

Review of *After the JD III*, A Law Professor's Take

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The American Bar Foundation and the NALP Foundation for Law Career Research and Education have released a report on the third wave of their landmark *After the JD* study. *After the JD III: Third Results from a National Study of Legal Careers* provides a wealth of information on the cohort of lawyers admitted to the bar in 2000. The results of the study reflect generally positive news for the lawyers being studied and for legal education. For example, 76% of respondents indicated that they were “moderately or extremely satisfied with their decision to become a lawyer, a proportion virtually unchanged from prior waves of the survey.” (p. 17). Nonetheless, there are a number of findings that should cause concern, especially those involving continued gender inequalities in legal practice.

Job satisfaction was high overall. Areas of especially high numbers of respondents indicating moderate or high job satisfaction include public interest (87.6%), legal services/public defender (86.1%), large firms of 251+ lawyers (80.4%), and state or local government (78.5%). The lowest category in terms of job satisfaction was for people working in business who were not practicing as lawyers (63.4%). As the authors of the study note, “this category includes some who have been very successful and others who have had to opt for a less than ideal position in business because of the economic downturn or other circumstances.” (p. 53). Many of these non-practicing jobs would be categorized as JD Advantaged or Professional jobs. There has been a fair amount of recent debate about the desirability of these jobs. The AJD3 findings support the position that these jobs are mixed – some are very desirable, while others are less desirable.

Income has trended up for almost all types of practice – small and large private firms, federal and state government, public interest, and business. The one exception is solo practitioners. The 75th, 50th, and 25th percentile income for solos declined from \$120,000, \$80,000, and \$45,000 in wave 2 to \$86,000, \$50,000, and \$0 for wave 3. These trends show that lawyer salaries continue to trend up significantly over their first ten years of practice, but that impact of the recession has been devastating on solo practitioners. Lawyer salaries tend to correlate directly with law school tier and law school GPA – higher tiers of law school and higher grades are associated with higher salaries. Even so, the median earnings for people with lower grades from lower-ranked schools were in the \$85,000 - \$95,000 range.

Another trend noted in the study was that the number of respondents who identify themselves as specialists has increased over time. On the other hand, the study revealed that the lawyers in the study cohort have displayed significant job mobility throughout their careers. Between waves 1 and 2, 63% of respondents reported having changed jobs. Between waves 2 and 3, 36% reported having changed jobs. Wave 3 showed significant movement away from large firms into other practice areas. This shift is explainable in part by the timing of partnership decisions, which typically would have occurred between wave 2 and wave 3.

The AJD III report continues to show high mobility, both within and among practice settings. The rate at which lawyers change settings suggests that law schools should continue to focus on broad legal education, grounded in critical foundational skills, even if lawyers tend to specialize later in their practice careers. Lauren Robel, Provost of Indiana University and former AALS President, commented: “Mobility is a constant in our graduates’ careers, as this pathbreaking longitudinal study convincingly demonstrates. The relative frequency with which lawyers change not just employers but practice settings argues in favor of the utility of the education we provide and the need to assure that

we keep the breadth and depth that foster creative and flexible thinkers. And it may argue in favor of some curricular innovations that help law students really envision the various practice and nonlegal settings in which they can make their lives.”

Gender disparity in practice continued to rise between waves 2 and 3. “Contrary to hopes, if not expectations, the gap between the earnings of women and men continued and, in fact, had grown since Wave 2. Similarly, women’s promotions trailed behind those of their male counterparts.” (p. 64). Income disparity has grown over time, from 5% at Wave 1, to 15% at Wave 2, to 20% at Wave 3. Further, the study revealed that “men were more likely to have been promoted to partner and were more likely to have become equity partners than women at the same stage. The women were more likely to be found in non-equity partnerships.” (p. 66). A significant number of women were no longer practicing full time – 15% of women were working part time, and 9% were not currently working to care for children.

The report revealed that there are some significant racial and ethnic disparities in practice areas, but the picture is more complex than it is with gender. Black lawyers, for example, are proportionally over-represented in government and have experienced relatively high job mobility. Black and Asian lawyers experienced relatively low salary growth, while Hispanic lawyers experienced relatively high salary growth. Hispanic and Black lawyers reported relatively high levels of job satisfaction. Asian lawyers reported relatively low job satisfaction, though even here 70% reported that they were moderately or highly satisfied with their decision to become a lawyer.

Wave 3 indicated that an increasing number of graduates had no remaining law school debt: 16.3% at Wave 1, 36.1% at Wave 2, and 47.4% at Wave 3. The percentage of graduates with more than \$100,000 in debt also declined: 21.3% at Wave 1, 8.2% at Wave 2, and 5.4% at Wave 3. Black and Hispanic graduates were less likely to report zero debt, and more likely to report more than \$100,000 in debt. The report’s authors commented that “a relative lack of family resources accounts for some of the difference in ability of disadvantaged minorities to pay debt. The numbers are small, but the pattern indicates that education debt disproportionately burdens Black . . . and Hispanic lawyers.” (pp. 80-81).

The debt levels reported by respondents varied by type of practice. Lawyers practicing in larger firms were most likely to report zero debt. The federal government and public interest sectors also had a high percentage of respondents with low debt. Solo practitioners were most likely to report highest debt levels. State government workers and legal services/public defenders reported relatively high debt levels.

The wave 3 survey included questions on the impact of the recession on the lawyers in the group. Some lawyers (10.1%) reported that the recession had impacted their loan repayment, with the numbers being higher with Black (19.7%) and Hispanic (17.6%) lawyers. Respondents from both the public and private sectors reported significant negative employment impacts (layoffs and reduced hiring) from the recession.

The After the JD studies continue to be a vitally important source of information on lawyers’ career outcomes. Having this data highlights the need for more. It would be very helpful, for example, to have a study that compares this cohort from the group of lawyers who graduated into the heart of the recession in 2010 and 2011.

After the JD III: Third Results from a National Study of Legal Careers can be purchased through NALP Foundation’s on-line bookstore at www.nalpfoundation.org/bookstore.