

ARTICLES

Making Public Interest Lawyers in a Time of Crisis: An Evidence-Based Approach

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ABSTRACT

Now is a critical time to consider the role that lawyers—and the law schools that produce them—can play in movements for social transformation. Over the past half-century, public interest lawyers who represent subordinated communities in the pursuit of equal justice have contributed significantly to such movements: mobilizing law to fight discrimination, expand access to social benefits, promote the inclusion of immigrants and others branded outsiders, and protect the rights of low-wage workers and the unhoused. Although some law schools have invested resources to train students seeking public interest careers, more continue to focus on placing students in lucrative law firm jobs. In part to attract students in a competitive environment, law schools project a neoliberal conception of legal education that seeks to maximize return on investment, rather than promoting the professional role of lawyers in democratic society. Even those law schools dedicated to helping students enter public interest careers lack basic information about which interventions are most likely to

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work. This Article provides the first systematic empirical evidence about what law schools can do to help students build long-term public interest careers. Based on original data collected through a National Science Foundation-funded survey of a decade of graduates from six California law schools, this Article looks beyond the drift away from public interest work during law school to analyze the factors that promote what we call “public interest persistence,” or dedication to public interest work throughout one’s career. Using statistical techniques to evaluate endowment effects—what students bring to law school—and educational effects—what they experience there—we reveal the underappreciated ways that law schools do, in fact, matter in shaping public interest careers. In particular, we find that law schools play a crucial facilitative role: guiding students toward public interest careers through externships, summer jobs, and extracurricular activities that equip students with the tools they need to navigate the public interest job market and pursue social justice over the course of their professional lives. Based on these new findings, the Article offers policy recommendations for how law schools can build on current programs in support of public interest careers. We also call for law schools to reconceptualize public interest practice, broadly defined, as an element of professional identity in light of current threats to marginalized communities and the rule of law.

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INTRODUCTION

This is a unique and momentous time to consider the role that lawyers—and the law schools that produce them—can play in contributing to movements that challenge structural racism,¹ economic precarity,² and the public health emergency confronting American society.³ Law schools have long been in crisis,⁴ but this confluence of national crises differs in scale and kind, raising the essential question of what it means to enter a profession committed to ensuring “equal justice under law.”⁵ Over the past half-century, public interest lawyers—those who represent subordinated clients and communities in the pursuit of equal justice⁶—have been essential in fighting discrimination, expanding access to education and other social benefits,⁷ promoting the inclusion of immigrants and others branded “outsiders,”⁸ protecting the rights of low-wage workers, and contesting housing insecurity.⁹ In all these projects, public interest lawyers have contributed to the ongoing struggle to realize democratic values widely proclaimed but consistently denied. Many public interest law students have done this against the odds,¹⁰ without much support from their law

1. See *Law Firm & Law School Responses to the Black Lives Matter Movement*, VAULT (June 11, 2020), <https://www.vault.com/blogs/vaults-law-blog-legal-careers-and-industry-news/law-firm-law-school-responses-to-the-black-lives-matter-movement> [https://perma.cc/Z72Q-9GUC].

2. See Martin Hart-Landsberg, *Racism, COVID-19, and the Fight for Economic Justice*, MONTHLY REV. ONLINE (June 22, 2020), <https://mronline.org/2020/06/22/racism-covid-19-and-the-fight-for-economic-justice/> [https://perma.cc/7NUL-JDUE].

3. Rates of COVID-19 infection and death have disproportionately impacted African American and Latinx communities, as has the catastrophic job loss resulting from the pandemic. Samantha Artiga, Rachel Garfield & Kendal Orgera, *Communities of Color at Higher Risk for Health and Economic Challenges due to COVID-19*, KAISER FAMILY FOUND. (Apr. 7, 2020), <https://www.kff.org/coronavirus-covid-19/issue-brief/communities-of-color-at-higher-risk-for-health-and-economic-challenges-due-to-covid-19/> [https://perma.cc/5G62-6UB8].

4. See James E. Moliterno, *And Now a Crisis in Legal Education*, 44 SETON HALL L. REV. 1069, 1072 (2014).

5. This statement is inscribed on the pediment of the United States Supreme Court. THE COURT & CONSTITUTIONAL INTERPRETATION, <https://www.supremecourt.gov/about/constitutional.aspx> [https://perma.cc/QSB5-5ADS] (last visited Apr. 15, 2021).

6. See Catherine Albiston, *Democracy, Civil Society, and Public Interest Law*, 2018 WIS. L. REV. 187 (2018); Catherine R. Albiston & Laura Beth Nielsen, *Funding the Cause: How Public Interest Organizations Fund Their Activities and Why It Matters for Social Change*, 39 LAW & SOC. INQUIRY 62 (2014); Catherine R. Albiston & Laura Beth Nielsen, *The Procedural Attack on Civil Rights: The Empirical Reality of Buckhannon for the Private Attorney General*, 54 UCLA L. REV. 1087 (2007); Catherine Albiston, Laura Beth Nielsen & Su Li, *Public Interest Law Organizations and the Two-Tiered System of Access to Justice in the United States*, 42 LAW & SOC. INQUIRY 990 (2017); see also RICHARD L. ABEL, POLITICS BY OTHER MEANS: LAW IN THE STRUGGLE AGAINST APARTHEID, 1980-1994 (1994); JOEL F. HANDLER, ELLEN JANE HOLLINGSWORTH & HOWARD S. ERLANGER, LAWYERS AND THE PURSUIT OF LEGAL RIGHTS (1978); DEBORAH L. RHODE, ACCESS TO JUSTICE (2004).

7. See MARTHA DAVIS, BRUTAL NEED: LAWYERS AND THE WELFARE RIGHTS MOVEMENT (1993); RICHARD KLUGER, SIMPLE JUSTICE: THE HISTORY OF *BROWN V. BOARD OF EDUCATION* AND BLACK AMERICA'S STRUGGLE FOR EQUALITY (2004).

