

The Secret of My Success:

How Status, Prestige and School Performance Shape Legal Careers

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The contests begin each fall. Some one hundred thousand college seniors and graduates decide to apply to law school; they take the LSAT, begin writing essays, and send applications to a range of institutions. For most, the object of the game is to gain admission to the most elite law school possible, regardless of location and cost, on the theory that the name brand of the school they enroll in, and its reputation among employers, will be the surest propellant in launching their legal careers. Two years downstream, most of the second-year law students at each of these schools join in another competition for the attention of employers. At some law schools, employers are required to interview any students given a slot by the school's placement office; at others, the employers interview whomever they choose; but in either case, many of the employers – especially the big law firms offering the highest salaries – seem disconcertingly focused on law school grades, and the students with the most appealing transcripts tend to be those invited to coveted “call-back” interviews and eventually given job offers. Yet another two years downstream, law school graduates, fresh from their bar examinations, begin their professional careers in earnest. While all the new associates at a firm, or all the new attorneys at a government office, receive the same orientations to their jobs, it becomes quickly apparent to most that social networking is helpful in finding a good mentor or landing a plum assignment; how much of this process is lubricated by the right social background, helpful family connections, or other concomitants of class? In the competition for success as a lawyer, how much will social status smooth the way?

Rewards are distributed more unevenly within the legal profession than in virtually any other occupation.² Most of those who study the careers of lawyers would agree that law school

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eliteness, law school grades, and social status each play a role in determining which lawyers capture the greatest rewards. But remarkably little effort has been made to directly compare these inputs in explaining career outcomes, to see which of the three matters most, and how they interact.³ Most of those who have written about the topic have been content to give anecdotal examples that support one factor or another.⁴ In this paper, we draw on several of the best known databases on lawyers to try and ground the discussion in concrete findings and comparisons.⁵ While the available data is not sufficient to provide clear answers to all of the interesting questions, we believe that much can be learned – enough, at least, to challenge many of the assumptions that guide the strategies of prospective students and much of the research in the legal academy.

This paper has three parts. We first examine general beliefs about the importance each of these three factors has upon lawyer careers – beliefs among academics as well as beliefs among the actual participants in the sorting process. We next present some specific findings about each of the three factors. Finally, we directly compare the three factors in regression models of career outcomes.

Through the discussion that follows, we generally avoid a specific focus on race and gender issues in legal outcomes, for several reasons. These are uniquely controversial and sensitive subjects, and we have written about them extensively elsewhere. Moreover, they have to some extent overshadowed discussions of class, religion, and other forms of social stratification. We would like here to focus on a number of patterns we think have been overlooked, and which affect lawyers generally.

The consistent theme we find throughout this analysis is that performance in law school – as measured by law school grades – is the most important predictor of career success. It is decisively more important than law school “eliteness.” Socioeconomic factors play a critical role in shaping the pool from which law students are drawn, but little or no discernible role in

² Jack Ladinsky described the highly stratified urban bar in his 1963 study of Detroit lawyers. Jack Ladinsky, *The Impact of Social Backgrounds of Lawyers on Law Practice and the Law*, 16 J. Legal Educ. 127, 128 (1963).

³ Heinz, Nelson, Sanderfur and Laumann (2005) come close to a direct comparison in their analysis of Chicago lawyers over time, and we build on this analysis in Part III of the paper. But their results are obscured by the inclusion of outcome variables in their models, which turns out to matter a lot.

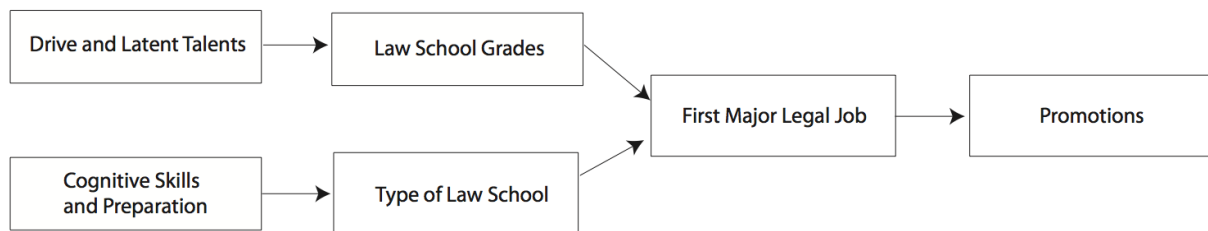
⁴ A recent exception is Oyer and Schaefer (2010), which uses the After the JD database to assess the earnings effect of attending an elite school. However, we consider this paper so fundamentally flawed that it confuses more than enlightens discussion. We discuss it *infra* at pages 6, 18, 19, 29, and 33.

⁵ Appendix A provides background on the five principal databases we rely upon.

shaping post-graduate careers. Since the dominant conventional wisdom says that law school prestige is all-important, and since students who “trade-up” in school prestige generally take a hit to their school performance, we think prospective students are getting the wrong message.

I. Guiding Assumptions of the Players and Observers

Law school eliteness. As we suggested in the introduction, the typical applicant to law school seems to believe that the key to a successful career lies almost entirely in gaining admission to the most elite school possible. Using a heuristic inspired by Heinz & Laumann⁶, the career model in the mind of law school applicants looks like this:



Anyone who has spoken to even a handful of law applicants will pick up on the strength of their beliefs in the value of law school prestige. The typical applicant applies to many different schools – not to make sure that she gets into some law school, but to make sure she gets into the most elite school possible. Matriculation reports from the Law School Admissions Council (“LSAC”) show that when students are deciding between schools of even modestly different levels of eliteness, ranking tends to drive decisions.⁷

The LSAC’s landmark longitudinal Bar Passage Study (the “BPS”) asked students entering law school in 1991 to assess how important sixteen different factors were in choosing their law

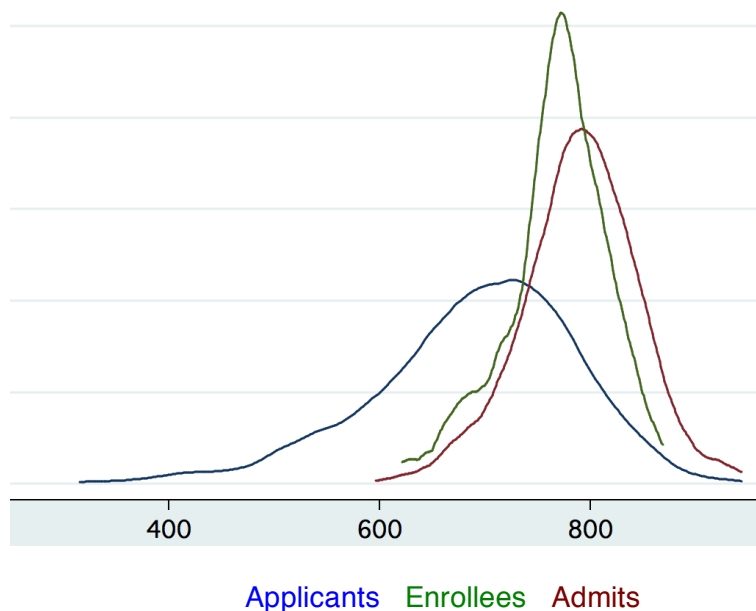
⁶ John P. Heinz and Edward O. Laumann, *Chicago Lawyers: the Social Structure of the Bar* (1982)

⁷ LSAC provides each law school with an annual “matriculation report” that shows how accepted students decided between offers from the subject school and other law schools. The LSAC report prepared for UCLA in 1992 shows that of 137 students admitted to both UCLA and Boalt Hall who matriculated at one of those two schools, 80% chose Boalt (a school about eight places ahead of UCLA in the rankings at the time). Among the 186 students admitted to both UCLA and either Davis or Hastings Law Schools (schools in the University of California system perhaps twenty places behind UCLA in the rankings) who went to one of those schools, 85% chose UCLA. Both impressionistic and quantitative evidence suggest that the reliance on rankings to make matriculation decisions has only increased since then.

school. The most important factor, by a considerable margin, was the school’s “academic reputation”.⁸

The tendency for prospective law students to optimize law school prestige when making their enrollment decisions is just as striking in more recent data we have collected from over forty public law schools across the country. The higher an admitted applicant’s credentials are relative to the school’s student body, the more likely the applicant is to decline the offer. And conversely, an admitted applicant whose incoming credentials are lower than the median student’s will be significantly more likely to accept the offer.

Figure 1: Distribution of Credentials Indexes at One Sample Law School (University of Arizona)



Because law schools rely heavily on numeric credentials and relatively mechanical admissions formulae,⁹ and because applicants tend to go to the most elite school that will have them, law schools are highly stratified along the lines of incoming credentials, and the students at any particular school are tightly clustered together. Thus, the 75th percentile enrollee at 15th ranked UCLA has the same LSAT score as the 25th percentile student at 5th ranked University of

⁸ Over 65% of respondents said this factor was “very important” in choosing a law school; no other factor was considered “very important” by more than 48% of respondents.

⁹ See Yakowitz and Sander, *Race and Admissions at American Law Schools* (work in progress).

Chicago, and the 75th percentile enrollee at 50th ranked Tulane has a lower LSAT score than the 25th percentile enrollee at UCLA. In other words, the students at the various tiers of legal education have very little overlap in their standard incoming credentials.

Table 1: Incoming Credentials at a Sample of Law Schools

Rank	School	25 th Percentile	75 th Percentile
5	U Chicago	167	171
15	UCLA	162	167
50	Tulane University	156	161
Tier 3	New York Law School	150	154
Tier 4	Thomas M. Cooley	141	149

Source: ABA-LSAC Official Guide to ABA-Approved Law Schools, 2004 edition.

The many-tiered structure of legal education with more-or-less discrete groups of law students organized by incoming credentials makes it very difficult to disentangle the influences of law school prestige and pre-existing cognitive strengths on later career success.¹⁰ Do strong

¹⁰ Though the US News rankings have generated great rancor for contributing to a rigid and in some ways arbitrary hierarchy of schools, Russell Korobkin has argued that the rankings help to efficiently match law students and employers. See Russell Korobkin, *In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems*, 77 Tex. L. Rev. 403 (1998). However the law student-employer sorting mechanisms depend not only on students electing to go to the highest ranked schools, but also on the schools admitting the strongest students. Jeff Stake has questioned whether this is in fact happening. Jeff Stake has pointed out that as the rankings become more dominant, law schools give increasing weight to LSAT and UGPA, the two measures US News uses to assess the eliteness of a student body. Schools even announce policies of only counting the “top” LSAT score of a student, giving both schools and students incentives to game the system. The cumulative effect of this cycle is to retreat from identifying the “best” students, and instead sort students by the highest reportable credentials. See Jeffrey Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 Indiana L. J. 229 (2006). On a different point, Andrew Morriss and William Henderson have documented that the success of a law school’s graduates in the labor market is not strictly dictated by the school’s US News ranking. Other factors, in particular the location of the law school, play important roles in post-graduation outcomes. See Andrew P. Morriss & William D. Henderson, *Measuring Outcomes: Post-Graduation Measures of Success in the U.S. news & World Report Law School Rankings*, 83 Ind. L. J. 791 (2008). An earlier, less systematic study came to similar conclusions about the salience of geography. See Robert Stevens, *Law Schools and Law Students in Going to Law School? Readings on a Legal Career* (1975, Thomas Ehrlich and Geoffrey Hazard, Jr., eds.)

students make a law school elite? Or does an elite law school confer advantages on its graduates? It is vital to be aware that both effects are possible, and to properly take the intense human capital stratification of students across law schools into account before assuming that law schools play some independent causal role on the careers of their graduates.¹¹

