fifth anniversary of law school graduation. More graduates had found work by that

---

70 Percentages for February 2011 are drawn from JOBS & JDs 2010, supra note 41, at 8, 12–13, 15. Percentages for December 2014 derive from the research population. As explained above, I treat the research population as representative of the national averages reported by NALP. See supra Part I.C.

71 Following NALP’s current practice, I count public defenders under “public interest” rather than “government” in both populations. See JOBS & JDs 2010, supra note 41, at 42. The public interest category also includes legal aid lawyers.

72 This category, which applies only to NALP data, includes graduates for whom NALP received no employment information and those for whom NALP received insufficient information to place the graduate into one of the categories in the table. This accounts for some discrepancies between the table figures and overall figures cited by NALP.
time, but 6.3% of the population remained unemployed. Almost one-fifth of the graduates still worked in jobs that required no law license, even though all members of this population had passed the bar exam in 2010. The percentage of lawyers working in law firms increased less than a single percentage point, stagnating at just two-fifths of the population. The percentage of solo practitioners, in contrast, nearly quadrupled—reaching almost one-tenth of the population.73

In addition to these discouraging outcomes, the Class of 2010 experienced substantial job turnover and episodic unemployment. As discussed further below, two-thirds of the population (67.9%) changed jobs at least once between bar admission and December 2014.74 Those job changers averaged almost three (2.7) jobs during their four years as licensed attorneys, and about one-twelfth of them suffered at least one employment gap between jobs.75

This early career pattern is notably worse than the one for the Class of 2000, the graduates tracked by AJD. As Table IV shows, that class enjoyed better nine-month outcomes than the Class of 2010; substantially higher percentages of the Class of 2000 secured law firm jobs or other positions requiring bar admission.76 Unemployment, conversely, was lower. The

73 These outcomes are surprisingly consistent with ones reported by Benjamin Barros for 2010 and 2011 graduates of Widener Law’s Harrisburg campus. See Barros, supra note 5. Like me, Barros counted graduates with unknown status as unemployed. Id. at 4. Within the remaining members of his population, 78.1% held jobs requiring bar admission, 36.8% worked in law firms, and 7.3% were solo practitioners. Id. at 7. Barros’s estimate of jobs requiring bar admission may be high because he includes jobs at real estate title companies. Based on my research, these jobs do not require a law license. Indeed, much title work is done by employees with less than a bachelor’s degree. See Summary Report for:23-2093.00 · Title Examiners, Abstractors, and Searchers, Education, O*NET ONLINESummary Report for:23-2093.00 · Title Examiners, Abstractors, and Searchers, Education, O*NET ONLINE, http://www.onetonline.org/link/summary/23-2093.00#Education (last visited Feb. 21, 2015).
74 See infra Part II.G.
75 See infra note 160 and accompanying text. I defined an employment gap as a difference of more than one month between jobs. I did not include in that measure periods of unemployment that occurred between bar admission and first publicly reported job. More than one-fifth of the population (21.7%) had a gap of that nature.
76 Through 2000, NALP used a category of “legal” jobs rather than the more recent designation of jobs requiring bar admission. The former category may have been somewhat broader, including jobs for which a JD (but not bar admission) was required; the differences, however, appear to be slight. I treat this category of “legal” jobs as equivalent to “jobs requiring bar admission” or “jobs for licensed lawyers.” See also supra notes 3, 66, & 68.
Class of 2000 graduated before the mid-decade boom in law firm employment, but the class easily outpaced job attainment for the Class of 2010.

### Table IV: Nine-Month Outcomes
**Classes of 2010 and 2000**
(In Percentages)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Solo</td>
<td>2.5</td>
<td>1.3</td>
</tr>
<tr>
<td>Law Firm</td>
<td>39.5</td>
<td>48.7</td>
</tr>
<tr>
<td>Judicial Clerk</td>
<td>8.1</td>
<td>10.4</td>
</tr>
<tr>
<td>Other Government</td>
<td>8.3</td>
<td>9.7</td>
</tr>
<tr>
<td>Business</td>
<td>4.2</td>
<td>4.3</td>
</tr>
<tr>
<td>Public Interest</td>
<td>4.5</td>
<td>3.4</td>
</tr>
<tr>
<td>Academic</td>
<td>1.1</td>
<td>0.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Jobs</th>
<th>18.0</th>
<th>10.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Firm</td>
<td>2.5</td>
<td>0.2</td>
</tr>
<tr>
<td>Government</td>
<td>2.9</td>
<td>1.6</td>
</tr>
<tr>
<td>Business</td>
<td>9.0</td>
<td>7.1</td>
</tr>
<tr>
<td>Public Interest</td>
<td>1.4</td>
<td>0.3</td>
</tr>
<tr>
<td>Academic</td>
<td>2.2</td>
<td>1.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Type Unknown</th>
<th>1.3</th>
<th>3.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-Time Student</td>
<td>3.0</td>
<td>2.1</td>
</tr>
<tr>
<td>Unemployed</td>
<td>9.5</td>
<td>6.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

N 41,156 34,641

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78 The middle column of this table is identical to the middle column of Table III and derives from the same source. See supra note 70. Figures in the right-hand column are from NALP, JOBS & JDs: EMPLOYMENT AND SALARIES OF NEW LAW GRADUATES, CLASS OF 2000, at 8, 12–13, 17 (2001) [hereinafter JOBS & JDs 2000].

79 In 2000, NALP counted public defenders as government employees; by 2010, the organization had shifted them to the public interest category. Compare JOBS & JDs 2000, supra note 78, at 34, with JOBS & JDs 2010, supra note 41, at 42. I shifted these lawyers to the public interest category for 2000 in order to ease comparison.

80 For explanation of this category, see supra note 72.
Even more striking, the Class of 2000 significantly improved its employment status during the years following graduation. AJD respondents reported that more than three-fifths of them (62.1%) were practicing with a law firm by 2003. That percentage marks an increase of more than thirteen percentage points from the nine-month mark. Unemployment for the class had fallen to 3.6% by 2003, and 85.3% of the graduates worked in jobs requiring bar admission. Although the U.S. economy suffered a recession in 2001, with employment lagging through 2003, the JD Class of 2000 significantly bettered its employment status during that period.

No such improvement occurred for the Class of 2010. In the remainder of this Part, I explore employment outcomes for that class in greater detail. I also compare those outcomes, where possible, to results for the Class of 2000.

A. Law Firm Employment

During the late twentieth century, associate positions in law firms were a mainstay of entry-level legal employment. In addition to providing a stable salary and benefits, these positions helped new lawyers hone their practice skills. In 1988, a strong hiring year, almost

---

81 AJD III, supra note 9, at 29. I calculated the number of respondents working in law firms from the “Wave 1” column, after subtracting the small percentages who worked for law firms but did not practice law. To calculate the percentage of the population, I used the total number of respondents reporting employment status (including those who were unemployed. See id. at 21 (3,824 respondents reported employment status).
82 Id. at 21.
84 The national unemployment rate climbed from 3.9% in December 2000 to 6.3% in June 2003. From that peak, it declined slowly until December 2005, when the figure finally fell below 5.0%. For monthly unemployment figures, see Databases, Tables & Calculators by Subject, Unemployment, BUREAU OF LABOR STATISTICS, http://www.bls.gov/data/#unemployment (last visited Feb. 8, 2015). Since late 2007, of course, unemployment has once again risen and fallen. In December 2014, the national rate was 5.6%—less than the rate during the period (late 2002 through early 2003) when the Class of 2000 reported job outcomes to AJD.
85 See, e.g., RICHARD L. ABEL, AMERICAN LAWYERS 221–23 (1989)
three-fifths of law graduates (59.2%) obtained law firm jobs by nine months after graduation.\textsuperscript{86} That entry-level percentage fell over the next two decades, but graduates continued to secure law firm jobs as they gained one or two years of workplace experience. The Class of 2000, for example, expanded its percentage of law firm jobs from 48.7% (measured nine months after graduation) to 62.1% by 2003.\textsuperscript{87} That gain occurred despite the recession and jobless recovery of 2001–2003.\textsuperscript{88}

Opportunities for law firm employment were comparable for other lawyers graduating during the late twentieth and early twenty-first centuries. In 2005, three fifths (59.6%) of lawyers under the age of forty practiced law with a firm.\textsuperscript{89} Recent graduates worked in numerous other settings, but law firms provided the core employment experience for newly licensed lawyers.

As Table III shows, law firm employment dropped dramatically for the Class of 2010. Nine months after graduation, just 39.5% of the class practiced law with a firm; that figure was almost ten percentage points lower than the one for the Class of 2000. Even more worrisome, the percentage failed to grow as the graduates acquired more workplace experience. Four and a half years after graduation, just 40.5% of the research population practiced law with a firm—a decline of more than a third compared to the Class of 2000.


\textsuperscript{87} See supra Tbl. III & text accompanying note 81.

\textsuperscript{88} See supra notes 79–72 and accompanying text.

\textsuperscript{89} CARSON \& PARK, \textit{supra} note 40, at 9 (reporting that 84.6% of those lawyers were in private practice); \textit{id.} at 11 (reporting that 29.5% of the lawyers in private practice were solos; the remainder practiced with firms).
The latter gap is particularly notable because law firms have repeatedly declared their preference for associates with two to four years of experience. As the economy recovered, members of the Class of 2010 offered just that range of expertise. Yet law firms did not expand the number of jobs available to this pool of graduates.

Law firm attorneys in the research population, moreover, clustered heavily in very small firms. In December 2014, almost a third of those lawyers worked in firms of just two to five lawyers (see Table V). More than half (56.1%) worked in firms of no more twenty-five lawyers, and just 14.0% worked in the largest firms.

**Table V: Class of 2010 Lawyers Working in Law Firms, By Firm Size**

<table>
<thead>
<tr>
<th>Firm Setting</th>
<th>December 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-5 Lawyers</td>
<td>31.5</td>
</tr>
<tr>
<td>6-10 Lawyers</td>
<td>12.2</td>
</tr>
<tr>
<td>11-25 Lawyers</td>
<td>12.4</td>
</tr>
<tr>
<td>26-50 Lawyers</td>
<td>7.1</td>
</tr>
<tr>
<td>51-100 Lawyers</td>
<td>5.7</td>
</tr>
<tr>
<td>101-250 Lawyers</td>
<td>8.9</td>
</tr>
<tr>
<td>251-500 Lawyers</td>
<td>8.1</td>
</tr>
<tr>
<td>501+</td>
<td>14.0</td>
</tr>
<tr>
<td>Unknown Size</td>
<td>0.0</td>
</tr>
<tr>
<td>N</td>
<td>492</td>
</tr>
</tbody>
</table>

This pattern contrasts sharply with that of the Class of 2000. Table VI shows the distribution of law firm attorneys by firm size for both classes several years after graduation. For

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91 It is possible that the Class of 2010 gained some number of law firm jobs after February 2011 and then lost those jobs before December 2014. Almost half the Class of 2000, however, still held law firm jobs seven years after graduation. AJD III, *supra* note 9, at 29. A transitory and abrupt decline so early in the careers of 2010 graduates would itself be noteworthy.

92 NALP and other sources typically report firms of 2–10 lawyers as a single category. I have broken that category into two groups to indicate just how small many of these firms are. A firm of two lawyers offers very different practice and mentoring opportunities to a new lawyer than one of ten.

93 All figures in this table reflect the research population.
the Class of 2000, almost one-third of law firm lawyers worked in a firm with more than 250 lawyers. In the Class of 2010, the percentage was 22.1%—more than eight percentage points lower. Conversely, more than half of current law firm jobs for the Class of 2010 are in small firms of two to twenty lawyers; for the Class of 2000, the percentage was 37.7% at a comparable stage in their careers.

Table VI: Lawyers Working in Law Firms, By Firm Size, Classes of 2000 and 2010

<table>
<thead>
<tr>
<th>Law Firm Size</th>
<th>Class of 2010 4.5 Yrs After JD</th>
<th>Class of 2000 3 Yrs After JD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Firm (2-20)</td>
<td>53.7</td>
<td>37.7</td>
</tr>
<tr>
<td>Law Firm (21-100)</td>
<td>15.2</td>
<td>19.3</td>
</tr>
<tr>
<td>Law Firm (101-250)</td>
<td>8.9</td>
<td>11.7</td>
</tr>
<tr>
<td>Law Firm (251+)</td>
<td>22.1</td>
<td>30.4</td>
</tr>
<tr>
<td>Law Firm (Size NA)</td>
<td>0.0</td>
<td>0.8</td>
</tr>
<tr>
<td>N</td>
<td>492</td>
<td>2,374</td>
</tr>
</tbody>
</table>

The concentration of new lawyers in small firms is troubling for several reasons. First, graduates themselves report that they prefer other opportunities: nine months after graduation, almost one quarter of lawyers working in these firms indicated that they were actively seeking other work. This was the highest percentage of job seekers for any private practice setting; even solo practitioners showed less interest in moving.

Second, these small firms offer few mentoring opportunities for new lawyers. Within the research population, one in eight (12.3%) of the smallest firms consisted of two or three recent graduates operating a practice together. In some cases, the 2010 graduate was the most senior

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94 Figures for the Class of 2010 are from the research population; those for the Class of 2000 derive from AJD III, supra note 9, at 29. I adjusted firm categories for the research population to match available data from AJD.
95 JOBS & JDS 2010, supra note 41, at 102 (reporting that 23.3% of 2010 graduates working in firms of 2–10 lawyers were seeking other employment).
96 Id. Lawyers employed in firms of more than 100 lawyers were less likely than those in any other setting to be seeking employment; just 4.5% of those lawyers were doing so. Id.
lawyer in the group. These lawyers have very limited experience to draw upon, both for guiding one another and for serving clients.97

Third, small firms use a variety of compensation arrangements for junior lawyers. Some pay a regular salary, but others pay their “associates” on an as-needed basis.98 The latter arrangements are more like contract employment than a conventional law firm position. Other small firms retain junior lawyers on an “eat what you kill” basis, allowing the new lawyer to earn proceeds from their own cases—often after paying an administrative fee or percentage to the firm.99 In addition to the financial insecurity of these arrangements, they provide little incentive for the firms to mentor junior lawyers.

