

# Race and Ethnicity in the Legal Profession:

Findings from the First Wave of the After the JD Study

□ AN AFTER THE JD MONOGRAPH □

by Gita Z. Wilder



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For more information on the *After the JD* study, go to <http://ajd.abfn.org>.  
To download a copy of the report on the first wave of findings, go to <http://www.abf-sociolegal.org/afterjd.html>.

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# Race and Ethnicity in the Legal Profession: Findings from the First Wave of the After the JD Study

## *Introduction*

In the late 1990s, observers of the legal profession were concerned about what appeared to be an exodus of young lawyers from its ranks. Rumors of dissatisfaction with the practice of law raised questions about the future of the profession and about why new practitioners might be opting out of it. Subsidiary questions involved the sources of both the dissatisfactions and satisfactions involved in careers in the law.

Researchers assembled to address the questions devised a plan to identify and survey a nationally representative sample of newly certified lawyers and to follow them through the first ten years of their careers. One important focus of scholars' attention was the diversification of the law and how previously underrepresented groups were faring as the profession accepted growing numbers of women and minorities into its ranks. This monograph examines the experiences of members of racial-ethnic groups — whites as well as minorities — as they pursue the goal of building satisfying careers in the law. Following a brief description of the study, the monograph describes the circumstances of new lawyers and especially those whose racial-ethnic background qualifies them as minorities in both the society and the legal profession.

## Major Findings

The overall conclusion drawn from the responses to many of the questions on the AJD questionnaire is that there is no single “minority experience.” Each of the largest minority groups — black, Hispanic, and Asian lawyers — presents its own profile of characteristics that differentiate it from the others and from white lawyers.

- Among other differences, lawyers who are members of different racial-ethnic minority groups are not evenly distributed across markets in the United States but tend to cluster in particular markets, a fact that has salary implications. The gender composition of racial-ethnic groups varies such that women outnumber men among black (60% to 40%) and Asian lawyers (53% to 47%) in contrast to the ratio of 46% women to 54% men in the national population of new lawyers.
- Members of minority groups are less likely than white lawyers to be private practitioners. Compared with about two-thirds of new white lawyers, only 48% of black lawyers, 51% of Native American lawyers, 54% of Hispanic lawyers, and 58% of Asian lawyers were working in private firms in 2002-03. Black and Hispanic lawyers were more likely than whites to be working in government and in other settings where salaries are typically lower than in private practice; Asian lawyers were more likely than members of other groups to be working in business settings, where salaries are among the highest reported.
- Almost 40% of the AJD respondents had changed jobs at least once before they were first surveyed in 2002-03 and the rates of mobility among racial-ethnic minorities were comparable to those of whites. However, proportionally more members of racial-ethnic minority groups than of white lawyers expressed intentions to leave their then-current employers in the near future. Projected mobility was highest among new lawyers in private practice settings other than solo practice, where the intention to leave was lower than in most other settings.
- Members of all minority groups were less likely than white lawyers to have served as judicial clerks, a finding that is consistent with data from other sources such as the NALP annual *Jobs & JD's* reports.
- White respondents reported spending more non-working time with partners than did members of some racial-ethnic minority groups. Black lawyers in particular were less likely than others to say that they joined partners for meals or recreational activities.

- Members of all of the minority groups were considerably more likely than white lawyers to report having experienced some form of discrimination in the workplace, the most common forms of which were demeaning remarks and missing out on desirable assignments.
- The average salaries of members of racial-ethnic groups vary widely mainly by virtue of their differential distribution among markets and work settings, although there are also variations within work settings. Asian lawyers reported the highest salaries, on average, and Native Americans the lowest. Black, Hispanic and white lawyers earned salaries between the two extremes; however the average salaries of blacks and Hispanics were generally lower than those of whites.
- In choosing the sector of their first job, black lawyers were more likely than members of other groups to assign importance to its potential for career mobility and to the opportunity to do socially responsible work. Consistent with their higher levels of debt leaving law school, black and Hispanic lawyers assigned greater importance than did members of other groups to salary to pay back debt.
- Compared with white lawyers, members of the three largest minority groups assigned greater importance in having received their first job offer to the reputation of the law school they attended and to their race. Black and Hispanic lawyers were less likely than other groups to consider their grades important influences (black lawyers reported lower law school grade-point averages than other groups), and black lawyers were most likely to credit their prospective employers' interest in them to their prior experience.
- Most participants in the AJD study expressed moderate to high levels of satisfaction with their decision to have become lawyers and to selected features of their working lives. The performance appraisal process earned the lowest levels of satisfaction among all respondents, although black and Hispanic lawyers expressed the greatest dissatisfaction with it. Asked what changes they might like in their workplaces, large proportions of all respondents, but the largest — more than half — of black, Hispanic, and Asian respondents wanted more and better training and more and better mentoring on the part of senior staff. Asked about the sources of their on-the-job learning and support, few respondents of any background assigned importance either to formal training programs at their workplaces or mentors assigned by their employers
- Levels of educational debt are high among all new lawyers and fairly constant across work settings. Black and Hispanic lawyers tend to leave law school with

the largest amounts of debt, in part because they depend more on loans than on other sources of financial support during law school. (Black respondents were also more likely than members of other groups to have attended law school part-time.) Compounding the problem, black and Hispanic lawyers reported lower salaries, on average, than members of other groups by virtue of their concentration in lower paying sectors of the law.

- Members of different racial groups reported different levels of participation in associations and organizations both in law school and in their lives outside of work. Black lawyers reported higher levels of participation than members of other racial-ethnic groups in bar associations and civic organizations. Most AJD respondents identified themselves as Democrats although the proportions varied by racial-ethnic group: 75% of black respondents, 52% of Hispanics, 47% of Asians, and 38% of whites. More Native Americans (44%) than members of other groups characterized themselves as Republicans.

## *After the JD*

The *After the JD* (AJD) study is a ground-breaking research effort aimed at understanding legal careers. Focusing on a cohort of lawyers newly admitted to the bar in the year 2000, the study collected baseline data from its participants in 2002-03 and is currently (in 2007) in the midst of its first follow-up effort. It will track the cohort for the first ten years of its collective work experience, revisiting the sample once more in 2012. The study is at once national in its scope but respectful of differences among legal markets. The research team is interdisciplinary and includes scholars of the legal profession as well as social scientists from the fields of economics, political science, psychology, and sociology. AJD claims its theoretical orientation from the study of social capital but collects — and will continue to collect — data that should be of both theoretical and practical interest to researchers, law school personnel, legal employers, and policy makers. Because it is planned as a longitudinal study, the AJD research will collect periodic cross-sectional data — information that can stand on its own but which will accumulate to create an unprecedented account of the early careers of a group of more than 4,000 lawyers who joined the profession at the start of the 21st century. This monograph focuses on information gathered during the first wave of data collection, completed in 2003. The initial survey collected information from respondents about their first jobs after they joined the bar, including detailed descriptions of their work and the influences that shaped their choices. Follow-up surveys will ask about the progress of their careers in the context of

life and societal changes. The framers of the study were particularly interested in careers of women and minorities and many of the questions — and this monograph — reflect this interest.

## **The Sample**

The study sample was carefully selected to represent the national population of lawyers, and the group of respondents does, by virtue of a high rate of response and the application of appropriate weights. At the same time, the sample was constructed to reflect the local nature of legal practice, with sufficient numbers of sample members to reliably represent the conditions in selected markets of different sizes.<sup>1</sup> This goal, too, was attained. Information was collected from lawyers in each of the four major markets in the United States (New York, Chicago, Los Angeles, and Washington, DC), five of the next largest markets, and nine of the remaining smaller markets. In addition, members of racial-ethnic minority groups were over-sampled in an effort to provide reliable answers to questions about the circumstances of minorities in the law. (For a discussion of the methodology and sampling plan, see Appendix A.)

The first wave of data collection in 2002 employed a questionnaire that was sent to nearly 9,000 newly certified lawyers, many of whom, as it happened, were ineligible for the study in the terms that had been laid out in the research plan (first bar passage in 2000, graduation from law school no earlier than 1998). An additional number were simply not found, having left the jurisdictions in which they passed the bar, suggesting that new lawyers are a mobile group. In the final analysis, a total of 3,905 new lawyers, 71% of the eligible sample members (although only 64% of the original sample) returned questionnaires; an additional 465 were later added to augment the numbers of minority group members.

Finally, a sub-sample of the respondents, roughly 5% of those surveyed, was contacted for face-to-face interviews. The interviews continue — the goal is to include 10% of the original respondents — and will ultimately tell the stories of a panel of lawyers who will be interviewed several times. Their individual and collective responses should add depth, richness, and anecdotes to the statistical findings.

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<sup>1</sup> Size of market here means the market for lawyers. The largest markets are those in which there were 2,000 new lawyers in the year 2000; the next largest hired between 750 and 1,999; and the remainder hired fewer than 750.

## *Focus on Race-Ethnicity*

A key set of questions that motivated the framers of the AJD study revolves around the experiences of groups whose participation in the legal profession is relatively recent and has been marked by under-representation. Specifically the questions apply to women and racial-ethnic minorities and take the general form of whether — and if so how — the experiences of women and members of racial-ethnic minority groups differ from those of white men. This monograph focuses on race-ethnicity; a separate report is devoted to gender.

The AJD study is ideally situated to examine the fortunes of separate racial-ethnic groups, based as it is on a nationally representative sample of lawyers augmented by 465 additional members of minority groups — a “minority over-sample.” This is a highly respectable number of “minority” lawyers, a group that is generally difficult to characterize because its numbers in studies are typically small. Moreover, the data gathered from the sample can be weighted where it is appropriate to do so in order to describe the minority groups in the context of their proportion in the national population of new lawyers. (See Table 1, Comparison of AJD Sample with National Populations: Percentages by Gender and Race-Ethnicity.) Table 1 shows how the weighted sample on which most of the AJD findings are based compares with the total population of U.S. lawyers who joined the bar in 2000 — specifically how males and females and members of the major racial-ethnic groups are distributed in the sample and the population. The match is close indeed: 47% females and 53% males comprise the weighted sample, compared with 46% and 54% in the national population, and among whites, 80% versus 82% in the national population. The minority numbers are also close: blacks comprise 5% of both the AJD sample and the national population; Hispanics 3% of the AJD sample compared with 4% of the national population; Asians 6% of each; and Native Americans less than 1% of each. This is undoubtedly the best and most representative collection of new lawyers generally and of new lawyers of color for characterizing the circumstances of both.<sup>2</sup>

On the basis of the collective responses of AJD respondents who identified themselves as members of racial-ethnic minority groups, it is the thesis of this monograph that it is inaccurate and perhaps misleading to think of and treat even the larger racial-ethnic minority groups — blacks, Hispanics, and Asians — as a single “minority group.” For the most part, such treatment stems from an understandable effort to overcome the difficulty of generalizing from the small numbers of minority group members in the legal profession, since more than 80% of lawyers in the U.S. are white. However, regarding racial-ethnic minorities as a single group tends to obscure the reality that the circumstances of each of the three largest groups, and of the even smaller number of Native Americans, are not the same. The groups

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<sup>2</sup> Responses from members of the over-sample appear in results in which the racial-ethnic groups are characterized but the findings are not generalized to the national population. When trends for the total respondent group are reported, the results will have been weighted so that the minority groups are represented in proportion to their appearance in the national population.



differ sufficiently that each represents a unique set of circumstances that distinguishes it from the national population of lawyers as well as from other minority groups.

This report is organized around clusters of findings rather than around particular racial-ethnic groups. Within each general topic, however, the similarities and differences between and among groups will be highlighted.

**Table 1. Comparison of AJD Sample with National Populations: Percentages by Gender and Race-Ethnicity**

	<b>AJD Sample Weighted*</b>	<b>National Comparisons</b>
Female	46.8	46.0
Male	53.2	54.0
Total	100.0	100.0
Black	5.2	4.8
Hispanic	3.3	4.2
Native American**	0.8	0.3
Asian	6.4	6.3
White	80.3	81.8
Other	4.0	1.5
Total	100.0	100.0

Sources: Gender data are based on the 1997 cohort of first-year law students (ABA). Race-ethnicity data are based on 2000 PUMS (Public Use Microdata 5% Samples, of all lawyers and judges ages 27-32).

\* The weighted national sample includes 32,889 individuals.

\*\* The very small number of Native Americans in the sample means that any results reported for them must be viewed with caution. In many cases, results for Native Americans are not reported at all.

## Demographic Characteristics of the Racial-Ethnic Groups among Respondents

### Gender Composition of the Population of New Lawyers

As Table 1 shows, the AJD respondent group reflects the national population of new lawyers with respect to gender as well as race-ethnicity: 47% of the national sample is female and 53% is male. Among members of any given racial-ethnic group, however, the proportions of women and men are not the same as those of the respondents overall nor of any other racial-ethnic group. (See Table 2, Percentages of Women and Men by Race-Ethnicity.) While the gender distribution of white sample members *does* come closest to that of the larger population of new lawyers in 2000 from which the sample was chosen, the relative proportions among individual racial-ethnic groups diverge from and, in several cases, reverse it. Specifically, the proportions of black and Asian women in the national sample exceed the proportions of black and Asian men, and the proportions of Hispanic women and men favor men to an even greater extent than is true for the white and national populations. Sixty percent of the black respondents in 2002-03 were women and 40% were men. Among Asians the corresponding percentages were 53% and 47% and among Hispanics, 59% and 41%. Because there are differences in the experiences of women and men in the law [see, for example, *Women in the Profession: Findings from the First Year of the After the JD Study (2007)*], these differences in gender composition also affect results reported by race-ethnicity.

Table 2. Percentages of Women and Men by Race-Ethnicity in the AJD Study Sample

	Female	Male
Black	60.1	39.9
Hispanic	41.4	58.6
Native American	43.9	56.1
Asian	53.4	46.6
White	43.5	56.5
Other	44.2	56.8
Total*	45.5	55.5

\* The totals in any given analysis of AJD data will differ as a function of missing responses to one or another of the questions that contributed to the analysis. So, among respondents who provided information about both gender and race-ethnicity, the gender distribution diverges from the percentages of gender and race-ethnicity calculated independent of one another.

## Other Demographic Characteristics of the Sample

The average (mean) age of participants in the AJD study hovered around 30 at the time they were first surveyed in 2002-03. Asians were slightly younger on average (mean age = 28.6) and Native Americans slightly older (mean age = 32.0). The remaining groups were closer to the average, although the range of ages among white respondents was considerably greater (between 22 and 75) than the range among any of the remaining groups.

Just over half — 54% — of the AJD respondents were married at the time of the 2002-03 questionnaire — the majority of them for the first time, but the percentages vary by racial-ethnic group. Overall, more than one-third — 36% — of the sample had never been married, but black and Asian respondents were considerably *less* likely to have ever married: 53% of black and 47% of Asians respectively were not and had never been married, and Hispanic and “other” respondents were also somewhat less likely than whites never to have married. Only 17% of the relatively small number of Native Americans had never married, and 74% were married at the time of the survey. Most respondents — 74% — were childless, a condition that was reflected in all groups.