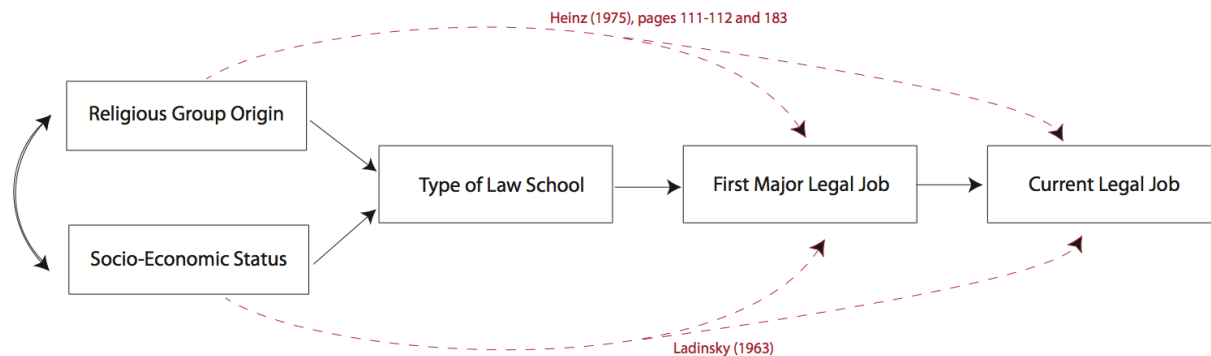
One recent work epitomizes both this conflation of human capital with the effects of school prestige and the widespread belief that prestige is all-important. Oyer and Schaefer (2010) ask several of the same analytic questions we explore later in this paper, but do so in a way that obscures key issues and considerably overstates the importance of attending an elite school. Their analyses of how law school eliteness affects subsequent earnings use poor proxies of law school performance, do not control for student LSAT scores, and do not take into account the dramatic cost-of-living differences facing lawyers in different parts of the United States. All of these choices, as we shall see below, greatly exaggerate the relationship between school eliteness and earnings. Oyer and Schaefer concede that their models have limitations, but then make audacious claims about their implications, suggesting that a Stanford law degree is worth about \$1 million more than a UCLA law degree, and \$2 million more than a degree from a third-tier school. We shall see later in the paper some of the problems in this kind of thinking, but for now it is important to keep in mind that Oyer and Shaeffer's claims reflect a widespread mindset in the legal academy.

"Social eliteness". Many of those who study the legal profession are sociologists by training, and as such, they naturally incline towards a view that social stratification is quite important and that social status tends to reproduce itself, even in a society like the United States which views itself as meritocratic and comparatively classless.¹² These scholars do not subscribe to identical models, but it is fair to say that many would endorse a model of legal careers outlined by Heinz and Laumann in *Chicago Lawyers* and reproduced with modifications here¹³:

¹¹ Heinz et al, *supra* note 5, Ladinsky, *supra* note 2, both lack the necessary controls for the conclusions they draw. But Ronald Ehrenberg concludes that school prestige might have an independent positive effect on earnings because a control for the Gourman reputation score had a statistically significant impact on earnings even after controlling for a law school's median LSAT score. Ronald G. Ehrenberg, *An Economic Analysis of the Market for Law School Students*, 39 J. Legal Educ. 627, 630-633 (1989).

¹² C. Wright Mills' *The Power Elite* (1956) is the iconic work on this subject, but many other studies have made much the same point.

¹³ Although the text of *Chicago Lawyers* concludes that social and religious group status affected law firm placement through the process of enrolling at elite law schools, the tables indicate that religious background—e.g. being Jewish—had an independent effect on the legal labor market. While Jews were proportionally represented



Source: Chicago Lawyers, p. 173, w/modifications to the model shown in red

A central idea in sociological theories of the professions is that a profession distinguishes itself from a mere “occupation” by limiting entry. Abel (1989) memorably documents ways in which the legal profession, as it became organized in the late 19th century and the first half of the twentieth, often limited entry by gender, race, and class.¹⁴ A profession that used religion and class as barriers to entry would, presumably, be even more aggressive in limiting access to elite jobs within the profession to those with the right social background.

There is no doubt that these sorts of socioeconomic screens did exist among the elite law firms that rose to prominence during the first two-thirds of the twentieth century. The classic study of these firms, Erwin Smigel’s *Wall Street Lawyer*, provides a largely anecdotal but very persuasive portrait of these social mechanisms. Smigel documented that top New York firms preferred their associates not only to graduate from the top schools and to have academic talent and stamina, but also to “be long enough on family connections” to fit the high status, “social register” image of their firms.¹⁵ Other scholars writing around the same time as Smigel (the 1960s) found analogous, though perhaps less pervasive, social hierarchies in legal practice settings across the mid-century American heartland.¹⁶

at elite law schools, they ended up at disproportionately low-status firms. Chicago Lawyers at 111-112, 183, 186. For corroboration of the dashed arrows at the bottom of the heuristic, see Jack Ladinsky, *Careers of lawyers, Law Practice, and Legal Institutions*, 28 Am. Sociological Rev. 47, 52 (1963).

¹⁴ Abel himself focuses primarily on entry into the profession itself, through the development of law schools, bar exams, and other entry points into the profession.

¹⁵ Smigel, p. 37 and passim. It’s worth noting that Cravath, Swaine and Moore, a firm often held up as the archetype of the prestigious Wall Street firm, eschewed the use of social standing as a recruitment criteria during this period. Hoffman, *Lions in the Street*.

¹⁶ See Ladinsky (1962) and Carlin (1963).

Such portraits of a class-stratified legal profession strike many as quaint these days. In our experience, most practitioners believe that the legal profession has lost its class and ethno-religious structure. A common view is that norms in the profession fundamentally changed in the 1960s and early 1970s. Changing racial attitudes, the large-scale entry of women into law school, and increasing competition for the best associate talent all took their toll on older attitudes and practices, making modern legal practice a nearly pure meritocracy.

But sociologists and other analysts of the legal profession have tended to disagree. Writing in the early 1980s about Chicago lawyers in the 1970s, Heinz and Laumann observed that “the position in which a lawyer begins the practice of law appears to be more than ever likely to determine the position in which he will end his career, and the position where a lawyer starts is, as much as before, determined by his social origins. Thus, the social hierarchy within the legal profession may be becoming more fixed, more rigid, more difficult to surmount.” In other words, Heinz and Laumann found evidence that even in the wake of the broad social upheavals of the 1960s, social stratification in the law was holding firm and perhaps even increasing. Similarly, Lena, Roach and Warkov (1993) found that among a sample of law school students who became lawyers in the mid-1960s, “occupational inheritance” (whether the lawyer had a parent who was a lawyer) and religion were strongly associated in the 1980s with mid-career practice settings; Protestants and those with lawyer parents were significantly more likely to be at law firms rather than in solo practice. Erlanger (1980) was an unusual, dissenting voice; he found in a 1973-74 national sample of lawyers that while social background affected who went to law school, it had little impact on post-graduate outcomes. Erlanger’s findings were downplayed by others who suggested that Erlanger’s sample was skewed away from large cities, where status counted for most. In the late 1990s, when the massive “After the JD” (“AJD”) study was formulated, a central goal was to document how “social capital” – connections, socioeconomic status, and other forms of social privilege – shaped legal careers.

Still, there have been recent, subtle shifts in the literature that at least imply a smaller role for social class in shaping careers. The official reports of the AJD, in tracing the outcomes of young lawyers, make essentially no mention of class issues. And in their updated study of Chicago lawyers, drawing on interviews from 1994-95, Heinz, Laumann, and their coauthors offer a more nuanced (or at least ambivalent) view of the role of class divisions in the bar. Although they write that “[s]ocial stratification divides the bar and weakens its coherence – lawyers with differing personal characteristics live in difference social worlds and play different roles both in the bar and outside it” (p. 318), they also note that “ethnoreligious stratification, seen clearly in the 1975 data, was greatly diminished in 1995, but women, African Americans, and Hispanics replaced the disadvantaged ethnoreligious groups on the lower rungs of the

professional ladder.”¹⁷ Similarly, a recent study by Dinovitzer of Jewish lawyers, while starting from an assumption that socioeconomic status and other social factors play an important role in success in the law, finds that the role of social capital is nuanced and not always correlated with traditional measures of success.¹⁸

We draw a few lessons from this discussion. The Bar was once highly stratified by class and religion, and this was properly a central focus of many studies of lawyers by social scientists. Second, observers both inside and outside the law perceive the processes of stratification to have changed sharply over the past half-century, but there is disagreement about the pace and nature of the change. Some believe competition and changing social norms have produced an intensely meritocratic profession, where social background is immaterial; others believe stratification has become more subtle so that its effects can only be observed indirectly. But the idea of social stratification among lawyers still has considerable sway as a world-view shaping the way many social scientists think about the profession.

Law school performance. A few years ago, one of us (Sander) published a study of the use of racial preferences in big law firm hiring.¹⁹ Sander found that although firms hired blacks in proportion to their numbers in the applicant pool, to do so they had to select blacks with much lower law school GPAs than their white counterparts. The lower grades seemed to handicap blacks substantially in the big law “tournament”, plausibly leading to much higher attrition and lower rates of partnership attainment. Sander conceded that he had only indirect evidence for the role of law school GPA in law firm success, and therefore advanced the argument as a mere hypothesis.

¹⁷ Although we have eschewed a focus on race and gender issues in this piece, we cannot pass by this quote without noting our view that the mechanisms of stratification in the Bar have not simply “replaced” ethnoreligious minorities with racial minorities and women. Traditional stratification means that groups are kept in lower strata through exclusion from the higher strata. But whereas Jews, Catholics, and working-class aspirants were once excluded to varying degrees from elite firms and even elite law schools, that is certainly not the case with women and racial minorities. As one of us has pointed out in earlier work, blacks are significantly over-represented among the ranks of new associates at elite firms, relative to their numbers among new lawyers, and women are proportionally represented. The weight of evidence suggests that their under-representation among the partners at these firms is primarily due to factors other than garden-variety discrimination or exclusion. Richard Sander, *The Racial Paradox of the Corporate Law Firm*, 84 North Carolina Law Review 1755 (2006); Kenneth Dau-Schmidt, *Men and Women of the Bar: An Empirical Study of the Impact of Gender on Legal Careers*, 16 Mich. J. Gender & L. 49 (2009)

¹⁸ Dinovitzer, “Social Capital and Constraints on Legal Careers,” 40 Law and Society Review 445 (2006).

¹⁹ Sander, *The Racial Paradox*, *infra* note 27.

Much of the response to this article suggested great skepticism about the idea that law school grades had anything to do with career success. True, some employers – especially big firms – might seem to attach importance to grades. But surely this was an arbitrary and largely empty credential; doing well in law school actually had nothing to do with the skills needed for negotiating deals, arguing in court or attracting clients.²⁰

Unlike many scholars, prospective law students do seem to believe that their future grades are relevant.²¹ In the BPS survey of 1991 law school matriculants, 98% reported that they were at least “concerned” about getting good grades, and 81% were “very concerned.” But this concern has little impact on their selection of a law school. The BPS collected information on how law students expected to perform academically. Prospects do not see any tradeoff between being a big fish in a small pond (i.e., getting stronger grades at a less elite school) versus being a small fish in a big pond (i.e., getting lower grades at a more elite school), because they generally believe they will be big fish, regardless of where they go to school. The BPS asked beginning law students to rate how their skills compared with their new classmates, and to predict their eventual class rank. Thirty-four percent of the beginning students predicted they would end up in the top tenth of their classes; 99% predicted they would end up

²⁰ Among legal thinkers and academics, skepticism that grades do not predict lawyer success is expressed by, among others, Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 Mich. L. Rev. 34 (1992); Alex M. Johnson, Jr., *Think Like a Lawyer, Work Like a Machine: The Dissonance Between Law School and Law Practice*, 64 S. Cal. L. Rev. 1231 (1991); James E. Coleman, Jr. and Mitu Gulati, *A Response to Professor Sander: Is It Really All About the Grades?*, 84 N. Carolina L. Rev. 1823 (2006); Daniel Keating, *Ten Myths About Law School Grading*, 76 Wash. U. L. Q. 171 (1998).