Even when small firms pay a regular salary, finally, the amounts are much lower than at larger firms. Three years after graduation, members of the Class of 2000 reported a median salary of $55,000 in firms of two to twenty lawyers.100 Graduates practicing with firms of more than 250 lawyers, in contrast, reported a median salary of $135,000.101 In addition to other impacts, this difference affects graduates’ ability to repay their law school loans. Twelve years after graduation, small-firm lawyers from the Class of 2000 were less likely than graduates in larger firms to have paid off their educational debt.102 Median remaining debt was also higher for small firm practitioners.103

97 Previous scholars have noted both the existence of small firms consisting of a few recent graduates and the difficulty of determining the prevalence of those firms. See, e.g., Campos, supra note 6, at 202; Kyle P. McEntee & Derek M. Tokaz, Take This Job and Count It, 2 J. LEGAL METRICS 309, 321 (2012). This study offers the first attempt to quantify those firms.
100 AJD III, supra note 9, at 45 (columns for ADJ I).
101 Id.
102 Id. at 83.
103 Id.
At the other end of the law firm spectrum, the Class of 2010 held many fewer jobs than the Class of 2000 in the largest firms. For the latter class, jobs with firms of more than 250 lawyers expanded from 26.1% of law firm jobs in February 2001 (nine months after graduation)\textsuperscript{104} to 30.4% of those jobs in 2003 (when responding to the first wave of AJD surveys).\textsuperscript{105} It appears that during the first years of the century, a substantial number of law graduates moved into BigLaw jobs after the nine-month mark.\textsuperscript{106} Some of them may have practiced with small firms that merged with a larger one; others acquired experience that a BigLaw firm valued.

For the Class of 2010, in contrast, BigLaw jobs contracted during the early years of their careers. Between February 2011 and December 2014, the percentage of graduates holding those positions fell by a third. These firms did not recruit a substantial number of third- and fourth-year associates to supplement reduced entry-level hiring; instead firms shed lawyers with that level of experience.\textsuperscript{107}

This news is particularly discouraging for graduates who hope to land BigLaw positions after gaining experience in smaller firms, government, or other settings. In the research population, I identified just thirty-nine lawyers who moved into BigLaw associate positions between February 2011 and December 2014. Nine of those lawyers followed a traditional path of completing a judicial clerkship before joining a large firm. Just thirty population members (2.5%) managed to move from other types of employment to an associate job at a firm with more than 250 lawyers. This type of mobility is possible, but it is relatively rare.

\textsuperscript{104} Jobs & JDS 2000, supra note 78, at 29. In making this calculation, I removed solo practitioners from the total and calculated the percentage of jobs in the largest firms as a percentage of all law firm jobs.

\textsuperscript{105} See supra Table VI.

\textsuperscript{106} Unless otherwise noted, I use the term “BigLaw” to refer to firms with more than 250 lawyers. That usage allows the greatest flexibility in comparing percentages across data sources.

A significant number of the 2010 graduates remaining at the very largest law firms in December 2014, finally, worked as staff attorneys rather than conventional associates. These positions were unusual before 2005, but have been expanding in recent years.\textsuperscript{108} Staff attorneys receive much lower salaries than traditional associates, perform a narrower range of lawyering tasks (usually document review), and are not eligible for partnership.\textsuperscript{109} Within the research population, 43.5\% of graduates working at firms of more than 500 lawyers held staff attorney positions rather than associate ones. By December 2014, just 3.2\% of the research population worked as associates in firms of more than 500 lawyers.

B. Government and Public Interest

The previous tables in this section separate statistics for judicial clerkships, other government positions, and public interest organizations. It is difficult, however, to make comparisons over time within those categories. The nature of some judicial clerkships has evolved over the last fifteen years, becoming more akin to at-will employment in other government offices.\textsuperscript{110} At the same time, employment reports vary in the way they categorize

\textsuperscript{108}See, e.g., NALP, EMPLOYMENT FOR THE CLASS OF 2013—SELECTED FINDINGS 3 (2014), available at http://www.nalp.org/uploads/Classof2013SelectedFindings.pdf (“[M]ore graduates are taking staff attorney or similar positions” at large law firms.); William D. Henderson, From Big Law to Lean Law, 38 INT’L REV. L. & ECON. 5, 8 (2014) (reporting that the number of associates in firms ranked in the NLJ 250 fell from 60,377 to 59,574 between 2010 and 2011, while the number of “other” junior lawyers rose from 11,376 to 13,332).

\textsuperscript{109}See Henderson, supra note 108, at 8; Catherine Rampell, At Well-Paying Law Firms, a Low-Paid Corner, N.Y. TIMES (May 23, 2011), http://www.nytimes.com/2011/05/24/business/24lawyers.html?pagewanted=all (describing emergence of staff attorneys, describing their work, and noting entry-level salaries of $50,000 to $65,000 compared to salaries of up to $160,000 for associates at the same firms).

\textsuperscript{110}During the recession, some judges allowed clerks to keep their positions for longer than the original term; others increased their hiring of clerks with workplace experience. Although most federal clerkships remain one or two year commitments, many state and local clerkships now run for an indefinite period.
public defenders and legal aid lawyers.\footnote{In 2000, NALP included legal aid lawyers in the public interest category, but counted public defenders among government workers. Jobs & JDS 2000, supra note 78, at 34. By 2010, NALP had switched public defenders to the public interest category. Jobs & JDS 2010, supra note 41, at 42. Publications from the AJD project, meanwhile, report “legal services or public defender” as a category of its own. See, e.g., AJD III, supra note 9, at 29.} When discussing trends over time, therefore, it is better to combine these categories under a single “public service” rubric.

Nine months after graduation, the Classes of 2000 and 2010 had obtained almost identical percentages of public service positions. As Table IV reflects, one quarter of each class (25.4% of the Class of 2000, 25.2% of the Class of 2010) worked in these jobs. For the Class of 2010, however, a portion of these jobs were subsidized by their law schools. Within the public interest category, for example, 42% of the jobs taken nationally by the Class of 2010 were short-term ones that most likely received law school support.\footnote{Jobs & JDS 2010, supra note 41, at 42.}

Public service jobs declined for both classes after the nine-month mark, although the Class of 2010 retained marginally more of these jobs than the Class of 2000 did. In December 2014, more than a fifth (22.7%) of the research population held public service jobs (see Table IV). For the Class of 2000, the percentages were 20.6% three years after graduation; 19.7% after seven years; and 21.8% twelve years out.\footnote{AJD III, supra note 9, at 29. I combined the federal government, state government, legal services or public defender, and public interest categories to yield these percentages.} In part, this small difference reflects greater private practice opportunities for the Class of 2000; when those jobs were available, graduates took them. The small margin, however, also indicates that government had limited capacity to absorb 2010 graduates who were unable to find jobs in other sectors.

Table VII shows the distribution of public service jobs for the research population. As the table shows, state and local governments provided the majority of jobs in this sector. Two-thirds (67.3%) of all public servants worked for one of those employers. Among graduates holding jobs
that required bar admission, the tilt toward state and local government was even stronger: almost three quarters (72.9%) of those jobs were at those levels.\footnote{The percentage of state and local jobs is somewhat higher in Ohio than it is nationally, but these jobs outnumber federal ones in other states as well. See, e.g., Jobs & JDS 2010, supra note 41, at 33 (reporting that for graduates reporting employment nine months after graduation, just 39.1% of government jobs nationally were with the federal government); id. at 36 (reporting that 37.8% of entry-level clerkships were with federal courts); AJD III, supra note 9, at 29 (reporting that two to three years after graduation, 66.3% of public service jobs in a national sample were with state and local governments).}

### Table VII: Distribution of Public Service Jobs
#### Class of 2010 in December 2014\footnote{All data in this table derive from the research population.}
#### (In Percentages)

<table>
<thead>
<tr>
<th>Bar Admission Required</th>
<th>Other Jobs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military</td>
<td>6.9</td>
<td>2.9</td>
</tr>
<tr>
<td>Other Federal</td>
<td>9.1</td>
<td>3.6</td>
</tr>
<tr>
<td>State</td>
<td>17.0</td>
<td>3.2</td>
</tr>
<tr>
<td>Local</td>
<td>38.8</td>
<td>8.3</td>
</tr>
<tr>
<td>Nonprofit Organization</td>
<td>4.7</td>
<td>5.4</td>
</tr>
<tr>
<td>Total</td>
<td>76.5</td>
<td>23.4</td>
</tr>
</tbody>
</table>

As Table VII illustrates, a substantial percentage of the public service jobs (23.4%) held by the Class of 2010 did not require bar admission. On this dimension, the Class of 2010 differs noticeably from the Class of 2000. Three years after graduation, just 14.0% of public service employees in the latter class held jobs that did not require bar admission.\footnote{See AJD III, supra note 9, at 29 (Wave 1). To compute this figure, I first determined the number of “nonpracticing” jobs within each of four categories: federal government, state government, legal services or public defender, and public interest. I then calculated the percentage of those jobs within all jobs for the four identified categories. AJD’s category of “nonpracticing” jobs may differ slightly from the one of “bar admission required,” but the two seem largely congruent.} Even seven years after graduation, when law graduates might expect to obtain key policy-making positions in

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government and nonprofits, just 18.5% of the public service employees from the Class of 2000 held jobs that did not require bar admission.\footnote{117 See AJD III, supra note 9, at 29 (Wave 2). I calculated this figure in the same manner as for Wave 1. See supra note 116.}

The Classes of 2000 and 2010 thus held a comparable percentage of public service jobs during their early careers, but fewer of those positions required bar admission for the later class. This pool of non-lawyering jobs rarely involved policymaking; instead, most were routine positions in human relations, compliance, contract negotiation, and case management. Population members also reported work as a police officer, customer service clerk, parole officer, and government auditor.

\textbf{C. Business}

For law school graduates, jobs in “business” encompass a wide range of positions. This category includes in-house counsel, as well as lawyers who work for insurance companies, banks, or accounting firms. Lawyers employed by legal process outsourcers (LPOs) also count as “business” employees, even though their work resembles that of law firm staff attorneys.\footnote{118 LPOs are companies that offer specific legal services for prices below those charged by traditional law firms. Initially LPOs focused on routine, low-end work such as document review and contract management. With experience, some of these firms are starting to perform more sophisticated legal work. See generally Regan & Heenan, supra note 6.} Businesses, finally, employ a substantial number of lawyers in positions that do not require bar admission. These jobs range from contract negotiators and compliance managers to retail sales clerks.\footnote{119 Following NALP’s practice, I characterized jobs with nonprofit medical organizations count as ones with “business” rather than in “public interest.” Jobs with private schools or universities, on the other hand, are counted under “academia.”}

NALP statistics suggest that, for jobs reported nine months after law school graduation, both the number and percentage of business jobs has grown over the last two decades. In 1993,
10.6% of reported jobs were in business; by 2012, that percentage had jumped to 17.9%.\textsuperscript{120} Similarly, the Class of 1994 reported only 2,689 business jobs while the Class of 2012 reported 6,701.\textsuperscript{121} The progression ebbed in some years, but the overall trend is markedly upward.

Comparing the Classes of 2000 and 2010 offers deeper insight into this growth of business jobs. Nine months after graduation, 11.5% of the former class worked in business, while 13.2% of the latter class did so (see Table VIII). As the table indicates, most of this increase stemmed from a rise in the number of business jobs that did not require a law license. NALP data suggest that this was an unhappy change for the Class of 2010: almost half (45.6%) of the 2010 graduates holding business jobs were seeking other work,\textsuperscript{122} compared to just 28.8% in that category a decade earlier.\textsuperscript{123}

<table>
<thead>
<tr>
<th>Table VIII: Classes of 2000 and 2010 Business Jobs Over Time\textsuperscript{124} (In Percentages)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar Admission Required</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>Class of 2000 (9 Months)</td>
</tr>
<tr>
<td>Class of 2010 (9 Months)</td>
</tr>
<tr>
<td>Class of 2000 (3 Years)</td>
</tr>
<tr>
<td>Class of 2010 (4.5 Years)</td>
</tr>
</tbody>
</table>

The difference between the two classes widened substantially after several years in the workplace. Within three years after graduation, members of the Class of 2000 substantially reduced the number of business jobs they held; the overall percentage fell from 11.5% to 8.3%.

\textsuperscript{121} \textit{Id}.
\textsuperscript{122} JOBS & JDs 2010, \textit{supra} note 41, at 102.
\textsuperscript{123} JOBS & JDs 2000, \textit{supra} note 78, at 102.
\textsuperscript{124} Nine-month data derive from JOBS & JDs 2010, \textit{supra} note 41, at 38 (Class of 2010), and JOBS & JDs 2000, \textit{supra} note 78, at 38 (Class of 2000). Early career data are from the research population (Class of 2010) and AJD III, \textit{supra} note 9, at 29 (Class of 2000).
In particular, the class shed business jobs that did not require a law license; that percentage dropped from 7.5% to just 4.1%. The Class of 2010, conversely, increased its percentage of business jobs. By December 2014, almost a fifth of the class (18.8%) worked in business. That increase, moreover, reflected increases in both jobs requiring a law license and those that did not; four and a half years after graduation, more than one in ten of the population members held a business job that did not require bar admission.

About half of these jobs (56.5%) were law-related, although I stretched that definition to include even claims adjusters at insurance companies.\textsuperscript{125} Very few of the law-related jobs required a law degree; most, including those in compliance, human resources, and trust management, are jobs that non-lawyers routinely fill.\textsuperscript{126} Another fifth (20.6%) of the non-lawyering jobs were professional ones in other fields, including medicine and engineering. The remaining positions (about 2.5% of the full population) were non-professional jobs rarely associated with professional degrees. These included tennis instruction, office management, lingerie sales, and pest control. The “lawyer barista” is relatively rare, but the category is not illusory.

D. Academia

Educational institutions employ just a small percentage of law school graduates. By December 2014, only twenty-six members of the research population (2.1%) held jobs in

\textsuperscript{125}Other authorities do not include adjusters in lists of law-related jobs. See, e.g., \textit{Detailed Analysis of JD Advantage Jobs}, NALP (May 2013), http://www.nalp.org/jd_advantage_jobs_detail_may2013 (listing jobs for which a JD may provide an advantage).

\textsuperscript{126}See \textit{Summary Report for: 11-9199.02 - Compliance Managers, Education}, O*NET ONL\linebreak[1]{}INE, http://www.onetonline.org/link/summary/11-9199.02#Education (last visited Mar. 3, 2015) [hereinafter \textit{Compliance Managers, Education}] (reporting that 66% of compliance managers hold a bachelor’s degree; others hold a master’s degree or certificate); \textit{Summary Report for: 11-3121.00 - Human Resources Managers, Education}, O*NET ONL\linebreak[1]{}INE, http://www.onetonline.org/link/summary/11-3121.00#Education (last visited Mar. 7, 2015) (reporting that 68% of human resources managers hold a bachelor’s degree; others hold a master’s degree or certificate).
academic institutions. Most of these graduates were compliance officers, administrative staff members, or fund raisers. Five members of the population held academic appointments at a college or university, while three worked as middle or high school teachers. Four members of the research population (0.3%), finally, were full-time degree students.