## Socioeconomic Status

New lawyers, as represented by AJD respondents, are a relatively privileged group compared with the general U.S. population of individuals ages 45 to 64, as described by census data for 2000. The highest levels of education reached by AJD respondents' parents exceeded those of men and women of similar age in the general population: 23% of AJD mothers and 19% of fathers had bachelor's degrees, compared with 14% and 16% in the general population; and 20% and 29% of AJD mothers and fathers reported graduate or professional degrees, compared with 10% and 13% of the general population. The degree of socioeconomic privilege varies by racial-ethnic group. The incidence of bachelor's degrees among fathers was highest among Asians (24%) and lowest among Native Americans (12%, although 34% had two-year degrees) and relatively low as well among blacks and Hispanics (for 12% and 13%, respectively, graduation from a four-year college was the highest level of education achieved by their fathers). However 23% of the fathers of black respondents had graduate or professional degrees, more than the 20% among all respondents and than among whites (20%) and Asians (14%). Similarly, 20% of the mothers of all respondents reported having studied or received degrees at the graduate or professional level, twice the proportion in the national population. About 25% of the mothers of black and Native American respondents and even larger percentages of fathers — between 26% of Hispanics in the sample and 46% of the Native Americans — were employed in occupations considered professional.

## *Race-Ethnicity, Market and Job Setting*

### **Geographical Distribution**

The legal markets in which new lawyers live and work are marked by differences in the frequencies of sectors and settings in which they work that are, in turn, highly correlated with their salaries. Variations in the geographical distribution of racial-ethnic groups contribute significantly to the differences that characterize their circumstances as lawyers.

Lawyers belonging to different racial-ethnic groups are not distributed among legal markets in proportion to their distribution in the national sample. Nor are members of minority groups distributed evenly across clusters of markets. The percentages of each of the four major racial-ethnic groups represented in the study — blacks, Hispanics, Asians, and whites — are displayed by the markets selected for the study in Table 3 (Distribution of AJD Respondents in Selected Markets) and, with the addition of smaller numbers of Native Americans and “others,” by the eight market clusters created to assist the sampling process for the AJD study in Table 4 (Distribution of AJD Respondents in Market Clusters).<sup>3</sup> Both tables show disproportionate concentrations of minorities in particular markets relative to their representation among all AJD respondents. For example, Los Angeles, with 5% of the total respondent group, accounted for 15% and 13% respectively of the Hispanic and Asian respondents. Black respondents, 5% of all respondents, tended to be clustered in New York City (14% of black respondents were there), Florida (13%), and the District of Columbia (13%). Asians were concentrated in New York City (18% of Asians were there), New Jersey (14%), Los Angeles (13%), and San Francisco (12%), markets that accounted for no more than 10% each of the total respondent group.

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<sup>3</sup> To increase the numbers of respondents for whom results are reported by market, smaller markets were combined into four clusters: “Metro 1” includes Boston and San Francisco, “Southern Metro” includes Atlanta and Houston; “Metro 2 or Small Metro” combines Minnesota, Connecticut, New Jersey, and St. Louis; and “Non-Metro,” which becomes the largest cluster, includes Florida, Tennessee, Oklahoma, Indiana, Utah, and Oregon. Clusters were created and are employed here largely in the interests of confidentiality in that arraying minority status by individual market could produce numbers small enough in some cells to enable identification of individuals. The four largest markets — New York, Washington, DC, Los Angeles, and Chicago — are large enough to stand alone.

**Table 3. Distribution (Percentage) of AJD Respondents in Selected Markets, by Race-Ethnicity**

	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>	<b>White</b>	<b>Full Sample</b>
New York City	14	12	18	9	10
District of Columbia	13	6	9	7	7
Chicago	6	5	5	5	5
Los Angeles	5	15	13	4	5
Atlanta	8	3	2	4	4
Houston	6	3	2	3	3
Minneapolis	1	<1	2	2	2
San Francisco	3	7	12	5	4
Connecticut	3	4	<1	4	4
New Jersey	4	8	14	7	8
Florida	14	15	4	10	10
Tennessee	5	<1	1	6	5
Oklahoma	2	2	1	5	5
Indiana	9	6	6	11	10
St. Louis	5	3	3	6	5
Utah	<1	4	<1	4	3
Oregon	1	2	3	7	6
Boston	2	3	4	3	3

With respect to market clusters, which were created to enlarge the pool of respondents from groups of similar markets, 85% of the small number of Native Americans, who comprise less than 1% of the total respondent group, were located in the non-metro market cluster that includes Florida, Oklahoma, and Utah, among others. (See Table 4.) After New York City and the District of Columbia, black lawyers were concentrated in the clusters that include Atlanta and Houston, (13%); Connecticut, New Jersey, Minnesota, and St. Louis (13%); and the non-metropolitan markets (32%). Asians, making up 7% of the sample, were disproportionately likely to be working in three of the large markets as well as in the cluster of smaller urban markets that includes San Francisco and Boston (16%); a group of still smaller markets that includes Connecticut and New Jersey (19%); and the cluster of non-metro markets (16%). Hispanics, most frequently employed in Los Angeles and New York City, were over-represented as well in the smaller metro market cluster containing Connecticut and New Jersey (15%). By way of contrast, white lawyers in the AJD sample were more evenly dispersed among markets and clusters, their distribution being closer to the overall geographic distribution of lawyers. No single market was home to more than 11% of the white respondents.

**Table 4. Distribution (Percentage) of AJD Respondents in Market Clusters, by Race-Ethnicity**

	<b>Black</b>	<b>Hispanic</b>	<b>Native American</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>	<b>Total Sample</b>
% of sample	6	3	1	7	80	3	100
New York City	14	12	0	19	9	16	10
District of Columbia	13	6	<1	9	6	6	7
Chicago	6	5	2	5	5	7	5
Los Angeles	5	15	3	13	4	8	5
Metro 1*	4	10	3	16	7	4	8
Southern Metro**	13	6	5	4	7	5	7
Metro 2***	13	15	2	19	19	22	18
Non-Metro Markets****	32	30	85	16	43	32	40

\* Includes Boston and San Francisco.

\*\* Includes Atlanta and Houston.

\*\*\* Includes Minnesota, Connecticut, New Jersey, and St. Louis.

\*\*\*\* Includes Florida, Tennessee, Oklahoma, Indiana, Utah, and Oregon.

## Job Settings

Most lawyers of every race represented in the sample were employed and working full-time when they were surveyed in 2002-2003. In this respect, there was very little variation among racial-ethnic groups.<sup>4</sup> As was true of the population of lawyers that entered the profession in 2000, more respondents from all backgrounds — 63% of the entire respondent group — worked in private firms than in any other setting. At the same time, lawyers belonging to the three largest minority groups were somewhat less likely than white lawyers to be working in private firms of any size other than solo practice, and there were differences as well among racial-ethnic minority groups. Black lawyers were less likely than members of other minority groups and considerably less likely than white respondents to be private practitioners. Less than half — 48% — of black respondents worked in private law firms. Although more of the remaining groups were private practitioners, only 51% of Native Americans, 54% of Hispanic, and 58% of Asian sample members were employed by private firms, compared with almost two-thirds of the white lawyers in the study. These differences have implications for the average salaries reported by members of different racial-ethnic groups. Minority group members were generally more likely than whites to be solo practitioners, but even within the small percentage of solo practitioners in the sample and population, there were differences among groups. Where only 5% of white lawyers were solo practitioners, 9% of black and Native American and 8% of Hispanic respondents practiced alone. In this respect, Asian respondents, at 6%, more closely resembled whites.

Beyond private practice, the next largest proportion of AJD respondents held government positions at the time of the survey, although the proportion — 16% — is small in absolute terms. Black, Hispanic, and Native American respondents were considerably more likely than white and Asian respondents to be employed by government: 27% of black, 21% of Hispanic, and 29% of Native American respondents were working in government settings, compared with 16% of white and 14% of Asian respondents. Note that Asian respondents were the least likely to be employed by government, particularly the federal government.

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<sup>4</sup> 94% of the entire respondent group held full-time positions at the time of the survey, as did 93% of the black lawyers, 96% of the Hispanics, and 94% of the Asians. Only 4% of black and Asian lawyers and 3% of Hispanic lawyers reported that they were *not* employed. The results reported in this section are for lawyers employed full-time.

**Table 5. Work Setting by Race-Ethnicity: Percentages of Lawyers in Selected Work Settings: Lawyers Employed Full-Time Only**

	<b>Black</b>	<b>Hispanic</b>	<b>Native American</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
Solo practice	9	8	9	6	5	10	5
Private law firm	48	54	51	58	66	59	63
Federal government*	6	6	5	5	4	3	4
State/local government*	21	15	24	9	12	13	12
Legal services/public defender	3	5	0	4	3	5	3
Public interest organization	2	<1	3	3	<1	1	1
Other nonprofit organization	2	<1	0	<1	1	<1	1
Educational institution	<1	<1	3	3	1	1	<1
Professional service firm	2	4	0	2	3	<1	3
Other Fortune 1000 industry	1	2	0	4	2	2	2
Other business/industry	3	2	4	8	4	4	4
Labor union/trade association	<1	2	0	0	>1	0	<1
Other	<1	<1	0	0	<1	0	<1
<b>Total</b>	<b>5</b>	<b>3</b>	<b>&lt;1</b>	<b>6</b>	<b>81</b>	<b>4</b>	<b>100</b>

\* Includes judicial clerks.

Work settings other than private practice and government account for very small proportions — between 1% and 6% — of the entire respondent group. However, proportionally more of the three largest minority groups (18%, 17%, and 22%, respectively of black, Hispanics, and Asians) than of whites (15%) were employed in settings other than private practice and government. The highest single concentration — 24% — was of Asians, half of whom (and 12% of the total) — were working in business settings. This is twice the proportion of the total respondent group in such settings (6%), where no racial-ethnic group other than Asians accounts for more than 6%.

A note about work settings: Members of minority groups were considerably more likely than whites to be working in racially diverse settings. While white respondents estimated that racial-ethnic minorities represented, on average, 5% of the lawyers in their offices, Asian respondents in the study estimated that lawyers of color comprised 20% of the lawyers in their workplaces. Hispanics reported that minority group members made up 16% of their co-workers and black and Native American respondents that 15% of their colleagues were non-white.



## Job Mobility

### Prior Mobility

Much has been made of the attrition of minorities from large law firms (see *Sidebar for Law Leaders*, The NALP Foundation for Law Career Research and Education, March 2007, and *Jobs & JD's*, Classes of 1998, 1999, 2000, 2001, and 2002, NALP). In fact, the rate of mobility was quite high among *all* AJD respondents. By 2002, when data collection began, a good many of the AJD sample members of all races and ethnicities, all of whom had joined the bar in 2000, had already changed jobs. (Moreover, as will be shown presently, even more expressed an intention to leave their then current workplaces within two years.) Overall, almost 40% of the respondents to the initial survey reported that the positions they held in 2002-03 were not their first. In other words, more than one-third of the sample had changed jobs within the first two or three years after they joined the bar. The question, then, is whether any or all minority groups are over-represented among those who moved.

When the data are arrayed by race, there is considerable variability in early mobility. (See Table 6, *Job Changes by Race-Ethnicity*.) However, minorities are not consistently more likely than white respondents to have changed jobs. In fact, identical proportions — 38% — of black and white lawyers indicated that the jobs they held when the AJD survey was conducted were not their first (see the second column in the table); the comparable figure for Asians is 44%. Job mobility was lowest, although still relatively high, among the small number of Native American respondents (34% had changed jobs) and greatest among the individuals who labeled themselves “other” (47%). As the table also shows, those who had changed jobs were distributed among racial-ethnic groups roughly in proportion to their presence in the respondent group and the national population.<sup>5</sup> This relationship can be seen by comparing the first and third columns in Table 6, which describe the proportions of each group among AJD respondents (column 1) and the percentage each represents of the sample members who changed jobs (column 3). The table shows once again that black lawyers made up 5% of those who responded affirmatively to this question and of the national population of new lawyers (column 1). Thirty-eight percent of them reported having changed jobs prior to 2002-03 (column 2). That 38% represents 5% of all of the respondents who had changed jobs. Similarly, 3% of the respondents who moved were Hispanic (although 40% of the Hispanic respondents had moved), as were 3% of both the AJD respondents and the national population of new lawyers. White lawyers made up 79% of the early movers, but slightly more — 81% — of the sample and population. Seven percent of the job changers were Asians, compared with 6% of the sample and population. In other words, early mobility was not proportionally greater among racial-ethnic sub-groups of AJD respondents than it was among white sample members.

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<sup>5</sup> Recall, however, that the AJD respondent group includes lawyers from all sectors, not just private law firms. Moreover, the AJD data do not tell us what settings movers left, only where they were working at the time of the survey.

**Table 6. Job Changes by Race-Ethnicity: National Sample with Minority Over-sample**

	<b>% of Respondents</b>	<b>% That Changed Jobs</b>	<b>% of Those That Changed Jobs</b>
Black	5	38	5
Hispanic	3	40	3
Native American	<1	34	1
Asian	6	44	7
White	81	38	79
Other	4	47	5
<b>Total</b>	<b>100</b>	<b>38</b>	<b>100</b>

### **Mobility and Job Settings**

The AJD data do not allow us to describe patterns of mobility in terms of the match or disparity between the initial and subsequent work settings of individuals to address the question of whether those who changed jobs also changed sectors. The data do, however, provide a picture of who moves and where the job changers were working at the time they were surveyed after their moves. Table 6 shows what has already been reported, namely that the “movers” constitute a representative subset of the entire respondent group with respect to their race-ethnicity. They also closely resemble the sample and population with respect to job settings. (See Table 7, Job Mobility by Race-Ethnicity: Work Settings in 2002-03 of Respondents Who Changed Jobs at Least Once Between 2000 and 2002-03.) Whether this will continue to be the case or will change over time is a question that only the next wave of data collection in the AJD study can address.

At the time of the survey in 2002-03 and consistent with the overall distribution of respondents among work settings, most — 60% — of those who had changed jobs were working in private law firms (recall that 63% of the entire sample was employed by private law firms at the time, see Table 7, Job Mobility by Race-Ethnicity). An additional 7% were in solo practice. So, whatever setting they had left prior to having been surveyed initially, 63% of the white respondents who had changed jobs were private practitioners in 2002-03 and an additional 6% were solo practitioners. The comparable figures for members of minority groups were 52% of the Hispanics who had moved, 57% of the Asians, and 49% of the black respondents who were working in private law firms, smaller proportions than of whites but different from each other. Among minorities other than Asians and Native Americans who had moved, proportionally more were solo practitioners than their peers who had not moved: 15% of

black and 9% of Hispanic movers were in solo practice. Table 7, Job Mobility by Race-Ethnicity, summarizes these patterns.<sup>6</sup>

Beyond private law firms larger than solo practices, government was the most common employer of AJD respondents, more so among minority groups than among whites. However, while 27% of the black respondent group held positions in the government when the survey was conducted in 2002-03, only 17% of blacks who had moved were working in government. Likewise, among Hispanics, 21% of whom worked in government at the time of the survey, only 15% of them were in government positions that were not their first. Among Asians in government positions, the mobility rate (15%) was close to their representation in the total respondent group of government workers (14%). Among whites, the mobility rate was slightly lower (14% of those in government positions had moved by 2002-03) than their representation in the sample (16%).