Among lawyers and commentators, similar views are often expressed. In a New York Times piece discussing The Racial Paradox, Jonathan Glater quoted several law firm partners expressing skepticism about the link between law school grades and law firm partnership. The piece was entitled “Straight-A Student? Good Luck Making Partner”, *New York Times, Week-in-Review* 3, Dec. 3, 2006. Similarly, California lawyers Raymond Marshall, Renee Duree and Elizabeth Hall wrote of lawyers, “grades neither guarantee nor define success in the workplace.....[g]rades function as a litmus test for a student’s prowess in academia, and so are not necessarily indicative of his or her savvy once within the workplace. To give grades any greater weight would be erroneous....once an associate passes academic muster or whatever the hiring threshold may be, the associate’s workplace capabilities quickly become the defining features that measure his or her talent.” *Ad Hominem*, Dec. 22, 2006. However, in the authors’ experience, law firm leaders talking off the record are often quite fervent about the importance of high law school grades as a predictor of success – which of course explains why firms rely so heavily on them in making hiring decisions.

²¹ 98% of BPS respondents stated that they were at least “concerned” about getting good law school grades, and 81% were “very concerned”.

in the top half.²² Data from the National Study of Law Student Performance shows similar patterns – the optimism of first-year students was still largely intact after two months of law school, before their first set of exams.²³

A few years later, of course, those same people have a somewhat different perspective. They have learned that it is not possible, as in Lake Wobegon, for everyone to be above average, and they have learned that employers place considerable weight on law school performance. White and Asian associates at large law firms are most likely to cite grades as the most important factor in landing their job; indeed, 60% of associates at large firms in the AJD reported that their grades were more important than their law school's prestige in landing their large firm job. But lacking any real evidence on the long-term effect of grades upon careers, or the actual tradeoff between school eliteness and school performance, it is not clear that many would behave any differently if given another chance to choose a law school.

II. Some Findings About Each Factor

A. Social eliteness. Two patterns struck us forcefully as we examined data on the social eliteness of lawyers:

On the one hand, law students come predominantly from upper-middle- and upper-class backgrounds. This was true fifty years ago and continues to be true today – to almost exactly the same degree. Whatever is necessary to shape the credentials and desire necessary to end up in law school, it is distributed in ways that correlate strongly with most conventional measures of social eliteness.

On the other hand, the role of social eliteness in shaping lawyer careers after law school has changed dramatically over the past two generations. Whereas in the 1960s, social class, proper “connections” and religion all played influential roles in shaping the types of legal careers available to law graduates, those factors do not seem to bear the same significance today.

²² Of those 34% that predicted they would be in the top 10% of their class, the average respondent actually received grades at the 55th percentile of their law school class.

²³ The National Study of Law Student Performance survey was administered in 1995 to nearly seven thousand. The original purpose of the study was to examine whether there was a significant gender gap in law school either in grades or in how law school was experienced by men and women. The survey responses were matched to student records including first semester and first year law school grades. All data files and documentation are available at www.law.ucla.edu/sander/Data.htm.

This section details both of these findings.

In the early 1960s, the National Opinion Research Center (NORC) administered a large survey to some thirty-three thousand seniors at 135 colleges and universities. The survey focused on graduate school and career plans, and a year later roughly 85% of the surveyed students completed a follow-up survey. Warkov and Davis (1963) compiled data on the thousand or so survey participants who entered law school and completed both NORC surveys. They were particularly interested in the social origins of students, which makes their study by far the best source available on the socioeconomic characteristics of law students in that era.

The findings of Warkov and Davis are nuanced, but their bottom line is succinct: most law students in the early 1960s came from relatively privileged backgrounds. At elite law schools, about half the students come from the top tenth of the American social pyramid. Only a tenth of so of students come from the bottom half. As school eliteness declines, the average level of social privilege among students declines as well, but among law students as a whole, the level of privilege is quite high. During this same era, social background and class played obvious roles in shaping legal careers too, as we've discussed in Part I.

Forty years later, social barriers within the legal profession that are traceable to religion and class have largely disappeared. There may indeed be a higher proportion of Jews at the historically Jewish firms (e.g., Skadden Arps) and a higher proportion of WASPs at traditionally white-shoe firms (e.g., Davis Polk), but patterns of practice or firm eliteness once associated with religion have either reversed altogether or become greatly attenuated.

It is also hard to see, within the lawyer population, distinct advantages that accrue to those with what were once important family components to human capital. Within the After the JD dataset, for example, consider the following earnings differences between lawyers who report a particular characteristic, and those who don't.

Table 2: Difference in Median Salaries for Those with Reported Characteristic

Lawyers in the family	+\$1,000
One or both parents are supervisors	-\$5,000
One or both parents are executives	-\$5,000
Family helped with career strategy	-\$5,000
Family helped with networking	-\$4,000
Family was important for obtaining first job	-\$14,000
Family was very important for obtaining first job	-\$17,000
Both parents are immigrants	+\$0

Source: AJD tabulations by the authors

More often than not, those with high “family capital” report *lower* earnings.²⁴ Part III will utilize regressions to better measure the marginal impact of these factors when other characteristics are controlled, but this simple descriptive analysis suggests that an elite family background or family connections are of little value to attorneys starting their careers.

Yet there is no question that new lawyers still predominantly come from affluent and educated families. Indeed, the available data sources on the socioeconomic background of young lawyers consistently show that there has been virtually no change in the SES eliteness of law students since the Warkov-Davis study of the 1961 cohort. As Table 3 shows, half of all students at elite schools in the “After the JD” dataset (who generally began law school in 1996 or 1997) had parents with occupational and educational levels that put them in the top ten percent of American households; only ten percent had SES backgrounds that put them in the bottom half of the American distribution. As in the Warkov-Davis analysis, students at less elite schools are more socially heterogeneous; again, the change over time is extraordinarily slight.

²⁴ These relationships hold for means of natural log-transformed salaries, as well. Of course, this is an extremely simple analysis, and one can imagine confounding factors. For example, marginal graduates of weak law schools might rely disproportionately on relatives for jobs, and family connections could be a net plus for a smaller group at the top. But our more sophisticated analysis in Part III does not suggest a very different picture.

Table 3: SES Eliteness of Law Students in AJD Panel

School Eliteness	Proportion of students with SES in the following ranges:				
	Bottom Quartile	Third Quartile	Second Quartile	75 th to 90 th Percentile	90 th to 99 th Percentile
(1) "Top Ten" (n=362)	3%	7%	16%	24%	50%
(2) Ranked 11th-20th (n=434)	2%	11%	17%	25%	45%
(3) Ranked 21st-50th (n= 627)	3%	11%	21%	21%	44%
(4) Ranked 51 st -100 (n=1063)	7%	14%	22%	23%	33%
(5) Ranked 101 st & lower (n=929)	6%	17%	23%	28%	26%
(6) All Schools	5%	13%	21%	25%	36%

Source: see text.

Table 4 attempts a direct comparison of data in Warkov-Davis with data from After the JD. Both surveys included questions about the educational attainment of respondents' fathers. For each period, one can compare these responses to the general educational attainment of men with ages similar to those of the respondent's parents, and compute an "index of dissimilarity", showing on a scale of 0 to 100 how different (i.e., more elite) the law student fathers are compared with the general population. (An index measure of 100 would show no overlap whatsoever, while an index measure of 0 would imply identical distributions.) The similarity across time is striking; if anything, it is perhaps fair to infer that the most elite schools have become more SES-elite over time, while the least elite schools in the spectrum are a bit more socially heterogeneous than their 1961 counterparts.²⁵

²⁵ It is important to note that the number of law schools has increased greatly since 1961, as has the number of law school matriculants (even as a proportion of the general population). Many of the schools in "Tier 5" did not exist in 1961.

**Table 4: Indices of Educational Dissimilarity for Law Student's Fathers
Comparing the Warkov data on 1961 matriculants with AJD 1996-97 matriculants**

Indices of educational dissimilarity (from the general age-adjusted population) for fathers of:			
Warkov's 3 Law School "Strata"	1961 Matriculants	1996-97 Matriculants	Five Tiers of Contemporary Law Schools
Stratum I	52.7	59.3	Tier 1
		50.5	Tier 2
Stratum II	41.7	47.0	Tier 3
Stratum III	35.7	34.4	Tier 4
		30.7	Tier 5

Source: Authors' analysis of data from Warkov and Davis (1963) and from the AJD first-wave

There is an apparent tension between our two findings in this section: the social eliteness of law students has remained intact over the past fifty years, while the effect of social eliteness upon lawyer careers appears (at least provisionally) to have declined markedly. But the tension may be more apparent than real: they apply, after all, to two very different processes. Law school admissions are not determined by family influence; they are determined by (a) who is in the pool of college graduates, (b) who wants to go to law school and believes they can finance it, and (c) who has high credentials – LSAT scores and college grades. All three of these criteria are certainly influenced by SES eliteness.²⁶ But this eliteness might have very

It is also worth bearing in mind that while many elite law students come from families that almost everyone would consider “upper class”, much of the “top tenth” we discuss is in the top tenth mostly by virtue of education rather than wealth, and in any case would be considered upper-middle-class rather than upper-class by most observers.

²⁶ See *The Urban Underclass* (Christopher Jencks and Paul Peterson eds., 1991) and Meredith Phillips et al., *Family Background, Parenting Practices, and the Black-White Test Score Gap* in *The Black-White Test Score Gap* 103 (Christopher Jencks & Meredith Phillips, eds., 1998). For an analysis of the effect of socio-economic status on undergraduate GPA, see Julian R. Betts and Darlene Morell, *The Determinants of Undergraduate Grade Point Average: The Relative Importance of Family Background, High School Resources, and Peer Group Effects*, 24 *J. Human Resources* 2 (1999).

little influence upon outcomes once students start law school and enter the job market, independent of its effect on determining the point of entry (the eliteness of the initial school). If legal employers have become more preoccupied with the stamina and intellectual horsepower of new hires, and less interested in their social status, then the old social distinctions may plausibly have lost most of their power in practice settings.²⁷

B. Law School Eliteness. There is little question that going to the right law school was a virtual prerequisite for many elite law positions in the 1950s and 1960s. But it's equally clear that the importance of an elite degree has declined substantially since then. Consider the following chart:

²⁷ The social eliteness of law graduates might seem to make it difficult to detect eliteness effects upon careers – if almost everyone has an elite background, is there enough variation to statistically test for eliteness effects on careers? For the most part, the answer is “yes”. Sample sizes in studies such as AJD are large enough to include hundreds of lawyers from non-elite backgrounds. And within the category we describe as “elite” – which ranges from the upper-middle class to the upper class – there is quite a lot of variation. What we cannot test is the effect of coming from a truly wealthy background – say the top 1/10th of the top percentile.

Table 5: Percentage of Young Lawyers Recruited from Specified Sets of Schools by Three Cohorts of Law Firms

Law School Cohort	Large New York Firms, 1950-1965	Large New York Firms, 2002	All Other Large Firms, 2002
	Top Three	73%	15%
Top Ten	91%	39%	22%
Top Twenty	92%	53%	44%
Top Thirty	96%	72%	52%
Top Fifty	97%	73%	65%

Statistics in Column 1 are derived from the 1965 Martindale-Hubbell listings for elite New York firms, defining as elite those New York firms that went on to be members of the Am Law 100 in 2001. We counted each listed lawyer who had graduated from law school in 1950 or later (for some firms this included only partners). Columns 2 and 3 are based on AJD data. Column 3 reports statistics for AJD participants, wherever located, who reported working for a firm of 100 or more attorneys. Nearly all of the attorneys in Columns 2 and 3 are associates. The same set of schools are classified as “Top Ten”, “Top Twenty”, and so on, for all three columns. “Top Three” includes Harvard, Yale, and Columbia, the latter because it has long been a principal feeder of New York elite firms.

In the 1950s and early 1960s, elite New York law firms placed great importance on their new associates coming from the “right” background, which, as we have already discussed, often included such things as family connections, religion, prep school, and an elite college. So far as we can infer from accounts of the period, their hiring process focused almost exclusively on very elite law schools; within the pool of applicants from these schools, firms looked for a basic level of achievement (a grade average of B or better) and key SES indicia.