E. Solo Practitioners

The percentage of solo practitioners in the Class of 2010 almost quadrupled between February 2011 and December 2014. By the latter date, 9.1% of the research population practiced law on their own. That percentage translated to almost a fifth (18.3%) of the population’s private practitioners. Despite the romance of a solo office, it is challenging for a junior lawyer to maintain a successful practice. Attracting clients, serving their needs, and running a business are all daunting tasks for a new lawyer. Several indicators suggest that many of the solo offices in the research population were struggling at best—and half-hearted efforts at worst.

First, half of the solos in the database (50.9%) maintained no website or other internet presence. Without that public face, it would be difficult for a new lawyer to attract and maintain clients. For at least some of these lawyers, the “solo practice” may have been a euphemism for jobless periods, temp work, and occasional client engagements.

Second, some of the solo practitioners noted in online biographies that they supplemented their practices with other work. Some served as part-time prosecutors, public defenders, or company counsel. Others combined their solo practices with jobs that did not require bar admission; these included insurance sales, investment, firefighting, party planning, and substitute

127 See, e.g., JEROME E. CARLIN, LAWYERS ON THEIR OWN: A STUDY OF INDIVIDUAL PRACTITIONERS IN CHICAGO (1962); CARROLL SERON, THE BUSINESS OF PRACTICING LAW (1996); Burk, supra note 4, at 560–61; Campos, supra note 6, at 202; see also Lucille A. Jewel, Indie Lawyering: A New Model for Solo and Small Firm Practice, 22 PROF. LAW., no. 4, 2014, at 3 (acknowledging the economic risk inherent in starting a solo practice).
128 See supra notes 61–62 and accompanying text.
teaching.\textsuperscript{129} It is impossible to tell how many of the solo practitioners worked a second job, but some of them clearly did.\textsuperscript{130}

The data, finally, show a tendency for junior solos to close their practices in favor of other jobs. Among the population members who provided prior employment information, 7.3\% had given up work as a solo practitioner. When another job became available, those lawyers closed their offices and moved on.

Given these facts, it is troubling that fully one sixth (16.4\%) of the lawyers in the research population had worked for some time as a solo attorney, and that almost one tenth remained in that role in December 2014. Whether these lawyers were trying to build a practice or just handling a few clients while job hunting, they were unlikely to satisfy either their own financial needs or their clients’ best interests by opening a solo practice at such an early stage of their careers.\textsuperscript{131}

F. Jobs Requiring Bar Admission

During the late twentieth century, most licensed attorneys practiced law. In 1975, for example, Heinz and Laumann found that 92.7\% of Chicago’s licensed lawyers engaged in law practice.\textsuperscript{132} Twenty years later, that percentage had fallen modestly to 88.4\%,\textsuperscript{133} but almost nine out of ten licensed attorneys still used their licenses in the workplace.\textsuperscript{134}

\textsuperscript{129} In all of these cases, I counted the graduate as a solo practitioner doing work that required bar admission.
\textsuperscript{130} Cf. \textsc{Heinz et al.}, supra note 26, at 164 (reporting that 32\% of Chicago solo practitioners worked a second job in 1995).
\textsuperscript{131} For a new solo practitioner, notably, these two goals often conflict. The lawyer is most likely to support herself if she handles either complex cases or a high volume of simpler work. Either of these approaches, however, can overwhelm a new lawyer working on her own.
\textsuperscript{132} \textsc{Heinz & Laumann}, supra note 25, at 9 (sample included 777 licensed lawyers); \textit{id.} at 16 n.23 (reporting that 57 of those lawyers were not practicing law). The 1975 sample did not include any retired or unemployed lawyers, \textsc{Heinz et al.}, supra note 26, at 25, so 720 lawyers out of the 777 in the sample (92.7\%) were practicing law.
\textsuperscript{133} \textsc{Heinz et al.}, supra note 26, at 19 (sample included 787 lawyers, of whom 674 were practitioners); \textit{id.} at 321 n.5 (reporting that, in addition to those practitioners, 22 members of the sample were judges or judicial law clerks). Note
The Class of 2000 came close to matching those percentages, although the decline in practice jobs continued. Three years after graduation, 85.3% of the licensed class members were practicing law. The percentage fell to 78.6% in 2007 and 80.0% in 2012, but about four-fifths of the licensed lawyers continued to practice law.

For the Class of 2010, the percentage of lawyering jobs diminished still further. Four and a half years after graduation, just three-quarters (75.1%) of these licensed lawyers were practicing law. That percentage is 10.2 points lower than the percentage reported by the Class of 2000 at a similar career point—and 17.6 points below the one described by Heinz and Laumann in 1975. The percentage of licensed lawyers doing bar-required work has been falling for some time, and the trend seems to be accelerating.

Even these percentages, moreover, overstate the percentage of law graduates who obtain work requiring bar admission. Some graduates never take the bar, and others fail despite repeated tries. A conservative estimate suggests that about 12% of the Class of 2010 nationally never secured bar admission. Within Ohio, which had a higher bar passage rate than the national

that, although the authors of the Urban Lawyers study counted judges and judicial law clerks as “nonpracticing,” I have followed the more common convention of counting those lawyers as holding “practice” or “bar required” jobs.

Unfortunately, we have no precise measure of eventual pass rates nationally. Linda Wightman calculated that rate for law school graduates who took their first bar exam in 1994, LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY viii (1998) (reporting a 94.8% eventual pass rate), but that figure is too outdated to be useful. States significantly raised bar passing scores during the 1990s, making subsequent pass rates at least six percentage points lower than they were in 1994. See NCBE, 2003 STATISTICS 16 (2003), available at http://www.ncbex.org/assets/media_files/Statistics/2003stats.pdf (reporting that overall pass rates fell from 74% in 1994 to 64% in 2003); NCBE, 2013 STATISTICS 25 (2013), available at http://www.ncbex.org/assets/media_files/Bar-Examiner/articles/830114statistics.pdf [hereinafter 2013 STATISTICS] (reporting that overall pass rates climbed slightly between 2003 and 2013, but stalled at 68% in 2013); Deborah J. Merritt et. al., Raising the Bar: A Social Science Critique of Recent Increases to Passing Scores on the Bar Exam, 69 U. CIN. L. REV. 929, 929 (2001).

It is possible, however, to estimate eventual bar passage rates by combining first-time rates from one year with repeater rates from the following year. The national bar pass rate for first-time takers from ABA-accredited schools
average, the percentage is about 10%. Applying the latter estimate to the research population, only 67.6% of graduates from the Class of 2010 held lawyering jobs in December 2014.

G. Job Turnover

The AJD authors remarked on the “high” degree of job turnover among their respondents: more than one-third changed jobs within three years of law school graduation. The Class of 2010, however, dramatically exceeded the earlier class’s rate of change. During their first four years of practice, two-thirds of the research population switched jobs—a rate that doubled the one experienced by the Class of 2000. This high turnover rate, furthermore, does not include any temporary jobs that graduates pursued before they were sworn into the bar; I measured turnover only from the month of bar admission.

was 81% in 2010. NCBE, 2010 STATISTICS 19 (2010), available at http://www.ncbex.org/assets/media_files/Statistics/2010Stats110111.pdf [hereinafter 2010 STATISTICS]. The following year, the national rate for repeaters from ABA-accredited schools was 44%. NCBE, 2011 STATISTICS 19 (2011), available at http://www.ncbex.org/assets/media_files/Statistics/2011Statistics.pdf [hereinafter 2011 STATISTICS]. Combining these figures (i.e., 81% + [.44 x 19%]) yields an estimated eventual pass rate of 89.4%. This figure omits a very small number of exam takers who pass the bar two or more years after their first attempt. More important, the estimate omits graduates who never took the bar or who failed to persist after failing once. Studies suggest that the latter figure alone constitutes more than three percentage points. N.Y. BD. OF LAW EXAM’RS, N.Y. BAR EXAMINATION PERFORMANCE IN FEBRUARY AND JULY 2006 FOR CANDIDATES FAILING THE FIRST TIME IN JULY 2005 (2007), at 83, available at http://www.nybarexam.org/press/ncberep2.pdf (“[P]ass rates increase by about 3.6 percentage points if the non-persisters are excluded from the analysis.”). Estimates for the former figure—graduates who never take the bar exam—are unavailable.

To create a generous estimate of graduates admitted to the bar, I reduced my initial calculation of 89.4% to just 88.0%. A conservative estimate of those never admitted, conversely, is 12.0%.

138 86% of first-time takers from ABA-accredited law schools passed the Ohio bar exam in 2010. NCBE, 2010 STATISTICS, supra note 137, at 18. The following year, 42% of repeater takers from those schools passed. NCBE, 2011 STATISTICS, supra note 137, at 18. Using the method described above, supra note 137, about 90% of law graduates living in Ohio were admitted to the bar.

139 To make this calculation, assume that the research population equals 100 lawyers. If one-tenth of graduates were not admitted to the bar (and thus did not qualify for the research population), then the full group of law graduates equals 111.1. The 75.1 population members practicing law, see supra Table III, then constitute 67.6% of all graduates (75.1 ÷ 111.1).

140 AJD I, supra note 27, at 53.

141 Information about career history, including job turnovers, was available for 80.1% of the population. That information appeared in employer biographies, LinkedIn, or other online sources.
Among graduates who changed jobs after bar admission, the number of jobs ranged from two to seven. The average number of jobs for this group was 2.7, with one in six of the job changers (16.2%) reporting four or more jobs in as many years. Among the full population, more than one in ten (11.0%) held four or more jobs during that period.

High as those figures are, they undoubtedly understate the amount of job turnover in the research population. I obtained data on previous jobs only when individuals chose to disclose that information publicly; no website or bar authority mandates that disclosure. Lawyers have an incentive to disclose prior jobs when those positions demonstrate their experience, but they may not disclose temporary, low status, or part-time jobs. Online biographies, therefore, will tend to understate the total number of jobs a lawyer has held.

I grouped the job changers into six different categories, which are reflected in Table IX. These categories compare the population member’s current job to the least similar previous job. A lawyer who started as an associate at a small firm, switched to a compliance job with a manufacturer, and then moved again to join another small law firm, for example, was coded as moving from a non-lawyering job in business to a lawyering job in private practice—even though the lawyer’s first and last jobs were relatively similar. This approach allowed me to detect the most substantial employment shifts.

As the table shows, the largest group of job changers (31.8%) moved from a lawyering job to another lawyering job in a different setting. These lawyers might have shifted from a judicial clerkship to a law firm associate job; from solo practice to in-house counsel work; from a law firm to government practice; or between any other lawyering jobs in different settings. Although these lawyers practiced law for the entire period between bar admission and December 2014, they did so in at least two different settings.
The next largest group of job changers (23.5%) shifted from a lawyering job to a non-lawyering one. This group includes, for example, law firm associates who left their firms to take jobs in compliance or mineral leasing. The category also includes bar members who moved from one non-lawyering job to another, with a brief intervening stint as a practicing lawyer. The defining characteristics of this group are that the lawyer (a) held a non-lawyering job in December 2014, and (b) had practiced law in some capacity before then.

Table IX: Distribution of Job Changers Within the Research Population (In Percentages)

<table>
<thead>
<tr>
<th>Start with Lawyering Job</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Move to Another Lawyering Job in Same Setting</td>
<td>18.3</td>
</tr>
<tr>
<td>Move to Another Lawyering Job in Different Setting</td>
<td>31.8</td>
</tr>
<tr>
<td>Move to Non-lawyering Job</td>
<td>23.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Start with Non-lawyering Job</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Move to Another Non-lawyering Job in Same Setting</td>
<td>5.2</td>
</tr>
<tr>
<td>Move to Another Non-lawyering Job in Different Setting</td>
<td>3.1</td>
</tr>
<tr>
<td>Move to Lawyering Job</td>
<td>18.0</td>
</tr>
</tbody>
</table>

N 616

About one-fifth of the job changers (18.3%) moved among two or more lawyering jobs within the same setting. Most often, these lawyers shifted from one law firm to another—although some also moved within government, business, or public interest jobs. A similar percentage of job changers (18.0%) moved from a non-lawyering job to a lawyering one. About two-fifths of those attorneys ended their transition practicing law at a firm, another third moved to lawyering jobs in government or business, and most of the remainder turned to work as solo practitioners.

Overall, the distribution in Table IX is most notable for its lack of a coherent pattern. Members of the Class of 2010 did not move consistently from non-lawyering positions to
lawyering ones, from private practice to government, or between law firms. Instead, the wide variation—combined with the high rate of turnover itself—suggests that they are building their careers in a highly turbulent market.¹⁴²

III. GENDER, PRESTIGE, AND GEOGRAPHIC MOBILITY

Career progression depends upon many factors, including the economy, educational attainment, personal motivation, and luck.¹⁴³ My database supports exploration of three notable factors that have been known to influence career progression for lawyers: gender, law school prestige, and geographic mobility.¹⁴⁴ In the sections below, I consider each of these factors in turn, examining their relationship to career outcomes in the research population.

A. Gender

Although women have gained substantial representation within the legal profession,¹⁴⁵ their career patterns still differ noticeably from those of men. Nine months after graduation, men are more likely than women to work in private practice or business.¹⁴⁶ Women, conversely, are disproportionately employed in government (including judicial clerkships), public interest, and

¹⁴⁴ Other factors, of course, may show equal or greater associations with career outcomes. Racial and ethnic differences, for example, have a long history in the legal profession. As noted above, however, the public nature of my sources did not allow me to code population members’ racial or ethnic identity. See supra note 13. Nor did these sources contain information about socioeconomic background and other factors that are worthy of further exploration.
¹⁴⁵ See Ronit Dinovitzer & Bryant Garth, Lawyers & the Legal Profession 2 (Univ. of Cal.–Irvine, Legal Studies Research Paper Series No. 2015-19, 2015), available at http://ssrn.com/abstract=2559915 (reporting that women currently constitute 30% of all lawyers and 48% of those under age thirty).
the academy. Female lawyers who start their careers in private practice are more likely than men to work in the largest firms, while men outnumber women in the smallest firms and solo practice.147

These differences persist beyond entry-level jobs. In 2005, almost nine-tenths (87.0%) of male lawyers under the age of forty engaged in private practice.148 For women in the same age group, the figure was 81.1%.149 Conversely, women were more likely to work in government, public interest, and academic jobs.150 Only one gender difference appears to flip as men and women progress in their legal careers: over time, the percentage of women lawyers working in business begins to exceed that of men.151

During the early years of the twentieth century, these gaps started to narrow for entry-level jobs. The second and third columns of Table X illustrate that shift between the Class of 2000 and Class of 2004. The classic gender pattern persisted, but the gap was smaller in every category except public interest (a setting that employs a small percentage of graduates overall).