8. See HIROSHI MOTOMURA, IMMIGRATION OUTSIDE THE LAW (2014).

9. See SCOTT L. CUMMINGS, AN EQUAL PLACE: LAWYERS IN THE STRUGGLE FOR LOS ANGELES (2021).

10. See STUART SCHEINGOLD & AUSTIN SARAT, SOMETHING TO BELIEVE IN: POLITICS, PROFESSIONALISM, AND CAUSE LAWYERING 51–71 (2004).

schools and often facing significant obstacles. Although some law schools in recent decades have invested significant resources in public interest curricular and professional development,¹¹ more have made only modest investments, and all have lacked basic information about which interventions are most likely to work.

This Article provides new empirical evidence, the first of its kind, about how law schools can train and support students who seek long-term public interest careers. Lawyers are only supporting actors in the groundswell of social movement activism seeking fundamental political change through collective action. Nevertheless, how lawyers choose to stand with anti-racist and pro-egalitarian movements has important consequences in protecting against abuse, mobilizing policy change, and protecting the rule of law. Law schools now face a clarion call to reorient baseline programming and career counseling to provide more support to students who seek to enter careers addressing these important social issues.

This Article advances that important conversation. Based on original data collected through a National Science Foundation-funded survey of a decade of graduates from six California law schools, it explores the individual and institutional factors that relate to what we call *public interest persistence*—dedication to public interest work throughout one's career.¹² Put simply, this study examines whether, and how, law school initiatives designed to train public interest students and place them in jobs in the nonprofit and governmental sectors contribute to their long-term success. Evidence-based answers to these questions, we argue, provide the essential foundation to redesign law schools to be spaces that nurture public interest values and equip students with the skills and experiences to make meaningful contributions to social justice.

This is not only a moment of social ferment but also one in which the public role and basic economic model of law schools are being fundamentally questioned. Law schools historically have prided themselves on molding students into professionals. How law schools educate—or miseducate—students has recently become the focus of a burgeoning empirical literature on legal education¹³—part

11. See *Directory of Law School Public Interest and Pro Bono Programs*, AM. B. ASS'N, https://www.americanbar.org/groups/center-probono/resources/directory_of_law_school_public_interest_pro_bono_programs/ [<https://perma.cc/Y9X7-Z89K>] (last visited Apr. 15, 2021).

12. For purposes of this Article, we define persistence as holding not only a first but also a current job in a public interest setting. In later work, we will compare public interest career patterns of lawyers who do and do not start their careers in public interest positions.

13. Indeed, the Association of American Law Schools recently approved a Section on Empirical Study of Legal Education and the Legal Profession. See Section on Empirical Stud. of Legal Educ. & the Legal Prof., ASS'N AM. L. SCHS., <https://www.aals.org/sections/list/empirical-study-of-legal-education-and-the-legal-profession/> [<https://perma.cc/JZ56-CK3Z>] (last visited Apr. 15, 2021). Empirical studies of law school include Jennifer M. Cooper & Regan A. R. Gurun, *Smarter Law Study Habits: An Empirical Analysis of Law Learning Strategies and Relationship with Law GPA*, 62 ST. LOUIS U. L.J. 361 (2018); Eric A. DeGroff, *Training Tomorrow's Lawyers: What Empirical Research Can Tell Us About the Effects of Law School Pedagogy on Law Student Learning Styles*, 26 S. ILL. U. L.J. 251 (2012); Neil W. Hamilton, Verna Monson & Jerome M. Organ, *Empirical Evidence that Legal Education Can Foster Student Professionalism/Professional Formation to Become an Effective Lawyer*, 10 U. ST. THOMAS L.J. 11 (2012).

of a broader “empirical revolution in law.”¹⁴ At the same time, institutional developments, such as rankings by *U.S. News & World Report*, have motivated law schools to compete for students and prestige according to the market criteria defined by the rankings, rather than pursuing long-standing professional ethics and commitment to the public good. This competitive environment and its fiscal challenges have been greatly exacerbated by the COVID-induced evisceration of foreign-student admissions and the move to online learning,¹⁵ which pose existential challenges to law schools’ ability and commitment to train students for the public good.¹⁶

More than a hundred years ago, Reginald Heber Smith documented the failure of American law to render justice to poor unrepresented litigants.¹⁷ Eighty-five years ago the U.S. Supreme Court moved into its new building, whose pediment proudly declares “Equal Justice Under Law.” A few years later the Court held that the Sixth Amendment guaranteed criminal defendants in federal courts a right to counsel.¹⁸ Although the Court extended that right to criminal defendants in state courts—for those charged with felonies nearly 60 years ago¹⁹ and those facing imprisonment nearly 50 years ago²⁰—it has consistently declined to find a constitutional right to counsel in civil cases.²¹ In 1965 Congress launched the OEO Legal Services Program to fund legal aid programs in states and cities to provide this representation (it became the Legal Services Corporation in 1974²²); however, since its inception, legal aid has been underfunded and under consistent right-wing attack.

Researchers began documenting the unmet legal needs of the poor in the 1970s²³ and have continued to do so.²⁴ These studies have repeatedly found that

14. This empirical revolution has also been called the “new legal realism.” See 1 *THE NEW LEGAL REALISM: TRANSLATING LAW-AND-SOCIETY RESEARCH FOR TODAY’S LEGAL PRACTICE* (Elizabeth Mertz et al. eds., 2016). For an early literature review, see James R. P. Olgoff, David R. Lyon, Kevin S. Douglas & V. Gordon Rose, *More than “Learning to Think Like a Lawyer:” The Empirical Research on Legal Education*, 34 *CREIGHTON L. REV.* 73 (2000).