Forty years later, the process – and the elite firms themselves – looked very different. Elite firms had grown enormously (by a factor of ten or more), and thus had to do hiring on a much larger scale than before. The sharp increase in legal demand that accompanied this growth meant that much big firm business was coming from completely new sources, where social connections were less relevant. The rise of elite Jewish firms in the 1960s and 1970s had brought greater pressure to bear upon older firms to emphasize intellectual virtuosity over social connections. And the increased geographic spread of the elite firms meant that big firm

practice was far less concentrated in New York than had once been the case. All of these factors led firms to both broaden the range of law schools from which they hired, and to place greater emphasis on the grades of applicants. It is well known among those involved in law firm hiring – though not discussed much in public – that the great majority of big firms have adopted sliding scales that set rule-of-thumb grade thresholds at each school the firm selects from. Thus, an elite Chicago law firm might consider the pool of possible hires to include the top half of the class at the University of Chicago, the top third of the class at Northwestern, the top fifth at the University of Illinois, the top tenth at Loyola Law School, and so on.

One can see the shift in patterns even over the shorter period embraced by the two “Chicago Lawyer” studies by Heinz, Laumann and their collaborators. Here, we have created two categories of private law firms called “big” firms and “huge” firms based on their size relative to other firms at the time of each survey. In 1975, “big” firms had 60 or more attorneys (putting them at the 75th percentile of respondents age 40 and under in a firm setting), and “huge” firms had 150 or more attorneys (the 90th percentile of respondents age 40 and under in a firm setting). In 1994, “big” firms at the 75th percentile had 220 or more attorneys and “huge” firms at the 90th percentile had 500 or more.²⁸ The changes over time are striking: In 1975, 92% of the younger lawyers at huge firms had attended a prestigious law school, and by 1994 that figure dropped to 52%.

Table 6: Proportion of Big Firm or Huge Firm Attorneys Who Attended Prestigious Law Schools

	Age 40 and Under		Over Age 40	
	1975	1994	1975	1994
Big Firm	81%	51%	82%	57%
Huge Firm	92%	52%	100%	45%

Chicago Lawyers Data; schools we define as “prestigious” include those Heinz et al define as “elite” and “prestigious”, roughly corresponding to the “top 20” schools; see *Chicago Lawyers* (1982) at 15-16 and *Urban Lawyers* (1005) at 24-25, as well as the notes to Table 11. Sample includes all respondents, no matter the practice setting

The prevailing theory explaining the change in recruitment practices is that, as large firms expanded rapidly in size and number, elite law schools did not. This forced firms to dip

²⁸ Note that while the designations “big” and “huge” were based on the sample of law firm lawyers, the table below presents various proportions of law school graduates no matter what their practice setting may be.

deeper and deeper into the law school rankings to fill the vacancies in their associate ranks.²⁹ But today it is not unusual for firms to favor high achievers from less elite schools over law students at elite schools who aren't performing well, so the "limited resource" theory doesn't entirely explain the shift in recruitment patterns.³⁰

Those who believe elite schools confer unique job market advantages often cite statistics about the large number of big-firm partners who went to elite schools. Wilkins and Gulati reported in 1995 that "70% of all the partners in five large firms in top legal markets had graduated from one of the thirteen most prestigious law schools in the country."³¹ What these statistics overlook is that the most elite law schools necessarily graduate a large proportion of the most talented students; such statistics, by themselves, say nothing about the value added by the elite degree. To see this point, consider a similar analysis in the recent paper by Oyer and Schaefer (2010). They estimate that 13.4% of the graduates of top ten law schools eventually become partners at elite law firms, compared with 8.9% of graduates from schools ranked 11th to 20th, and 3.5% of graduates from the 21st to 100th-ranked schools. But consider what proportion of students at these schools have pre-law credentials at or above the 95th percentile of all law students:

²⁹ John P. Heinz et al., *The Scale of Justice: Observations on the Transformation of Urban Law Practice*, 27 *Ann. Rev. Soc.* 337, 349 (2001); Ronald J. Gilson and Robert H. Mnookin, *Coming of Age in a Corporate Law Firm: The Economics of Associate Career Patterns*, 41 *Stan. L. Rev.* 567, 587 (1988). However, if this were the only explanation, we'd expect the less capable graduates from regional and local law schools to fizzle out of the law firm tournament earlier than their peers from elite schools. Robert Nelson found that the graduates of non-elite law schools who were enjoying access to the large firms for the first time were also holding onto their positions at a rate proportional to their entry. Robert L. Nelson, *The Changing Structure of Opportunity: Recruitment and Careers in Large Law Firms*, 1 *Am. Bar Found. Research J.* 109, 124 (1983).

³⁰ Tom Ginsberg and Jeffrey A. Wolf, *The Market for Elite Law Firm Associates*, 31 *Fl. St. U. L. Rev.* 910, 927 (2004).

³¹ Wilkins & Gulati, "Why Are There So Few Black Lawyers at Corporate Law Firms? An Institutional Analysis," 84 *Cal. L. Rev.* 493 (1996); Wilkins, "A Systematic Response to Systemic Disadvantage," 57 *Stanford L Rev.* 1915 (2005).

Table 7: A Crude Comparison of High Achievement, After and Before
Law School, by Law School Tier

Law School Tier	% of Graduates Becoming Partners at Top Firms	% of 1999-2000 Graduates w/ Credentials at 95 th percentile or above among all law graduates
Top 10 Schools	13.4%	29.7%
Top 11-20 Schools	8.9%	7.9%
Other Top 100	3.5%	1.3%
Tier 3	1.6%	0.5%
Tier 4	1.1%	0.5%

Source: Oyer & Schaefer (2010); authors' calculations from AJD data. Note that column (2) deals with graduates of the various law school tiers over a long period, while column (3) deals with a specific cohort.

The table suggests that the relative supply of top talent at the most elite schools (i.e., students with very high credentials) is greater than the relative supply of big firm partners from those schools. If anything, moderate-credential students who go to lower-ranked schools seem to be landing a disproportionate share of partnerships. As we shall see, there is much evidence that doing very well at a non-elite school confers particularly high value on law students. Thus, while it is true that Columbia students as a group are more likely to be recruited by elite firms than Fordham students, it is no longer obvious – by any means – that a given student will be more likely to eventually land a big firm job if she attends Columbia than if she attends Fordham.³² A critical part of the calculus, and one consistently overlooked by law school applicants, is whether she performs well in law school.

C. Law School Grades. As we noted in the introduction, law school grades are routinely derided as predictors of success. Even though it is well-known that judges care greatly about grades in choosing their clerks, professors care about grades in choosing their research assistants, and many employers insist on good grades in choosing new hires, most law school

³² Indeed, the 2009-10 On Campus Interview (OCI) program at Columbia saw a third of Columbia's participating second-year law students passed over for summer associate positions. See the message board on this topic at www.top-law-schools.com/forums/viewtopic.php?f=23&t=117113. No doubt at least a few Fordham students received summer job offers that the unsuccessful Columbia OCI participants would have taken, given the chance.

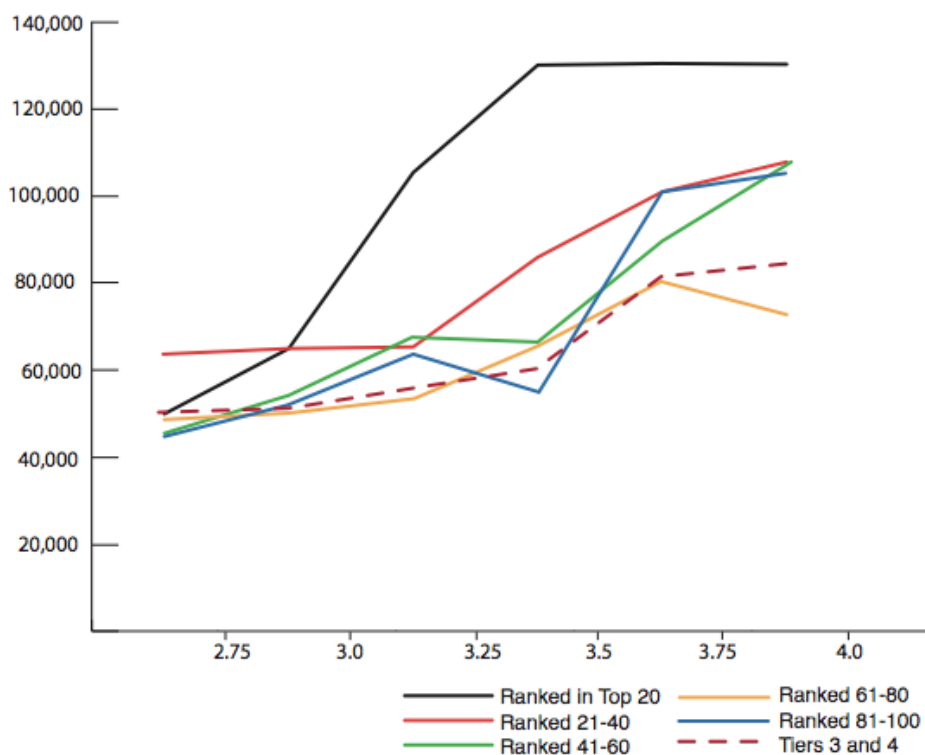
deans insist on regarding grades with an almost official disdain, bemoaning the importance that outsiders place on the credentials bestowed by the law schools themselves. How else can one explain the refusal of most law schools to officially acknowledge the class rank of their students? Or the routine efforts to mask student performance from employers by inflating law school grades and manipulating law firm recruitment methods?³³

Yet whenever it is possible to link law school grade data to either short- or long-term outcomes among lawyers, the evidence is indisputable that grades matter. The *After the JD* study reveals a sharp tradeoff between law school grades and tier. For all but the most elite schools, the salary premiums for achieving high grades more than make up for the salary depreciation associated with attending a lower-ranked law school. Figure 2 illustrates this relationship.³⁴

³³ Many law schools forbid legal employers to prescreen their students using grades. See Tom Ginsburg and Jeffrey A. Wolf, *The Market for Elite Law Firm Associates*, 31 Fl. St. Univ. L. Rev. 909, 912 (2004).

³⁴ In earlier work, one of us collaboratively produced a very similar analysis in table form. See Dinovitzer, Garth, Sander, Sterling and Wilder, *After the JD: First Results of a National Study of Legal Careers* (2004). Oyer and Schaefer (2010) use a similar figure with a critical difference: they use self-reported class rank rather than self-reported grades. The lines in their figure are flat, leading them to conclude that grades are unimportant. But the Oyer-Schaefer figure merely illustrates the inferiority of self-reported class rank to self-reported GPA as a measure of law school performance. The vast majority of AJD respondents (81%) reported that they were in the top half of their classes, and the over-reporting is even worse for the top ten schools (with 94% reporting that they were in the top half of their graduating class). The AJD's self-reported college grades, in contrast, correlate well with actual college GPA data obtained from LSAC. As we note again, *infra* text at 26, self-reported class rank will necessarily *understate* the importance of grades in any measurement of subsequent outcomes.

Figure 2: Median Salaries By Law School Tier and Grades



Source: After the JD, Phase I; salaries are those reported 2-4 years after law school graduation.

The AJD dataset covers lawyers at the beginnings of their careers and can say little about the long-term importance of law school performance, but the impact of law school performance has a strong and long-lasting reach. Consider, for example, Table 8, which is based upon the University of Michigan’s surveys of law school alumni. The surveys gather data from thousands of alumni five and fifteen years after graduation, and links alumni responses to actual data on the alumni’s years of attendance, credentials, and law school GPA. We standardized each alumni’s GPA for their years of attendance (i.e., computed a class rank) and divided the alumni into ten equal GPA deciles – the first decile being those with the lowest

GPA, and the tenth decile being those ranked highest. Each decile contains approximately one thousand alumni who graduated between 1960 and 1985.