147 Id.
148 CARSON & PARK, supra note 40, at 9.
149 Id.
150 Id.
Table X: Employment Nine Months After Graduation
Differences Between Men and Women\textsuperscript{152}
(In Percentage Points)

<table>
<thead>
<tr>
<th></th>
<th>Class of 2000</th>
<th>Class of 2004</th>
<th>Class of 2009</th>
<th>Class of 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>4.5</td>
<td>2.6</td>
<td>3.6</td>
<td>3.5</td>
</tr>
<tr>
<td>Business</td>
<td>2.7</td>
<td>2.5</td>
<td>2.3</td>
<td>2.3</td>
</tr>
<tr>
<td>Judicial Clerkships</td>
<td>-3.7</td>
<td>-2.1</td>
<td>-2.2</td>
<td>-1.4</td>
</tr>
<tr>
<td>Government</td>
<td>-1.6</td>
<td>0.2</td>
<td>0.0</td>
<td>-0.3</td>
</tr>
<tr>
<td>Public Interest</td>
<td>-2.1</td>
<td>-2.7</td>
<td>-3.2</td>
<td>-3.6</td>
</tr>
<tr>
<td>Academic</td>
<td>-0.4</td>
<td>-0.3</td>
<td>-0.5</td>
<td>-0.5</td>
</tr>
<tr>
<td>N</td>
<td>29,970</td>
<td>30,195</td>
<td>31,289</td>
<td>30,988</td>
</tr>
</tbody>
</table>

Table X also shows that, as the legal market tightened in 2009 and 2010, the gender gap increased again for private practice and public interest jobs. Women in the Classes of 2009 and 2010 took fewer private practice jobs and more public interest positions. Still, in the largest setting (private practice), the gap was narrower for new graduates in 2010 than in 2000.

As the Class of 2010 moved into the workforce, however, the gender gap grew substantially. As Table XI shows, a gap of 12.5 points emerged between the percentages of men and women in private practice: 58.4% of men worked in that setting four years after bar admission, while just 45.9% of women did. Women were more likely than men to work in every other setting, with the largest difference in state and local government. The latter jobs occupied one-sixth of female graduates, but just one-eighth of males.

Table XI: Gender Differences in Employment Setting  
Class of 2010 in December 2014\textsuperscript{153}  
(In Percentages)

<table>
<thead>
<tr>
<th>Employment Setting</th>
<th>Men</th>
<th>Women</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>58.4</td>
<td>45.9</td>
<td>12.5</td>
</tr>
<tr>
<td>Federal Government</td>
<td>4.8</td>
<td>6.3</td>
<td>-1.5</td>
</tr>
<tr>
<td>State/Local Government</td>
<td>12.3</td>
<td>16.7</td>
<td>-4.4</td>
</tr>
<tr>
<td>Business</td>
<td>19.1</td>
<td>21.4</td>
<td>-2.3</td>
</tr>
<tr>
<td>Legal Aid/Public Defender</td>
<td>1.7</td>
<td>3.9</td>
<td>-2.2</td>
</tr>
<tr>
<td>Public Interest</td>
<td>1.9</td>
<td>2.0</td>
<td>-0.1</td>
</tr>
<tr>
<td>Academia</td>
<td>1.9</td>
<td>3.7</td>
<td>-1.8</td>
</tr>
<tr>
<td>N</td>
<td>645</td>
<td>491</td>
<td></td>
</tr>
</tbody>
</table>

A one-way analysis of variance (ANOVA) confirms a significant association between gender and employment for the categories displayed in Table XI ($F(6, 1127) = 3.79, p = .001$).\textsuperscript{154} Post hoc t-tests indicate that men were significantly more likely than women to engage in private practice ($p = .000$), while women were significantly more likely to work for state or local government ($p = .031$). Women were more likely than men to work in each of the other settings, but none of those differences reach statistical significance.

The pronounced gender differences in Table XI are particularly troubling when compared to differences among young lawyers measured in 2005. Table XII compares the gender differences for the research population in 2014 with those reported in 2005 for lawyers under the age of forty. As the table shows, the gap is larger for the Class of 2010 in every setting but the very small category of public interest jobs. The private practice gap is particularly noticeable: the gender gap was more than twice as large for members of the Class of 2010 in December 2014 than it was among all young lawyers in 2005.

\textsuperscript{153} All data in this table derive from the research population.  
\textsuperscript{154} For the ANOVA, I used the gender “mean” for each employment setting. With men coded as “0” and women coded as “1,” the mean represents the percentage of women in that setting. The mean for private practice, for example, was .37, while that for state or local government was .51. Note that the percentages in the table represent the distribution of each gender over all seven employment settings, rather than the gender means used for the ANOVA.
Table XII: Gender Gaps, 2005 and 2014\textsuperscript{155} (Male Percentage Minus Female Percentage)

<table>
<thead>
<tr>
<th></th>
<th>Lawyers Under 40 in 2005</th>
<th>Class of 2010 in December 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>5.9</td>
<td>12.5</td>
</tr>
<tr>
<td>Federal Government</td>
<td>-0.8</td>
<td>-1.5</td>
</tr>
<tr>
<td>State/Local Government</td>
<td>-2.4</td>
<td>-4.4</td>
</tr>
<tr>
<td>Business</td>
<td>-1.4</td>
<td>-2.3</td>
</tr>
<tr>
<td>Legal Aid/Public Defender</td>
<td>-0.8</td>
<td>-2.2</td>
</tr>
<tr>
<td>Public Interest</td>
<td>-0.3</td>
<td>-0.1</td>
</tr>
<tr>
<td>Academia</td>
<td>-0.2</td>
<td>-1.8</td>
</tr>
</tbody>
</table>

Are the heightened gaps in Table XII distinctive to the Class of 2010 and other very recent graduates? Or have gender differences increased among all younger lawyers since 2005? AJD’s longitudinal study of the Class of 2000 offers some insight into that question. Table XIII displays the gender gap for the Class of 2010, as well as the gaps for the Class of 2000 during all three waves of the AJD study. In four of the categories—including the large employment settings of private practice and government work—the gender gap was larger for the research population than for the Class of 2000 at any time during the latter class’s first twelve years in the workforce. This comparison suggests that gender differences are stronger for lawyers admitted to the bar in 2010 than for lawyers admitted during the decade or two before then.

\textsuperscript{155} The figures in the right-hand column are identical to those in Table XI. Figures in the middle column are from CARSON & PARK, supra note 40, at 9.
Table XIII: Gender Gaps Over Time, Classes of 2010 and 2000\textsuperscript{156}
(Male Percentage Minus Female Percentage)

<table>
<thead>
<tr>
<th></th>
<th>Class of 2010 (4.5 Yrs)</th>
<th>Class of 2000 (3 Yrs)</th>
<th>Class of 2000 (7 Yrs)</th>
<th>Class of 2000 (12 Yrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Practice</td>
<td>12.5</td>
<td>6.3</td>
<td>7.7</td>
<td>6.9</td>
</tr>
<tr>
<td>Federal Government</td>
<td>-1.5</td>
<td>0.1</td>
<td>-0.8</td>
<td>-0.7</td>
</tr>
<tr>
<td>State/Local Government</td>
<td>-4.4</td>
<td>-4.0</td>
<td>-2.5</td>
<td>-2.6</td>
</tr>
<tr>
<td>Business</td>
<td>-2.3</td>
<td>2.5</td>
<td>1.3</td>
<td>1.6</td>
</tr>
<tr>
<td>Legal Aid/PD</td>
<td>-2.2</td>
<td>-2.1</td>
<td>-1.7</td>
<td>-1.2</td>
</tr>
<tr>
<td>Public Interest</td>
<td>-0.1</td>
<td>-1.6</td>
<td>-1.5</td>
<td>0.4</td>
</tr>
<tr>
<td>Academia</td>
<td>-1.8</td>
<td>-1.6</td>
<td>-2.7</td>
<td>-3.8</td>
</tr>
<tr>
<td>N</td>
<td>1136</td>
<td>3,637</td>
<td>3,284</td>
<td>2,271</td>
</tr>
</tbody>
</table>

Three other gender distinctions emerged in the research population. First, women in this population worked in significantly larger law firms than the men. The average firm size for female private practitioners was 234.9; for men it was 139.3 (p = .003). Women in these firms were somewhat more likely than men to work as staff attorneys,\textsuperscript{157} but that fact alone did not explain the significant difference in firm size. Even after removing staff attorneys from the analysis, women worked at significantly larger firms than men (p = .029).

This finding is consistent with research on other earlier classes of law graduates.\textsuperscript{158} It is difficult to tell, however, whether the pattern benefits or harms women. Early in a lawyer’s career, employment at a large firm provides a much higher salary and access to sophisticated legal work. Attrition from large firms, however, is high and smaller firms now provide the preponderance of job opportunities. To understand this effect on male and female lawyers, we need to know more about contemporary career outcomes in law firms of all sizes.

\textsuperscript{156} Figures for the Class of 2010 at 4.5 years were calculated from the research population. Data for the Class of 2000 derive from the three AJD waves, which are summarized in AJD III, supra note 9, at 65.

\textsuperscript{157} 4.1% of women held those jobs, compared to 2.3% of men. The difference was not statistically significant (p = .118).

\textsuperscript{158} See supra note 147 and accompanying text.
Second, women in the research population were significantly more likely than men to move away from Ohio. Almost one fifth of the women (18.4%) moved out of state after gaining bar admission, while just 14.1% of men did so (p = .048). Moving interstate so early in a lawyer’s career can hamper career advancement, because most states require junior lawyers to retake the bar exam. Women, unfortunately, encountered this obstacle more than men.

Female graduates, finally, were more likely than males to suffer periods of unemployment. In the research population, one in every ten women (10.5%) experienced at least one employment gap, while only 6.4% of men did (p = .036). The association between gender and employment gaps, notably, remained significant (p = .043) even after controlling for interstate moves through logistic regression. Moving out of state, as one would expect, also showed a significant partial correlation with employment gaps (p = .000), but gender remained significant in this equation.

In several other respects, gender differences were absent or attenuated. Women and men were equally likely to change jobs (p = 1.000); they also held a similar number of positions after doing so (p = .535). Somewhat surprisingly, given the gendered pattern in employment settings, women and men did not differ significantly in whether they held jobs requiring bar admission (p = .294). Finally, although women were more likely than men to be unemployed, the difference merely approached significance in a two-sided test (p = .058). About eight percent of women (7.9%) were unemployed, while 5.2% of men fell in that category.

159 NAT’L CONFERENCE OF BAR EXAM’RS & ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, COMPREHENSIVE GUIDE TO BAR ADMISSION REQUIREMENTS 2015, at 34–38 (2015). Fourteen states currently administer the Uniform Bar Exam, which reduces the burden of admission requirements in jurisdictions administering that exam. Id. at 32–33. Ohio, however, does not participate in that consortium.

160 For the full population, the percentage was 8.2%.

161 This equation included gender and interstate moves as independent variables, with the existence of any employment gaps (a bivariate measure) as the dependent variable. Nagelkerke R² for the equation was .052. Full results are available upon request.
Despite these points of similarity, the overall employment pattern for the Class of 2010 is more gendered than that of classes graduating a decade or two earlier. The gender differences in law firm and state or local government are particularly striking, as are the greater number of interstate moves and periods of unemployment for women. These differences, unfortunately, may signal that changes in the market for legal services are undoing years of hard-won advances for women in the legal profession.\(^\text{162}\)

B. Law School Prestige

Research consistently shows a correlation between the prestige of a lawyer’s JD school and the lawyer’s employment status. In their 1975 study of Chicago lawyers, Heinz and Laumann concluded that “there is a rather strict and precise correspondence between the prestige hierarchies of the suppliers of trained personnel (i.e., the law schools) and of the buyers (the employers or employment context).”\(^\text{163}\) Graduates of the “elite” law schools, Heinz and Laumann found, disproportionately worked at the largest law firms, while graduates of “local” law schools were much more likely to work as solo practitioners.\(^\text{164}\)

When Heinz and Laumann repeated their study twenty years later, they found that the prestige gap still existed but that “the representation of local schools in large firms [had]
increase[d] substantially.”¹⁶⁵ In 1995, graduates of elite schools occupied 30.0% of the positions in firms with more than 300 lawyers, while graduates of local schools accounted for 17%.¹⁶⁶ Conversely, more than half (58%) of solo practitioners came from local law schools; just 10% of solos had graduated from an elite school.¹⁶⁷ This pattern, the researchers concluded, suggested that prestige still mattered to employers but that the largest “firms were growing so rapidly that they found it necessary to recruit more widely.”¹⁶⁸

The AJD study found similar correlations between law school prestige and employment outcomes for graduates of the Class of 2000. The AJD researchers used the U.S. News and World Report overall law school ranking to create five prestige categories, although they noted that this reliance “in no way indicate[d] endorsement of the U.S. News approach.”¹⁶⁹ Table XIV summarizes the relationship between those prestige categories and employment settings about three years after graduation. As the table indicates, half of employed lawyers from the top ten law schools worked in offices with more than 100 lawyers. None of those top-ten graduates worked as solo practitioners, and only three percent served in state or local government. Among graduates of fourth-tier law schools, conversely, half practiced on their own or in small firms; seventeen percent held state or local government jobs; and just three percent worked in the largest law offices.

¹⁶⁵ HEINZ ET AL., supra note 26, at 58.
¹⁶⁶ Id. at 58 tbl.3.1.
¹⁶⁷ Id. at 58.
¹⁶⁸ Id.
¹⁶⁹ AJD I, supra note 27, at 42 n.12. Instead, the researchers acknowledged, these rankings “are the most widely known” and “they provide a shorthand for describing clusters of schools that have reputational similarities.” Id.
Table XIV: Job Setting by Law School Prestige
Class of 2000 in 2003\textsuperscript{170}
(In Percentages)

<table>
<thead>
<tr>
<th></th>
<th>Top 10</th>
<th>Top 11–20</th>
<th>Top 21–100</th>
<th>Tier 3</th>
<th>Tier 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solo</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Law Firm Office 2-20</td>
<td>6</td>
<td>16</td>
<td>29</td>
<td>36</td>
<td>41</td>
</tr>
<tr>
<td>Law Firm Office 21-100</td>
<td>20</td>
<td>27</td>
<td>20</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td>Law Firm Office 101-250</td>
<td>25</td>
<td>22</td>
<td>10</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Law Firm Office 251+</td>
<td>25</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Government, Federal</td>
<td>7</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Government, State or Local</td>
<td>3</td>
<td>6</td>
<td>12</td>
<td>13</td>
<td>17</td>
</tr>
<tr>
<td>Legal Services/Public Defender</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Public Interest</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Nonprofit or Education</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Business</td>
<td>6</td>
<td>5</td>
<td>9</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>N</td>
<td>295</td>
<td>375</td>
<td>1,459</td>
<td>503</td>
<td>433</td>
</tr>
</tbody>
</table>

A similar pattern emerged within the research population. To facilitate comparison with the \textit{AJD} results, I adopted the same measure of law school prestige (rank in \textit{U.S. News}) and created five parallel categories of schools\textsuperscript{171}. Once again, as Table XV shows, half of graduates from top-ten law schools worked as associates in firms with more than 100 lawyers, and none worked as solo practitioners. Graduates of third- and fourth-tier law schools clustered in solo practice, small firms, and state or local governments—just as they did in 2003.