15. Karen Sloan, *How Will COVID-19 Disrupt Law School Admissions?*, *LAW.COM* (Apr. 7, 2020), <https://www.law.com/2020/04/07/how-will-covid-19-disrupt-law-school-admissions/> [<https://perma.cc/Y6HP-WSFL>].

16. This is particularly true since public interest lawyers have the profession’s lowest incomes and therefore are most affected by rising costs and debt burdens. See RONIT DINOVITZER, BRYANT G. GARTH, RICHARD SANDER, JOYCE STERLING & GITA Z. WILDER, *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 42–44 (Janet E. Smith et al. eds., 2004) [hereinafter *AJD1*].

17. REGINALD HEBER SMITH, *JUSTICE AND THE POOR: A STUDY OF THE PRESENT DENIAL OF JUSTICE TO THE POOR AND OF THE AGENCIES MAKING MORE EQUAL THEIR POSITION BEFORE THE LAW WITH PARTICULAR REFERENCE TO THE LEGAL AID WORK IN THE UNITED STATES* (1919).

18. *Johnson v. Zerbst*, 304 U.S. 458, 468–69 (1938).

19. *Gideon v. Wainwright*, 372 U.S. 335, 344–45 (1963).

20. *Argersinger v. Hamlin*, 407 U.S. 25, 40 (1972).

21. *Lassiter v. Dep’t of Soc. Servs.*, 452 U.S. 18, 33 (1981); see also *U.S. Supreme Court and the Civil Right to Counsel: History of the Civil Right to Counsel*, NAT’L COAL. FOR A CIVIL RIGHT TO COUNSEL, <http://civilrighttocounsel.org/about/history> [<https://perma.cc/7DFG-HJKY>] (last visited Apr. 15, 2021).

22. See EARL JOHNSON, JR., *JUSTICE AND REFORM: THE FORMATIVE YEARS OF THE OEO LEGAL SERVICES PROGRAM* (1974); Richard L. Abel, *Law Without Politics: Legal Aid under Advanced Capitalism*, 32 *UCLA L. REV.* 474, 520 (1985).

23. BARBARA CURRAN, *THE LEGAL NEEDS OF THE PUBLIC: THE FINAL REPORT OF A NATIONAL SURVEY* (1977).

24. See AM. B. ASS’N, *LEGAL NEEDS AND CIVIL JUSTICE: A SURVEY OF AMERICANS* (1994); REBECCA L.

representation makes a difference to outcomes.²⁵ Yet all agree that legal need remains unsatisfied.²⁶ Organizations respond by calling for more representation.²⁷ In 1983 the ABA promulgated its *Model Rules of Professional Conduct*, declaring that “every lawyer has a professional responsibility to provide legal services to those unable to pay” and making 50 hours a year an aspirational goal.²⁸ Public interest lawyers embrace this aspirational goal as the core of their working lives.²⁹ Adequate representation for all citizens facing legal problems is a key determinant of the legitimacy of our democratic legal system. Because of this, researchers have investigated several factors that influence public interest career choice: clinical education,³⁰ law firm job interviews,³¹ and debt.³² There is, however, no

Sandefur, *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study* (2014); Rebecca L. Sandefur, *Paying Down the Civil Justice Data Deficit: Leveraging Existing National Data Collection*, 68 S.C. L. REV. 295 (2016); Rebecca L. Sandefur, *What We Know and Need to Know about the Legal Needs of the Public*, 67 S.C. L. REV. 443 (2016).

25. See, e.g., D. James Greiner & Cassandra Wolos Pattanayak, *Randomized Evaluation of Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?*, 121 YALE L.J. 2118 (2012); Gillian K. Hadfield & Jamie Heine, *Life in the Law-Thick World: Legal Resources for Ordinary Americans*, in *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA* (Samuel Estreicher & Joy Radice eds., 2016); Karl Monsma and Richard Lempert, *The Value of Counsel: 20 Years of Representation before a Public Housing Eviction Board*, 26 LAW & SOC’Y REV. 627 (1992); Carroll Seron, Martin Frankel & Jean Kovath, *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment*, 35 LAW & SOC’Y REV. 419 (2001).

26. LEGAL SERVS. CORP., *DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* (2009); LEGAL SERVS. CORP., *THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* (2017); OECD / OPEN SOC’Y FOUND., *LEGAL NEEDS SURVEYS AND ACCESS TO JUSTICE* (2019); STATE BAR OF CALIF., *THE CALIFORNIA JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF CALIFORNIANS* (2019); WORLD JUSTICE PROJECT, *MEASURING THE JUSTICE GAP: A PEOPLE-CENTERED ASSESSMENT OF UNMET JUSTICE NEEDS AROUND THE WORLD* (2019); Rebecca L. Sandefur, *Access to What?*, 148 DAEDALUS 49 (2019).

27. AM. B. ASS’N, *REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES* (2016); OECD / OPEN SOC’Y FOUND., *EQUAL ACCESS TO JUSTICE FOR INCLUSIVE GROWTH: PUTTING PEOPLE AT THE CENTRE* (2019); Rebecca L. Sandefur & James Teufel, *Assessing America’s Access to Civil Justice Crisis*, U.C. IRVINE L. REV. (forthcoming); *Civil Justice for All*, AM. ACAD. OF ARTS & SCI. (2020), https://www.amacad.org/sites/default/files/publication/downloads/2020-Civil-Justice-for-All_0.pdf [<https://perma.cc/9MP6-Q74A>] (last visited Apr. 15, 2021); *Our Civil Justice System Fails Ordinary Americans*, ALL RISE FOR CIVIL JUSTICE, <https://allriseforciviljustice.org/crisis/> [<https://perma.cc/8CXS-SFLY>] (last visited Apr. 15, 2021); *Why a Right to Counsel?*, NAT’L COAL. FOR A CIVIL RIGHT TO COUNSEL (2020), <http://civilrighttocounsel.org/> [<https://perma.cc/KNE2-4ACV>] (last visited Apr. 15, 2021).