Table 8: White Attrition from Big Firms
UMLS Grads, Classes of 1972-1985, surveyed 15 years later

(a) Grade Decile	(b) White Respondents to 15-year survey who started at firms with 50+ lawyers	(c) Those in (b) who were still with original firm 15 years later	(d) Those in (b) no longer at original firm	% Still at Original Firm (c/b)
1	25	1	24	4%
2	32	3	29	9%
3	58	7	51	12%
4	62	12	50	19%
5	94	13	81	14%
6	136	33	103	24%
7	157	26	131	17%
8	207	55	152	27%
9	236	56	180	24%
10	185	60	125	32%
Total	1192	266	926	22.3%

This table shows two important phenomena. First, it is obvious that getting higher grades at Michigan was associated with a higher chance of working at a large law firm. While it is conceivable that some self-selection is at work, it is much more likely that most of this association is due to the law firms' use of grades as a screening device in hiring (the 10th decile alumni were less likely to start at big firms in large part because many of them first did judicial clerkships). Second, GPA is strongly predictive of one's survival at the big firm. Alumni with high grades were several times more likely to still be at the same firm they started at – i.e., to make partnership at that firm – than alumni with low grades. One should keep in mind that the relationship must be even stronger than this chart suggests, because those with low GPAs in this group were those selected by the big firms despite their low GPAs; that is, they were seen as more promising lawyers by the firms *despite* their low grades, and thus presumably had a higher chance of survival than would typical Michigan students with low grades. The implication of this chart is that the big firms – which supposedly obsess over hiring associates

with high grades – were actually placing *too little* weight on grades for this pool of Michigan students.

Put differently, these patterns among the Michigan alumni provide very strong evidence that law school grades are much more than a “credential”; they powerfully predict long-term success. Indeed, part of what makes this particular example probative is that, since our measure of success is whether big firm associates stayed with and were promoted at their original firm, we know that their grades as credentials had no relevance to a successful outcome; it is highly unlikely that the firm promotion committees ever again looked at the transcripts of these associates, once they had been hired out of law school.³⁵

The first wave of the After the JD study is showing signs of breaking into the same pattern. Table 9 shows that, among the pool of young lawyers working at large law firms, the lawyers that left law school with the lowest grades feel the least secure about their jobs.

³⁵ An ironic confusion in the debate about law school grades and success in law firms is the (correct) insistence by many observers that firms do not consult law school transcripts in making partnership decisions. In his New York Times piece, cited supra note 20, Jonathan Glater quoted Reid Wingarten, “a well-known litigator at Steptoe & Johnson,” as observing that “grades received years earlier in law school had little to do with promotion. ‘You don’t want to know about my grades,’ said [Wingarten]”. Similarly, Jay Zimmerman, the chairman of Bingham McCutcheon, a global law firm, wrote an email to Bingham lawyers in response to news coverage of Sander’s *Racial Paradox*. “Grades are one of many components that we consider when evaluating candidates for hiring, and we consider grades within a certain range to be indicative of the necessary intelligence and acumen that it takes to be a successful lawyer. By the time one of our lawyers is being considered for partnership, grades are almost irrelevant.....” Zimmerman email to staff, Dec. 7, 2006 (available upon request).

This, of course, is exactly why Table 7 is so compelling. Firms are *not* considering grades when making partnership decisions; in fact, the key decision-makers almost certainly have no idea what grades candidates for partners received in law school. If they nonetheless disproportionately choose candidates with high grades, then the grades are effectively predicting other talents that make the candidate successful.

Table 9: Job Security of Large Law Firm Associates

AJD, White Only

“How satisfied are you with the job security of your current position?”

Responses on a 1-7 scale with 7=“Highly Satisfied”

Law School GPA	Average Job Security Response	N
3.75+	4.9	55
3.5-3.75	4.5	128
3.25-3.5	4.4	110
3.0-3.25	4.2	52
2.75-3.0	4.1	15
2.5-2.75	3.2	5

It remains to consider just what qualities high grades are measuring. In the standard law school discourse, high grades are dismissed as simply measuring the ability to perform well on timed exams that require the regurgitation of crammed material. Clearly, high grades measure much more than this – they capture motivation, organization, ambition, writing ability, and learning, all in a context of measurement against a specific set of peers where relative, not absolute, performance matters. As we shall see in Part III, the multiplicity of things measured by law school grades makes it challenging to model its causal function.

To help disentangle the interaction between grades and school eliteness, we used data from the Bar Passage Study (BPS), the longitudinal study of students starting law school in 1991 that LSAC conducted in the 1990s. In the questionnaire administered to participants as they began law school, each person was asked a series of questions about their application process, including whether they were admitted to their “first choice” law school and, if they were, whether they enrolled in that school. About one respondent in eight was admitted to their first choice school but did not attend it, often for geographic or financial reasons. These students provide an excellent group for avoiding the selection effects that are so omnipresent in work on school eliteness; since the students who go to their second- or third-choice school were admitted to their first-choice (and generally more elite) school, they probably have the same (unobserved) strengths as their peers who also got into and actually attended their first-choice schools.³⁶

³⁶ Indeed, “second and third choice” law students had nearly identical credentials to “1st choice” students, but attended law schools at lower tiers, on average. Controlling for credentials alone, without knowing admissions options, would be an incomplete basis for comparison. As Robert Linn points out, “the correlation between the LSAT and [law school] grades would be expected to be higher if the LSAT was not used for admissions purposes.” Robert L. Linn, *Test Bias and the Prediction of Grades in Law School*, 27 J. Legal Educ. 293, 306 n.27 (1975).

Table 10: The Effect of Attending a Reach School on Law School Performance

OLS Regression on Standardized Law School GPA

Bar Passage Study

Predictor	
Attended 1 st Choice School	-.193** (.032)
Undergraduate GPA	-.913* (.391)
UGPA ²	.248** (.064)
LSAT	.088** (.025)
LSAT ²	.000 (.000)
Ethnicity controls	Yes
Parental education controls	Yes
Scholarship controls	Yes
R ²	.21
N	5,967

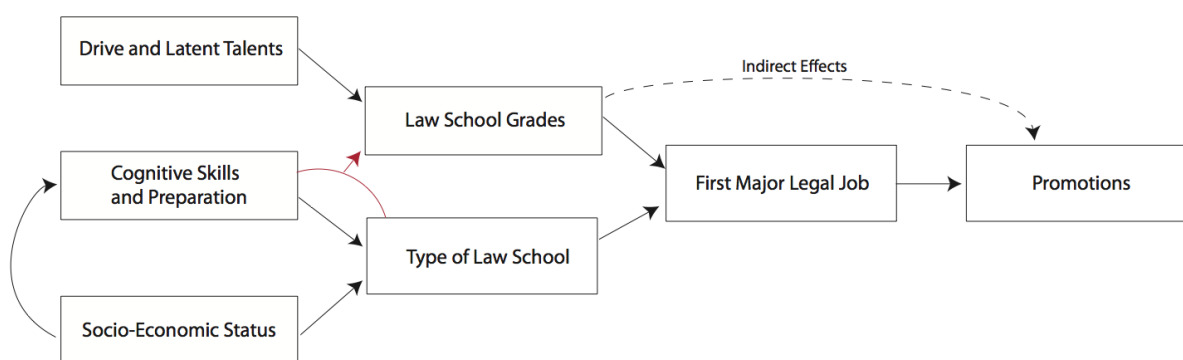
By using OLS regression to predict standardized law school grades in the BPS, we obtain consistent estimates that attending one's first-choice school is associated with a drop in law school GPA of about one-fifth of a standard deviation. We also find that first-choice students attend schools that are, on average, about one-third of a "tier" more elite than their second-choice peers who are otherwise similar in their credentials. If we assume the first-choice effect is linear,³⁷ it follows that moving up a tier in the BPS hierarchy is associated with a drop in GPA of about three-fifths of a standard deviation (approximately two-tenths of a point in a typical law school 4.0 scale) (approximately two tenths of a point in a typical law school 4.0 scale). The detriment to GPA was even greater for law students in the top two law school tiers in the BPS (roughly equivalent to schools ranked 1-50). For these students, attending a first-choice school resulted in a highly statistically significant loss of .39 standard deviations in law school grades, suggesting that trading up an entire tier could result in a half point drop in GPA.³⁸

³⁷ Linearity might not be the appropriate assumption here. It is conceivable that small jumps in law school eliteness have little to no impact on performance while large jumps (i.e., an entire tier) have even larger effects on performance. At some point, of course, the measurable effects of lower credentials shrink, since there's a limit to how low one's relative law school performance can fall.

³⁸ The "first choice" students in this sample had marginally stronger LSAT scores than the 2nd/3rd choice students, and we removed the 29 first choice students whose LSAT scores fell below the range of the 2nd/3rd choice students. Differences in tier are smaller for this group (the averages are .13 apart), but this is partly by design since we restricted the sample to just two tiers. Even assuming the 1st choice students are .25 tiers higher than the 2nd

III. Comparing the Factors

We have seen some evidence that SES and law school eliteness have declined in importance as gateways to elite legal careers, while law school grades seem more important than is generally assumed. What we really want to know, however, is how these factors directly compare to one another in shaping career outcomes. We have absorbed the various findings described in Part II into a causal model of our own that describes the career trajectories of lawyers:



We hypothesize that law school tier will have some bearing on initial law firm recruitment, but that law school grades will also be highly relevant, and will increase in importance over time. Moreover, law school grades will have long-term effects on legal careers while law school tier is a quickly depreciating asset. Social status will not be relevant beyond the point of admission to law school.

To test our theories, we would like a large, national sample of the entire population of lawyers, with rich data on social eliteness and accurate data on law school and grades. Nothing quite like this exists, but we will here explore the best available substitutes.

The Chicago lawyer datasets (Chicago 1975 and Chicago 1994) cover two random samples of lawyers practicing within the city limits of Chicago in the mid-1970s and the mid-1990s. Each sample includes just under eight hundred lawyers, including about six to seven hundred cases with fairly complete data. Heinz, Laumann and their coauthors were interested in many of the same questions that interest us, so they captured much, but not all, of what we

choice students, likely an exaggeration, the effective trade-off for a jump of a full tier is 1.6 standard deviations in GP—roughly equivalent to half a GPA point.

would like to measure. Their data includes the law school attended by each respondent and, (since the investigators had no direct access to the respondents' education records) *self-reported* law school class rank. This is a doubly imperfect measure of law school performance, first, because law graduates often do not know their actual class rank, and second, because self-reported performance measures are routinely inflated. Thus, some 20% of the Chicago respondents reported that their class rank placed in the top tenth of their class, and nearly 50% placed themselves in the top quarter. The SES measures available in the Chicago data include whether a parent is a lawyer, the respondent's religion, and parent's education, though we have not yet deciphered the coding of all these variables for the 1975 data and therefore only explore some of these factors in this draft.

Table 11 shows simple OLS regressions predicting the respondent's income percentile among all respondents.³⁹ The results are rich and telling. In 1975, law school eliteness is associated with higher incomes, though the relationship is not quite statistically significant for even the top tier of law schools. The importance of self-reported class rank is roughly comparable to law school eliteness in its importance; even back then the scale of the coefficients on class rank variables was greater than the tier variables. One key measure of social eliteness – having a father in the legal profession – has a significant and large impact upon income in 1975.

By 1994 the picture has changed substantially. Self-reported class rank is the dominant explanatory variable, with a 27-percentile difference between those reporting that they are at the top versus the bottom of their class. The coefficients on law school eliteness are strengthened as well, but less so. The range of predictive power associated with class rank is more than double that of law school tier. Having a parent who is a lawyer no longer has any impact on earnings, and neither do the other measures of social status.⁴⁰

³⁹ We used income percentile as a dependent variable for two reasons: one, to make the 1975 and 1994 regressions more directly comparable by putting incomes into a relative rather than absolute range, with more accessible, easy to interpret coefficients, and second, because income inequality among Chicago lawyers increased significantly between 1975 and 1994, and we did not want the 1994 results to be unduly influenced by particularly low or high values. One problem with using percentiles is that it imposes a uniform distribution on the data, violating the normality assumption of OLS regression. We therefore also ran these analyses using income standardized by cohort as the dependent variable; the results were similar enough that we feel justified in presenting the percentile results. Alternative specifications can be viewed at <http://www.seaphe.org/working-papers/>.