\textsuperscript{170} Data for this table are drawn from AJD I, \textit{supra} note 27, at 44. Note that the private practice percentages in this table are for office size rather than firm size. The AJD I report does not give firm sizes.

\textsuperscript{171} I used the ranking published in March 2014, because it was most contemporaneous with the employment month I studied. \textit{Best Law Schools}, \textit{U.S. News} (2014), http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/law-rankings?int=992008. Using the ranking from March 2010, shortly before the population graduated from law school, would have made little difference. Overall, the rankings change little from year to year, especially within the broad categories used here.

Two schools tied for tenth place in the 2014 ranking; I included both in the “top ten.” Similarly, three schools tied for twentieth place and I included all in the “Top 11–20” group.
Table XV: Job Setting by School Selectivity
Class of 2010 in December 2014\(^{172}\)
(In Percentages)

<table>
<thead>
<tr>
<th></th>
<th>Top 10</th>
<th>Top 11–20</th>
<th>Top 21–100</th>
<th>Tier 3</th>
<th>Tier 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solo</td>
<td>0.0</td>
<td>4.2</td>
<td>5.5</td>
<td>12.4</td>
<td>12.3</td>
</tr>
<tr>
<td>Firm 2-20</td>
<td>8.3</td>
<td>12.5</td>
<td>18.2</td>
<td>26.3</td>
<td>27.3</td>
</tr>
<tr>
<td>Firm 21-100</td>
<td>8.3</td>
<td>12.5</td>
<td>10.7</td>
<td>4.7</td>
<td>3.6</td>
</tr>
<tr>
<td>Firm 101-250</td>
<td>12.5</td>
<td>8.3</td>
<td>2.9</td>
<td>4.7</td>
<td>2.4</td>
</tr>
<tr>
<td>Associate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firm 251+ Associate</td>
<td>37.5</td>
<td>29.2</td>
<td>11.7</td>
<td>2.3</td>
<td>2.7</td>
</tr>
<tr>
<td>Firm 100+ Staff Att’y</td>
<td>0.0</td>
<td>0.0</td>
<td>3.4</td>
<td>3.0</td>
<td>2.5</td>
</tr>
<tr>
<td>Government, Federal</td>
<td>8.3</td>
<td>4.2</td>
<td>7.3</td>
<td>5.9</td>
<td>3.0</td>
</tr>
<tr>
<td>Government, State or Local</td>
<td>8.3</td>
<td>0.0</td>
<td>13.8</td>
<td>15.7</td>
<td>14.5</td>
</tr>
<tr>
<td>Legal Services/Public Defender</td>
<td>0.0</td>
<td>0.0</td>
<td>3.3</td>
<td>2.4</td>
<td>2.8</td>
</tr>
<tr>
<td>Public Interest</td>
<td>4.2</td>
<td>8.3</td>
<td>1.8</td>
<td>2.4</td>
<td>1.0</td>
</tr>
<tr>
<td>Academic</td>
<td>0.0</td>
<td>0.0</td>
<td>3.4</td>
<td>2.4</td>
<td>2.5</td>
</tr>
<tr>
<td>Business</td>
<td>12.5</td>
<td>20.8</td>
<td>17.7</td>
<td>17.8</td>
<td>25.1</td>
</tr>
<tr>
<td>N</td>
<td>24</td>
<td>24</td>
<td>384</td>
<td>338</td>
<td>366</td>
</tr>
</tbody>
</table>

\(^{172}\) Data in this table are drawn from the research population. To allow comparison with the AJD results, I eliminated the “unemployed” category and calculated percentages based only on employed population members. I also focused exclusively on job setting, combining jobs that required bar admission with those that did not. Again, this follows the convention followed by AJD in reporting correlations with law school prestige.
<table>
<thead>
<tr>
<th>Job Setting</th>
<th>Top 10</th>
<th>Top 11–20</th>
<th>Top 21–50</th>
<th>Top 51-100</th>
<th>Tier 3</th>
<th>Tier 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solo</td>
<td>0.0</td>
<td>4.2</td>
<td>7.1</td>
<td>4.4</td>
<td>12.4</td>
<td>12.3</td>
</tr>
<tr>
<td>Firm 2-20</td>
<td>8.3</td>
<td>12.5</td>
<td>17.4</td>
<td>18.8</td>
<td>26.3</td>
<td>27.3</td>
</tr>
<tr>
<td>Firm 21-100</td>
<td>8.3</td>
<td>12.5</td>
<td>11.0</td>
<td>10.5</td>
<td>4.7</td>
<td>3.6</td>
</tr>
<tr>
<td>Firm 101-250</td>
<td>12.5</td>
<td>8.3</td>
<td>2.6</td>
<td>3.1</td>
<td>4.7</td>
<td>2.4</td>
</tr>
<tr>
<td>Associate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firm 251+</td>
<td>37.5</td>
<td>29.2</td>
<td>14.8</td>
<td>9.6</td>
<td>2.3</td>
<td>2.7</td>
</tr>
<tr>
<td>Associate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firm 100+ Staff Att’y</td>
<td>0.0</td>
<td>0.0</td>
<td>1.9</td>
<td>4.4</td>
<td>3.0</td>
<td>2.5</td>
</tr>
<tr>
<td>Government, Federal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government, State or Local</td>
<td>8.3</td>
<td>4.2</td>
<td>9.0</td>
<td>6.1</td>
<td>5.9</td>
<td>3.0</td>
</tr>
<tr>
<td>Legal Services/Public Defender</td>
<td>0.0</td>
<td>0.0</td>
<td>2.6</td>
<td>3.9</td>
<td>2.4</td>
<td>2.8</td>
</tr>
<tr>
<td>Public Interest</td>
<td>4.2</td>
<td>8.3</td>
<td>2.6</td>
<td>2.2</td>
<td>2.4</td>
<td>1.0</td>
</tr>
<tr>
<td>Academic</td>
<td>0.0</td>
<td>0.0</td>
<td>3.2</td>
<td>3.5</td>
<td>2.4</td>
<td>2.5</td>
</tr>
<tr>
<td>Business</td>
<td>12.5</td>
<td>20.8</td>
<td>15.5</td>
<td>19.2</td>
<td>17.8</td>
<td>25.1</td>
</tr>
<tr>
<td>N</td>
<td>24</td>
<td>24</td>
<td>155</td>
<td>229</td>
<td>338</td>
<td>366</td>
</tr>
</tbody>
</table>

These differences underscore the pervasive correlation of law school prestige with job outcomes. Further analysis of the full research population confirmed that solo practitioners graduated from significantly lower ranked schools than other population members ($p = .000$). For law firm associates, law school rank correlated significantly with firm size; graduates of more prestigious schools worked in larger law firms ($r = -.344$, $p = .000$). Among government

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173 Data in this table are drawn from the research population. To allow comparison with the *AJD* results, I eliminated the “unemployed” category and calculated percentages based only on employed population members. I also focused exclusively on job setting, combining jobs that required bar admission with those that did not. Again, this follows the convention followed by *AJD* in reporting correlations with law school prestige.

174 For the analyses reported in this paragraph, I used the individual *U.S. News* rank of each school, rather than the categories reported in the table. For schools falling in the fourth, unranked quartile of the *U.S. News* ranking, I calculated the median fourth quartile score (171) and used that rank for all schools in the category.

175 This analysis includes only associates at those firms, not staff attorneys. The correlation persisted with staff attorneys as part of the pool, but was lower ($r = -.280$, $p = .000$).
lawyers, those in federal positions graduated from significantly more prestigious schools than those working for state or local governments (p = .005). Conversely, graduates working in business jobs that did not require a law degree graduated from significantly less prestigious schools than other population members (p = .002).\footnote{For all job categories combined, school rank showed a negative relationship with jobs requiring bar admission (i.e., graduates from higher ranked schools were less likely to hold those jobs), but that relationship merely approached significance at conventional levels (p = .056).} The research population thus reflects longstanding associations between law school prestige and work setting.

The population, finally, displays a growing divide among graduates who work at firms employing more than 100 lawyers. A substantial percentage of top-twenty graduates held associate positions at those firms, but they filled none of the staff attorney jobs. Graduates from the remaining schools were less likely to work as large firm associates, but they held all of the staff attorney positions. The boundary between these lawyers is substantial; in addition to differences in pay and work assignments, most staff attorneys are ineligible to move onto the partnership track.\footnote{For other studies examining the association between law school pedigree and employment, see, e.g., ROBERT L. NELSON, PARTNERS WITH POWER: THE SOCIAL TRANSFORMATION OF THE LARGE LAW FIRM (1988); EDWIN O. SMIGEL, THE WALL STREET LAWYER: PROFESSIONAL ORGANIZATION MAN? (1964); Olufunmilayo B. Arewa et al., Enduring Hierarchies in American Legal Education, 89 IND. L.J. 941 (2014); David Wilkins et al., Urban Law School Graduates in Large Law Firms, 36 SW. U. L. REV. 433 (2007).} Prestige hierarchies in the profession, therefore, have moved in-house to large law firms.\footnote{Where Do You Want to Work?, Law School Transparency, http://www.lstscoreports.com/state/ (last visited Feb. 17, 2015) (“Most schools function in local markets . . . 2 in 3 employed graduates don’t leave their school’s state for their first job.”); see also McEntee & Tokaz, supra note 97, at 334–35.}

C. Geography

Geography imposes substantial constraints on both employers and job seekers. Two-thirds of all law students seek bar admission in the state where they attended law school;\footnote{Where Do You Want to Work?, Law School Transparency, http://www.lstscoreports.com/state/ (last visited Feb. 17, 2015) (“Most schools function in local markets . . . 2 in 3 employed graduates don’t leave their school’s state for their first job.”); see also McEntee & Tokaz, supra note 97, at 334–35.} three-
quarters stay within the same region as that school. These geographic preferences, in turn, affect the candidate pools available to employers. Graduates may be willing to relocate, but only for compelling job offers.

Elite law schools, notably, are not distributed evenly across the United States; the top-twenty law schools are located within just fourteen states and the District of Columbia. The graduates of these schools tend to stay in-state, like other law students, or move to the biggest legal markets. As a result, elite school graduates cluster within relatively few states. Among graduates of the top ten schools, for example, about 60% take the bar exam in just one of four jurisdictions: New York, California, the District of Columbia, and Illinois. This concentration leaves remarkably few elite school graduates seeking jobs in other states.

The research population manifested all of these trends. Almost four-fifths (78.3%) of them graduated from an Ohio law school. Another 17.1% graduated from a school located in one of the four states bordering Ohio (Michigan, Indiana, Kentucky, and West Virginia). Only 4.6% of the population graduated from a school located outside this five-state area. Most notable,

180 JOBS & JDs 2010, supra note 41, at 67 (reporting that about 76% of law school graduates take jobs in the same region where they attended law school). NALP uses the U.S. Census Bureau regions for this calculation. Id. at 62. For further discussion of the relationship between geography and hiring, see Arewa et al., supra note 178, at 108–09; Theodore P. Seto, Where Do Partners Come from? 62 J. LEGAL EDUC. 242, 248 (2012) (“[L]egal hiring is markedly regional, and . . . most law schools are similarly regional.”).
181 The states are California, Connecticut, Georgia, Illinois, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Texas, and Virginia. As noted above, supra note 171, the “top-twenty” law schools currently include 23 institutions.
182 Those markets—New York City, the District of Columbia, and Chicago—accounted for 20.2% of all nine-month jobs reported by the Class of 2010 nationally. JOBS & JDs 2010, supra note 41, at 65 (reporting 3,447 jobs in New York City; 2,241 in the District of Columbia; and 1,348 in Chicago, out of 34,895 jobs nationally).
183 I calculated this percentage from data available at ABA Required Disclosures, ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, http://www.abarequireddisclosures.org/ (last visited Mar. 4, 2015) (under “Compilation – All Schools Data” select “2014” and “Bar Passage Rates”).
184 The most heavily represented out-of-state school was the Salmon P. Chase College of Law at Northern Kentucky University, which is located in the Cincinnati metropolitan area. That school accounted for 5.2% of the lawyers in the research population.
only 4.1% of the research population graduated from a top-twenty law school. Nationally, those graduates constituted 16.5% of the Class of 2010.\textsuperscript{185}

The percentage of elite school graduates in Ohio seems low, but it typifies most legal markets in the United States. A few cities (especially New York, Chicago, and Washington, D.C.) draw a disproportionate number of elite school graduates. Cities located in a few other states employ a substantial number of lawyers who graduated from a highly ranked school located in that state.\textsuperscript{186} The thirty-six states that lack either a top-twenty law school or one of the largest legal markets, conversely, employ disproportionately few elite school graduates. Even in states that attract a large number of elite graduates, those lawyers concentrate in the largest urban centers. Outside of those centers, as in most legal markets, graduates of highly ranked schools play a relatively small role.

Looking back at Tables XV and XVI, therefore, geography probably mediates part of the relationship between law school prestige and job setting. Graduates of top-ten law schools predominate in large firms partly because those firms prefer elite credentials, but also because the elite graduates are most likely to move to Ohio for those jobs. No graduates of top-twenty schools work as Ohio public defenders or legal aid attorneys, in part, because those graduates would be less likely to move interstate for those positions. We know that some elite school graduates do seek these jobs,\textsuperscript{187} but they are more likely to do so near the school they attended.

\textsuperscript{185} 3,625 students graduated from the top ten law schools in 2010, while 7,203 graduated from the top twenty. Nationwide, 43,526 students graduated from ABA-accredited law schools (excluding the three Puerto Rican schools and the JAG school). For the underlying data, see ABA Required Disclosures, supra note 183 (under “Compilation – All Schools Data” select “2011” and “J.D. Enrollment and Ethnicity”).

\textsuperscript{186} These percentages vary widely by school and state. About one-tenth of Harvard graduates take the Massachusetts bar exam, but almost two-thirds of graduates from the University of Minnesota take that state’s exam. See supra note 183 (explaining data source for states in which graduates took bar exam).

\textsuperscript{187} See, e.g., AJD I, supra note 27, at 44 (reporting that 3% of graduates from top-ten schools, as well as 2% of those from schools ranked 11–20, worked as public defenders or legal aid lawyers three years after graduation).
To further explore the relationship between law school prestige and interstate mobility, I created dummy variables to reflect six different combinations of school prestige and geography.\textsuperscript{188} I then used these dummies as independent variables in a regression equation with law firm size as the dependent variable.\textsuperscript{189} The reference group for the dummy variables included all graduates of an Ohio school ranked 21 through 100, the largest group of graduates in the population. Since gender had shown a significant correlation with law firm size, I also included that variable in the equation.