**Table 7. Job Mobility by Race-Ethnicity: Work Settings in 2002-03 of Respondents Who Changed Jobs at Least Once Between 2000 and 2002-03\***

	PERCENTAGE OF JOB CHANGERS IN EACH SETTING IN 2002-03					
	Private Practice (except solo)	Solo Practice	Federal, State, or Local Government	Legal Services/Public Defenders	Other Nonprofit**	Business***
Black	49	15	17	5	9	5
Hispanic	52	9	15	7	44	11
Native Am.	50	0	33	0	8	8
Asian	57	4	15	2	8	15
White	63	6	14	2	4	11
Other	53	10	21	1	8	7
Total	60	7	15	3	15	11

\* The table shows the percentage of respondents who reported at least one job change and were working in 2002-03 in each of the work settings listed. Some of the smaller settings are combined to increase the numbers in small categories.

\*\* Includes educational institutions and other not-for-profit organizations.

\*\*\* Includes professional services, Fortune 1000, and other business firms or settings.

<sup>6</sup> The percentages in this table are based on unweighted numbers, that is, the actual numbers of respondents — and therefore the percentages — of individuals in the AJD respondent group who changed jobs. When the numbers are weighted so that they reflect the proportions of each group in the total population of lawyers who passed the bar in 2000, the percentages of respondents that changed jobs are even closer to the actual percentages of new lawyers in the population: 5% are black, 4% Hispanic, 6% Asian, and 5% “other.”

Among those who had changed jobs and were working in private practice firms in 2002-03, just about half worked in the smallest firms, those with between 2 and 20 lawyers. (See Table 8, Private Practice Work Setting of Respondents Who Changed Jobs.) More than any other group, Hispanics who were private practitioners and who had changed jobs at least once were working in the smallest law firms (62% of them were working in such firms), while — with the exception of 77% of the small category of “others” — less than half of the remaining racial-ethnic groups worked in the smallest firms. Roughly one-fourth of the Asian and black respondents who had changed jobs were working in medium-size firms of between 21 and 100 lawyers, as were 16% of both white and Hispanic respondents in this category. By way of contrast, 35% of the relatively small number of white private practitioners who reported having changed jobs were working in mega-firms with more than 251 lawyers. No other racial ethnic group came close to that proportion.

**Table 8. Private Practice Settings of Respondents Who Changed Jobs at Least Once Between 2000 and 2002-03\***

	PERCENTAGE OF EACH GROUP IN 2002-03 IN . . .					
	Private Practice	Solo Practice	Firm Size 2-20	Firm Size 21-100	Firm Size 101-250	Firm Size 251+
Black	39	17	45	24	9	6
Hispanic	52	10	62	26	8	4
Native American	40	**	**	**	**	**
Asian	52	4	4	52	10	9
White	62	0	41	16	8	35
Other	57	0	77	6	0	18
<b>Total</b>	<b>60</b>	<b>8</b>	<b>51</b>	<b>21</b>	<b>9</b>	<b>11</b>

\* The table shows the percentage of individuals from each racial-ethnic group that changed jobs and who were working in private firms of various sizes in 2002-03. The analysis is restricted to lawyers working full-time. The percentages are based on unweighted numbers.

\*\* The numbers are too small to be reliable.

## Projected Mobility

Respondents were also asked about their future mobility, in the form of a question about how long they intended to stay with their then current employers. The responses appear in Table 9, Percentage of Lawyers Planning to Leave their Jobs within Two Years. The table shows, first of all, that the overall rates of projected mobility are consistent with the rates of past mobility in that roughly similar proportions — just over 40% — of the respondents said that they intend to change jobs as had actually moved prior to the survey. Across all racial-ethnic groups, the intention to leave within two years was lowest — between 5% and 10% — among solo practitioners, and considerably higher among those in most other job settings. The largest proportions of would-be movers were Asians in public interest settings and blacks in a number of different settings that include not-for-profit and educational institutions and legal services and public defender positions, settings which, coincidentally, pay among the lowest salaries.

Moreover, although actual mobility by the time of the survey had been high but uniformly so among members of most of the racial-ethnic groups, including whites, expressions of the intention to change jobs in the two years following the study were higher among the three largest minority groups than among white respondents. (See Table 9.)

Table 9 is complex. The two leftmost columns show the percentage of respondents working in each sector at the time of the survey (% in setting), and the percentage of respondents among those in the setting who expressed an intention to leave their positions within two years (% planning to leave). Each cell in the remainder of the table shows the percentage of each group that was working in each setting, followed by the percentage of individuals from each group in each setting intending to leave their jobs within two years. So, for example, the table shows that 48% of black respondents worked in private law firms in 2002-03, and more than half (53%) of them anticipated leaving their positions by 2004 or 2005. This is a considerably higher percentage than the total of 40% among all private practitioners but is consistent with what is reported for black lawyers in private practice law firms. (See, among other sources, *Sidebar for Law Leaders*, The NALP Foundation for Law Career Research and Education, March 2007.) Similarly, the 54% of Hispanic private practitioners and 55% of Asian private practitioners who expected to leave their positions were both considerably higher than the 38% reported by white respondents in private law firms.

Note that the patterns of expected mobility among racial-ethnic groups vary greatly by sector and race. For example, although only 10% of solo practitioners overall expressed intentions to leave solo practice, the percentages were particularly low among black respondents (3%) and, in comparison, quite high among Asians (19%) and Hispanics (17%). In fact, the intention to move was higher among Asians than among other groups in all but business settings and state government.

**Table 9. Percentage of Lawyers Planning to Leave their Jobs within Two Years, by Setting and Race-Ethnicity (Percentage of Respondents in Setting/Percent, Planning to Leave Within Two Years)**

	ALL RESPONDENTS		PERCENTAGE OF RESPONDENTS IN SETTING/PERCENT PLANNING TO LEAVE BY RACE-ETHNICITY					
	% in Setting	% Planning to Leave	Black	Hispanic	Native American	Asian	White	Other
Solo practice	5	10	9/3	8/17	9/0	6/19	5/10	10/4
Private law firm	63	40	48/53	54/54	51/35	58/55	66/38	59/41
Federal gov't	4	55	6/69	6/64	5/50	5/62	4/54	3/36
State gov't	12	52	21/69	15/59	24/50	9/48	12/44	13/52
Legal services/ public defender	3	50	3/77	5/50	0/0	4/63	3/45	5/58
Public interest	1	63	2/38	<1/71	3/100	3/76	<1/67	1/0
Other nonprofit	1	42	2/82	<1/40	0/0	<1/47	1/37	1/100
Education	<1	37	<1/55	0/0	0/0	<1/67	1/34	<1/100
Professional service firm	3	44	2/59	4/69	0/0	2/43	3/42	<1/63
Other Fortune 1000	2	39	1/11	2/29	0/0	4/40	2/38	2/74
Other business	4	33	34	42	58	25	33	61
Labor union/ trade ass'n	<1	*						
Other	<1	*						
Total	100	41	5/55	3/51	<1/39	6/50	81/39	4/40

\* Numbers are too small to be reliable

For many of the sectors represented by the data, excepting, of course, private practice, the actual numbers of individuals intending to change jobs are quite small (one third of 3%, for example, in “other business” settings) but the proportions that these individuals represent of the lawyers in a particular segment are, in most cases, quite substantial. Consider, for example, the extreme case of Asian respondents working for the federal government. Only 5% of Asian respondents were working in the federal government at the time of the survey, but 62% of them said that they intended to leave their positions within two years. Similarly, among the fewer than 1% of black respondents working in educational institutions at the time of the survey, more than half of them — 55% — expected to change jobs in the next several years.

If intentions turn to action — and there is no guarantee that they will — mobility rates among new lawyers will be at least as high in the next few years of practice as they were in the years before the survey was conducted. And, if these intentions do become reality, it appears that proportionally more minority group members than whites will have moved.

## Judicial Clerkships

One possible reason for job mobility in the early years of legal careers is that some new lawyers serve as judicial clerks before joining law firms or moving to other more permanent positions. However, this explanation does not apply to members of minority groups. Racial-ethnic minorities among AJD respondents were less likely than white respondents to have served as judicial clerks. This is not a surprise. A NALP survey conducted in 1999 and a more recent summary of NALP data on judicial clerkships collected over several years show that, over a 15-year period, minority law school graduates in general and Asian law school graduates in particular were less likely than whites to have served as judicial clerks following graduation from law school. Among AJD respondents, only 12% of black respondents and 11% of Hispanics, compared with 16% of white respondents, reported having held judicial clerkships. Among Asians, the clerkship figure was only 5%, and none of the small number of Native Americans in the sample had been clerks. Put another way, 89% of the judicial clerkships represented by AJD respondents had been held by whites and the percentages that were members of minority groups amounted to 11% overall: 3% black, 3% Hispanic, 3% “other,” and 2% Asian.<sup>7</sup>

There were differences by race-ethnicity in the type of court in which clerks served. (See Table 10, Judicial Clerkships among AJD Respondents.) The table shows that clerks of different racial-ethnic backgrounds tended to serve in different types of courts. For example, more than half (62%, see column 3) of the 12% of black respondents who reported having served as judicial clerks (see column 1) had done so in state trial courts. This group may be compared with the fewer than half (44%, see column 3) of the 11% of Hispanics who had been clerks (see column 1), one-third of the whites, and none of the Asians. Asians were most likely — and considerably more likely than members of other groups — to have clerked in specialized courts: Almost 70% of Asians who had been clerks had done so, compared with about one-third of the Hispanics and fewer than 20% of blacks who had held clerkships. In addition, almost one-fourth of the Asian respondents had served in federal appellate courts, compared with 11% of whites and no black or Hispanic respondents.

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<sup>7</sup> NALP data for 2001, the year when AJD respondents would have been most likely to have served as judicial clerks, put the percentage of white judicial clerks at 83% and the minority representation as 6% Asian, 7% African-American, 4% Hispanic, and less than 1% Native American. *NALP Bulletin*, June 2007, p. 14.

**Table 10. Judicial Clerkships Among AJD Respondents: Percent and Level of Clerks by Race (All Respondents)\***

	% That Were Judicial Clerks	% That Judicial Clerks Are of Each Racial-ethnic Group	% OF JUDICIAL CLERKS OF A GIVEN RACE-ETHNICITY IN EACH COURT SETTING					
			State Trial	State Appellate	Federal District	Federal Appellate	U.S. Supreme Court	Specialized Court
Black	12	3	62	0	19	0	0	19
Hispanic	11	3	44	20	0	0	0	36
Asian	5	2	0	9	0	23	0	68
White	16	89	32	24	26	11	<1	5
Other	12	3	0	50	10	31	0	0
<b>Total</b>	<b>14</b>	<b>100</b>	<b>32</b>	<b>24</b>	<b>24</b>	<b>12</b>	<b>&lt;1</b>	<b>7</b>

\* Among respondents working full-time, the percentages of clerks by race differ slightly. They are black, 14%; Hispanic, 12%; Asian, 6%; white, 15%; other, 12%.

It seems that mobility during the very early years of their careers occurs among lawyers of all racial-ethnic backgrounds and is not explained, at least among minority group members, by their having served early terms as judicial clerks.



## Race-Ethnicity in the Legal Workplace

### Hours Worked

The usual — in this case, median — number of hours that all lawyers in the AJD sample reported working in a typical week was 45 (see Table 11, Hours Worked and Pro Bono Hours by Race-Ethnicity), but there were differences among racial-ethnic groups. The median number of hours per week reported by black, Native American, and “other” respondents was 40 and among Hispanic, Asian, and white respondents, 45; the means for the groups ranged from 41 to 43. The variation by race-ethnicity is most likely explained once again by the differences in work settings of the groups. (Again, see Table 5.)

Respondents were asked about the hours they had spent in pro bono work, specifically during the year immediately preceding the survey. Here the median responses ranged from an annual total of zero to three hours, and the mean from 11 to 36. The mean number of pro bono hours (36) was largest among black respondents, next largest among white respondents (24), and lowest among Native Americans (11). The median values of zero reflect the fact that more than half of the minority respondents — black, Hispanic, Native American, and Asian — did no pro bono work at all during the period of interest. The median pro bono hours reported by white and “other” respondents were hardly momentous, however, averaging three and two hours, respectively, during the year about which they reported.

Table 11. Hours Worked and Pro Bono Hours by Race-Ethnicity\*

	AVERAGE HOURS WORKED**		PRO BONO HOURS***	
	Median	Mean	Median	Mean
Black	40	41	0	36
Hispanic	45	43	0	14
Native American	40	43	0	11
Asian	45	44	0	18
White	45	42	3	24
Other	40	43	2	19
Total	45	42	2	23

\* The mean and the median are both averages. The mean is the arithmetic average; the median is the value that divides the distribution in half. Both are given here. The mean is sensitive to extreme values such that if the mean is larger than the median, we know that, in this instance, a small number of individuals are working more hours than the majority of respondents and are “pulling” the value of the mean upward. If the mean is smaller than the median, we know that the opposite is true, that a small number of individuals are working fewer hours.

\*\* In a typical week.

\*\*\* Within the last 12 months.

## The Work That Lawyers Do

Two areas of the law, along with an “other” category of areas not listed by the designers of the questionnaire, account for more than half of the average working time of the attorneys in the AJD respondent groups. The two are civil litigation (representing an average of 21% of the time spent across all respondents) and criminal law (16%). An additional 18% of total time spent was reported to have been in areas included in the “other” category. These three categories make up 55% of all respondents’ time. And, while the two areas of major focus are replicated by each of the racial-ethnic groups represented among respondents, it is also the case that each group has its own pattern of distribution among all of the areas listed.

For example, black lawyers in the sample reported spending the most time — an average of 21% of their total time — on criminal law, 18% in civil litigation, and an additional 18% in “other” areas, accounting for 55% of their total time. (See Table 12, Percentage of Time Spent in Areas of Law by Race-Ethnicity. The most frequently indicated areas are shaded.) They also spent 10% of their time in family law, second only to the 17% spent by Native American lawyers. Hispanic lawyers reported that they spent, on average, 25% of their time in civil litigation, 22% in criminal law, and 19% in “other” areas, almost two-thirds of their average total time. Asians, on the other hand, while spending an average 22% of their time in civil litigation and 23% in “other” areas, spent only 10% in criminal law but 19% in intellectual property, 11% in immigration law and an additional 10% in general corporate law. These figures suggest that, beyond the shared focus of many new lawyers on criminal law and civil litigation regardless of race-ethnicity, there are specialties in which members of some racial-ethnic groups are more likely than others to be working. White lawyers appear to have spread their time over more areas of the law. Sharing with other groups the tendency to spend more of their time on civil litigation (an average of 21%), criminal law (16%), and other (unspecified) areas, white respondents report smaller numbers of hours spread over a larger variety of practice areas.