⁴⁰ Catholics have higher incomes than non-Catholics in the 1994 data, and the coefficient is close to significant. But this seems like evidence against the social eliteness theory rather than in favor of it, since Catholics in Chicago had no obvious advantage in the local legal hierarchy.

Of course, as we noted earlier, self-reported class rank is about the worst possible measure of law school grades.⁴¹ The predictive power of law school grades is certainly even higher than the 1994 regression suggests, given the large amount of noise in this database's measure of grades. Moreover, since we are here considering long-term career outcomes – not short-term recruitment – the effect of law school performance is not simply a credentialing effect of high grades leading to attractive job offers. Something about doing well in law school is strongly associated with lasting career success, and proves to have more efficacy than law school eliteness.

The eliteness of one's law school is, compared with grades, a relatively weak explanatory factor in the 1994 equation.⁴² And while the grade coefficients are biased in a way that understates their actual influence, the law school coefficients are almost surely overstated. The Chicago Lawyers equations do not include measures of pre-law credentials, such as LSAT scores and undergraduate grades. Since these factors do predict income for broad cross-sections of lawyers, and since the tight hierarchy of law school admissions makes law school eliteness a close proxy for student credentials, an unknown but probably large part of what seems to be explained by school eliteness is actually just a measure of pre-law credentials.

⁴¹ See *supra*, footnote 34.

⁴² See note following table for the classification of law schools into strata.

Table 11: OLS Regression on Income Percentile

Chicago Lawyers Survey

Predictor	1975	1994	1994 Fully Specified
Elite Law School	8.64 (4.47)	7.53* (3.37)	7.83* (3.40)
Prestige Law School	2.53 (4.69)	4.71 (3.36)	5.08 (3.37)
Regional	-reference-	-reference-	-reference-
Regional-Low Law School		-2.45 (3.58)	-.217 (3.59)
Local Law School	0.69 (4.19)	-5.66* (2.66)	-5.44* (2.67)
Class Rank: Top 10% or Law Review	5.60* (2.79)	12.09*** (2.48)	11.69*** (2.51)
Class Rank: 11 th -25 th Percentile	3.78 (2.83)	9.50*** (2.39)	8.96*** (2.42)
Class Rank: 26 th -50 th Percentile	-reference-	-reference-	-reference-
Class Rank: 51 st -75 th Percentile	-0.88 (4.09)	-4.16 (3.16)	-4.39 (3.18)
Class Rank: Bottom Quarter	-8.42 (7.92)	-15.10** (5.62)	-15.49** (5.67)
Female	-12.75* (5.94)	-11.58*** (2.11)	-11.24*** (2.12)
Age	0.57*** (.08)	0.45*** (.09)	0.46*** (0.09)
Black	-5.01 (6.71)	-5.62 (4.60)	-5.41 (4.63)
Asian		-3.30 (9.24)	-2.40 (9.28)
Other	12.29 (9.71)	-1.30 (2.15)	-1.69 (4.46)
Father is a lawyer	9.18* (3.75)	-0.39 (3.14)	-0.09 (3.18)
Father is a professional	-4.85 (2.82)	-0.80 (2.03)	-0.27 (2.08)
From a large city	4.57* (2.27)	-3.43 (2.06)	-3.61 (2.08)
Mother is a lawyer or professional			-1.21 (2.29)
Protestant- High			3.78 (3.97)
Protestant- Low			3.94 (3.08)
Catholic			5.43 (2.79)
Jewish			4.07 (5.06)
R ²	.14	.21	.21
N	580	782	782

Notes to Table 11. Chicago Lawyers primary data from 1975 and 1994-95 surveys. “Elite” schools include Chicago, Columbia, Harvard, Michigan, Stanford and Yale; “prestige” schools includes other schools in the “top 20”; “regional” includes the University of Illinois, as well several other state law schools (the authors demoted Wisconsin to the “regional” group in the 1994-95 study; “local” includes Chicago-Kent, DePaul, John Marshall, and Loyola (Chicago). The “high” and “low” protestant classifications are based on the same categorization used by Jack Heinz and Edward Laumann in *Chicago Lawyers* (1982). Protestant-High includes survey respondents that identified themselves as Presbyterians, Episcopalians, and Congregationalists. Protestant-Low includes Lutherans, Methodists, Baptists, and the residual categories (among respondents that identified as Protestant).

“After the JD” (“AJD”) is an ongoing project sponsored by leading legal institutions to create a panel database on the early careers of lawyers. The AJD surveyed in 2002-03 a national sample of several thousand lawyers who were in the 2nd to the 4th year of their legal careers.⁴³ The sample is broadly representative of the national lawyer population, though minorities are oversampled and lawyers in major legal markets (e.g., New York, Washington) are also overrepresented. It includes a very rich set of background information that was aimed at providing a detailed picture of the “social eliteness” law graduates brought to the job market. The Law School Admissions Council (LSAC) also provided data on the relative LSAT scores and undergraduate grades of all participants. Respondents also provided categorical information on their grades and class rank. This is a particularly rich dataset, then, for examining the very first stages of contemporary legal careers. These analyses of the AJD were motivated in part by recent work of Paul Oyer and Scott Schaefer, who in turn were building on our earlier work (Sander 2004).⁴⁴

Table 12 reports the results of OLS regressions on the natural log of salaries. The models build on one another, incorporating new factors that we found to be important at each step. The first model (column M1) includes independent variables for law school tier, socio-economic status, and demographic controls, but makes no effort to control for the lawyer’s cognitive skills (LSAT) and undergraduate academic performance. The coefficients for the most elite schools

⁴³ AJD conducted a second wave of interviews in 2007-08, but this data is not yet available to researchers outside the project.

⁴⁴ Paul Oyer and Scott Schaefer, *The Returns to Attending a Prestigious Law School* (2010). One of us (Sander) used regression analyses of the AJD first wave to assess very roughly the tradeoff between school eliteness and law school performance in shaping young lawyer salaries (Sander 2004). In 2007, Sander and Juan Pantano, in an unpublished analysis, used the Chicago Lawyers data to model the effect of law school eliteness, using a model essentially identical to that used by Oyer and Schaefer (2010). When we encountered an early version of Oyer and Schaefer's work last year, we were struck by the absence of important controls -- such as LSAT and regional cost differences -- and their failure to give due consideration to the impact of law school performance.

are extremely high, suggesting that AJD graduates of Top 10 schools earned 53% more than graduates from schools ranked 36-50 (+ .42 log points), when controlling only for race and socioeconomic background.

Table 12: OLS Regression on Log(Salary) Using AJD

Predictor	M1	M2	M3	M4	M5
Top 10 Law School	.43*** (.04)	.32*** (.04)	.23*** (.04)	.22*** (.04)	.23** (.04)
Ranked 11-20	.22*** (.03)	.14*** (.04)	.11** (.04)	.10** (.04)	.13** (.04)
Ranked 21-35	.11** (.03)	.06 (.04)	.04 (.04)	.03 (.03)	.04 (.03)
Ranked 36-50	-reference-	-reference-	-reference-	-reference-	-reference-
Ranked 51-75	-.10** (.03)	-.13*** (.03)	-.13*** (.03)	-.14*** (.03)	-.14*** (.04)
Ranked 76-100	-.05 (.04)	-.06 (.04)	-.09* (.04)	-.10** (.04)	-.09* (.04)
Tier 3	-.17*** (.03)	-.17*** (.04)	-.18*** (.03)	-.18*** (.03)	-.18*** (.04)
Tier 4	-.24*** (.03)	-.22*** (.04)	-.20*** (.04)	-.22*** (.04)	-.23*** (.04)
zLSAT		.06*** (.01)	.05*** (.01)	.04** (.01)	.03** (.01)
zUGPA		.01 (.01)	.02 (.01)	.00 (.01)	.00 (.01)
LGPA: 3.75+				.25*** (.04)	.24*** (.06)
LGPA: 3.5-3.75				.20*** (.03)	.19*** (.04)
LGPA: 3.25-3.5				-reference-	-reference-
LGPA: 3.0-3.25				-.05 (.03)	-.05 (.03)
LGPA: 2.75-3.0				-.13*** (.03)	-.09 (.06)
LGPA: 2.5-2.75				-.20*** (.05)	-.16* (.07)
LGPA: 2.25-2.5				-.20* (.09)	-.17 (.10)
LGPA: Below 2.25				-.39* (.15)	-.37* (.16)
High Tier- Low Grades					-.25** (.09)
Demographics & SES	Yes	Yes	Yes	Yes	Yes
Cost of Living	No	No	Yes	Yes	Yes
Private Practice Only	No	No	No	No	No
R ²	.22	.25	.29	.33	.33

Source: AJD Survey data. All models include controls for undergraduate major categories (biology, humanities, engineering, and science. Social science is the reference category.) Demographic controls include indicators for marriage, gender, missing age, religion (Catholic, Protestant, and Jewish), and ethnicities (black, Hispanic, Asian,

other), and continuous variables for age and age². SES Controls include proportion of law school tuition paid with loans, proportion of law school tuition paid by family, a dummy for missing tuition payment information, categorical variables for mothers' and fathers' education levels, an indicator variable for having no lawyers in the family, and a dummy for missing information about lawyers in the family. Cost of living is a single continuous variable where average=1. For references, New York City is 2.147. Controls for grade-tier interactions include six indicator variables for each combination of "high", "mid", and "low" tier (1-25; 51-100; and Tiers 3&4, respectively) and "high" and "low" grades (higher than 3.5, or lower than 3.0, respectively). Significance levels: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$

Model 2 shows that by adding just two more independent variables—LSAT and Undergraduate GPA—the premium for elite graduates drops considerably.⁴⁵

Model 3 includes a cost of living control based on the geographic location of the respondent, which improves fit and again sharply reduces the size of the law school tier coefficients. One might wonder whether it is sound to include this control – is the greater concentration of elite law graduates in major metropolitan areas merely a symptom of their access to more elite jobs? Perhaps the causation runs in both directions, but we are persuaded that the inclusion of a cost of living control is sound for two reasons. Measured cost-of-living variations across the geographic tiers are very substantial, and will clearly affect the standard of living for lawyers. A lawyer earning \$100,000 in New York is not living in the same social stratum as a lawyer earning \$100,000 in Utah. If we want to study effective salaries, controlling

⁴⁵ Oyer and Schaefer omit LSAT and actual UGPA from their model, and justify the omissions by arguing, counterintuitively, that LSAT is not a very important predictor of career outcomes, based on an analysis of the University of Michigan Law School Alumni dataset. There are two problems with this argument: first, looking at credential effects within a single school creates severe restriction of range problems, since the students are relatively homogenous; and second, our inclusion of those variables in Model 2 shows that LSAT is, in fact, powerfully associated with earnings when controlling for law school eliteness. Indeed, regressions including LSAT and UGPA but excluding law schools (not shown here) are very nearly as powerful as regressions including law schools but excluding LSAT and UGPA.

for these differences is crucial.⁴⁶ Moreover, the regional salary differences are reflected even in the earnings of AJD lawyers who are clearly *not* at elite firms.⁴⁷

Model 4 adds law school grades, which are by far the strongest predictors of salary. Law school grades are self-reported, so if anything these are *understatements* of the effect law school performance has on earnings.⁴⁸ The implication of this model is that a graduate from 40th ranked George Mason with high law school grades is likely to earn as much as an average graduate from Stanford.⁴⁹

⁴⁶ We have run Model 5 using a dependent variable that divides salary by the cost of living index so that we could assess the true buying power of lawyers. For these analyses, the coefficient on Top 5 law schools diminishes and loses all statistical significance compared to the reference group (schools ranked 36-50). Apparently Top 5 graduates settle almost exclusively in the most expensive parts of the country. All other coefficients are more or less the same—schools ranked 6-10 continue to generate very strong coefficients, and the range of coefficients on law school performance is larger than that for law school eliteness. Since cost of living standards do not incorporate aspects of city life that can lead to social and cultural satisfaction, we recognize that this approach will not be widely accepted as a measure of success. For that reason we do not report the findings here.