28. MODEL RULES OF PROF’L CONDUCT R. 6.1 (2018) [hereinafter MODEL RULES].

29. See, e.g., ALAN K. CHEN & SCOTT L. CUMMINGS, *PUBLIC INTEREST LAWYERING: A CONTEMPORARY PERSPECTIVE* (2013); Scott L. Cummings, *Movement Lawyering*, 2017 ILL. L. REV. 1 (2017); Scott L. Cummings, *The Pursuit of Legal Rights—and Beyond*, 59 UCLA L. REV. 506 (2012); see also Jayanth K. Krishnan, *Lawyering for a Cause and Experience from Abroad*, 94 CALIF. L. REV. 575 (2006).

30. Rebecca Sandefur & Jeffrey Selbin, *The Clinic Effect*, 16 CLINICAL L. REV. 57 (2009).

31. John Bliss, *Divided Selves: Professional Role Distancing Among Law Students and New Lawyers in a Period of Market Crisis*, 42 LAW & SOC. INQUIRY 855 (2017).

32. Steven A. Boutcher, Anna Raup-Kounovsky & Carroll Seron, *Financing Legal Education through Student Loans: Results from a Quasi-Experiment in Tuition Remission*, 67 J. LEGAL EDUC. 755 (2019). There have been recent calls by researchers and funders to study the “pipeline” at the front end of law school and “outcomes” at the back. See Conference: *Legal Education in Crisis? Bringing Researchers and Resources Together to Generate New Scientific Insights*, Am. B. Found., Chicago, Illinois (Mar. 3–4, 2017); see also Debra

systematic research on the factors related to social justice career trajectories immediately after law school or in the longer term.³³ There is also little research about how law school experiences relate to all graduates' pro bono contributions later in their careers.

Even before the bungled response to COVID-19 and the police killings of George Floyd, Ahmaud Aubrey, and Breonna Taylor, social movement insurgency against racial injustice was building. Commentators warned that democratic institutions and the rule of law faced the most significant assault of recent times.³⁴ Law school graduates flocked into public interest law after the Great Recession.³⁵ The ACLU—which led critical challenges to policies like Trump's Muslim ban, limitations on asylum, and questions about immigration status in the census—received donations at unprecedented levels.³⁶ The Center for Constitutional Rights launched a legal project supporting the Movement for Black Lives and, more broadly, promoting social movement lawyering.³⁷ Prior to COVID-19, the trade press documented a significant “Trump Bump”—over ten percent more law school applications after a decade of diminished interest.³⁸ This new cohort includes students highly motivated to defend what they see as fundamental threats to social justice and the rule of law.³⁹

Cassens Weiss, *After the JD Shows Many Leave Law Practice*, 100 A.B.A. J. 63 (2014); Jane Yakowitz, *Marooned: An Empirical Examination of Law School Graduates Who Fail the Bar Exam*, 60 J. LEGAL EDUC. 3 (2010).

33. Stimulated by the *After the JD* study, scholars have also produced important research on career satisfaction. See, e.g., Cassandra M. S. Florio & Steven J. Hoffman, *Student Perspectives on Legal Education: A Longitudinal Empirical Evaluation*, 62 J. LEGAL EDUC. 162 (2012); Robby Marcum, Note, *Tracing It Back: Law School and Legal Misconduct*, 39 J. LEGAL PROF. 273 (2015); Jerome M. Organ, *What Do We Know about the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L.J. 225 (2011).

34. RICHARD L. ABEL, LAW'S TRIALS: THE PERFORMANCE OF LEGAL INSTITUTIONS IN THE US “WAR ON TERROR” (2018); RICHARD L. ABEL, LAW'S WARS: THE FATE OF THE RULE OF LAW IN THE US “WAR ON TERROR” (2018).

35. Ben Seal, *The Great Recession Diverted Lawyers to Public Interest Work. Will the Pandemic Do the Same?*, LAW.COM (July 6, 2020), <https://www.law.com/americanlawyer/2020/07/06/the-great-recession-diverted-lawyers-to-public-interest-work-will-the-pandemic-do-the-same/> [<https://perma.cc/63F3-EEAH>].

36. Renae Reints, *The ACLU's Membership Has Surged and It's Putting Its New Resources to Use*, FORTUNE, July 5, 2018.

37. *Movement for Black Lives*, CTR. FOR CONST. RTS., <https://ccrjustice.org/category/tags/movement-black-lives> [<https://perma.cc/65U3-UJV5>] (last visited Apr. 15, 2021).

38. Stephanie Francis Ward, *The 'Trump Bump' for Law Schools Is Real and Significant, Survey Says*, A.B.A. J. (Feb. 22, 2018).

39. For insightful analyses of these problems and proposals to redress them, see, e.g., BENJAMIN H. BARTON & STEPHANOS BIBAS, REBOOTING JUSTICE: MORE TECHNOLOGY, FEWER LAWYERS, AND THE FUTURE OF LAW (2017); GILLIAN K. HADFIELD, RULES FOR A FLAT WORLD: WHY HUMANS INVENTED LAW AND HOW TO REINVENT IT FOR A COMPLEX GLOBAL ECONOMY (2017); RICHARD SUSSKIND, TOMORROW'S LAWYERS: AN INTRODUCTION TO YOUR FUTURE (2013); Catherine Albiston & Rebecca Sandefur, *Expanding the Empirical Study of Access to Justice*, 2013 WIS. L. REV. 101 (2013); Rebecca Sandefur, *The Impact of Counsel: An Analysis of Empirical Evidence*, 9 SEATTLE J. FOR SOC. JUST. 51 (2010); Rebecca Sandefur, *Access to Civil Justice and Race, Class and Gender Inequality*, 34 ANN. REV. SOC. 339 (2008); Rebecca Sandefur, *Access to Justice: Classical Approaches and New Directions*, ACCESS TO JUSTICE: SOCIOLOGY OF CRIME, LAW, AND DEVIANCE 12 (2009); Rebecca Sandefur, *The Fulcrum Point of Equal Access to Justice: Legal and Non-legal Institutions of Remedy*, 42 LOY. L.A. L. REV. 949 (2009); Rebecca Sandefur, *Lawyers' Pro Bono Service and*

As these students are galvanized to action by transformative events, it is crucial that we learn more about how law schools can effectively support those who seek to join the struggle to define the American future.