Table 12. Percentage of Time Spent in Areas of Law by Race-Ethnicity

	Black	Hispanic	Native American	Asian	White	Other	Total
General Practice	6	7	7	5	5	6	5
Antitrust	<1	1	0	2	0	0	1
Bankruptcy	4	3	3	3	4	3	4
Civil Litigation	18	25	16	22	21	20	21
Civil Rights	3	1	2	1	3	1	2
Commercial Law	5	5	3	3	6	2	5
Criminal Law	21	22	18	10	15	16	16
Employment Law/Union	1	4	0	1	1	3	1
Employment Law/Management	6	7	7	4	5	1	5
Environmental Law	2	2	1	1	3	2	2
Family Law	10	6	17	4	7	6	7
General Corporate	7	4	6	10	9	7	8
Immigration Law	1	5	<1	9	2	6	2
Intellectual Property	5	4	9	19	8	6	9
Municipal Law	2	1	<1	3	2	2	2
Personal Injury/Plaintiff	4	5	11	2	5	3	5
Personal Injury/Defense	4	5	5	4	6	5	6
Probate	1	2	4	2	4	3	4
Public Utilities	5	3	<1	1	3	3	3
Real Estate/Commercial	5	4	<1	4	4	4	4
Real Estate/Personal	2	3	1	2	3	3	3
Securities	4	6	5	7	6	7	6
Tax	2	1	1	3	4	2	3
Other	18	19	13	23	17	26	18

In addition to areas of the law, respondents were asked about the time they spend in a number of different workplace activities. The list of activities with which they were supplied was intended to characterize the amount of responsibility and independence they experience in relation to the legal “matters” they work on. The activities for which they supplied time estimates were (1) formulating strategy with senior lawyers or clients, (2) being responsible for keeping clients updated, (3) drafting transactional documents, (4) assigning and/or supervising the work of others, (5) carrying out routine research and writing routine memos, (6) traveling, (7) writing motions or taking depositions, (8) spending 100 or more hours reviewing discovered documents or due diligence, (9) handling an entire matter on their own, and (10) appearing in court as first or second chair. The question then asked respondents to indicate for how many “matters” in their practice they performed each of the tasks listed. The responses were framed as “none,” “some,” “half,” “most,” and “all,” and, for purposes of analysis, were transformed into a scale where 1 = none and 5 = all. Although only about half of the respondents to the AJD questionnaire answered these questions,<sup>8</sup> the results do describe how,

**Table 13. Frequency\* of Functions Performed in the Service of “Legal Matters,” by Race-Ethnicity**

	PERCENTAGE OF WORKING TIME SPENT ON PARTICULAR FUNCTIONS						
	Black	Hispanic	Native American	Asian	White	Other	Total
Formulating strategy	3.0	2.7	3.4	2.8	3.2	3.4	3.2
Keeping client updated	3.5	3.6	3.5	3.3	3.5	3.8	3.5
Drafting transactional documents	2.5	2.1	2.4	2.4	2.3	2.0	2.3
Assigning/supervising work of others	2.3	2.3	2.8	2.3	2.4	2.6	2.4
Carrying out routine research/ Writing routine memos	2.4	2.5	2.2	2.3	2.2	2.4	2.3
Traveling	2.8	2.7	3.5	2.6	2.6	3.1	2.8
Writing motions/Taking depositions	2.6	2.6	2.7	2.3	2.7	2.8	2.7
Spending 100+ hours in discovery or due diligence	2.0	2.0	1.8	1.7	1.7	2.0	1.7
Handling a matter on one’s own	2.9	2.9	2.6	2.5	2.7	3.0	2.7
Appearing in court as 1st or 2nd chair	2.7	2.8	2.5	1.9	2.5	2.7	2.5

\*1 = none, 2 = some, 3 = half, 4 = most, 5 = all

<sup>8</sup> Respondents who had not returned mail (paper) questionnaires were interviewed by telephone using a protocol that contained fewer questions than the paper version. Questions about the nature of respondents’ work on matters were among those eliminated from the interviews, with the result that these findings are based on the responses of fewer respondents than are other findings.

within a specified list of tasks, lawyers allot their working hours and whether there are differences in the time allocations among racial-ethnic groups. (See Table 13, Frequency of Functions Performed by Race Ethnicity.) The three most frequent functions for each group (or four, in the event of a tie) are highlighted.

Table 13 shows that new lawyers of all races were most likely to be keeping clients updated on the matters they work on and formulating strategy with senior lawyers. The least frequent activity related to matters was “spending 100 or more hours reviewing discovered documents or performing due diligence on prepared materials.” More to the point of this report, however, there were few differences based on race-ethnicity, and the differences that did show up were small.

New lawyers apparently do a variety of things. Virtually no group of respondents reported spending an average of “most” of their time on any given function, although keeping clients updated came closest among most groups. Hispanic and Asian lawyers reported spending less time than members of other groups did on formulating strategy with partners when dealing with specific legal matters. Asian lawyers reported spending the least amount of time among all groups appearing in court. Native Americans — and recall that there were few Native Americans among the respondents — reported spending more time traveling than did members of other groups in the service of particular matters. Even these differences were small, however, in light of the general level of similarity. It may be that the kinds of responsibilities new lawyers are given have more to do with their relative newness than with their race.

### **Value to their Firms**

Consonant with the AJD study’s focus on the career progression of new lawyers and possible influences on the trajectories of careers, the questionnaire asked respondents to report the number of new clients they had personally brought to their firms in the year immediately preceding the survey. They were also asked to estimate the amount of revenue these clients had generated. Table 14, Clients and Revenue Brought to Firms, shows the responses by race-ethnicity.

There was considerable variation in the number of clients brought in by AJD respondents. Most striking, although perhaps not surprising, is the fact that at least half of them in most groups did not bring in any clients (hence the medians of “0”), reflecting their status as relatively new members of the profession. White and Hispanic lawyers reported the largest average numbers of clients, 8 and 8.3, respectively, among the larger racial-ethnic groups. (The largest single number was 22, reported by the relatively small group of respondents who identified themselves as “other”; this was far and away ahead of any others.) White lawyers’ clients generated the largest average revenue for their firms, roughly \$45,000, and black lawyers the smallest, an average of \$18,600.

**Table 14. Clients and Revenue Brought to Firms,\* by Race-Ethnicity**

	AVERAGE # OF CLIENTS BROUGHT TO FIRM		Average Revenue Brought to Firm by New Clients
	Mean	Median	
Black	5.2	0	\$18,600
Hispanic	8.0	0	29,100
Native American	5.8	5	36,500
Asian	2.5	0	20,200
White	8.3	0	44,400
Other	22.0	1	21,600
<b>Total</b>	<b>8.4</b>	<b>0</b>	<b>\$41,500</b>

\* In the past year

### **On-the-job Learning and Training**

Job-related knowledge, feedback, and assistance come from many different sources. Training programs, appointed sponsors or mentors, supervisors, peers, and individuals outside of the workplace may contribute to the learning that new employees undergo as they enter and adjust to the workplace. AJD respondents were asked about the most important sources of assistance to them in learning and mastering their jobs. The complex question listed nine facets of the search for mastery and ten possible sources of help in the process.<sup>9</sup> While the overall patterns of response were similar for most respondents, there were some smaller differences by race that don't lend themselves to easy characterization but that may signal differences in the ways in which different groups are supported. In this account, results from only one part of the nine-by-ten-part question will be described in detail; results from the remaining parts will be summarized.

<sup>9</sup> The sources of support were (1) formal training programs, (2) "formal mentors," meaning those designated by the firm or office, (3) informal mentors at the firm or office, (4) immediate supervisors, (5) colleagues at other offices, (6) non-lawyer colleagues, (7) friends and family, (8) peers, (9) oneself, and (10) others. The job aspects asked about were (1) technical aspects of the job, (2) firm/office protocols and customs, (3) strategies for achieving career goals, (4) support and encouragement at times of stress, (5) informal feedback about performance, (6) networking, and (7) personal advocacy within the firm or office.

## Training and Mentoring

Observers of the culture of law firms have asserted that members of minority groups are often left to fend for themselves in the process of acquiring job knowledge and skills. However, while many AJD respondents indicated that they themselves had been the major instruments of mastery of one or another aspect of their work, they also identified others who provided assistance as well. Across the nine aspects of learning the job, respondents tended to report similar sources of help and support. (See Table 15, Acquiring Technical Aspects of the Job, by Race-Ethnicity.) In the main, these were informal mentors, immediate supervisors, and the respondents themselves. Where more emotional support seemed called for, such as encouragement in times of stress, friends and family are the sources to which most respondents turn. There are some differences by racial-ethnic group. More to the point, however, is the fact that relatively few respondents from any background appear to have relied on formal training programs or mentors assigned by their employers.

The most striking and persistent finding from this complex question, which could become the basis for its own report and of which but a few major findings are summarized here, was more about sources that respondents did *not* consider important than about those that they did. Few respondents, whatever their race-ethnicity, considered the formal mechanisms — formal training programs and employer-appointed mentors — important sources of their knowledge of their jobs or office protocol, or of support during their years of early employment. Within the workplace, respondents were most likely to look to informal mentors for these forms of assistance and, after informal mentors, to their immediate supervisors. Beyond informal mentors and immediate supervisors, respondents credited friends and family, peers, and themselves with performing the functions that educated and supported them in their work. Different functions appear to have called out different sources but, with a few exceptions, the results are surprisingly consistent across racial-ethnic groups.

Responses to the question about acquiring the technical aspects of the job, shown in Table 15, are typical. Relatively few respondents assigned importance to formal training programs or mentors assigned them by their employers. Instead, the largest percentage of respondents viewed *informal* mentors as most important to them. Second in frequency were immediate supervisors. With one or two exceptions, this pattern held for individuals from all of the racial-ethnic groups. Among Asians, the order was reversed such that immediate supervisors were cited more frequently than informal mentors, but the same two resources were considered the most important. The only exceptions to the small proportion — 12% — of all respondents who attributed importance to formal training programs were black and Hispanic respondents, among whom formal training programs were the second most frequent source of technical knowledge (by 19% and 20% of the two groups respectively) after informal mentors (23% of both black and Hispanic respondents). Alongside their greater reliance on formal training, fewer black and Hispanic than white and Asian respondents said that their immediate supervisors were the most important sources of help in their acquisition of technical aspects of their jobs. The same two sources — informal mentors and immediate supervi-

sors — along with peers and self-teaching were considered important in new lawyers' acquisition of office protocol and customs.

**Table 15. Acquiring Technical Aspects of the Job, by Race-Ethnicity**

Sources of Support	PERCENTAGE OF INDIVIDUALS FROM EACH GROUP ASSIGNING IMPORTANCE TO EACH SOURCE OF SUPPORT						
	Black	Hispanic	Native American	Asian	White	Other	Total
Formal training program	19	20	9	13	11	6	12
Formal mentor*	8	6	6	3	6	3	6
Informal mentors at office	23	23	36	24	28	24	27
Immediate supervisor	18	14	19	28	24	18	24
Colleagues at other firms	5	4	0	4	4	12	4
Non-lawyer colleagues	3	5	0	1	3	4	3
Friends and family	2	<1	0	<1	<1	0	<1
Peers	6	7	0	3	5	9	5
Self	16	18	33	23	18	23	18
Other	1	4	0	<1	1	0	1

\* Mentor designated by office or firm

For support and encouragement in stressful times, the overwhelming choice, identified by more than half of all respondents, was friends and family. This seems only natural given that function is more about filling emotional needs than about job-related learning. Asians who, among minority groups, were somewhat less likely to rely on family for emotional support (48% compared with more than half of each of the other groups) were more likely than respondents from other groups to look for encouragement from their peers (19% compared with between 5% and 12% of other groups). Such differences may have as much to do with cultural norms as with the legal profession.

Most respondents and groups looked to their immediate supervisors for informal feedback on their performance: between 26% (of Native Americans) and 56% (of Asians) identified their supervisors as the most important source of such feedback. The largest proportions — more than half — of the three largest racial-ethnic minority groups, larger even than of white respondents, so indicated. In developing strategies for achieving their career goals, more respondents said that they relied more on themselves than on help from others. Between 40% and 63% of the respondents from different racial-ethnic groups said that they were their



own most important source of support in devising career-building strategies. Second in importance in this regard were friends and family. Respondents reported receiving help with networking from multiple sources, most often colleagues at other firms (cited by almost 25% of the total respondent group), themselves (19%), and informal mentors (14%), although different groups of respondents apportioned the relative degrees of helpfulness differently. About one-fourth each of black, white and Asian respondents said that the most important networking opportunities were provided by colleagues at other firms or offices. Hispanic respondents were nearly twice as likely as members of any other group to cite “peers” (21% of Hispanics named peers). About 20% of all groups — blacks, Hispanics, Asians and whites — said that they themselves were their most important source of networking opportunities. Finally, with respect to personal advocacy, more than half of the members of all racial-ethnic groups reported that their immediate supervisors and/or informal mentors served as their advocates, although different groups varied with respect to which was more important. Serving as their own advocates was the third most common response from most of the groups, but the percentages were considerably smaller (between 7% and 18%) than the proportions of those looking to informal mentors and immediate supervisors. It will be useful in future analyses of the data pertaining to job-specific learning to assess the relationship between training and mentoring received by new lawyers and the progress of their careers.

### **Participation in Workplace Activities**

In the culture of the workplace, it is often the case that activities other than the work itself affect an employee’s future in it. AJD respondents were asked about their participation in a set of activities that are not connected with their main functions as lawyers but that might contribute to their ultimate success. These have to do with socializing with others, both colleagues (other lawyers at roughly the same level of employment) and superiors; recruiting; writing for publication; and participating in organizations outside of the workplace. The responses paint a partial picture of new lawyers’ investment in their workplaces. (See Table 16, Participation in Workplace Activities by Race-Ethnicity.)

**Table 16. Participation in Workplace Activities by Race-Ethnicity  
(Highest Rates of Participation in Each Category Highlighted)**

Activity	PERCENTAGE OF EACH GROUP TAKING PART IN THE ACTIVITY						
	Black	Hispanic	Native American	Asian	White	Other	Total
Recruiting	22	23	20	23	22	26	22
Joining partners for meals	37	46	50	46	56	51	55
Spending recreational time with partners	21	29	27	28	34	29	33
Spending recreational time with associates	67	69	52	71	65	59	65
Writing for publication	14	14	12	22	20	14	19
Participating in activities of bar associations or civic organizations at least monthly	50	34	51	29	42	50	42

Regardless of their race-ethnicity, more lawyers — between 52% and 71% of each racial-ethnic group among respondents — reported spending recreational time with associates, ostensibly their peers, than in any other of the activities listed. Proportionally more respondents from the three largest racial-ethnic minority groups — Asian, Hispanic, and black lawyers — than white respondents said that they spend recreational time with associates. Less than one-fourth of most groups said that they take part in recruiting activities. And only among Asians do more than 20% write for publication. Roughly half of black, Native American, and “others” tend to participate at least once a month in bar associations or civic organizations; proportionally fewer members of other groups, particularly Asians and Hispanics, reported doing so.

On average, more white respondents reported spending time with partners than did their colleagues of color. Fifty-six percent of the white respondents indicated that they joined partners for breakfast or lunch and more than a third said that they spent recreational time with partners. No other group reported such frequent contact. More to the point, smaller proportions of black lawyers, compared with those from the remaining racial-ethnic groups, reported joining partners for meals or recreation (37% and 21% of blacks said they did so, compared with between 46% and 56% and 27% and 33% of members of other groups). If joining partners for meals and recreational activities serves as a mechanism for becoming better known to partners or getting to know partners better, black respondents are least likely to enjoy such familiarity. And if, as seems reasonable, familiarity increases the number and or quality of assignments awarded young lawyers, black lawyers may miss out on coveted assignments or even promotion in their jobs.