⁴⁷ For lawyers at small firms (<20 attorneys), the average salaries of lawyers at firms with fewer than 20 lawyers are \$92,000 in New York, \$73,000 in the other large metropolitan regions, \$64,000 in smaller metropolitan regions, and \$59,000 in rural settings. This does not entirely address our concerns about the direction of the causal arrow since New York and the other large metropolitan areas have disproportionately low numbers of lawyers at small firms—perhaps some lawyers are driven out of higher-salaried geographic regions and into the regional markets with more appropriate job opportunities. For this reason, we have run models 4 and 5 without geographic controls as well. The only coefficients significantly affected by geography are the coefficients on law school tier. Since the effects of law school grades are not changed when we remove geographic controls despite being the strongest predictor of salaries, we believe the most plausible scenario is that graduates of higher-tiered schools are willingly choosing to live in metropolitan areas where the cost of living—and, therefore, the salaries—are higher.

⁴⁸ The AJD data also collected self-reported class rank information, but this data was even less reliable than self-reported grades. 50% of the respondents put themselves in the top quarter of their law school class, and graduates of the most elite schools were the worst offenders (i.e. 57% of graduates from Top 10 schools were allegedly in the top 25% of their class.) As imperfect as it is, the self-reported GPA data is much more stratified and reliable than the class rank data. The BPS dataset has accurate law school grade data (collected from the student records), but suffers from poor income data (collected at varying times and shortly after law school, and top-coding all incomes above \$85,000.) Nevertheless, graduates in the top 10% of their law school class earned 20% more than a similar student at the median of her class.

⁴⁹ Interestingly, when we break the “top 10” group of schools into “top 5” and “6-10”, the “top 5” coefficients are consistently lower than those of the schools ranked 6th to 10th. This may be a function of modest sample size (there are about 150 AJD participants from each of the two sub-strata), and it is partly (but only partly) accounted for by a higher proportion of “top 5” students going into public service. But in any case there is no evidence that the very top schools have an earnings premium over the 6-10 schools. Bryant Garth and Ronit Dinovitzer have postulated that graduates of the most elite schools are dissatisfied at large corporate firms (See

Model 5 adds tier-grades interaction terms to account for the grade inflation at higher-ranked schools, and sure enough the market corrects for the grade-inflation; graduates from schools in the top 25 of the law school rankings who leave school with a GPA under 3.0 will see their salaries docked an average of 23% (.26 log points).

There are other methods to insulate the study from bias due to variance in grading policies; in models not reported here, we standardized the law school performance variable by law school tier and by law school (using a stripped-down sample of survey respondents from schools with large enough representations.) In these models law school tier coefficients often lose their statistical significance while law school performance coefficients are strong and robust. For instance, a 20 point increase in law school performance percentile typically yields a statistically significant 8.7% increase in earnings, while jumping from a middle-tier law school to a law school ranked 11-20 would increase earnings only by 7% (and this effect is not significant.)⁵⁰ Coefficients for the top 10 schools continue to be strong and significant in these models, but even these large coefficients (in the .22-.25 range) can be swamped by large differences in grades. For example, a student whose grades are one standard deviation above the mean at a school ranked 40th in the rankings will earn the same as a student from a top 10 school whose grades are one standard deviation below the mean. These alternative models unearth even stronger grade-tier interaction effects. The labor market greatly penalizes low grade-earners from high-ranked schools and rewards high grade-earners from middle- and lower-ranked schools.

The significance of Table 12 might be more intelligible through the following illustrative hypothetical: imagine an average student (GPA 3.25-3.5) at 47th ranked University of Florida. Using the fifth column from Table 12 we can predict how her earnings would be affected under various counterfactuals. Because of our Bar Passage Study findings reported in Table 10, we know that altering her tier will have a statistically significant effect on her law school performance. If she had attended 20th ranked George Washington University, her grades would have slipped, perhaps to the 2.75-3.0 range, and her salary would drop considerably (by 22%,

“Not That Into You”, *The American Lawyer* (2009)), so some of this discrepancy might be explained by voluntary exit among elite law school graduates.

⁵⁰ These models are available on our website, <http://www.seaphe.org/working-papers>. We have also run model 5 from table 12 on the subset of lawyers in private practice to understand the dynamics of lawyers that choose to work in firms rather than the public or non-profit sector. Among firm lawyers, the effects of high tier and high grades are muted (as compared to lawyers generally), but the effects of low tier and low grades are so great that two inferences can be drawn: (1) there is effectively a barrier to entry into the prized private sector jobs for graduates from unranked law schools and, especially, with low grades, and (2) starting salaries at private firms that hire from the top half of the bar (in terms of the prestige of the law school and the grades earned) tend to be homogenous. These analyses are available on our website as well.

all other factors held constant.) On the other hand, if she had attended 80th ranked Rutgers, she probably could have improved her grades to land in the 3.5-3.75 range, and earned a 13% *higher* salary. Access to a top 10 school simply would not have been an option—even the weakest students at the top 10 law schools have higher entering credentials than the median student at a school in the middle of the rankings⁵¹, so our comparisons are most meaningful within a range of 20-30 places in the rankings in either direction.

Note that our models do not control for undergraduate college quality, a variable that is not in our version of the AJD data. Oyer and Schaefer do have this variable in their version of the AJD data, however, and they find it has explanatory power and reduces the size of the law school elitiness coefficients. It seems highly likely it would have the same effect if added to our own, more complete models. Our comparatively low estimates of the law school “tier” effects would thus, probably, be even lower with this control – or, to put it differently, the omitted variable bias in our equations cuts in favor of our hypotheses and interpretation that law school “elitiness” effects are smaller than generally believed.

The coefficients on the schools ranked 76-100 break the otherwise consistent downward trend in the tier coefficients; and this peculiarity shows up in other data. Bill Henderson and Andrew Morriss found, in an analysis of information from the National Association of Law Placement (“NALP”), that schools ranked 35-50 are unusually passed-over by law firms during on-campus recruitment, and schools ranked 75-100 receive more than their share of OCI visits.⁵²

Although they are not reported, the models from Tables 12 and 13 included controls for socio-economic background and religion. None of the SES controls were predictive of earnings except for the indicator variable for mother having attended, but not completed, some graduate or professional school.⁵³ Dummy variables for other levels of parental education (i.e. bachelor’s degrees, law degrees, and graduate/professional degrees) were not significant, so

⁵¹ The median credentials for white students at schools ranked 40-50 would place them in the 3rd percentile among white students that attended top 10 schools.

⁵² When law schools are ranked according to how many OCI visits they receive each year, schools ranked 35-50 in the US News rankings drop an average of 19 spots. All schools ranked in US News drop a few spots because unranked historically black law schools receive a high number of visits, injecting them high into the OCI rankings. Even so, the average school drops only 7 slots; the 19 slot drop for 35-50 schools is anomalous, and explains the break in pattern seen in the coefficients. This group includes University of Alabama (ranked 40th but receiving OCI visits that would rank it 114th) and the University of Kentucky (ranked 50th but receiving rank 122 in the OCI rankings). The law schools in the southeastern United States receive a disproportionately low share of the attention from employers.

⁵³ The controls for percent of tuition paid by loans and percent of tuition paid by family were statistically significant, but were very small and *both* negative. The omitted residual for tuition payment included merit-based scholarships, which might have a positive relationship to earnings.

we are not sure what to make of this finding. We have run a series of regressions that include various subsets of the socio-economic status controls to the same ends—socio-economic status appears not to matter beyond the point of entry to law school.⁵⁴ Social status simply does not bestow the capital that it once did to law school graduates; we find no evidence that socio-economic status is a determinant of income.

Controls for religion, on the other hand, produced some surprising significant coefficients. Protestants earned 5% more than similar respondents in the reference group⁵⁵, and Catholics received an 8% premium. Both of these were statistically significant.

With respect to Catholics, the difference seems to be explained by placement in large law firms. Table 12 presents logistic regression results for working at a large law firm with 300 or more attorneys. The results are reported in odds ratios; that is, the odds of a Catholic lawyer working at a large law firm are 64% higher than those of an otherwise identical lawyer.⁵⁶ These findings run contrary to the social eliteness theories that guided research in the 1970s. The other explanatory variables match and further support our findings from the salary regressions. Again, the effects of law school grades eclipse the effects of law school tier.⁵⁷

It is well worth noting that although grades do seem to edge school eliteness in the AJD analyses, the relative importance of grades is even more striking in the Chicago Lawyers data.⁵⁸ This is significant because the AJD data measures short-term outcomes after law school, while the respondents in Chicago Lawyers are scattered across all stages of legal careers. Many observers have argued that the effects of school eliteness make themselves felt over the long term. David Wilkins, for example, argued that even if grades were important in the hiring decisions of employers recruiting law school graduates, “over time, the socialization, networking, and credentialing benefits of a degree from an elite law school dominate the educational and placement advantages of [strong law school performance].”⁵⁹ Both the Chicago Lawyers results, and the analysis of Michigan graduates in Table 8, strongly suggest just the opposite. The importance of grades only increases over time.

⁵⁴ Moreover, the SES variables never improved the R^2 of the models by more than 3%, and this improvement was most likely attributable to the loss in degrees of freedom; all of the models that we ran to test the SES controls failed the F-test against a regression that didn’t include any of them.

⁵⁵ The control group combined non-respondents as well as respondents that checked “non-religious” or “other”, comprising about 40% of the observations

⁵⁶ Odds have a non-linear relationship to probabilities (odds = $p/1-p$)

⁵⁷ Another important factor in all of our regressions was college major: engineers earned 30% more than otherwise equivalent social science majors. Coefficients this large are equivalent to a .5 increase in law school GPA.

⁵⁸ The Chicago Lawyers results are especially striking considering the weakness of that dataset’s measure of grades.

⁵⁹ Wilkins, *Systematic Response*, supra note 31, at 1931.

Table 13: Logit Regression on Having a “Big Law” Position (Using Model 4 from Table 11)

Predictor	Big Law (odds ratios)
Top 5 Law School	1.87* (.47)
Ranked 6-10	2.20** (.56)
Ranked 11-20	1.33 (.28)
Ranked 21-35	0.86 (.18)
Ranked 36-50	-reference-
Ranked 51-75	0.47*** (.10)
Ranked 76-100	0.71 (.16)
Tier 3	0.30*** (.07)
Tier 4	0.18*** (.06)
LGPA: 3.75+	2.90*** (.72)
LGPA: 3.5-3.75	3.18*** (.57)
LGPA: 3.25-3.5	-reference-
LGPA: 3.0-3.25	0.60* (.12)
LGPA: 2.75-3.0	0.37** (.12)
LGPA: 2.5-2.75	--
LGPA: 2.25-2.5	--
LGPA: Below 2.25	--
Protestant	1.15 (.21)
Catholic	1.64** (.29)
Jewish	0.91 (.26)
Demographic Controls	Yes
SES Controls	Yes
Geographic Controls	Yes
Grade-Tier Interactions	No

IV. Discussion and Conclusions

We set out in this paper to evaluate the comparative role of social eliteness, school eliteness, and law school performance in lawyer careers. Although this is something of a whirlwind review of several complex databases, we think some striking tentative conclusions emerge.

A good deal of anecdotal evidence has suggested that the role of social status has diminished over time as an entrée into elite legal practice. The evidence from the Chicago Lawyers dataset illustrates vividly how general that decline has been; social factors such as having a father who is an attorney changed from being strongly associated with higher incomes in the 1975 survey, to being irrelevant in 1994. The first-wave AJD shows no predictive power for a wide range of SES factors in explaining early career income. But we have also seen two important qualifications. First, having a religious affiliation is associated with higher income in both the AJD and Chicago data. Since Catholics, Protestants, and Jews all appear to have some edge over nonbelievers and the unaffiliated, these preliminary results suggest that it is the process of being part of an organized religion itself that has a causal influence, rather than any sort of religious affiliation preference among employers. This is an interesting issue for further exploration.⁶⁰ Second and more importantly, SES and social eliteness still play a critical role in shaping the aspirations and credentials of young people *before* they enter law school. The level of social privilege associated with legal education has changed remarkably little over the past half-century. What has changed – and apparently largely disappeared – is any ongoing role of that privilege in shaping careers after law school.