Table XVII reports the results of this regression. Coefficients for most of the independent variables were significant, as was the equation as a whole. Taken together, the independent variables explain about 17.5% of the variance in law firm size. Graduation from a top-twenty school was associated with the largest increase in firm size; other differences in law school prestige showed more modest associations. Somewhat surprisingly, graduates of mid-range schools located outside Ohio worked in larger firms than did graduates of similarly ranked schools located in Ohio (the reference group). As explained above, however, this association does not necessarily mean that law firms preferred out-of-state graduates to in-state ones. Instead, out-of-state graduates may have been willing to move to Ohio only for jobs at somewhat larger law firms.\textsuperscript{190}

\textsuperscript{188} The six dummies represented: (a) graduation from a top-twenty school (all of which are located outside Ohio); (b) graduation from a non-Ohio school ranked from 21 through 100; (c) graduation from an Ohio school ranked in the third tier; (d) graduation from a non-Ohio school ranked in the third tier; (e) Graduation from an Ohio school ranked in the fourth tier; and (f) graduation from a non-Ohio school ranked in the fourth tier. The missing category (graduation from an Ohio school ranked 21 through 100) served as my reference category.

\textsuperscript{189} I excluded staff attorneys from this analysis given the sharp differences between them and associates at the largest firms. See supra note 109 and accompanying text.

\textsuperscript{190} The coefficient for graduation from a third-tier, non-Ohio law school is not statistically significant, although the coefficient is similar in size to several other coefficients in the equation. The lack of significance stems from the small number of graduates in this particular category. The lack of significance does not mean that graduates of third-tier schools outside Ohio worked in the same size firms as graduates of mid-range firms in Ohio. It means simply that the number of graduates in the former category is too small to draw reliable conclusions.
Table XVIII: Regression Results for Law Firm Size  
(N = 567)

<table>
<thead>
<tr>
<th></th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>Std. Error</td>
</tr>
<tr>
<td>Constant</td>
<td>147.836</td>
<td>26.540</td>
</tr>
<tr>
<td>Top 20 School</td>
<td>411.160</td>
<td>60.212</td>
</tr>
<tr>
<td>Mid-Range School</td>
<td>203.891</td>
<td>56.141</td>
</tr>
<tr>
<td>Third Tier School (Ohio)</td>
<td>-110.532</td>
<td>35.397</td>
</tr>
<tr>
<td>Third Tier School (Non Ohio)</td>
<td>-136.339</td>
<td>92.681</td>
</tr>
<tr>
<td>Fourth Tier School (Ohio)</td>
<td>-139.014</td>
<td>38.324</td>
</tr>
<tr>
<td>Fourth Tier School (Non Ohio)</td>
<td>-137.606</td>
<td>47.233</td>
</tr>
<tr>
<td>Female</td>
<td>72.260</td>
<td>27.137</td>
</tr>
</tbody>
</table>

Adjusted $R^2 = .175$

$F = 18.168$

Significance of $F = .000$

The research population yielded one final insight into the interaction of geography and law school prestige: even when hiring dropped at the largest firms in 2009–2010, graduates from top-ranked law schools did not move to Ohio in search of jobs. On the contrary, those graduates constituted only 4.1% of recent graduates admitted to the Ohio bar in 2010. Indeed, as Table XVIII shows, the percentage of top-twenty graduates taking and passing the Ohio bar declined after 2007. Weaknesses in the Ohio employment market, therefore, reflect local trends—not a cascade effect from cutbacks in larger markets. The same is probably true in other markets.

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191 The percentage of top-twenty graduates in Table XVIII is slightly higher than in the research population, because this table includes senior lawyers who took the bar exam. I excluded those lawyers from the research population if they graduated from law school before 2008 and had already joined another state’s bar. See supra paragraph preceding note 39. The figures in Table XVIII report percentages for all lawyers who took the bar exam each year.
around the country—graduates of top-ranked law schools are attractive to employers, but they constitute a small percentage of most hiring markets.192

### Table XVIII: Graduates of Top-Twenty Law Schools Passing the Ohio Bar Exam

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Percentage of All Passers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>87</td>
<td>6.5</td>
</tr>
<tr>
<td>2008</td>
<td>57</td>
<td>4.4</td>
</tr>
<tr>
<td>2009</td>
<td>54</td>
<td>4.4</td>
</tr>
<tr>
<td>2010</td>
<td>62</td>
<td>4.9</td>
</tr>
<tr>
<td>2011</td>
<td>71</td>
<td>5.7</td>
</tr>
<tr>
<td>2012</td>
<td>59</td>
<td>4.8</td>
</tr>
<tr>
<td>2013</td>
<td>71</td>
<td>5.6</td>
</tr>
<tr>
<td>2014</td>
<td>55</td>
<td>4.6</td>
</tr>
<tr>
<td>Average</td>
<td>64.5</td>
<td>5.1</td>
</tr>
</tbody>
</table>

IV. DISCUSSION

Data from the research population offer strong evidence that structural changes are reshaping the legal profession. Five findings in particular support that conclusion. First, as the Class of 2010 nears the fifth anniversary of law school graduation, the class’s overall employment picture is almost as constricted as it was nine months after graduation. Economic recovery did not substantially affect employment patterns for this class; neither did the accumulation of workplace experience. If the class’s drop in nine-month employment stemmed primarily from the recession, the class should have improved its employment outcomes further by this point.

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192 Cascade effects may still occur in markets that include a large number of elite school graduates. See Burk, supra note 4, at 577–78. Evidence from the research population, however, suggests that these effects are not as widespread as some observers (including myself) have thought. Cf. Deborah J. Merritt, Practice Projections: 2014, LAW SCH. CAFE (Jan. 14, 2014, 9:14 PM), http://www.lawschoolcafe.org/thread/practice-projections-2014/.

193 Data from this table are drawn from lists published by the Ohio Supreme Court. See Ohio Bar Examination, SUPREME COURT OF OHIO, http://www.supremecourt.ohio.gov/AttySvcs/admissions/barExam.asp (select years “2007” through “2014” under “Bar Examination Law School Tabulations”) (last visited Mar. 4, 2015).
Second, these findings contrast sharply with job attainment for the Class of 2000. That class considerably improved its employment pattern while weathering a recession. The 2001 recession was much milder than the Great Recession, but both featured jobless recoveries in which employment rates lagged other measures.\(^{194}\) In late 2002 and early 2003, when the Class of 2000 responded to the first wave of A\(J\)D surveys, the national unemployment rate stood at 5.8–6.0\%.\(^{195}\) Despite that relatively high rate, the Class of 2000 found sizable opportunities within the legal profession. So far, at least, economic recovery has not brought similar relief to the Class of 2010; although the national unemployment rate in December 2014 was 5.6\%, the class’s employment pattern remained lackluster.\(^{196}\)

Third, although every member of the research population holds a law license, only three-quarters of them use that license in the workplace. This percentage represents the most recent low point of a trend that started well before the Great Recession,\(^{197}\) suggesting that it reflects developments within the profession itself. The percentage itself is startling: at least one-quarter of newly licensed lawyers are not using licenses that they invested substantial time and money to obtain. When estimated as a percentage of all law school graduates, including those who never took or passed the bar, the figure is an even more remarkable one-third.\(^{198}\)

Fourth, law firm employment has dropped dramatically—even for lawyers with several years of post-graduate experience. Almost five years after graduation, only 40.5\% of the research

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\(^{194}\) See supra note 84 and accompanying text.

\(^{195}\) For the monthly unemployment rates, see Databases, Tables & Calculators by Subject, Unemployment, BUREAU OF LABOR STATISTICS, http://www.bls.gov/data/#unemployment (last visited Feb. 8, 2015).

\(^{196}\) Id. It is possible that the general recovery has yet to reach 2010 law school graduates; unemployment rates were much higher between 2008 and 2014 than at any time during the first years of the century. Id. By December 2014, moreover, the rate had been below 6.0\% for only four months. For that reason, I rely on this indicator as just one of five factors suggesting structural changes in the profession. The comparison between the two classes, however, is striking; the Class of 2010 seems to have lost, not only initial placements, but an important opportunity to advance those first jobs during the early career.

\(^{197}\) See supra Part II.F.

\(^{198}\) See supra note 139 and accompanying text.
population works for a law firm; at a comparable stage in their careers, 62.1% of the Class of 2000 held those positions. Law firms anchor the employment market for lawyers; they are by far the largest employer for lawyers who work for others, as well as the largest work setting for all lawyers. An employment drop of almost twenty-two percentage points in this core workplace signals substantial changes in the legal market. The change, furthermore, is affecting lawyers with several years of experience—not just lawyers still gaining a foothold in the market.

Results from the research population, finally, suggest that the changes sweeping the legal profession are affecting employment in all work settings, not just at the largest firms in the biggest markets. As those firms reduced entry-level hiring, graduates of elite schools might have moved to other markets, displacing graduates from lower-ranked local schools. This, however, did not happen; the percentage of top-twenty graduates moving to Ohio has remained small; just 4.1% of the research population graduated from those schools. Weaknesses in the legal employment market appear to be systemic, affecting jobs at all levels directly.

What are these forces that have disrupted the legal market? What do they, combined with the data from this study, suggest about job prospects for recent law school graduates and about the economics of legal education? I explore both of those questions briefly in the subparts below.

A. Disruptive Forces in the Legal Market

At least six forces are realigning the market for legal services: deregulation of the profession; adoption of labor-saving technology; disaggregation of legal tasks; increased reliance on non-lawyers for legal work; a persistent oversupply of licensed lawyers; and competition

199 See CARSON & PARK, supra note 40, at 9–10 (reporting that 355,380 lawyers worked in firms in 2005, while 335,608 were solo practitioners; the next largest setting, private industry, employed just 74,828 lawyers).
from global providers. Other scholars and practitioners have analyzed these forces at length; I will not repeat those discussions here.\textsuperscript{200} Instead, I highlight a few key facts about each force.

1. **Deregulation**

During the late twentieth century, a series of court rulings, cultural shifts, and economic pressures lowered the barriers that shield lawyers from competition.\textsuperscript{201} Those changes reduced income for solo practitioners and small-firm lawyers;\textsuperscript{202} transferred legal business to accountants and title companies;\textsuperscript{203} and laid the foundation for online companies that offer customized legal documents to small businesses and individual consumers.\textsuperscript{204}


\textsuperscript{200} See Heinz et al., supra note 26, at 280–81; Morgan, supra note 200.

\textsuperscript{201} See Heinz et al., supra note 26, at 162–68.


\textsuperscript{203} Barton, supra note 200, at 32–34.


now permit lawyers to share profits with non-lawyers; legislators adopted this rule to encourage competition in the market for legal services. 207 Most U.S. jurisdictions have resisted this proposal, but pressure from both policymakers and clients may force this change. 208

2. Technology

Three-fifths of law firm managing partners acknowledge that their firms have increased efficiency by substituting technology for human workers. 209 An even higher percentage (84.8%) agree that “[t]echnology replacing human resources” is a permanent trend in law practice. 210 Although technology enriches the work of experienced lawyers, it reduces the need for lower skilled attorneys.

Humans, moreover, tend to underestimate the speed of technological advances. Both computing power and software applications improve exponentially; as a result, the impact of technology accelerates once it gains a foothold within an industry. 211 “[C]omputers,” John McGinnis and Russell Pearce recently warned, “may be able to undertake complicated legal tasks relatively sooner than it initially took [them] to do simpler legal tasks.” 212 Computer programs that conduct discovery, generate customized documents, perform legal research, and

210 Id. at 1.
211 See McGinnis & Pearce, supra note 200, at 3046.
212 Id.
write briefs are already developing. None of these programs will operate without human supervision, but they will require many fewer lawyers than these tasks demand today.

3. Disaggregation

During the early years of the twenty-first century, businesses began to subject their legal departments to the same cost and efficiency metrics that they applied to other units. This approach, together with supportive technology, allowed companies to unbundle legal tasks and assign them to the lowest-cost employees capable of performing each piece of work. When law firms were slow to follow this trend, a cadre of legal process outsourcers (LPOs) emerged to provide disaggregated services to corporate clients.

Today, both corporations and law firms enthusiastically embrace the disaggregation of legal work. Corporations are increasing the percentage of their legal budgets allocated to LPOs; over the last two years, that percentage grew from 3.9% to 7.1%. Four-fifths of the largest firms (those with more than 250 lawyers) use contract lawyers, the same percentage employ staff attorneys, and 20.5% outsource legal work. Mid-sized firms (with 50-250 lawyers) are following the lead of larger firms; more than half of the mid-sized firms (52.2%) use contract

\[\text{References}\]

213 Id. at 3046–55.
214 Id. For further discussion of computer applications in law, see Daniel Martin Katz, Quantitative Legal Prediction—or—How I Learned to Stop Worrying and Start Preparing for the Data-Driven Future of the Legal Services Industry, 62 EMORY L.J. 909, 936 (2013); Harry Surden, Machine Learning and Law, 89 WASH. L. REV. 87 (2014).
216 Regan & Heenan, supra note 6, at 2150–51; Campbell, supra note 200, at 44; see also supra note 118 and accompanying text (describing LPOs).
218 Id.
lawyers, more than a third (36.6%) employ staff attorneys, and 6.3% have outsourced legal work.\textsuperscript{219}

As Ray Worthy Campbell has noted, disaggregation can offer quality as well as value.\textsuperscript{220} Dedicated discovery workers, for example, begin to identify patterns of document organization within companies, making them more effective than associates who engage more sporadically in discovery work.\textsuperscript{221} Given the success of disaggregation, Georgetown Law’s Center for the Study of the Legal Profession recently concluded that “it seems unlikely . . . these shifts in buying habits will be reversed anytime soon. Indeed, it seems more likely that they will expand.”\textsuperscript{222}

4. \textit{Compliance and Other Law-Related Work}

Government regulation has become so pervasive that both businesses and individuals have learned to cope without lawyers.\textsuperscript{223} Compliance officers, human resource specialists, accountants, social workers, and many other employees regularly interpret the law, even though they lack legal degrees or law licenses.\textsuperscript{224} All indicators suggest that this law-related work will continue to grow\textsuperscript{225} and that non-lawyers will continue to dominate these fields.\textsuperscript{226}

Non-lawyers have succeeded in this work both because they cost less than lawyers and because they possess expertise that lawyers lack. As Campbell points out, much contemporary regulation requires little knowledge of the broad legal principles taught in law school. Instead,

\textsuperscript{219} \textit{Id.}
\textsuperscript{220} Campbell, supra note 200, at 51.
\textsuperscript{221} \textit{Id.}
\textsuperscript{222} 2015 \textit{REPORT, supra note 217, at 8; see also Burk, supra note 4, at 584–86.}
\textsuperscript{223} \textit{See generally Campbell, supra note 200, at 4–5.}
\textsuperscript{224} \textit{Id. at 45.}
\textsuperscript{225} \textit{See generally Michele DeStefano, Compliance and Claim Funding: Testing the Borders of Lawyers’ Monopoly and the Unauthorized Practice of Law, 82 \textit{FORDHAM L. REV.} 2961 (2014); Tanina Rostain, The Emergence of “Law Consultants,” 75 \textit{FORDHAM L. REV.} 1397 (2006).}
\textsuperscript{226} \textit{See supra notes 73 & 126 (reporting educational background of workers in these areas).}
clients benefit from deep knowledge of the regulated industry, combined with “command of chapter and verse of the relevant regulations.” Non-lawyers usually possess more industry knowledge than lawyers, and they can learn the relevant rules through focused training. These non-lawyers, furthermore, often have skills that lawyers lack; effective compliance officers and human resource specialists don’t merely interpret the law for their companies; they build institutional structures and cultures that foster lawful conduct.  