## Perceptions of Discrimination

Do members of racial-ethnic minority groups feel discriminated against in the workplace? According to responses to a question about discrimination, they do, although the findings are complicated by the nature of the question. Asked whether they had experienced any of several acts in their workplaces that might have been considered discriminatory by virtue of their race, religion, ethnicity, gender, disability, or sexual orientation, respondents from minority groups were more likely than whites to indicate that they had. (See Table 17, Perceptions of Discrimination.)<sup>10</sup> Discrimination most often took the form of demeaning comments: 13% of all respondents, including whites, reported such treatment. Twenty-nine percent of the small number of Native Americans among the respondents reported having experienced demeaning comments, as did 21% of blacks, 18% of Hispanics, 16% of Asians, 23% of “others,” and 12% of whites. Fifteen percent of black respondents, along with 11% of Asians and 12% of “others” said that they had missed out on desirable assignments owing to one of the listed statuses. Thirteen percent of black respondents indicated that they had had a client request someone other than them to handle a matter. Even if these numbers are inflated by the inclusion of multiple statuses that invite discrimination, the data do show that more members of racial-ethnic minority groups than whites perceive discriminatory behavior in the workplace and that different groups report different patterns in the forms that discrimination takes.

Table 17. Perceptions of Discrimination

	PERCENTAGE REPORTING HAVING EXPERIENCED . . .			
	Demeaning Comments	Missing Desirable Assignments	Client Requesting a Different Attorney	Another Form of Discrimination
Black	21	15	13	11
Hispanic	18	5	8	5
Native American	29	11	9	1
Asian	16	13	8	10
White	12	8	9	9
Other	23	12	9	12
Total	13	9	9	10

<sup>10</sup> The question did not ask which status might have invoked the discriminatory act, so the percentages reporting are inflated over what might have been discrimination based on race-ethnicity alone.

## What New Lawyers Earn

There are substantial differences by race-ethnicity in the average amounts paid AJD respondents. (See Table 18, Average Salary by Race-Ethnicity.) As is typically the case with lawyers' salaries, the variation is related in large measure to the markets and job settings in which they work. Because, as has been demonstrated, there are differences among racial-ethnic groups related to both markets and sectors, there are also differences in average salaries by race-ethnicity.

Table 18 displays average salaries by race across all of the markets and job settings included in the AJD study.<sup>11</sup> The table shows that, without regard to either market or sector, the median salaries reported by members of different racial-ethnic groups range from \$52,000 to \$80,000 and the means from \$76,900 to \$95,700. (This discrepancy between median and mean suggests that a small number of lawyers in each category earn salaries that are extremely high.) Asians earn more, on average, than members of other groups, including whites. Members of other racial-ethnic minority groups among the population of lawyers who joined the bar in 2000 generally earn less, on average, than Asian and white respondents.

Table 18. Average Salaries\* by Race-Ethnicity

	Median Salary	Mean Salary
Black	\$65,000	\$79,000
Hispanic	67,000	77,000
Native American	52,000	77,000
Asian	80,000	96,000
White	70,000	82,000
Other	70,000	83,000
Total	\$70,000	\$83,000

\* Rounded to nearest \$1,000; salaries lower than \$10,000 eliminated.

<sup>11</sup> The markets represented by the AJD sample include all four of the largest U.S. markets (New York City, Washington, D.C., Los Angeles, and Chicago); five of the medium-sized markets; and nine of the remaining markets. Salary information provided by the sample members should therefore approximate the national average for individuals who passed their first bar in 2000. The weighted data represent a total of 32,339 such lawyers.

The influence of market apart from race-ethnicity is shown in Table 19, in which the average (median) salaries across all respondents from a particular market range from \$53,000 in Oregon to \$125,000 in New York City.

**Table 19. Average Lawyers' Salaries\* by Market**

	<b>Median Salary</b>	<b>Mean Salary</b>
New York City	\$125,000	\$119,000
District of Columbia	115,000	104,000
Chicago	79,000	89,000
Los Angeles	98,000	102,000
Atlanta	72,000	79,000
Houston	80,000	92,000
Minneapolis	65,000	72,000
San Francisco	100,000	104,000
Connecticut	75,000	83,000
New Jersey	70,000	85,000
Florida	54,000	60,000
Tennessee	60,000	63,000
Oklahoma	48,000	56,000
Indiana	55,000	66,000
St. Louis	70,000	73,000
Utah	65,000	76,000
Oregon	53,000	62,000
Boston	78,000	91,000
<b>Total</b>	<b>\$70,000</b>	<b>\$82,000</b>

\* Rounded to the nearest \$1,000

Along with market, salaries are affected by the settings in which lawyers work, and average salaries are also affected by the distribution of lawyers among settings in a particular market. For example, the low average salary of black lawyers in relation to the average salaries of other groups is attributable in large measure to the fact that only 48% of black respondents — as opposed to 66% of whites — were employed in private law firms. Minorities in general and particularly blacks, Hispanics, and Native Americans are more likely than whites and Asians to be working in government and other settings where salaries are typically lower than in private practice. Asians are more likely than members of other racial-ethnic groups to work in business settings that pay relatively high salaries. The implications of these differences can be seen in Table 20, which displays average salaries for the settings in which the largest numbers of AJD respondents work.

**Table 20. Average Salaries by Selected Work Settings**

	AVERAGE	
	Median	Mean
Solo practice	\$50,000	\$58,000
Private law firm	\$85,000	\$94,000
Federal government*	\$60,000	\$62,000
State or local government*	\$45,000	\$47,000
Legal services/Public defender	\$39,000	\$42,000

\* Includes judicial clerks.

## Salaries by Work Setting and Race-Ethnicity

There is further variation in salaries by race-ethnicity both among and within work settings. (See Table 21, Average Salaries by Work Setting, by Race-Ethnicity.) How to interpret these differences is not clear. In some cells — uncommon work settings (e.g., educational institutions) crossed with the relatively small numbers of minority respondents, for instance — the numbers cannot be regarded as definitive. With so few individuals contributing to the averages, the possibility for substantial change exists with the addition or subtraction of a few individuals. However, the numbers do show that salaries are quite variable, both across settings and within settings among different groups. Several examples will serve to make the point. Median salaries for racial-ethnic groups working in private law firms range from \$55,000 among Native Americans to \$107,000 among Asians. The variation is undoubtedly due to the wide range of private firm salaries among legal markets and to the differences in average salaries among private firms of different sizes. Nonetheless, the median salaries of black and white respondents are nearly identical, at close to the middle of the two extremes. In state and local government, the range is much smaller than in private practice — between \$45,000 and \$50,000 — driven, no doubt, by a civil service salary scale. In this setting, Asians report the highest average salary, followed closely by blacks. Among the small number of respondents working in Fortune 1000 companies, the average salaries span a range from \$60,000 to \$130,000, but the small numbers mean that the range and averages could change with only a small change in the number of respondents. The highest average salary is reported by black respondents; the average for whites is below the midpoint of that wide range. Clearly, some minority group members are doing very well in relation to their work-setting peers; others are not. The distribution of salaries in settings other than the three or so largest does not make for easy generalization about the salaries of particular minorities across work settings or relative to others in their work settings. And the salaries for settings that employ small numbers of the study sample should be considered illustrative rather than definitive.

Table 21. Average Salaries by Work Setting, by Race-Ethnicity

		<b>AVERAGE</b>	
		<b>Median</b>	<b>Mean</b>
<b>Solo practice</b>	Black	\$63,000	\$72,000
	Hispanic	37,000	42,000
	Asian	60,000	72,000
	White	50,000	57,000
	Total	50,000	58,000
<b>Private law firm</b>	Black	86,000	99,000
	Hispanic	80,000	91,000
	Asian	107,000	112,000
	White	85,000	93,000
	Total	85,000	94,000
<b>Federal government</b>	Black	66,000	68,000
	Hispanic	63,000	64,000
	Asian	70,000	72,000
	White	58,000	59,000
	Total	60,000	62,000
<b>State or local government</b>	Black	48,000	50,000
	Hispanic	46,000	49,000
	Asian	50,000	51,000
	White	44,000	47,000
	Total	45,000	47,000
<b>Legal services/Public defender</b>	Black	36,000	38,000
	Hispanic	41,000	42,000
	Asian	37,000	41,000
	White	39,000	45,000
	Total	39,000	42,000
<b>Public interest organization</b>	Black	40,000	44,000
	Hispanic	43,000	42,000
	Asian	38,000	62,000
	White	45,000	45,000
	Total	40,000	47,000
<b>Other nonprofit organization</b>	Black	44,000	45,000
	Hispanic	20,000	25,000
	Asian	67,000	59,000
	White	50,000	61,000
	Total	48,000	59,000

*(continued)*



Table 21, continued

		<b>AVERAGE</b>	
		<b>Median</b>	<b>Mean</b>
<b>Educational institution</b>	Black	51,000	48,000
	Hispanic	11,000	90,000
	Asian	43,000	62,000
	White	51,000	54,000
	Total	51,000	56,000
<b>Professional services firm</b>	Black	70,000	57,000
	Hispanic	80,000	81,000
	Asian	75,000	106,000
	White	80,000	113,000
	Total	80,000	109,000
<b>Other Fortune 1000 company</b>	Black	130,000	120,000
	Hispanic	116,000	105,000
	Asian	100,000	98,000
	White	84,000	95,000
	Total	90,000	95,000
<b>Other business/Industry</b>	Black	88,000	87,000
	Hispanic	67,000	85,000
	Asian	85,000	91,000
	White	80,000	82,000
	Total	80,000	88,000
<b>Labor union/Trade association</b>	Black	110,000	110,000
	Hispanic	96,000	96,000
	Asian	–	–
	White	67,000	41,000
	Total	67,000	43,000
<b>Other</b>	Black	–	–
	Hispanic	70,000	70,000
	Asian	–	–
	White	47,000	41,000
	Total	47,000	44,000

Within private practice, there are also differences by size of law firm. Table 22 displays the salaries of private practitioners by size of practice and race. (Private practice is the only category of work setting that can be examined by sub-category in this way, owing to the relatively large numbers of private practitioners in the sample and the population. Even so, the averages for minority group members are unstable because they are based on very small numbers.) The table shows how salary tends to be related to the size of the practice but that, within a given firm size, there are differences in the salaries of the four largest racial-ethnic groups in the study sample. (The numbers of Native Americans and “others” are far too small to provide reliable salary data.)

**Table 22. Average Salaries by Size of Private Practice Firm and Race-Ethnicity**

		<b>AVERAGE SALARY</b>	
		<b>Median</b>	<b>Mean</b>
<b>Solo practice</b>	Black	\$58,000	\$65,000
	Hispanic	30,000	41,000
	Asian	65,000	96,000
	White	55,000	62,000
<b>Offices of 2-20 Lawyers</b>	Black	58,000	74,000
	Hispanic	63,000	66,000
	Asian	60,000	75,000
	White	53,000	64,000
<b>Offices of 21-100 Lawyers</b>	Black	65,000	77,000
	Hispanic	70,000	79,000
	Asian	82,000	86,000
	White	75,000	80,000
<b>Offices of 101-250 Lawyers</b>	Black	85,000	100,000
	Hispanic	107,000	103,000
	Asian	142,000	135,000
	White	95,000	104,000
<b>Offices of 251+ Lawyers</b>	Black	125,000	124,000
	Hispanic	135,000	133,000
	Asian	142,000	135,000
	White	135,000	131,000

Again, Asian respondents report higher average salaries than do black and Hispanic respondents in most settings and than white respondents in many settings. The very small numbers of Native Americans defy any attempt to characterize their earning patterns, and this may also be the case for other minority groups once they have been divided by market, job setting, or both.

To summarize, there are differences by race-ethnicity in what new lawyers earn. The salary differences owe much to the fact that the three largest minority groups and whites are differentially distributed across legal markets and work settings. Even so, there are differences between and among lawyers of different races and ethnicities working in the same settings that are not so easily explained. The data demonstrate most clearly the main message of this monograph, which is that members of minority groups cannot be viewed as a homogenous whole. What appears to be the case is that each group — in this case new lawyers who are white, black, Hispanic, Asian, Native American, and even the individuals who consider themselves none of these — presents a particular mix of market and job setting, and perhaps other characteristics as well, that contribute to their unique circumstances.

## ***Satisfaction***

A major focus of the AJD study was and remains the level of satisfaction — and its obverse, dissatisfaction — of new lawyers with their careers. The study measured several different dimensions of satisfaction, including the decision to have become a lawyer in the first place and selected features of the profession and of the workplace. Respondents were also asked what features of their workplaces they would change if they could. And, finally, as a possible indirect measure of satisfaction, respondents were asked about their plans to remain with or leave their employers in the near future.

## Satisfaction with the Decision to Become a Lawyer

Overall, AJD respondents expressed more satisfaction than dissatisfaction with their decision to have become lawyers. Table 23 shows responses to the question by race-ethnicity. The range among groups is quite small and the average values are positive for all groups. Within the very narrow range, black respondents indicate the highest level of satisfaction, an average of 4.3 on a scale where 5 = extremely satisfied and 1 = extremely dissatisfied, and Asians the lowest, 3.8, although even this relatively low rating is on the positive side of the mid- or neutral point (3). All other satisfaction indicators must be interpreted in the context of this highly positive evaluation of new lawyers' assessments of their choice of a vocation.

Table 23. Satisfaction\* with Decision to Become a Lawyer, by Race-Ethnicity

	Average Rating
Black	4.3
Hispanic	3.9
Native American	4.1
Asian	3.8
White	4.0
Other	4.2
All Respondents	3.8

\* On a scale where 5 = Extremely satisfied and 1 = Extremely dissatisfied; the midpoint is 3.

## Satisfaction with Specific Job Features

With general satisfaction as a backdrop, respondents were asked about their levels of satisfaction with each of a list of job features. With few exceptions, AJD respondents appear to be quite satisfied with most of the listed aspects of their positions. (See Table 24, Satisfaction with Selected Job Features.) Ratings were generally above the midpoint of the satisfaction scale (in this case, 4) and, although no single rating achieved the highest levels of satisfaction — 6 or 7 on the scale — most were on the positive side of the ledger. The sole exception was performance evaluation, and even reported satisfaction with performance evaluation was closer to neutral than negative. Moreover, there appear to be fewer differences than similarities in the levels of satisfaction expressed by members of different racial-ethnic groups. While individual groups may have expressed small differences in the magnitude of their satisfaction with

particular job features, the relative positioning appears to be similar across groups. For virtually all groups, relationships with colleagues received the top rating (between 5.6 and 5.8) and the levels of responsibility they are given was the second highest (between 5.3 and 5.6). Ratings of the performance appraisal system were consistently the lowest, receiving ratings of between 3.6 and 4. Respondents of all backgrounds also expressed high levels of satisfaction with the substance and intellectual challenge of their work and with the control they exercise over how their work is accomplished. Although the actual scores reflecting their satisfaction with the various job elements tended to be slightly (although not statistically significantly) lower among Asian respondents than among other groups — fewer were over 5.0 — the relative ranking of the elements is the same for most.