The quantitative evidence also suggests that the importance of law school eliteness is exaggerated in most discussions about legal markets. Law firms which once hired exclusively from a narrow set of elite firms now hire associates from dozens of different law schools. The AJD regressions show that the earnings premium of elite graduates diminishes markedly once proper controls are included for cognitive skills and regional cost-of-living differences. And the Chicago Lawyer regressions indicate that the earnings boost of an elite degree is smaller in a cross-section of all lawyers than it is in an analysis of new lawyers, suggesting that one's elite degree is a depreciating asset as one's career evolves.

⁶⁰ Joyce Sterling et al., *The Changing Social Role of Urban Law Schools*, 36 *Southwestern L. Rev.* 389 (2007) (finding that urban Catholic law schools have better-than-expected representation at large law firms, and concluding that the schools' locations in metropolitan centers are responsible for this advantage).

Law school performance, in contrast, is an extraordinarily powerful predictor of career outcomes, and one that has probably become more important over recent decades. Even when the only measure available is a highly imperfect indicator of law school grades, that measure dominates all others in predicting early career incomes, cross-sectional career incomes, or survival to partnership in big firms.⁶¹

Law school grades, we think, embody two different properties. In part, high grades are shaped by individual characteristics that perhaps no other easily measured characteristic of lawyers can capture: drive, energy, clarity of thought, and perhaps a facility for good legal analysis that isn't captured well by the LSAT. Part of the power of grades in our analyses simply reflects the fact that nothing else in our equations is capturing these qualities. But we've also documented that grades reflect one's relative intellectual location in a law school's incoming student body, and how that location influences what one learns and with what level of analytic mastery and confidence one emerges from law school. Our first-choice/second-choice analysis shows that the tradeoffs between "tier" and "GPA" are real and large. Indeed, it seems that this tradeoff tends to dominate the relatively modest effects of law school tier we see in the models.

It is important to be clear about what inferences follow from this finding. It doesn't follow that, given a choice between Harvard and a 200th-ranked law school, one should go to the weaker school. In the first place, our measurements of the tradeoff between tier and grades are only valid over the range where they have been observed in substantial numbers (those observations cover relatively small ranges of schools) say ten to twenty places in the law school rankings. Undoubtedly, the benefits of "trading down" to improve one's relative performance have diminishing marginal returns. In the second place, we wouldn't rule out the idea that a few law schools, including Harvard, have enough magical aura that they convey advantages to their graduates that go beyond the ordinary returns of "eliteness". Moreover, we don't think our findings suggest that applicants should steer away from an elite school if the

⁶¹ Since this point can be confusing, it's important to reiterate that what matters is not one's actual GPA, but one's relative performance at law school. When we are able to standardize self-reported grades (adjusting for grading variations from school to school), our results become more powerful. The ideal measure is school-reported GPA, which can be converted into an accurate class rank (as in the Michigan data). The second-best measure is self-reported GPA, which, with individual school data, we can convert to a rough class rank. The weakest measure is self-reported class rank; since most law graduates aren't told their class rank, this measure tends to be heavily inflated and inaccurate.

available objective evidence suggests that they will be strong competitors at that school.⁶² Rather, they suggest that a common law applicant strategy -- (a) taking an LSAT-prep course and (b) taking the LSAT three or four times to (c) maximize their apparent credentials so that they can (d) get into a slightly more elite law school -- is fundamentally misguided. Findings suggest that a perspective student should not attend a "stretch" school where her credentials will put her near the bottom of the class; one should attend a school where one has a good chance of getting strong grades.

Of course, if everyone followed our advice and the student bodies at all law schools became perfectly homogenous in ability, grades would lose much of their predictive value.⁶³ The grades would no longer reflect any significant differences in the ability of students at the same school, and the firms would presumably switch to a recruitment model that treats law school tier as the cleaner measure of a young lawyer's ability. But even under the unlikely scenario where law students and schools all attempt to organize themselves this way, grades would still reflect all the latent skills and aptitudes that law schools and even the students themselves cannot accurately judge before matriculation.

If many law schools followed the lead of schools like Yale and Boalt, and made their grading systems very vague, then grades would obviously be less important in determining who won the best jobs upon graduation. But all the relevant evidence suggests that doing well in law school has intrinsic, long-term benefits that probably independent of the numbers on one's transcript; and correspondingly, doing poorly in law school is harmful no matter how thoroughly one's grades are inflated.

It's also true that our measures of career success -- income, recruitment to a big firm, and making partner at a big firm -- are conventional and unimaginative. Yet they represent widely-held goals among law applicants and law students, and they have the great virtue of being objectively measureable. We think efforts to come up with more diversified measures of "success" are worthwhile, but until reliable measures exist and have been integrated into the

⁶² Such evidence includes not only their conventional credentials (LSAT and undergraduate grades), but also such things as the difficulty of their undergraduate major, the degree of grade inflation at their college, special academic achievements, and how representative one's LSAT score is of other performance on standardized tests.

⁶³ Schools have, in fact, become more homogenous in student credentials over the past generation, as schools have striven to maximize the median LSAT score of their matriculants. See Jeffrey Stake, "The Interplay Between Law School Rankings, Reputations, and Resource Allocations: Ways Rankings Mislead," 81 *Indiana Law Journal* 229-70 (2006). But for a variety of reasons -- including the weaknesses of existing credential measures, the ability of many applicants to manipulate their credentials, the continuing aggressiveness of racial preference systems -- student bodies still tend to be fairly heterogeneous in ability.

sort of longitudinal datasets we use here, our conventional measures are a good second-best.⁶⁴
[Footnote about satisfaction research]

The moral is twofold. First, prospective law students are, we think, placing an unwarranted emphasis on law school eliteness as the dominant criterion for deciding on their path of legal education. The legal academy can help students to understand that the paths to success are more heterogeneous than applicants tend to assume, and that the eliteness of one's school, by itself, means little in the absence of high performance at school. Second, those who study legal education and lawyers need to better understand the reasons that grades matter beyond law school, and the reasons that *one's relative position in a law school classroom has the impact it does on learning and performance*. The very good news is that what happens and what is demonstrated in law schools—all law schools—matters enormously for the careers of lawyers. Legal academics are in a good position to better understand this process, and to make sure that students really do make the most of their futures.

⁶⁴ We are in the early stages of examining satisfaction outcomes among the AJD respondents. Bryant Garth and Ronit Dinovitzer have found that graduates from elite schools tend to be more dissatisfied with their corporate firm experience than graduates from less elite schools. See Garth and Dinovitzer, *supra* note 48. Perhaps law school performance will come to explain some of these findings as well.

Appendix A: Description of the Datasets

Most of the analyses in this article rely on four sources of data: the Chicago Lawyers Survey, the After the JD (“AJD”) study, the LSAC Bar Passage Study, and the University of Michigan Alumni Survey data.

The Chicago Lawyers Surveys. These two datasets consist of answers given in lengthy face-to-face interviews with attorneys practicing within the city limits of Chicago, Illinois. Jack Heinz and Edward Laumann created the first dataset through interviews with 777 Chicago lawyers in 1975, resulting in their ground-breaking study *Chicago Lawyers* (1982); Heinz and Laumann joined with a broader set of collaborators to create a new sample and administer a very similar survey in 787 face-to-face interviews in 1994-95. The two Chicago Lawyer datasets are both available through ICPSR, and represent a unique resource for studying the legal profession in several ways: the depth and face-to-face character of the interviews; the existence of two similar cross-sections a generation apart; and the availability of detailed information on responses (rather than broad interviewer-imposed codings).⁶⁵ For our purposes, the key drawback of this dataset is the absence of information about college grades or LSAT scores, and the softness of the measure of law school performance (see text accompanying Table 10, *supra*).

The After the JD. The AJD study was begun in 1999 by a group of legal scholars under the direction of the National Association of Law Placement (“NALP”) and the American Bar Foundation (“ABF”).⁶⁶ The AJD is a longitudinal study tracking a sample of attorneys who entered the bar in 2000. The AJD completed its first wave of data collection in 2003, capturing approximately 4,500 lawyers in the second, third or fourth year of their careers. 3,900 of these attorneys constitute the “national” sample, and a racial oversample comprise the rest. The sample was selected from eighteen Primary Sampling Areas (“PSAs”)—generally either metropolitan areas or states—that include most of the large legal markets in the nation. In the aggregate, the national sample closely matches available data on the national makeup of young attorneys. A second wave of surveys was administered in 2007-2008 and has very recently become available, but we do not make use of it in this study.

University of Michigan Law School Alumni Survey. Our study draws on a database compiled by researchers at the University of Michigan Law School.⁶⁷ In the late 1960s, the school began sending an eight-page survey to alumni approaching the fifteenth anniversary of their graduation, and it has

⁶⁵ The data and complete documentation are available at www.icpsr.umich.edu/icpsrweb/ICPSR/studies/8218 (for the 1975 dataset) and <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/4100> (for the 1994-95 dataset).

⁶⁶ Complete documentation and data request forms are available at <http://www.americanbarfoundation.org/publications/afterthejd.html>.

⁶⁷ A description of the UMLS Alumni Survey can be found in Kenneth G. Dau-Schmidt & Kauskik Mukhopadhya, *The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Across the Legal Profession*, 49 J. Legal Educ. 342, 344 (1999).

continued the series ever since. In the early 1970s, the school added a survey of fifth-year alumni, and more recently it has added twenty-fifth- and thirty-fifth-year waves. This UMLS Alumni Survey (“UMLS”) includes some background information but largely focuses on the professional lives of participants. Participation rates appear to average around 70%—very respectable by social science standards, though low enough to make possible some sample selection bias. The UMLS survey data is also linked to transcript data from the law school, making it a uniquely powerful tool for examining the evolution of careers and impact of law school performance among a group of alumni from an elite law school.

The Bar Passage Study. The Bar Passage Study (“BPS”) was conducted by the Law School Admission Council in the 1990s.⁶⁸ The study followed some 27,000 law students who matriculated in 1991 through graduation and across as many as five attempts to pass the bar exam. The great strengths of the study are its scope—nearly 95% of eligible law schools participated, along with about two-thirds of the students at those schools—and its linking of undergraduate, law school, and bar data for the entire sample. A general weakness of the study is the lack of identifying information on individual schools and the very limited amount of information they collected on post-graduation outcomes (aside from the bar examination outcomes, that is.) We use data from the Entering Student Questionnaire (“ESQ”) and transcript data on law school performance, which is available for virtually all participants. (Later follow-up questionnaires were administered on just a subsample of BPS participants, but this study did not require us to rely on the limited follow-up data.)

The 2005-07 Public Law School Admissions Dataset. The Public Law School Admission Dataset (“PLSA 2005-07”) contains data on over 150,000 applicants in some eighty admissions cycles at forty-one American law schools. We created this dataset by submitting public record requests to the schools in 2007, seeking data on their 2005-06 and 2006-07 admissions cycles.⁶⁹ Follow-up continued through the spring of 2009. For each school, we sought the credentials, race, undergraduate institution, admissions decision, and enrollment decision for every applicant. We sought data for two admissions cycles because we wanted to see whether admissions systems at particular schools vary much from year to year, and because we wanted to achieve reasonable sample sizes for racial groups that only made up a small percentage of all applicants. The great majority of these schools provided us data for both of the years we requested; some had data for only one year; some had destroyed 2005-06 data and therefore gave us 2007-08 data instead.

⁶⁸ Linda F. Wightman, LSAC National Longitudinal Bar Passage Study (1998), available at www.law.ucla.edu/sander/Systemic/Data.htm.

⁶⁹ When we say “2005-06 admission cycle”, we mean the cycle of applications, admissions decisions, and enrollment that culminates at the end of the cycle. Successful applicants in the 2005-06 cycle matriculate in the fall of 2006.