5. Oversupply of Lawyers

An oversupply of licensed lawyers has been mounting for decades. The number of practicing lawyers in the United States more than doubled between 1951 and 1980, from 221,605 to 542,205. Over the next twenty-five years, the number more than doubled again, reaching 1,171,555 by 2005. Although the nation’s population also increased, the ratio of non-lawyers to lawyers steadily decreased from 695:1 in 1951 to 252:1 in 2005.

The ongoing migration of newly licensed lawyers to non-legal work suggests that this supply has outpaced demand. The impact of this oversupply, furthermore, will be difficult to mitigate. Recent reductions in law school enrollment will moderate supply of entry-level lawyers, but those cutbacks will do little to decrease the overall profession’s size unless schools maintain the reductions. The persistent gap between supply and demand will allow

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227 Campbell, supra note 200, at 43.
228 Id. at 50.
229 CARSON & PARK, supra note 40, at 2.
230 Id.
231 Id. Note that all of these figures include only licensed lawyers, not law school graduates.
232 See supra Part II.F.
234 Law schools reduced first-year enrollment by 14,564 students between 2010 and 2014. Id. That number, however, constitutes only 1.1% of the current legal profession. See AM. BAR ASS’N, NATIONAL LAWYER
employers to continue disaggregating legal work, hiring lawyers at lower salaries, and pushing those attorneys into contingent and part-time positions.

6. Global Competition

Although the hiring of law school graduates is largely local, competition for legal services is increasingly global. Multinational clients employ law firms in many countries; if United States lawyers do not meet their needs, they can shift their primary counsel to a foreign firm.235 Those firms are particularly attractive to corporate clients because they combine legal, accounting, and management services in a single organization—a feature that United States law forbids.236 Legal process outsourcers in low-wage countries, meanwhile, continue to provide document review, contract preparation, and intellectual property services at prices below those charged by domestic companies.237 These global competitors both absorb part of the market for low-level legal services and impose a lid on domestic prices.

*   *   *

Two common threads run through each of these six forces: each has substantially affected the structure of the legal profession, and each will continue to grow in power. We cannot predict the precise shape of the legal profession in ten years, but it would be foolhardy to ignore these trends. Although the recession ended six years ago, members of the Class of 2010 remain underemployed—and more recent classes continue to show distress in their nine-month

236 HEINZ ET AL., supra note 26, at 301–02; Dzienkowski, supra note 215, at 3001.
237 KENNETH CUTSHAW ET AL., CORPORATE COUNSEL’S GUIDE TO DOING BUSINESS IN INDIA §§ 12:1–:18 (3d ed. 2014).
employment figures.\textsuperscript{238} Law school applications have fallen dramatically,\textsuperscript{239} and some law schools are struggling to fill their classes.\textsuperscript{240} To address all of these needs, it is time to make some hard-headed calculations about the market for entry-level lawyers and the revenue stream for JD programs.

\section*{B. Entry-Level Lawyers and the Economics of Legal Education}

The results of the current study, combined with previous research, support two predictions about the market for entry-level lawyers. First, the demand for licensed lawyers will remain flat; it is unlikely to exceed 29,250 lawyers per year. Second, a majority of those jobs will be as solo practitioners, associates in very small (2–10 lawyer) firms, staff attorneys at larger firms, state or local government workers, public defenders, and legal aid attorneys. None of these jobs will offer the high income levels associated with partnership-track positions in larger law firms.\textsuperscript{241}

\begin{footnotesize}
\begin{enumerate}
\item Among those who graduated in 2012 or 2013, more than one-tenth were unemployed and seeking work nine months after graduation (a figure that does not include other unemployed graduates who were not actively seeking work). ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, 2013 LAW GRADUATE EMPLOYMENT DATA (2014), available at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2013_law_graduate_employment_data.authcheckdam.pdf [hereinafter 2013 EMPLOYMENT DATA] (reporting results for both 2012 and 2013). Only 56–57% of these classes obtained full-time, ongoing work in jobs that required bar admission. Id.
\item It is possible that some of these positions will generate more income than the job-holders would have earned if they had entered the workplace with just a college degree. See Simkovic & McIntyre, supra note 5 (calculating the historic income premium conferred by a JD over a BA). The key question for law schools, however, is how many of today’s students will pay law school tuition for these outcomes rather than invest in other careers (including other graduate programs).
\end{enumerate}
\end{footnotesize}
These predictions, in turn, yield two forecasts for legal education. First, students will be less willing to pursue a JD for jobs that are merely law-related; they will invest in three years of legal education primarily when that purchase offers them a strong probability of obtaining work as a licensed lawyer. Second, the market will continue to restrain JD tuition. The preponderance of lower paying jobs, together with increased transparency of career outcomes, will reduce students’ willingness to pay tuition at the high levels set in 2010–2012.

In offering these forecasts, I try to make their foundations visible so that others can assess them. I also err on the side of protecting educational institutions and their graduates: in the current market, the consequences of over-estimating demand for licensed lawyers seem much greater than those of under-estimation. If schools do not produce enough lawyers, salaries will rise for recent graduates and schools will quickly enroll more students. If schools continue to over-produce lawyers, in contrast, salaries and job conditions may decline further for alumni; employment rates will fall; and at least some schools may find themselves in a downward spiral of worsening placement rates, falling applicant numbers, and declining applicant credentials.

1. Flat Demand for New Lawyers

Considerable research suggests that the supply of licensed lawyers has outstripped demand for at least two decades. Heinz and Laumann found that the percentage of Chicago lawyers practicing law slipped between 1975 and 1995; AJD confirmed that the percentage was even lower for junior lawyers during the first decade of this century.242 Outcomes for the Class of 2010 were even worse: four years after bar admission, only three-quarters of the research

242 See supra notes 132–136 and accompanying text.
population worked in jobs that required a law license.\textsuperscript{243} Adjusting that figure to account for law graduates who never took or passed the bar exam, just two-thirds of the Class of 2010 (as represented by the research population) currently practice law.\textsuperscript{244}

If the research population tracks nationwide outcomes, then about 29,250 graduates from the Class of 2010 are currently practicing law.\textsuperscript{245} On its own, that figure augurs bad news for recent law school graduates: a third of them are unable to use their degrees as practicing lawyers.\textsuperscript{246} When combined with figures drawn from the Class of 2000, however, the results are even more troubling.

The Class of 2000 included 38,158 graduates from ABA-accredited law schools.\textsuperscript{247} Using the calculations described above, about 33,579 of them obtained law licenses.\textsuperscript{248} Responses to the \textit{AJD} survey suggest that 85.3\% of these licensed lawyers were practicing law.

\begin{footnotesize}
\begin{enumerate}
  \item \textsuperscript{243} See \textit{supra} text following note 136.
  \item \textsuperscript{244} See \textit{supra} note 138 and accompanying text.
  \item \textsuperscript{245} 44,258 students received a JD from an ABA-accredited law school in 2010. \textit{JD. and LL.B Degrees Awarded: 1981-2011}, ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/jd_llb_degrees_awarded.authcheckdam.pdf (last visited Mar. 7, 2014). About 88.0\% of those graduates nationally were admitted to the bar. See \textit{supra} note 137. About 38,947 graduates, therefore, joined the bar. Applying the percentage of lawyering jobs from the research population (75.1\%) to that number yields a final estimate of 29,249 class members practicing law in December 2014.
  \item \textsuperscript{246} I recognize that many law school graduates find satisfaction in careers outside of law practice. Simkovic and McIntyre have also shown that for previous generations, a JD conferred substantial financial advantages (compared to a BA) even for graduates who did not practice law. Simkovic & McIntyre, \textit{supra} note 5. Surveys, however, repeatedly show that law graduates prefer to practice law, see infra notes 260-263. Undertaking both law school and the bar exam without any intention of practicing law seems like an onerous task.
  \item \textsuperscript{247} \textit{JD. and LL.B Degrees Awarded: 1981-2011}, \textit{supra} note 245.
  \item \textsuperscript{248} The National Conference of Bar Examiners, unfortunately, did not report separate categories of first-time and repeat takers from ABA-accredited law schools during the early years of this century. To derive the figure in text, I used the estimate of 88\% eventual bar admission calculated for the Class of 2010. See \textit{supra} note 137. It is possible that the percentage should be lower for the Class of 2000, because overall bar passage rates were lower in the late 1990s and early 2000s (after states raised passing scores) than later in the decade. \textit{Id}. It is impossible, however, to separate the different categories of examinees during the earlier period.
  
  If we lower the percentage of eventual bar admission for the Class of 2000 by another three points, to 85\%, then the number of licensed graduates in that class would be 32,434, and the number practicing law three years after graduation would fall to about 27,666. That figure would produce a higher increase in demand (about 5.7\%) for newly licensed lawyers between 2000 and 2010, but it assumes dismal bar outcomes for graduates of ABA-accredited law schools in 2000.
\end{enumerate}
\end{footnotesize}
three years after graduation. About 28,650 members of the Class of 2000, therefore, found sustainable jobs that required a law license.

This figure is remarkably close to the one calculated for the Class of 2010. If these estimates are correct, then annual demand for newly licensed lawyers increased only marginally (about 2.1%) between 2003 and 2014. The profession has continued to grow, and to absorb new lawyers as part of that growth, but the yearly demand for new lawyers has not increased. At least from the perspective of junior attorneys, structural shifts in the employment market have largely offset any increased demand for legal services.

The figures calculated above also correspond quite well with the number of full-time lawyering positions reported to NALP nine months after graduation. For the Class of 2000, that number was 26,764; for the Class of 2010, it was 25,654. Members of both classes secured more lawyering jobs as they established themselves as lawyers, but the number of practice positions did not expand beyond 29,250.

Going forward, demand for early-career lawyers seems unlikely to rise much above that figure. Nine months after graduation, members of the Class of 2012 held 26,066 full-time, long-term jobs requiring bar admission. For the Class of 2013, the total was 26,653. As with earlier classes, these numbers will grow modestly as the graduates gain bar admission and workplace experience. The numbers, however, do not seem poised to rise above those attained by the Classes of 2000 or 2010. Nor do other signs suggest a dramatic increase in demand for early-

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249 See supra note 82 and accompanying text.
250 JOBS & JDS 2000, supra note 78, at 8; JOBS & JDS 2010, supra note 41, at 8.
251 2013 EMPLOYMENT DATA, supra note 238. For the most recent graduates, the ABA distinguishes between “long-term” and “short-term” jobs. The former jobs are expected to last for more than a year, while the latter are expected to end within that period. Id. I focus here on long-term jobs, both because they are most relevant to prospective students and because they are most comparable to jobs provided in earlier periods (before schools and other employers created bridge jobs for recent graduates).
career lawyers—certainly not one that would employ substantially more lawyers than those from the Class of 2000.

Indeed, technology, disaggregation, and other forces may push demand still lower. Even now, billable hours per lawyer remain depressed at law firms.252 Many firms have also discarded their up-or-out policies, creating a stable of mid-level attorneys who reduce the need for new associates.253 The recent past, in other words, predicts demand for about 29,250 newly licensed lawyers per year.254 Evolving trends suggest the number could fall even lower.

2. Modest-Paying Legal Jobs

Four years into their careers, practicing lawyers from the Class of 2010 work in very different settings than practitioners from the Class of 2000 did. The more recent lawyers are

252 2015 REPORT, supra note 217, at 4. As the authors of the report note, most “categories of lawyer timekeepers . . . have consistently remained between 100 and 200 hours per person per year lower than in 2007.” Id. The only exception is among associates, where hours remain depressed but the gap is not as large. Id.

253 Burk, supra note 4, at 588; ALTMAN WEIL, supra note 209.

254 This number, intriguingly, falls almost halfway between two different forecasts made by the Bureau of Labor Statistics. Using a traditional method to calculate job turnover, the Bureau projects 199,000 job openings for lawyers and judicial clerks between 2012 and 2022, or about 19,900 positions that require bar admission per year. See Employment Projections, Occupational Separations Methodology, BUREAU OF LABOR STATISTICS, http://www.bls.gov/emp/ep_separations.htm (last modified Jan. 2, 2015) (follow “Experimental 2012-22 Data (XLSX)” hyperlink). Using a new, proposed method, the number would be 422,900, or 42,290 openings per year. Id.

The latter number almost certainly is too high; it far exceeds the number of lawyering jobs detected in AJD, this study, and other sources. The flaw in the proposed BLS projection is that it incorporates the high level of exit/entry from the legal profession that has emerged in recent years. As Table IX shows, almost one-quarter of the research population moved at some point from a lawyering job to one that did not require bar admission. Yet the population as a whole experienced a net increase in lawyering jobs. See supra Table III. Clearly graduates both exited and reentered the legal profession with some frequency. Under the BLS’s proposed method, all of these exits would count as job openings—even though experienced graduates would quickly fill them rather than leaving them as “new openings” for graduates.

The former number, based on the evidence now available from AJD and this study, may be too low. On the other hand, the BLS projections forecast how many new entrants will remain in an occupation after a decade has passed, while the current study focuses on outcomes 4.5 years after graduation. AJD shows that a significant number of lawyers leave the profession between the three- and ten-year marks. See supra note 136 and accompanying text. The current study also adopted a generous definition of lawyering work, particularly by counting all graduates who listed themselves as solo practitioners. See supra notes 65–66 and accompanying text.
almost twice as likely to work as solo practitioners, and less than one-third as likely to work as associates in firms of more than 250 lawyers. Among population members who were practicing law in December 2014, almost three-fifths (57.0%) worked as solo practitioners, associates in a small firm of 2–10 lawyers, state or government attorneys, public defenders, legal aid lawyers, or staff attorneys at a large firm. Even when recent graduates obtain lawyering jobs, in other words, those positions increasingly fall in lower-paying segments of the profession.