**Table 24. Satisfaction\* with Selected Job Features**

	<b>Black</b>	<b>Hispanic</b>	<b>Native Americans</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>
Level of responsibility	5.6	5.6	5.4	5.3	5.6	5.7
Recognition for work	4.8	4.8	4.5	4.8	4.9	5.1
Substantive area of work	5.3	5.3	5.5	5.0	5.4	5.4
Tasks performed	5.2	5.1	4.9	4.8	5.1	5.2
Opportunities for advancement	4.4	4.5	3.7	4.3	4.8	4.8
Compensation	4.2	4.2	4.4	4.4	4.5	4.6
Control over amount of work	4.6	4.5	4.3	4.4	4.5	4.9
Control over how work is done	5.4	5.3	5.5	5.3	5.4	5.6
Relationships with colleagues	5.6	5.7	5.8	5.6	5.7	5.7
Opportunities for pro bono	4.5	4.2	4.3	4.1	4.3	4.2
Intellectual challenge	5.3	5.3	5.6	5.0	5.4	5.5
Opportunity to build skills	5.2	5.3	5.1	4.9	5.4	5.5
Amount of travel required	4.7	4.6	5.3	4.6	5.0	5.0
Diversity of workplace	4.1	4.2	5.7	4.4	4.5	4.4
Performance evaluation	3.8	3.7	3.6	4.0	4.0	4.1
Value of work to society	4.8	4.8	5.0	4.5	4.7	4.7
Job security	5.2	5.0	5.0	5.0	5.3	5.2

\* 1 = Not at all satisfied and 7 = Extremely satisfied; midpoint = 4.

Given these general tendencies, the occasional differences stand out. On average, Asians tended to express somewhat less satisfaction than other groups with the tasks they were given, their opportunities for skill-building, the substantive area and intellectual challenge of their work, and its value to society. Black and Hispanic respondents were somewhat less satisfied than others with their compensation, which was, in both instances, indeed lower on average than that of other groups. And among the very small number of Native American respondents there was greater satisfaction than among members of other groups with the substantive area of their work, the diversity of their workplaces, and the amount of travel required of them. At the same time, they expressed less satisfaction than was the case among other groups with opportunities for advancement.

### **Desired Changes in Work**

An important motivation for the AJD study was to probe not just levels but possible sources of satisfaction and frustration among new lawyers. For this reason, a question was included that asked the new lawyers which of a list of possible changes they might want in their workplaces. To this question, one set of responses stands out. Specifically, members of all groups, but proportionally more minority than white respondents, expressed a desire for more and/or better training and more and/or better mentoring by senior attorneys. (See Table 25: Job Changes Desired, by Race-Ethnicity.)

More than half of black, Hispanic, and Asian respondents (between 52% and 58% of each group), compared with less than half of white respondents, expressed a desire for improved mentoring and training. No other suggested improvement was endorsed by such large proportions of respondents — even whites — as these two items. And no other improvement invoked such a high level of agreement across categories of respondents. These findings take on even greater importance in the context of respondents' accounts, described earlier, of how they learned their jobs and where they turn for various kinds of support.

After training and mentoring, other possible changes that met with substantial support — these attracted between one-third and one-fourth of the respondents and showed differences among racial-ethnic groups — were fewer hours and less pressure to bill. Roughly one-third of Asian respondents said they wanted fewer hours and less pressure to bill, improvements that were desired by comparatively fewer white, Hispanic, and black respondents, perhaps because of differences in work settings. More than any other group — about one-fourth compared with considerably fewer among other racial-ethnic groups — Asian respondents wanted more opportunities for pro bono work. More Asian and black respondents — again, about one-fourth of each — wanted more flexibility by their employers in accommodating their personal lives, perhaps because there were proportionally more women among the Asian and black respondents and women desired this change more than men. Finally, more Asians than others wanted more opportunities to shape decisions and the future of their workplaces.

Table 25. Desired Job Changes, by Race-Ethnicity

Desired Changes	PERCENTAGE OF EACH GROUP DESIRING SPECIFIC CHANGES					
	Black	Hispanic	Native American	Asian	White	Other
The establishment by my employer of formal leave policies	11	16	0	12	12	7
Greater encouragement by my employer to use formal leave policies	10	8	6	11	9	9
Less pressure to engage in client development	3	8	0	10	6	7
Fewer hours	22	29	36	34	27	27
Less pressure to bill	26	23	14	34	27	23
More flexibility in accommodating my personal life	25	17	2	27	21	18
Greater opportunity to shape decisions	27	22	14	31	22	16
Greater opportunity to shape the future of the firm	22	22	30	29	30	32
More and/or better mentoring by senior attorneys	56	52	37	58	47	46
More and/or better training	54	53	32	58	44	60
More opportunities for pro bono work	17	19	13	24	16	30

## The First Job

AJD respondents were asked a number of questions about how they obtained their first job after passing the bar exam, whether or not they were still in that job. Their responses to two of the questions are reported here. The first is about the importance of each of a list of possible reasons for selecting the sector of their first job. The second is about the factors respondents considered important in helping them obtain their first jobs, and the third is about what their employers valued in offering them the jobs.

### Reasons for Choosing the Sector of the First Job

One reason for the first question was to assess the extent to which new lawyers, responding to high levels of debt, might have opted to work in private practice, at least at first, in order to pay down debt. As it happens, this was NOT the case, at least according to their responses to the AJD questionnaire. Members of different racial-ethnic groups gave highly similar reasons — but in different orders of importance — for choosing the sector of their first jobs despite

differences in the sectors in which they were working at the time of the study. The reason of least importance for all respondents and members of all racial-ethnic groups was the availability of loan forgiveness. Nor did salary to pay off debts achieve high ratings, although black and Hispanic respondents, whose debt levels tended to be higher than those of other groups, *did* attribute somewhat greater importance to salary. (Black and Hispanic respondents assigned ratings to salary of 4.9 and 5.1, respectively, compared with ratings of between 4.3 — only slightly more important than neutral — to 4.6 among the others.)

For most respondents, the three most important reasons for choosing the sector of their first job were the opportunity to develop specific skills, the opportunity to achieve a balance between work and other life interests, and interest in a specific field of law. (See Table 26, Importance of Reasons for Choosing the Sector of the First Job.) Although the actual ratings show small differences in magnitude by race-ethnicity, the relative ranking of reasons differs. All groups assigned average ratings over 5 — above the midpoint of the scale, meaning greater-than-average importance — to developing skills, achieving a satisfying work-life balance, and future career mobility; Asian and white respondents did so as well for substantive interest in an area of law. Among Asians, future career mobility achieved higher average importance ratings than the balance of work and life outside the office. Among black respondents, the two were tied with the highest ratings.

**Table 26. Importance of Reasons for Choosing Sector of First Job\***

	<b>Black</b>	<b>Hispanic</b>	<b>Native American</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
Earning potential	4.7	4.9	4.7	4.8	4.8	4.6	4.8
Substantive interest	5.0	5.0	4.9	5.3	5.3	4.8	5.3
Salary/pay off debts	4.9	5.1	4.4	4.4	4.6	4.3	4.6
Availability of loan forgiveness	2.5	2.9	1.3	2.2	2.1	2.4	2.1
Develop specific skills	5.6	5.5	5.1	5.6	5.4	5.4	5.4
Work/life balance	5.5	5.5	5.2	5.0	5.5	5.2	5.4
Socially responsible work	4.6	4.4	4.1	4.1	4.2	3.8	4.2
Prestige of sector	4.2	4.0	3.5	4.3	4.0	3.4	4.0
Future career mobility	5.6	5.0	4.7	5.3	5.1	5.1	5.1
Other	2.7	5.8	6.0	4.6	4.3	4.1	4.3

\* Scale 1 = Not at all important to 7 = extremely important; midpoint = 4.



## Assistance in Obtaining the First Job

Respondents acknowledged a variety of mechanisms that helped them obtain their first job, but no single method assumed a level of importance above the midpoint of the scale (which was 4). (See Table 27, Importance of Various Factors in Helping Respondent Obtain First Job.) In the context of the relative lack of importance of any single form of assistance, the highest (albeit low in absolute terms) ratings were assigned to direct, unsolicited contact with an employer (rating = 3.4 across all respondents); receipt of an offer following a summer position (also 3.4); and the career services office at their law schools (3.2). Only Asians assigned more than minimal importance to the law school's career services office (3.5) and on-campus interviews (3.4).

Table 27. Importance of Various Factors in Helping Respondent Obtain First Job\*

	Black	Hispanic	Native American	Asian	White	Other	Total
Family members	2.5	2.1	2.6	1.9	2.4	2.5	2.4
Law school classmates	2.1	2.1	1.4	1.9	1.9	2.0	1.9
Other friends or associates	3.2	2.7	3.4	2.5	2.9	2.8	2.9
Law school alumni	2.2	2.2	1.6	2.0	2.0	2.0	2.0
Direct contact with employer	3.5	3.6	3.9	3.4	3.4	3.6	3.4
Response to an ad	2.5	2.5	2.8	2.4	2.4	3.0	2.4
Law school's career services office	3.2	3.1	2.6	3.5	3.1	3.3	3.2
On-campus interview	2.6	2.8	1.9	3.4	2.8	2.8	2.8
Summer position	3.5	3.2	2.5	3.8	3.4	3.2	3.4
Part-time position during law school	2.1	2.5	3.3	2.1	2.3	2.1	2.3
Unpaid internship	1.7	1.6	1.3	1.8	1.4	1.7	1.5
Recommendation of law professor	2.1	1.7	1.4	1.9	1.9	2.0	1.9
Judicial clerkship	2.3	2.1	1.3	2.0	1.8	2.0	1.9
Other	3.5	2.4	3.6	3.1	2.7	2.7	2.8

\* Scale 1 = Not at all important to 7 = extremely important; midpoint = 4.

## Reasons for the First Job Offer

Respondents were asked to weigh in on the subject of the factors they believe motivated their first employer's job offer. (See Table 28, Importance of Reasons for First Job Offer.) Most respondents, with the exception of Hispanics, who viewed as most important a series of reasons not listed ("other"), were more likely to attribute their job offers to their personal qualities (mean rating across all groups = 5.0; average ratings for black respondents, 5.5; for Asian respondents, 5.2; and for white respondents, 5.0) and prior work experience (average across groups, 4.9; black respondents, 5.3; white respondents, 4.9; Hispanic respondents, 4.7; and

Asian respondents, 4.6) than to other factors that were listed. Members of all of the racial-ethnic minority groups assigned greater importance to their race-ethnicity than did whites, and black respondents assigned it greater importance than did Asians and Hispanics (average rating among blacks = 4.1; among both Asians and Hispanics, 3.3; and among whites, 1.4). Most of the reasons listed received ratings around the mid-point of the scale, reflecting only moderate importance, and several — gender and faculty recommendations in particular — were considered of little importance (average rating for gender = 2.0 and for recommendations from faculty, 2.3). Although scholars of the legal profession contend that law school grades count heavily in the job market, AJD respondents seem not to have agreed. Few respondents accorded their grades more than moderate importance, although Asians and whites considered them more important than did black and Hispanic respondents. (The importance ratings for law school grades ranged from 3.9 among Hispanics to 4.5 among Asians and whites.) All but white respondents considered the reputation of the law school they attended more important than their grades. Participation on law review or moot court was considered even less important (with average group ratings of between 3.1 and 3.6).

**Table 28. Importance of Reasons for First Job Offer\***

	<b>Black</b>	<b>Hispanic</b>	<b>Native American</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
Reputation of law school attended	4.7	4.5	3.6	4.8	4.2	4.4	4.3
Law school grades	4.0	3.9	4.2	4.5	4.5	4.3	4.5
Participation on law review or moot court	3.5	3.1	3.1	3.6	3.5	3.2	3.5
Reputation of undergraduate school	3.5	3.3	2.0	3.6	3.0	3.0	3.1
Prior experience with the organization	4.2	4.0	4.4	3.6	4.1	3.9	4.0
Prior work experience	5.3	4.7	5.4	4.6	4.9	5.7	4.9
Potential for attracting clients	3.0	2.9	2.7	2.9	3.2	3.6	3.2
Recommendations from faculty	2.6	2.2	2.0	2.4	2.4	3.0	2.4
Connections (family, friends)	3.3	3.2	3.3	2.8	3.1	3.0	3.1
Race/ethnicity	4.1	3.3	2.7	3.3	1.4	2.4	1.7
Gender	3.4	3.0	2.3	2.7	1.9	2.4	2.0
Physical appearance	3.8	3.0	3.0	2.9	2.6	2.9	2.7
Personal qualities	5.5	4.9	5.9	5.2	5.0	5.6	5.0
Other	4.9	5.0	1.0	4.6	4.1	4.9	4.2

\* Scale 1 = Not at all important to 7 = extremely important; midpoint = 4.

## Preparation for a Legal Career: Law School

### Why Respondents Attended Law School

There is a high degree of consistency across racial-ethnic groups in the top reasons respondents gave for attending law school. For virtually everyone, the most important (ranked first or second) reasons were to shape a satisfying career and to achieve financial security (see Table 29, Importance of Reasons for Attending Law School), although the actual numerical ratings of importance were not much higher than the midpoint of the scales. Next in order of importance were the intellectual challenge of law school and the desire to help individuals, although the numerical ratings for these reasons were all below the midpoint (ranging from 3.6 to 3.9). With ratings below the midpoint, black and Hispanic respondents considered the opportunity to change or improve society somewhat more important (ratings of 3.6 and 3.7) than Asians and whites did (ratings of 3.5 and 3.3) and all of the minority groups considered helping individuals more important (all with ratings of 3.7) than whites did (3.5). For all respondents, a chance to defer entry into the job market was the least important motivation for entering law school.

Table 29. Importance of Reasons for Attending Law School

	BLACK		HISPANIC		NATIVE AMERICAN		ASIAN		WHITE		OTHER	
	N *	Rank	N	Rank	N	Rank	N	Rank	N	Rank	N	Rank
Intellectual challenge	3.7	4	3.6	4	3.1	6	3.8	3	3.9	3	4.0	2
To help individuals	3.7	4	3.7	3	3.6	3	3.7	4	3.5	5	3.5	4
To develop a satisfying career	4.4	1	4.3	1	4.4	2	4.4	1	4.3	1	4.4	1
To defer entry into job market	1.7	8	1.9	8	1.6	8	2.0	8	1.8	8	2.1	8
For financial security	4.3	2	4.0	2	4.5	1	4.0	2	4.1	2	4.0	2
To change/improve society	3.7	4	3.6	4	2.9	7	3.5	6	3.3	6	3.3	6
To become influential	3.5	7	3.0	7	3.6	3	2.8	7	2.9	4	2.9	7
To build transferable skills	4.2	3	3.6	4	3.5	5	3.7	4	3.6	7	3.5	4

\* Scale 1 = Not all important to 7 = extremely important; midpoint = 4.

## Other Careers Considered

As a measure of the competing interests that culminated in the choice of law, respondents were asked about other careers they had considered. (See Table 30, Other Careers Considered by Race-Ethnicity.) “Teaching/academia” was the top choice of virtually all of the racial-ethnic groups, although the actual proportions varied widely. Black respondents, more than any others (61%), said they had considered teaching, as did 55% of Hispanics, 48% of whites, 45% of Asians, and 43% of Native Americans. After teaching, black respondents had been most interested in starting their own businesses (51%). Hispanic, Asian, and white respondents were next most likely to have been interested in entering business (47% of Hispanics, 45% of whites, 42% of Asians, and 49% of blacks as well), not necessarily their own. Investment banking was the least popular of the alternatives provided, ranging from none of the Native Americans to 13% of Hispanics who reported having considered it.