This Article advances that project by asking what lessons can be learned from the law school and career experiences of graduates who have chosen long-term public interest careers—to stay *in it for good*. Part I situates our study in the broader debate over the value of law school and its impact on students who enter with a public interest orientation. Here, we contrast *public interest persistence* with the traditional focus on *public interest drift*.

Part II describes the study's methodology and our theoretical framework. By looking at who takes a *first* job in the public interest (after running the gauntlet of law school) and which graduates hold a *current* job in the public interest (reflecting commitment years after law school)⁴⁰ our study transcends prior research in this area, which focused on declining public interest commitment *during law school*. We also explore what factors affect entry into other jobs in the public interest sector, specifically the underexamined category of “private public interest law firms.”⁴¹ Finally, we evaluate the pro bono activity and civic engagement of lawyers who do not choose long-term public interest careers but remain supportive of public interest values.

Part III presents our core findings that, while the characteristics and experiences students bring to law school matter in predicting public interest persistence, so too do the choices students make about their education and—crucially—the availability of law school resources to support those choices.

In Part IV, we explore the theoretical implications of our findings, offering interpretations of the patterns we observed and identifying questions for future research. We conclude with recommendations for law schools to build on current programs in support of public interest careers. We also call on law schools to reconceptualize what it means to practice public interest law by incorporating a professional commitment to social justice and the rule of law.

I. THE PUZZLE OF PUBLIC INTEREST PERSISTENCE

This Part introduces the puzzle of public interest persistence: Which students successfully navigate law school to enter and stay in public interest careers and how do they do it? One might ask as an initial matter: What qualifies as a public interest position? Ever since it emerged in the 1970s, the concept of public interest law has been deeply contested.⁴² Those on the left have identified it with the representation

American-Style Civil Legal Assistance, 41 LAW & SOC'Y REV. 79 (2007); see also THE FUTURES OF LEGAL EDUCATION AND THE LEGAL PROFESSION (Hilary Sommerlad et al. eds., 2015).

40. These graduates are between seven and sixteen years into their careers.

41. See Scott L. Cummings, *Privatizing Public Interest Law*, 25 GEO. J. LEGAL ETHICS 1 (2012).

42. See CHEN & CUMMINGS, *supra* note 29; Ann Southworth, *What Is Public Interest Law? Empirical Perspectives on an Old Question*, 62 DEPAUL L. REV. 493 (2013); see also Charles Du, *Securing Public Interest Law's Commitment to Left Politics*, 128 YALE L.J. 244 (2018).

of subordinated groups or interests that are underrepresented in the legal and political systems.⁴³ Those on the right have insisted that the term be extended to a host of conservative causes.⁴⁴ For purposes of this study, we define public interest law *contextually* as legal work in the nonprofit and governmental sectors (including prosecutors and public defenders). This definition avoids thorny political questions about what counts as the public interest, while associating public interest careers with work sites defined by public-regarding values rather than the pursuit of profit.⁴⁵

This Part situates our study in existing empirical research by contrasting the conventional public interest drift thesis, based on the concept of negative professional socialization, with our alternative framework for studying public interest persistence, focused on the positive role of students' endowments and educational experiences in fostering commitment. We then explain how our study helps solve the puzzle of persistence by addressing two key problems in the empirical literature. First, existing research on public interest careers explores a welter of variables without systematically evaluating their interrelationships or relative importance, producing contradictory findings. Second, the research is outdated because it examines career trajectories of earlier generations who entered law when educational and professional conditions were significantly different. Our study addresses both problems by offering a coherent theoretical model of the relationship among key variables and providing a fresh empirical look at the contemporary law school experience to illuminate the career paths of graduates who stay in it for good.

A. THE DRIFT THESIS

Research has consistently shown that although large proportions of entering law students—often half or more—express a desire to represent underserved clients or causes, the proportion doing so after graduation falls to less than 3 percent.⁴⁶ This decline—the gap between idealism and reality—is known as *public interest drift*. This concept has a long lineage.⁴⁷ Even as public interest law

43. See Cummings, *supra* note 29.

44. ANN SOUTHWORTH, *LAWYERS OF THE RIGHT: PROFESSIONALIZING THE CONSERVATIVE COALITION* (2008); see also STEVEN M. TELES, *THE RISE OF THE CONSERVATIVE LEGAL MOVEMENT: THE BATTLE FOR CONTROL OF THE LAW* (2010).

45. Because we asked surveyed lawyers about the political content of their work, we can differentiate between left and right categories, a focus of related research flowing from this project.

46. See NAT'L ASS'N L. PLACEMENT FOUND. FOR L. CAREER RES. & EDUC., *JOBS & J.D.'S, EMPLOYMENT AND SALARIES OF NEW LAW GRADUATES: CLASS OF 1999* (2000); D. Kaplan, *Out of 11,000, 243 Went into Public Interest Law*, NAT'L L.J. 1 (Aug. 8, 1988).