My data did not include salary information, so it is impossible to quantify this shift. The modest pay for solo practitioners, small-firm lawyers, and state or local government attorneys, however, is well documented. Twelve years after graduation (in 2012), solo practitioners in the Class of 2000 reported a median income of just $50,000, with a full quarter of them reporting no income at all. Median pay for state and local government lawyers was $78,000, with a quarter earning $59,800 or less. Scholars have also found that the income gap between these positions and those at the top of the profession are increasing, with income in the lower-paid portions of the profession stagnating or declining. This gap commanded relatively little notice while jobs in higher-paid sectors continued to increase. Now that those jobs are shrinking, and junior lawyers are taking more jobs in the lower-paid sector, the disparity will become more prominent.

255 Four years after bar admission, 9.1% of the research population worked as solo practitioners. See supra Table III. At a similar point, 5.0% of the Class of 2000 fell in that category. AJD I, supra note 27, at 27.
256 Just 6.5% of the research population worked as associates in firms larger than 250 lawyers. Three years after graduation, 20% of the Class of 2000 held those positions. AJD I, supra note 27, at 27.
257 AJD III, supra note 9, at 45; see also Richard Sander, Hidden Transformation of the Legal Industry, YOUNG LAW., June 2008, at 1, available at http://www.americanbar.org/publications/young_lawyer_home/young_lawyer_archive/yld_tyl_june08_sander.html (reporting that average income of solo practitioners was less than $46,000 in 2004).
258 AJD III, supra note 9, at 45.
259 See, e.g., HEINZ ET AL., supra note 26, at 160–61; Barton, supra note 200, at 30.
3. Law School Enrollment

As employment for licensed lawyers declined over the last generation, law school graduates took jobs that were law-related but did not require bar admission. Although graduates took these jobs, they have consistently reported less satisfaction with these “JD Advantage” jobs than with ones requiring a law license.\(^{260}\) Nine months after graduation, for example, almost half of 2010 graduates with JD advantage jobs were seeking other work.\(^{261}\) For those with positions requiring bar admission, the percentage was just 15.1%.\(^{262}\) Similarly, AJD respondents who were not using their law licenses expressed lower satisfaction levels than colleagues who were practicing.\(^{263}\)

Even a law school dean has acknowledged that “a JD makes no sense” for jobs in compliance, human resources, criminal justice, law firm management, and other law-related positions.\(^{264}\) The most rational use of a law degree, at least during the early years of a career, is to practice law.\(^{265}\) If students want an intellectually challenging graduate program that prepares them for diverse careers, including ones that are law-related, today’s universities offer many...

\(^{260}\) The ABA and NALP began using the phrase “JD Advantage” in 2011 as a way to describe “jobs for which bar passage is not required but for which a JD degree provides a distinct advantage.” *Detailed Analysis of JD Advantage Jobs*, NALP (May 2013), http://www.nalp.org/jd_advantage_jobs_detail_may2013.

\(^{261}\) See, e.g., *Jobs & JDs* 2010, *supra* note 41, at 102 (reporting 48.1% for graduates doing “JD Preferred” work, the phrase previously used to describe “JD Advantage” jobs).

\(^{262}\) *Id.*

\(^{263}\) AJD II, *supra* note 54, at 70 (reporting that seven years after graduation, only 64.3% of graduates working in business non-lawyering jobs were “extremely to moderately satisfied” with their decision to become a lawyer; for other groups, those levels ranged from 68.9% to 82.5%); AJD III, *supra* note 9, at 70 (reporting similar results for lawyers twelve years after graduation).

\(^{264}\) Martha Neil, *Schools Market to Mid-Career Professionals as Fewer Traditional Students Seek Law Degrees*, ABAJOURNAL.COM (May 20, 2013, 2:00 PM), http://www.abajournal.com/news/article/as_fewer_traditional_students_seek_law_degrees_schools_market_to_mid-career/ (quoting Frank Wu, Chancellor of the Hastings College of Law). Wu made this comment to encourage enrollment in master’s programs that schools have created for professionals in law-related fields. The remark, however, demonstrates the tension between those programs and schools’ continued endorsement of non-practice positions for their JD graduates.

\(^{265}\) See Burk, *supra* note 4, at 543–44 (stating that law school is a “rational substantive preparation” only for jobs that “require the degree as a condition of employment” or for which “the course of study provides dramatic and substantial advantages (as opposed to being merely relevant or useful) in obtaining or performing the job that are not more easily obtainable or substitutable (whether in nature or extent) another way”).

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options: master’s degrees in business, public affairs, public health, computer science, environmental engineering, and data analytics are just some of the opportunities. Even an undergraduate degree in one of these disciplines can adequately prepare a student for work in compliance, criminal justice, and other law-related fields.

The expansion of these other fields, combined with increased transparency about JD career outcomes, means that future students are likely to enroll in law school primarily if they want to practice law and their prospective law school places a reasonable percentage of graduates in practice positions. No one knows exactly what outcomes will attract these students, but I predict that they will want to see about 85% of a school’s graduates practicing law several years after graduation. Otherwise, thoughtful students are likely to pursue other programs that offer equal or better levels of intellectual satisfaction, career flexibility, and employment.

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266 Student demand for MBA degrees has exploded in recent years: universities awarded 191,600 of those degrees in 2011–2012, which is 60% more than the number (119,700) awarded a decade earlier. Postsecondary Education, Programs and Courses, Graduate Degree Fields, Indicator April, NAT’L CTR. FOR EDUC. STATISTICS, http://nces.ed.gov/programs/coe/indicator_ctb.asp (last updated Apr. 2015). BBC News recently reported on the strong demand for these graduates. Andrew Eder, Newly Minted MBA? It’s the Best Job Market in Years, BBC CAPITAL (Mar. 2, 2015), http://www.bbc.com/capital/story/20150227-bull-market-for-us-business-grads. Degrees in public health, public affairs, computer science, and environmental engineering all match growth areas of the economy—as well as the interests of contemporary students. Data analytics is a recent, rapidly growing field with employer demand in a large number of industries. See generally MASTER’S IN DATA SCIENCE, http://www.mastersindatascience.org/ (last visited Mar. 1, 2015).

267 See Compliance Managers, Education, supra note 123 (66% of compliance managers hold a bachelor’s degree); Summary Report for: 21-1092.00 - Probation Officers and Correctional Treatment Specialists, Education, O*NET ONLINE, http://www.onetonline.org/link/summary/21-1092.00#Education (last visited Mar. 3, 2015) (86% of probation officers and other correctional treatment specialists hold a bachelor’s degree).

268 Other scholars have made similar predictions about cautiousness in the next generation of law students. See, e.g., Barton, supra note 200, at 31; Burk, supra note 4.

269 Note that I focus on employment rates three or four years after graduation, like the ones measured in AJD and this study. The percentage of graduates practicing law 9–10 months after graduation will be significantly lower, because about one-fifth of graduates from ABA-accredited law schools fail the bar exam on the first try. See 2013 STATISTICS, supra note 137, at 19 (reporting 81% pass rate for that group in 2013). For this, among other reasons, law schools and the ABA should supplement employment reports with ones assessed at least two years after graduation.
For schools to place 85% of their graduates in jobs requiring bar admission, how many students will they be able to enroll? The answer depends upon market demand for new lawyers, attrition among JD students, and bar passage rates. If the market will absorb 29,250 new lawyers per year, and if attrition remains at recent levels of 8.7%, then law schools could enroll about 37,691 new JD students each year. That number, notably, falls slightly below the 37,924 students who enrolled in the Fall of 2014. Current enrollment, although well below the peak of 2010, is still somewhat too high to produce job outcomes that will attract the most talented students back to law school.

Even that projection may be optimistic. It assumes, first, that that the market will continue to absorb 29,250 recently licensed attorneys each year in jobs that both require bar admission and persist for several years after graduation. That assumption, in turn, depends upon the premise that increased demand for legal services will continue to offset the forces described above. If demand falters, or those forces increase in strength, jobs for newly licensed attorneys could contract even further.

Equally important, my estimate assumes that bar passage rates remain relatively steady. If the recent decline in law school credentials produces a corresponding decrease in bar passage rates, then schools will have to shrink class size simply to maintain bar passage rates and palatable employment levels in jobs that require bar admission. Under these circumstances, the

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270 I calculated this percentage from the 2014 figures reported by the ABA on its new website, ABA Required Disclosures, supra note 183.
271 After attrition, that number of first-year enrollees would generate 34,412 graduates. 29,250 lawyering jobs would absorb 85% of those graduates.
273 Law schools enrolled a record number of 52,488 first-year students that year. See id.
projected class size of 37,691 first-year students would serve as an upper limit on sustainable class sizes.

The market and student tastes, of course, could also move in the other direction. Market shifts could increase demand for licensed lawyers; students, alternatively, could develop a greater willingness to apply legal education to JD advantage work. The likelihood of those changes, however, seems small given the number of forces pressing in the other direction. For the foreseeable future, three common factors are likely to constrain JD enrollment: (a) prospective students will seek high placement rates in jobs that require bar admission; (b) the number of those jobs available to entry-level lawyers will be stable at best; and (c) a pool of less qualified applicants may threaten bar-passage rates as well as job placement for positions requiring bar admission. As a result, JD enrollment may not rise much from its current level, even if more qualified applicants return to law school.

4. JD Law School Tuition

Law school tuition seems to have moderated or fallen over the last three years. Although most law schools have raised list prices, evidence suggests that they are discounting those prices more heavily—and for more students.275 Yet applications continue to drop, indicating that tuition has not yet reached the market level.276

The results of the current study confirm that indication; indeed, the employment conditions reported here suggest that tuition may fall even lower. Among the practicing lawyers


276 See supra note 239.
in the research population, almost three-fifths (57%) worked in jobs with historically modest salaries. Students contemplating those income levels seem unlikely to pay 2010 tuition levels for their legal education. If they do, they will remain deeply in debt through middle age and Congress may decide that it can no longer afford to underwrite these loans.

To understand this forecast, it is useful to look back once more at the Class of 2000. Three years after graduation, 84.0% of that class carried educational loans, median debt after three years of repayment was $70,000, and 20.3% of the class owed more than $100,000.277 Four years later, the percentage with debt had fallen to 63.8%; median debt in that group was about $50,000; and 8.2% of the class owed more than $100,000.278 These figures suggest steady progress in loan repayment, but they hardly suggest rapid, easy payment. These repayments, furthermore, occurred with strong employment outcomes during a prosperous era.

Today, students are borrowing an average of $32,289 each year to attend a public law school and $44,094 for a private one.279 The prospect of paying off $97,000 to $132,000 of law school debt, plus college debt, plus accrued interest—all with weaker employment outcomes than earlier classes—may overwhelm prospective students.280 Federal taxpayers are already expressing concern about programs that excuse substantial amounts of this debt,281 and the next

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277 AJD III, supra note 9, at 81.
278 Id.
280 AJD respondents who still owed more than $100,000 in educational debt seven years after receiving their JDS were significantly less satisfied than other respondents with their law school investment. Ronit Dinovitzer, et al., Buyers’ Remorse? An Empirical Assessment of the Desirability of a Lawyer Career, 63 J. LEGAL EDUC. 211, 221 (2013). That finding bodes ill for more recent law school graduates, a much larger percentage of whom will carry that amount of debt throughout their early careers. See generally TAMANAH, supra note 234, at 154-59 (discussing impact of law school debt on graduates).
generation of students shows more concern about educational loans than recent cohorts. To continue attracting talented students to JD programs, most law schools will have to continue moderating law school tuition.

V. CONCLUSION

The results of this study offer discouraging forecasts for both newly licensed lawyers and traditional JD programs. Even after several years in the workforce, the Class of 2010 struggles to secure jobs that require bar admission. Law firm jobs are scarcer than in the past, and other employers have not made up the shortfall. Most positions fall within modest paying categories: solo practice, small firms, government work, and business jobs that do not require bar admission. These outcomes are challenging for students who borrowed heavily to finance their degrees; they are also discouraging for graduates who hoped to work as practicing lawyers but were not able to secure those positions.

For law schools, the results offer strong evidence of structural changes that will keep JD enrollment and tuition depressed. To place a significant percentage of graduates in jobs that require a law degree, enrollment will have to remain close to current (2014) levels. To continue attracting sufficiently talented students, effective tuition rates will also stabilize or decline further. Revenue from JD programs will be much lower than schools anticipated a decade ago.

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282 See, e.g., Emily DeRuy, Millennials’ Biggest Financial Concern Is Student Loan Debt, FUSION (June 12, 2014), http://fusion.net/story/5932/millennials-biggest-financial-concern-is-student-loan-debt/ (survey by Wells Fargo shows that educational debt is millennials’ biggest financial concern; three-fifths are concerned about the value they received for tuition); Northeastern News, ‘Generation Z’ Is Entrepreneurial, Wants to Chart Its Own Future, NEWS@NORTHEASTERN (Nov. 18, 2014), http://www.northeastern.edu/news/2014/11/generation-z-survey/ (reporting national survey results revealing that high school students are very reluctant to assume educational debt; 25% don’t want to incur any debt); see also Barton, supra note 200, at 31 (noting that future law students will seek to “reduce borrowing, freeing them to take jobs they like rather than jobs that repay loans”).
There is, however, an attractive path forward for law schools and future students. The contraction of JD enrollment, combined with the expansion of law-related jobs, offers an ideal time to restructure legal education. If law schools moved the first year of legal study into the undergraduate curriculum, creating a liberal arts major in law, they could educate a large number of students in both the core principles of our legal system and the critical skill of “thinking like a lawyer.” The students, their future employers, and civil society would all benefit. At the same time, schools could retain the upper-level curriculum as a two-year JD program.\(^{283}\)

This division would allow law schools to maintain their role as teachers of critical thinking, while also consolidating the JD curriculum into an advanced program focused on preparing graduates for contemporary law practice. For students, the new structure would offer a richer educational sequence at reduced costs.\(^{284}\) Clients and society, finally, would obtain a better mix of licensed lawyers and law-knowledgeable graduates. The details of that proposal lie


\[^{284}\text{College students would be able to obtain the skills and knowledge currently taught during the first year of law school as part of the price of attending college. They would also be able to study law along with other subjects, more readily making the interdisciplinary connections that the first year attempts to foster. This major, combined with summer jobs or externships, would also help students make a more informed choice about whether to become licensed attorneys. Some might postpone that decision until after gaining experience in a law-related job. Students who decided to become licensed attorneys, meanwhile, would complete their education in six years rather than seven. They would also pay just two years of law school tuition. Perhaps most important, their smaller JD classes would support more hands-on problem solving and clinical work.}\]
beyond the scope of this article, but the employment patterns documented here confirm the need for creative adaptation in legal education.