Table 30. Other Careers Considered, by Race-Ethnicity

	PERCENTAGE OF EACH GROUP CONSIDERING EACH CAREER						
	Black	Hispanic	Native American	Asian	White	Other	All Respondents
Business	49	47	40	42	45	40	44
Community organizing	21	10	14	15	11	15	11
Consulting	35	29	27	33	25	29	26
Investment banking	10	13	0	12	10	7	11
Journalism/writing	24	27	13	26	24	34	24
Politics	32	27	41	14	34	34	33
Public policy	42	28	17	32	32	34	32
Public/social service	38	30	31	36	32	44	33
Starting own business	51	40	39	28	32	54	34
Teaching/academia	61	55	43	45	48	56	49
Other	11	22	54	36	23	5	24

## Law School Grades

Respondents' self-reported grades were collected in categories, from which it is possible to derive averages. The median — the point in a distribution that divides it in half — and the mode — the most frequently-reported category — are highest among white respondents (median = 3.37, mode = 3.25-3.49) and lowest among black respondents. (For black respondents the median lies within the category 2.75-2.99 and the mode is the category 2.75-2.99). The GPAs of Hispanics, Asians, and Native Americans fell between these two extremes. (See Table 31, Self-Reported Law School Grades.)

It is not unusual for black students in virtually all areas of traditional academic endeavor to achieve lower scores, on average, than those of whites and other racial-ethnic groups. The significance of this fact and its possible causes have long been discussed and debated and are beyond the scope of this monograph.

Table 31. Self-Reported Law School Grades by Race-Ethnicity

	PERCENTAGE OF SELF-REPORTED GRADES BY EACH GROUP IN EACH GRADE CATEGORY						Total
	Black	Hispanic	Native American	Asian	White	Other	
3.75 – 4.00	<1	2	10	6	8	7	7
3.50 – 3.74	6	6	16	7	18	13	17
3.25 – 3.49	18	17	16	21	26	20	25
3.00 – 3.24	24	31	29	28	25	22	25
2.75 – 2.99	27	29	27	14	15	26	17
2.50 – 2.74	11	9	0	4	5	7	6
2.25 – 2.49	8	3	0	2	2	2	2
Under 2.25	3	2	0	4	1	3	2
Median	2.75-2.99	2.75-2.99	3.00-3.24	3.00-3.24	3.25-3.49	2.75-2.99	3.00-3.24

Shaded values = modal category (most frequent response).

## Co-Curricular Activities during Law School

Often the activities in which students engage provide clues to their interests. AJD respondents were asked about a list of activities in which they may have engaged while in law school. The question also asked whether they had occupied leadership roles in each or, in the case of law reviews, editorial roles. (See Tables 32 and 32a: Participation and Leadership in Co-Curricular Organizations/Activities During Law School.)

**Table 32. Participation in Selected Organizations/Activities During Law School (Includes Membership and Leadership)**

	PERCENTAGE OF EACH GROUP PARTICIPATING IN EACH ACTIVITY						
	Black	Hispanic	Native American	Asian	White	Other	Total
Law review – General	11	10	19	22	21	16	19
Law review – Other	20	22	23	32	13	23	22
Moot court	45	36	45	34	27	40	37
School government	26	17	14	9	14	17	15
Political advocacy group	13	9	12	13	12	16	12
College alumni/ae association	25	21	10	22	21	17	21
ABA Student Division	43	43	49	27	42	36	42
Public interest law group	20	25	22	22	18	24	19
Pro bono work with clients	42	43	36	39	30	37	32
Political party	9	12	28	8	17	13	16
Gender-based organization	19	21	5	13	15	14	14
Race/ethnicity-based organization	82	63	38	52	5	37	16
Other	20	20	21	15	18	20	18

\* In this table, the percentages of respondents who indicated that they participated in a particular activity and those who said they occupied editorial and/or leadership positions in those organizations are added together to provide a more accurate reading of participation.

**Table 32a. Leadership Roles Assumed in Selected Organizations/Activities During Law School**

	PERCENTAGE OF EACH GROUP OCCUPYING AN EDITORIAL (LAW REVIEW) OR LEADERSHIP (OTHER ORGANIZATION) ROLE IN EACH ORGANIZATION OR ACTIVITY						
	Black	Hispanic	Native American	Asian	White	Other	Total
Law review – General	7	7	15	10	12	8	11
Law review – Other	11	13	9	17	12	18	12
Moot court	8	8	9	6	8	9	8
School government	16	7	6	4	7	12	8
Political advocacy group	6	3	3	4	4	10	4
College alumni/ae association	3	1	0	2	2	<1	2
ABA Student Division	4	1	0	0	1	3	2
Public interest law group	5	7	8	5	4	4	4
Pro bono work with clients	7	8	8	5	5	6	5
Political party	2	<1	5	2	1	1	1
Gender-based organization	2	1	0	1	3	2	2
Race/ethnicity-based organization	29	23	7	19	1	11	5
Other	8	6	13	7	7	9	7

The two tables show that members of different racial-ethnic groups participated in different activities during law school and differed as well in their levels of involvement in these activities. Black and Hispanic respondents and, to a somewhat lesser extent Asians, reported the highest participation rates among all groups and all activities in race-ethnicity-based organizations. More than 80% of black respondents reported belonging to race-ethnicity-based groups, as did just over 60% of Hispanics, half of Asians, and close to 40% of Native Americans. Across all respondents, the Student Division of the ABA, moot court, and pro bono work involving clients were the activities cited most frequently, attracting between one-third and close to half of any given group. However, the actual rates of participation varied by racial-ethnic group. For example, almost half of the black and Native American respondents reported having participated in moot court, but only about a third each of Hispanic, Asian, and white respondents did. Black and Hispanic respondents were more likely than others (42% and 43% of the former compared with between 30% of whites and 39% of Asians) to undertake pro bono work with clients. Just under half of the Native American respondents participated in the ABA Student Division, but only one-quarter of the Asian respondents did. And black respondents were more likely than others — one-fourth of them, compared with fewer than 20% of other groups and a low of 9% among Asians — to be involved in school government. Asian and white respondents were more likely than black and Hispanic respondents to have both participated and assumed editorial roles in law reviews. The observed differences in activities suggest that members of racial-ethnic groups may have had quite different experiences in law school.

### **Evaluating the Law School Experience**

Respondents were asked to evaluate the helpfulness in their careers and the importance of the preparation they received in law school. The general tenor of the responses was lukewarm. Most ratings were around the mid-point, meaning neither extremely helpful nor not at all helpful in one instance and neither extremely nor not at all important in the other.

Overall, respondents accorded their highest ratings of helpfulness in the transition from school to work to hands-on experiences (see Table 33, *Evaluating Law School: Helpfulness of Selected Elements in Making the Transition to Work, by Race-Ethnicity*), specifically to legal employment during summers (a rating of 5.4 on a scale where 1 = not at all important and 7 = extremely important) and the academic year (5.0). Most respondents appear to have agreed about the importance of summer legal employment — the range by racial-ethnic group was between 5.3 and 5.5 — but not quite as much for academic year employment, for which ratings ranged from 4.3 to 5.1. Clinical courses and training also received moderately high ratings of helpfulness (average = 4.8), especially by black respondents (average rating = 5.2). Among the academic offerings, only training in legal writing was rated above the midpoint of the scale (average rating = 4.7; 5.1 among black respondents) as opposed to the remaining ratings that hovered around the midpoint of 4, between extremely helpful and not at all help-

ful. It is interesting that the first-year curriculum, pro bono work, and training in legal ethics all received average ratings below the midpoint.

**Table 33. Evaluating Law School: Helpfulness of Selected Elements\* in Making the Transition to Work, by Race-Ethnicity**

	<b>Black</b>	<b>Hispanic</b>	<b>Native American</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
First-year curriculum	3.7	3.4	4.1	3.7	3.8	3.5	3.8
Clinical courses/training	5.2	4.9	4.7	4.7	4.8	4.7	4.8
Upper-year lecture courses	4.2	4.2	4.6	4.5	4.2	4.6	4.2
Course concentrations	4.2	4.1	4.2	4.0	3.9	3.9	3.9
Legal employment summers	5.3	5.3	5.5	5.4	5.5	5.4	5.4
Legal employment academic year	4.8	4.6	4.3	4.9	5.1	5.1	5.0
Intern/externships academic year	4.4	4.4	4.5	4.6	4.5	4.4	4.5
Pro bono work	3.4	3.2	2.8	3.9	3.0	3.2	3.1
Training in legal ethics	3.6	3.5	4.1	3.4	3.3	3.3	3.3
Training in legal writing	5.1	4.5	4.8	4.8	4.7	4.6	4.7
Other	3.6	3.6	**	4.2	4.3	4.6	4.3

\* 1 = Not at all helpful – 7 = Extremely helpful; midpoint = 4.

\*\* Numbers too small to be reliable.

If anything, ratings of the importance for career preparation of instruction in particular areas were even less enthusiastic than those accorded particular experiences. (See Table 34, Evaluating Law School: Importance to Career of Preparation in Specific Areas of Competence.) The highest ratings were received by the most general: Contracts (average = 4.6), Evidence (4.5), and Civil Procedure (4.4); more specialized areas received lower ratings (Family Law = 2.6, Administrative Law and Conflict of Laws each = 2.9), suggesting that the courses they represent may have been taken by fewer students. Although different racial-ethnic groups appeared to value some areas more than others, there was no discernible pattern in the differences.



**Table 34. Evaluating Law School: Importance\* to Career of Preparation in Specific Areas of Competence**

	<b>Black</b>	<b>Hispanic</b>	<b>Native American</b>	<b>Asian</b>	<b>White</b>	<b>Other</b>	<b>Total</b>
Administrative Law	3.0	2.2	2.7	2.8	2.9	2.6	2.9
Business Organization	4.1	3.5	2.9	4.0	3.8	3.2	3.8
Civil Procedure	4.4	4.3	4.9	4.1	4.4	4.5	4.4
Conflict of Laws	2.8	2.5	3.7	2.8	2.9	2.8	2.9
Constitutional Law	4.1	3.5	4.1	3.5	3.7	3.5	3.7
Contracts	4.7	4.6	5.1	4.7	4.7	4.5	4.6
Criminal Law	3.3	3.5	3.8	2.7	3.0	3.1	3.0
Evidence	4.6	4.8	5.3	3.9	4.5	5.1	4.5
Family Law	3.2	2.8	4.4	2.2	2.6	2.8	2.6
Professional Responsibility	4.3	4.3	4.8	3.7	4.0	4.2	4.0
Real Property	3.5	3.5	3.9	3.3	3.5	3.4	3.5
Torts	3.4	3.6	4.5	3.5	3.8	4.3	3.8
Trusts and Wills	2.8	2.6	3.7	2.6	3.0	2.7	3.0
Uniform Commercial Code	3.2	2.7	3.3	3.3	3.3	3.7	3.3

\* 1 = Not at all important – 7 = Extremely important; midpoint = 4.

\*\* Numbers too small to be reliable.

**Table 35. Percent Attending Law School Part-Time,\* by Race**

Black	20
Hispanic	13
Native American	16
Asian	6
White	13
Other	16
Total	13

\* For more than half of the time

### Part-time Attendance

Black respondents were more likely than those of any other racial-ethnic background to have attended law school part-time for at least half of their law school careers. (See Table 35, Percent Attending Law School Part-Time, by Race.) Twenty percent of the black respondents, compared with 13% of white and Hispanic respondents and 16% of Native Americans and “others” had done so. Only 6% of the Asian respondents had attended law school part-time.

Together, these findings suggest that members of different racial-ethnic groups may have had different experiences in law school as reflected in their attendance (full- or part-time), the activities in which they participated and assumed leadership roles, and their evaluations of those experiences. Beyond these differences, their judgments of the value to them of their law school experiences tended to be more similar than not.

## Debt

Debt is a major concern among young attorneys; few emerge from law school without having borrowed to help defray the costs of their education. More than 85% of AJD respondents left law school with some amount of debt and members of certain racial-ethnic groups were left with more debt, on average, than others.

Roughly 16% of the respondents said that they had no debt when they graduated from law school. Those who reported zero debt differed from their debt-ridden colleagues along several key demographic dimensions, the most relevant for this discussion being significant differences by racial-ethnic group. (See Table 36, Debt vs. No Debt by Race-Ethnicity.)<sup>12</sup> Respondents who reported that they had no debt were more likely to be white or Asian than any other race or ethnicity and significantly less likely to be black or Hispanic. Only 6% of black and 5% of Hispanic respondents reported having no debt, compared with 19% of white and 14% of Asian respondents. Put another way, AJD sample members who left law school with some amount of debt were more likely than those with no debt to be black (94% of them) or Hispanic (95%), compared with an average of 84% of the total population. These are substantial differences that may well affect the economic well-being of the individuals in question.

Table 36. Debt vs. No Debt, by Race-Ethnicity

	PERCENTAGE WITH ...		
	No Debt %	Some Debt %	Total %
Asian	14	86	100
Black	6	94	100
Hispanic	5	95	100
Native American	14	86	100
White	19	81	100
Other	17	83	100
Total	16	84	100.0

<sup>12</sup> There were differences as well by age, parents' socio-economic status, and the rank of the law school they attended. For details see *Law School Debt Among New Lawyers* (an AJD monograph, The NALP Foundation and NALP, January 2007).

## Sources of Support for Law School

The most common single source of financial support during law school reported by participants in the AJD study involved borrowing, mainly through the federal Stafford program. Loans from the federal government accounted for an average of 41% of the financial support reported by respondents for their legal education. (See Table 37, Relative Contributions of Sources of Financial Support During Law School by Race-Ethnicity.) The proportions supplied by other sources — family members (20%) and employment (17%) — didn't come close. After federally funded loans, families, and employment, an additional 10% on average, came from "other loans." The implication of these numbers is that, for most respondents, more than half of the cost of their legal education was underwritten by sources that had to be paid back, usually with interest. Even with contributions from family members, employment, scholarships (6%) and an assortment of other sources (6%), the primacy of loans translates into considerable debt, an average of \$72,000 among all respondents with non-zero amounts of debt. Moreover, there are differences among groups in the relative amounts that various sources contributed to the total debt incurred.

Table 37. Relative (Percentage) Contributions of Sources of Financial Support During Law School, by Race-Ethnicity

	Total	Blacks	Hispanics	Asians	Whites
Federal student loans	41	47	56	35	40
Other loans	10	10	10	13	10
School scholarships	6	18	4	5	6
Family	20	9	15	28	19
Employment	17	14	12	13	20
Other	6	4	2	5	5

Black and Hispanic respondents were more dependent than their white and Asian peers on loans, having received, on average, 57% and 66% (the total of federal and other loans entries in the table), respectively, of their financial support for law school through borrowing. In addition, black and Hispanic respondents were less likely than others to have received help from their families; averages of 9% and 15%, respectively, came from families. Asians, on the other hand, depended least on loans — the 48% of the cost of their legal education that was borrowed was roughly one-fourth less than the proportions borrowed by black and Hispanic respondents — and were the most likely to have been helped by their families, which provided an average of 28% of their support. Although the proportional amounts are lower relative to other sources, black respondents received, on average, greater proportions of their support

from scholarships provided by their law schools (an average of 18%) than any of the other groups, for whom scholarships provided only between 4% and 7% of their costs. Scholarships helped to contain the reliance on loans among black respondents, accounting for their lower debt dependency (57% of their support) than that of Hispanics (66%). However, the major consequence of these variations in funding sources is that black and Hispanic lawyers in the sample left law school with more responsibility for paying back the costs of their legal education than did white and Asian respondents.