47. Summarizing first-wave research, Susan Daicoff concluded that, "[t]here is evidence, although not entirely uncontroverted, that law students' altruism and interest in public service decrease more than do other professionals' as a result of professional school and practice." Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1406 (1997) (citing Audrey James Schwartz, *Law, Lawyers, and Law School: Perspectives from the First-Year Class*, 30 J. LEGAL EDUC. 437, 456–61 (1980); James M. Hedegard, *The Impact of Legal Education: An In-Depth Examination of Career-Relevant Interests, Attitudes, and Personality Traits Among First-Year Law Students*, 4 AM. B. FOUND. RES. J. 791, 805 (1979)).

emerged as a dynamic field in the 1960s, Harvard Dean Erwin Griswold expressed concern about “the effect of our legal education on the idealism of our students. . . . What do we do to them that makes them turn another way?”⁴⁸ Studies of what happens during law school⁴⁹ find that the most idealistic entrants display the sharpest decline.⁵⁰ With the exception of the *After the J.D.* study,⁵¹ however, very little empirical attention has been paid to what happens to law graduates, and even that study has too few public interest lawyers to permit detailed analysis of this group.⁵²

The empirical basis of the drift thesis rests largely on two seminal 1980s studies, in which researchers followed students longitudinally through law school, probing the reasons for attitudinal and behavioral change. The first, a participant-observer research project by Robert Stover, tracked his fellow students’ attitudes toward public interest work during their three years at the University of Denver Sturm College of Law. Through longitudinal surveys, Stover found that the number of students planning to pursue public interest careers after law school declined more than 15 percent between their first and third years.⁵³ Stover saw students shift from teleological satisfaction (promoting social justice) to craft satisfaction (delighting in technique and intellectual challenge, defining success in terms of efficacy as a hired gun)—traits that are rewarded first by law school (grades, law

48. Erwin Griswold, *Intellect and Spirit, in THE PATH OF THE LAW FROM 1967: PROCEEDINGS AND PAPERS AT THE HARVARD LAW SCHOOL CONVOCATION HELD ON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF ITS FOUNDING 150* (Arthur E. Sutherland ed., 1968).

49. Robert Granfield & Thomas Koenig, *The Fate of Elite Idealism: Accommodation and Ideological Work at Harvard Law School*, 39 SOC. PROBS. 315 (1992); Craig Kubey, *Three Years of Adjustment: Where Your Ideals Go*, 6 JURIS DR. 34 (1976); Gregory J. Rathjen, *The Impact of Legal Education on the Beliefs, Attitudes and Values of Law Students*, 44 TENN. L. REV. 85 (1976); Adrienne Stone, *Women, Law School and Student Commitment to the Public Interest*, in EDUCATING FOR JUSTICE: SOCIAL VALUES AND LEGAL EDUCATION (Jeremy Cooper & Louise G. Trubek eds., 1997); James B. Taylor, *Law School Stress and the “Déformation Professionnelle”*, 27 J. LEGAL EDUC. 251 (1975); Peter Rubin, *Harvard Law Grads Chose the Private Life*, HARV. CRIMSON, Feb. 9, 1990.

50. DEBRA J. SCHLEEF, MANAGING ELITES: PROFESSIONAL SOCIALIZATION IN LAW AND BUSINESS SCHOOLS (2006); Granfield & Koenig, *supra* note 49; Lani Guinier, Michelle Fine, Jane Balin, Ann Bartow & Deborah Lee Stachel, *Becoming Gentlemen: Women’s Experience at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994); Lewis A. Kornhauser & Richard L. Revesz, *Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt*, 70 N.Y.U. L. REV. 829 (1995).

51. AJD1, *supra* note 16; RONIT DINOVITZER, ROBERT L. NELSON, GABRIELE PLICKERT, REBECCA SANDEFUR, JOYCE S. STERLING, TERRY K. ADAMS, BRYANT G. GARTH, JOHN HAGAN, GITA Z. WILDER & DAVID B. WILKINS, AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS (2009) [hereinafter AJD2]; RONIT DINOVITZER, BRYANT G. GARTH, ROBERT NELSON, GABRIELE PLICKERT, REBECCA SANDEFUR, JOYCE STERLING & DAVID WILKINS, AFTER THE JD III: THIRD RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS (2014) [hereinafter AJD3].

52. By the time of the third wave of data collection in the *After the J.D.* study, approximately 10 percent of respondents worked in legal services, public interest, and nonprofit/education, up from only 6 percent in wave 1. See AJD1, *supra* note 16, at 27; AJD3, *supra* note 51, at 27. Although additional respondents worked in government positions, a substantial proportion of these reported they were not practicing law. AJD3, *supra* note 51, at 27.

53. ROBERT V. STOVER, MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL 3 (Howard S. Erlanger ed., 1989).

review) and then the private law job market.⁵⁴ Soon thereafter, a study by Robert Granfield found that although roughly 60 percent of entering Harvard law students listed altruistic goals among their top three reasons for attending law school,⁵⁵ at the end of their third year, “only 2 percent indicated a preference for legal aid jobs and only 5 percent were still considering public interest jobs.”⁵⁶ Granfield documented similar attrition in a follow-up study of students at Northeastern, which was established as a public interest law school.⁵⁷ Drift occurred as “students grew to perceive the world from a position of detached cynicism in which they purge themselves of their original principles of justice.”⁵⁸ Why does this happen?

In the dominant account, drift occurs through a process we call *negative professional socialization*.⁵⁹ As John Bliss notes, research has tended to discount economic factors, such as debt and job opportunities,⁶⁰ instead portraying “drift as a function of the first-year law school experience where students are said to receive a cognitive training in the norms of neutral partisanship, zealous hired-gun advocacy, and a U.S. legal epistemology that de-emphasizes political and social context.”⁶¹ Students enter law school full of idealism and passion, hoping to make a difference by using law to serve the public: helping disadvantaged individuals, challenging unfair systems, or brokering solutions to difficult social

54. See SCHLEEF, *supra* note 50; James C. Foster, *The “Cooling Out” of Law Students: Facilitating Market Cooptation of Future Lawyers*, 3 LAW & POL’Y Q. 243 (1981); Richard O. Lempert, David L. Chambers & Terry K. Adams, *Michigan’s Minority Graduates: The River Runs Through Law School*, 25 LAW & SOC. INQUIRY 395 (2000); Douglas Thomson, *Negotiating Cause Lawyering Potential in the Early Years of Corporate Practice*, in THE WORLDS CAUSE LAWYERS MAKE 274 (Austin Sarat & Stuart Scheingold eds., 2005); Douglas Thomson, *Negotiating Public Interest Law Commitment in the Early Years of Practice*, Presented at Law & Society Association Annual Meeting (May 2002); cf. CHARLES DERBER, PROFESSIONALS AS WORKERS: MENTAL LABOR IN ADVANCED CAPITALISM (1982).

55. ROBERT GRANFIELD, MAKING ELITE LAWYERS: VISIONS OF LAW AT HARVARD AND BEYOND tbl.3.1 (1992).

56. *Id.* at 48.

57. *Id.* at 48, 169–74.

58. *Id.* at 200.

59. For studies showing that law school subverts student idealism, see ROBERT BYRNES & JAMIE MARQUART, BRUSH WITH THE LAW: THE TURBULENT TRUE STORY OF LAW SCHOOL TODAY AT HARVARD AND STANFORD (2001); RICHARD D. KAHLBERG, BROKEN CONTRACT: A MEMOIR OF HARVARD LAW SCHOOL (1992); DUNCAN KENNEDY, LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY: A POLEMIC AGAINST THE SYSTEM (2004); DOUGLAS LITOWITZ, THE DESTRUCTION OF YOUNG LAWYERS: BEYOND ONE L (2006); JOHN JAY OSBORN JR., THE PAPER CHASE (1971); JOEL SELIGMAN, THE HIGH CITADEL: THE INFLUENCE OF HARVARD LAW SCHOOL (1978); THOMAS L. SHAFFER & ROBERT S. REDMOUNT, LAWYERS, LAW STUDENTS AND PEOPLE (1977); SCOTT TUROW, ONE L: THE TURBULENT TRUE STORY OF A FIRST YEAR AT HARVARD LAW SCHOOL (1977); Paul Carrington, *Reproducing the Right Sort of Hierarchy*, in KENNEDY, *supra*, at 145; Kim Economides, *Cynical Legal Studies*, in EDUCATING FOR JUSTICE, *supra* note 49, at 26; Robert L. Nelson & David M. Trubek, *Arenas of Professionalism: The Professional Ideologies of Lawyers in Context*, in LAWYERS’ IDEALS/LAWYERS’ PRACTICES: TRANSFORMATIONS IN THE AMERICAN LEGAL PROFESSION 177 (Robert L. Nelson et al. eds., 1992); David N. Rockwell, *The Education of the Capitalist Lawyer: The Law School*, in LAW AGAINST THE PEOPLE: ESSAYS TO DEMYSTIFY LAW, ORDER AND THE COURTS 90 (Robert Lefcourt ed., 1971).

60. See SCHEINGOLD & SARAT, *supra* note 10, at 57 (finding that the percentage of University of Michigan graduates entering public interest jobs upon graduation declined from a high of 17 percent in 1975–1976 to 2 percent in 1987–88).

61. Bliss, *supra* note 31, at 1976–77.

problems.⁶² But students often encounter a pedagogical and cultural environment hostile to their aims. First-year teachers strip law of its political content, framing moral commitments as antithetical to good lawyering.⁶³ In this environment, “[l]earning to think like a lawyer means learning to think beyond one’s preferences and developing the skill of identifying the best arguments on all sides of disputed questions.”⁶⁴ Or, in Duncan Kennedy’s famous formulation, the first-year compels a “double surrender: to a passivizing classroom experience and to a passive attitude toward the content of the legal system.”⁶⁵

The term “drift” implies a lack of agency, intentionality, or pattern, and yet the typical law school experience is not neutral among career paths. Upper-division students watch law schools roll out the red carpet for private firm interviews, while students committed to the public interest struggle to get one of the small number of interviews for public interest jobs.⁶⁶ The message is that law school, and by extension the larger profession, does not value public interest careers. This message is reinforced in myriad ways, from the choice of individuals who are invited to speak on campus to the alumni/ae featured in law school promotional materials. The result is a normative reorientation that devalues professional public engagement and commitment to the public good. In this way, law school emphasizes private sector job acquisition and financial rewards as the pinnacle of professional success, consistent with neoliberal values of individual achievement and return on investment.⁶⁷ Accordingly, the puzzle is not why so many students drift away from public interest careers but instead *why some students persist*.

Research further suggests that law students’ conception of what it means to be a lawyer tends to coalesce around the norm of private practice, marginalizing their prior public interest role models.⁶⁸ During law school, students express growing skepticism about law’s capacity to produce social change or even to help individual clients, reframing their own ethical commitment from doing good to not inflicting harm.⁶⁹ In addition, students come to see corporate practice as both more demanding and more significant than representing the poor because of the much greater amounts of money at stake—defining money rather than social value as the measure of significance.⁷⁰ Students reject as naïve their former demonization of business clients, discovering that executives with whom they interact are

62. KAHLENBERG *supra* note 59, at 5.

63. See ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO “THINK LIKE A LAWYER”* (2007).

64. SCHEINGOLD & SARAT, *supra* note 10, at 51.

65. Duncan Kennedy, *Legal Education as Training for Hierarchy*, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* 54 (David Kairys ed., 2010).

66. Bliss, *supra* note 31.

67. Legal profession scholarship often follows a similar pattern by focusing on why certain groups have difficulty making partner at large private law firms, tacitly assuming these are the most desirable jobs.

68. Howard S. Erlanger & Douglas A. Klegon, *Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns*, 13 *LAW & SOC’Y REV.* 11 (1978).