For all of the reasons just described, there are considerable differences in the actual amounts of debt by race-ethnicity among AJD respondents. (See Table 38, Debt by Race-Ethnicity). Hispanic respondents reported the highest debt levels and Asians the lowest, lower even than those of white respondents. Because more Asians than members of any other group leave law school with no debt, their average levels of residual debt are lower. Black respondents are the beneficiaries of school-based financial aid, which lowers the total amount of borrowing they must do, although they do incur high levels of debt. When the debt numbers are combined with the average salaries and household incomes of the three largest racial-ethnic groups, it is apparent that newly certified Hispanic and black lawyers face more financial pressures than do Asians and whites.

	Mean	Median
Asian	\$66,254	\$70,000
Black	72,875	70,000
Hispanic	73,258	72,000
White	70,993	70,000
Other	62,885	60,000

## *Life Outside of the Workplace*

AJD researchers were interested in how lawyers' personal lives influenced and were in turn influenced by their careers in the law, a topic that will be treated in more detail in the second wave of results. In the first wave, along with family composition, reported earlier, respondents were asked about their household income, their participation in political, social, and community activities, and their political affiliations.

### **Household Income**

In line with salaries, average household income among new lawyers varied considerably by race-ethnicity (see Table 39, Average Household Income by Race-Ethnicity), at least in part because of the already described tendency of different racial-ethnic groups to work in differ-

ent locations and in different constellations of occupations. It has already been shown that black respondents, whose average income was on the low side of average, were less likely than members of other groups to be working in private practice, and that Asians, whose average income was the highest among study participants, were more likely to be working in business settings. (The fact that mean incomes were higher than median incomes among all groups represented by the study suggests that some members of each group were earning considerably more than the “average.”) Moreover, these differences in household income are exacerbated by differences described earlier in the levels of debt experienced by different racial-ethnic groups

**Table 39. Average Reported Household Income, by Race-Ethnicity**

	<b>Mean</b>	<b>Median</b>
Black	\$87,600	\$72,800
Hispanic	96,200	85,000
American Indian	96,300	76,000
Asian	113,100	100,000
White	105,500	90,000
Other	102,200	80,000
<b>Total</b>	<b>\$104,600</b>	<b>\$90,000</b>

### **Social Participation**

The AJD questionnaire included a question about respondents’ involvement in social, political, and community organizations. Like the question about law school activities, this question asked for a list of different kinds of organizations and about respondents’ levels of involvement. Tables 40 and 40a show the proportions of each racial-ethnic group that reported membership (41) and leadership (41a) in a list of organizations.

Most often, new lawyers report belonging to bar associations. Overall, more than 80% of all respondents reported participating at some level in state or local bar associations and well over half — between 58% and 67% of the racial-ethnic groups in the study — were affiliated with the ABA. About half — 52% overall and between 45% and 63% of members of different racial-ethnic groups — belonged to substantive sections of the bar as well.

Rates of participation differed by race-ethnicity. In most categories of organizations, participation rates were higher among black respondents than among other racial-ethnic groups in the study. Most notably, more black respondents than members of other groups participated in charitable organizations (53% of black respondents compared with between 30%

and 43% of other groups). Between one-third and half of respondents from the major racial-ethnic groups belonged to college and law school alumni/ae associations; typically, membership in college alumni/ae groups was higher within any given racial-ethnic group excepting Asians than in law school alumni/ae groups. More than half of Native American and black respondents — and fewer of other groups — participated in religious organizations. Native Americans were most likely to be affiliated with a political party — 62% of them, compared with between 27% and 41% of other groups, were. As had been the case with their reports of activities in law school, black, Asian, and Hispanic respondents were more likely than other groups to belong to race-ethnicity-based organizations (28%, 22%, and 19%, respectively, compared with 2% of whites and 7% of Native Americans).

**Table 40. Social Participation: Membership in Selected Organizations, by Race-Ethnicity**

Type of Organization	PERCENTAGE OF EACH GROUP WHO ARE MEMBERS OF THE LISTED ORGANIZATIONS						
	Black	Hispanic	Native American	Asian	White	Other	Total
Political party	39	40	62	27	41	37	40
Political advocacy group	13	10	13	10	15	21	14
PTA/Other school	14	4	8	4	6	4	6
College alumni/ae	50	47	47	41	43	37	43
Law school alumni/ae	39	38	34	41	35	36	36
Charitable organizations	53	39	35	30	43	40	43
Religious organizations	51	35	57	29	41	40	41
ABA	65	67	62	65	64	58	64
State or local bar	84	81	95	79	86	81	82
Substantive bar sections	47	45	63	44	53	48	52
Gender-based organizations	18	11	2	10	10	8	10
Race/ethnicity-based organizations	46	33	17	29	3	25	9
Community/civic organizations	32	20	19	18	22	26	22
Service organizations	17	13	17	4	10	12	10
Private/athletic clubs	30	29	27	29	37	45	36
Organized sports leagues	17	16	17	14	22	14	20
Other	15	8	21	6	10	13	11

Smaller proportions of respondents reported holding leadership positions or characterized their involvement as “active” than were simply members of organizations, and there was considerable variation among racial-ethnic groups (see Table 40a) in this respect. More black respondents than members of other groups tended to be active members or leaders in the organizations they belonged to. Specifically, more black than other respondents said that they were active members or leaders in college alumni/ae associations, charitable organizations, and, along with Hispanic respondents, race-ethnicity-based organizations. Proportionally more Native Americans tended to be active or leaders in political parties — 22% compared with single-digit percentages of other groups — and service organizations — 16% compared with single-digit percentages of other groups. In addition, Native Americans were more likely than members of other groups to be active members or leaders in state or local bar associations and in substantive sections of the bar.

**Table 40a. Social Participation: Leadership of Selected Organizations, by Race**

Type of Organization	PERCENTAGE OF EACH GROUP WHO CONSIDERED THEMSELVES ACTIVE MEMBERS OR LEADERS IN THEIR ORGANIZATIONS						
	Black	Hispanic	Native American	Asian	White	Other	Total
Political party	5	4	22	4	6	7	6
Political advocacy group	4	3	2	2	4	7	4
PTA/Other school	5	2	8	2	2	<1	2
College alumni/ae	18	10	12	6	9	7	9
Law school alumni/ae	10	9	6	6	5	8	6
Charitable organizations	27	17	19	10	19	16	19
Religious organizations	28	14	24	10	18	18	18
ABA	12	8	14	3	6	10	6
State or local bar	22	16	25	10	16	20	16
Substantive bar sections	12	11	17	7	10	11	10
Gender-based organizations	7	4	<1	1	3	4	3
Race/ethnicity-based organizations	18	14	10	7	1	8	3
Community/civic organizations	16	7	17	7	10	9	10
Service organizations	8	7	16	2	5	5	5
Private/athletic clubs	11	13	13	7	14	16	13
Organized sports leagues	11	6	4	6	11	8	10
Other	8	3	11	3	6	8	6

## Political Preference

More new lawyers identified themselves as Democrats than as Republicans, but there were also fairly sizable differences among racial-ethnic groups in party affiliation. (See Table 41, Political Preference by Race-Ethnicity.) Forty percent of all respondents described their political preference as Democratic; fewer identified themselves as Republican (32%), Independent (11%), or unaffiliated (13%). However, three-quarters of black respondents claimed affiliation with the Democratic party, compared with just over half of the Hispanics, just under half of the Asians, and about one-fourth of Native Americans, almost half of whom self-identified as Republicans. White respondents were divided nearly equally between the Democratic and Republican parties (39% and 35%, respectively), the remainder being Independent (11%) or unaffiliated (17%).

Table 41. Political Preference, by Race-Ethnicity (Percentage)

	Democrat	Republican	Independent	Unaffiliated
Black	75	5	7	10
Hispanic	52	25	7	13
Native Americans	23	44	21	7
Asian	47	18	11	18
White	38	35	11	12
Other	39	26	11	17
Total	40	32	11	13

\* Percentages add to less than 100 because the table does not include the small percentage of respondents (totaling less than 5%) that claimed other or multiple affiliations or who did not respond to the question.

## Concluding Observations

New lawyers who are members of different racial-ethnic groups appear to have somewhat different experiences related to their careers as lawyers and their lives outside of the profession if the AJD study results are any indication. The differences appear not to be defined by majority versus minority status (although some may be), but rather are related to the particular circumstances of each of the groups. In some respects, members of one or another of the traditional minority groups appear to be more like white respondents than like other minority group members. And seldom are members of different racial-ethnic minority groups sufficiently similar in their responses that they can legitimately be considered as a single group (“minorities”). Because of the relatively small number of individuals (relative to white re-



spondents, that is) in any given “minority” group, much of the data that support this observation should be interpreted with caution. Even with the addition of an over-sample of black, Hispanic, and Asian respondents, the numbers are too small for most fine-grained analyses of the nature of the uniqueness of each group. Nonetheless, there are suggestions throughout the findings of the AJD study that each racial-ethnic group is sufficiently different from the others to raise doubts that minority lawyers can be treated as an undifferentiated mass.

From an analytical point of view, this conclusion is frustrating, because it means that, beyond the very general findings that describe all of the members of any given group, there are seldom sufficient numbers in analyses based on sub-sets of minority groups (as, for example, self-employed female Hispanic lawyers) to yield reliable results that define the groups and pinpoint their differences. Once a group that represents 3% or even 6% of the national population (as black and Hispanic and Asian respondents do) has been subdivided into, say, private practitioners and lawyers in other settings, any further breakdown of the group contains numbers too small to support firm or reliable conclusions. It may well be the case that methods other than large-scale surveys will be needed to accurately represent the experiences of lawyers from racial-ethnic minority groups. Every effort will be made, in future waves of AJD data collection, to gather qualitative data that capture the differences suggested by the quantitative data.

## **Summary**

There are many ways in which members of different racial-ethnic groups, including whites, in the legal profession are alike and respond to questions about their jobs in similar ways. Most, for example, are private practitioners. Most are satisfied with their decision to become lawyers. There are uniformly high rates of job mobility in the early careers of all groups. The general contours of their early learning on the job and of their satisfactions and dissatisfactions are highly similar. And their salaries tend to be related to the geographic markets and employment settings in which they work with some variation left unexplained.

Within this overall pattern of similarity, however, there are differences that signal different experiences and circumstances. Few of these differences are simply differences between lawyers of color and white lawyers. To be sure, many of the differences among the three largest minority groups are greater than the differences between members of minority groups and whites. A key difference is the fact that members of different racial-ethnic groups tend to be concentrated in particular markets, mirroring residential patterns. In two of the minority groups, female lawyers outnumber male lawyers. Members of racial-ethnic minority groups are somewhat less likely than their white peers to be private practitioners, but each group appears to reflect a different constellation of markets and job settings. Some groups are more likely — although at least one is less likely — than their white peers to be working in government or in public interest settings where salaries are lower than they are in private practice. The rates of early mobility — that is, having changed jobs in the two or so years between join-

ing the bar and reporting the circumstances of their work to the AJD inquiry — are similar for all racial-ethnic groups, including whites. However, projected mobility is higher among unique intersections of minority group members and work settings. Although reasons for choosing law are similar for all groups and include the intellectual challenge, the skills involved, and having a satisfying career, doing socially responsible work is somewhat more important to black and Hispanic than to white and Asian respondents. Salaries, which are related to legal market and setting, tend to differ predictably by virtue of variations among groups in where they are concentrated and the sectors in which they work, but also show minor differences by race-ethnicity that are less easily explained.

This report has documented both similarities and differences between and among racial-ethnic groups. What seems clear from the AJD results reported herein having to do with the role of race-ethnicity in legal careers, is that there is no single pattern of racial-ethnic or minority participation in the legal profession. No single group appears to be systematically differentiable from others on all counts or in the same ways. White respondents are more likely than other groups to be private practitioners, black and Hispanics are more likely than other groups to be solo practitioners and to work in government, and Asians are least likely to work in government and more likely than other groups to work in business settings. Asians tend to earn higher salaries, on average, than members of other groups including, in many cases, whites, and enjoy higher household incomes. At the same time, among a population that is generally pleased with its decision to enter the legal profession, Asians seem slightly less so. Black and Hispanic lawyers tend, on average, to earn less than members of other groups, but there are circumstances in which they earn as much and even more than others. Black and Hispanic lawyers leave law school with higher levels of debt than do other groups, a fact that will be examined for its consequence for career and life decisions in later editions of the AJD questionnaire. And black lawyers tend to be more active in their communities than members of other racial-ethnic groups. With it all, however, it is not possible to draw conclusions about consistent differences among members of different racial-ethnic groups on the basis of the AJD data. For any given metric, one group or another might stand out as different, but seldom are those differences in the same direction for any given group. Understanding the role of a particular racial-ethnic background in shaping a legal career will require more data — augmented, perhaps, by different kinds of data.

## Methodology of the AJD Study

*After the JD* is a study of a nationally representative sample of new lawyers, those who were first admitted to the bar in 2000. Designed to be longitudinal, the study began with a mail survey to a sample of nearly 9,000 lawyers in 2002. The sample was designed to represent both the national population of newly certified lawyers with sufficient participation from key legal markets to enable researchers to characterize the range of U.S. markets with respect to region and size. To this end, the study employed a two-stage sampling process that first divided the nation into 18 strata by region and the size of the population of new lawyers. Within each, as the second stage of the process, one primary sampling unit (PSU) was selected for participation. (A PSU might be a metropolitan area, part of a state outside of a metropolitan area, or an entire state.) The PSUs that were included in final sample were all four of the “major” markets, those with more than 2,000 new lawyers: Chicago, Los Angeles, New York City, and Washington, DC; five of the “large” markets, with between 750 and 2,000 new lawyers; and nine of the remaining smaller markets. The sampling rate for each of the PSUs was calculated to yield a sample that, when the results from all participants were aggregated, would represent that national population. To enlarge the number of minority group members of the sample for selected analyses, an over-sample of 1,465 members of the largest minority groups — black, Hispanic, and Asian — was added, producing an additional 633 respondents from these groups.

A prominent academic survey organization was charged with locating the 9,000-plus sample members and administering a questionnaire to them. About 20% of the sample members could not be located. Another 20% proved to be individuals moving from one state to another rather than first-time admittees to a bar of interest. The latter were retained in the sample if they had graduated from law school in 1998 or later. The study questionnaire, first mailed in May 2002, was followed by a telephone interview with non-respondents to the mail version. Ultimately 71% of the original sample that could be located and deemed eligible by the study criteria responded to one version or another. The first set of findings is based on a national sample of 3,905 individuals and 633 respondents from the minority over-sample. Weights were then applied to the data to make them representative of the national population of lawyers who joined the bar in 2002. A sub-sample of these respondents was selected for face-to-face interviews, which will add depth to the information collected via questionnaire.

The study questionnaire collected information about subjects’ then current employment: their work setting, nature of the position, responsibilities and tasks included, hours worked, functions performed, and salary earned. Respondents were asked as well about their participation in the life of the workplace and outside of it, the sources of their satisfaction and dissatisfaction with the work, and the nature of the training and mentorship provided them.

Information was collected as well about the law school experience of respondents and their reaction to it, their reasons for having chosen law as a career and the sector and setting of their first job, and, finally, about demographic factors.

The second wave of data collection targets both respondents and non-respondents from the original sample. It began in May 2007 and is still underway. A third wave is planned for 2012.

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