69. GRANFIELD, *supra* note 55.

70. Cf. Jack Katz, *Lawyers for the Poor in Transition: Involvement, Reform, and the Turnover Problem in the Legal Services Program*, 12 *LAW & SOC’Y REV.* 275 (1978).

people like themselves and large firm lawyers are “really nice.”⁷¹ Even as they undergo this transformation, students retain the sense that they are making autonomous decisions by distinguishing *among* firms (rather than between firms and public interest law), for example, preferring medium-sized over large firms, or smaller cities over New York.⁷² In the context of intense competition for jobs offering the highest pay and prestige, students look to others—peers, law school, and the job market—to define the criteria of professional success.⁷³

B. THE PERSISTENCE HYPOTHESIS

In the face of these immense pressures to embrace the private sector paradigm of professional achievement, what are the characteristics and experiences of students who obtain public interest jobs after graduation and stay in that sector over time? In other words, what characteristics and experiences relate to *public interest persistence*? In our usage, persistence is the obverse of drift—the qualities and experiences that relate to students’ commitment to public interest work after law school. For purposes of this study, we define persistence as holding a public interest position as a first job after law school and also as a current job at the time of our survey (which is seven to sixteen years after the respondent graduated from law school). By focusing on persistence, our study goes beyond prior research, which tends to look only at public interest drift and commitment through the three years of law school.⁷⁴

Scholars have speculated about what produces persistence in public interest positions. Granfield posited that students paradoxically were more likely to persevere if they entered school with “no illusions about finding any abstract sense of justice in law.”⁷⁵ Stuart Scheingold and Austin Sarat concluded their pathbreaking study of cause lawyering by asserting: “Those who successfully resist the corrosive effects of law school on cause lawyering aspirations combine cynicism about law with an intense personal idealism—rooted in religious or spiritual commitment.”⁷⁶ This idealism is sustained in part through participation in a “subculture” of “effective resistance” to dominant law school norms, enacted through links to “the world of legal practice.”⁷⁷ Researchers have speculated that participation in activities such as summer public interest jobs, externships, and extracurricular activities can be helpful in “beating the odds” to land public interest work after graduation.⁷⁸

71. GRANFIELD, *supra* note 55, at 157.

72. *Id.*

73. *Id.*; James C. Foster, *Legal Education and the Production of Lawyers to (Re)Produce Liberal Capitalism*, 9 LEGAL STUD. F. 179, 184 (1985).

74. GRANFIELD, *supra* note 55; Bliss, *supra* note 31; Erlanger & Klegon, *supra* note 68.

75. GRANFIELD, *supra* note 55, at 66–67.

76. SCHEINGOLD & SARAT, *supra* note 10, at 68.

77. *Id.* at 68–69.

78. *Id.* at 69.

There is little systematic empirical research addressing the factors associated with post-law school commitment to public interest law: how law school experiences relate to public interest career patterns, net of the effects of individual characteristics (e.g., race, gender, religion). Our study is the first to focus on how *institutional* factors, such as college and law school experiences, and *individual* factors, such as demographic and social characteristics, relate to public interest persistence. By concentrating on what enables the few to *persevere*, our study therefore moves beyond the discouraging litany of explanations for why most public interest law aspirants *fail*.

In Figure 1, we present a conceptual model to theorize how background characteristics, professional socialization, and postgraduate career opportunities and challenges interact to affect public interest career choice and persistence. We present the full model here to put our findings in context.

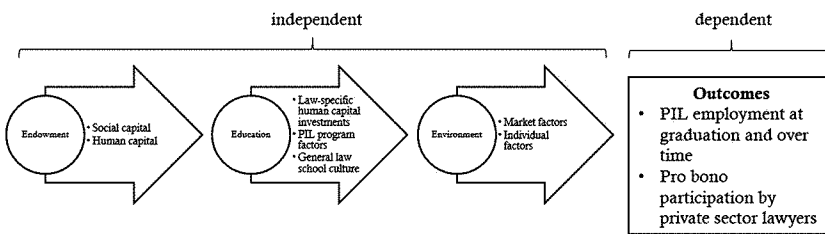


FIGURE 1: Factors related to public interest law (PIL) careers.

One can understand this model in terms of institutional and individual inputs (or independent variables) interacting and combining to produce career outcomes (or dependent variables). In this Article, we focus on two inputs, *endowment* factors (demographic and social characteristics, as well as college experiences) and *education* factors (experiences during law school).

The model categorizes *outcomes* in several ways, including practice setting of respondents' jobs, pro bono participation for private sector lawyers, and monetary contributions to public interest law. In this Article, we focus on outcomes related to working in the public interest sector, while also exploring employment in private public interest law firms and measures of lawyers' pro bono and civic engagement.⁷⁹ In the section that follows, we review prior research that documents what is known so far about the individual and institutional factors we considered in designing our study.

79. See generally MODEL RULES R. 6.1. For analyses of pro bono, see Scott L. Cummings, *The Politics of Pro Bono*, 52 UCLA L. REV. 1 (2004); Robert Grandfield & Lynn Mather, *Pro Bono, the Public Good, and the Legal Profession: An Introduction*, in PRIVATE LAWYERS AND THE PUBLIC INTEREST: THE EVOLVING ROLE OF PRO BONO IN THE LEGAL PROFESSION 1 (Robert Grandfield & Lynn Mather eds., 2009). On private public interest law firms, see Cummings, *supra* note 41.

C. THE CONTRADICTIONS OF CAREER RESEARCH

An extensive sociolegal literature investigates how demographic and social characteristics and, to a lesser extent, educational experiences relate to legal careers. Two features of this literature are significant for our study. First, to the extent that research on legal education and careers has explored public interest commitment, its findings are inconclusive and contradictory. Second, prior research, much of which is at least a decade old, studied a dramatically different cohort of law students in a different educational and professional context. To highlight our study's distinctive contribution, this section documents the unsatisfying state of current knowledge, following the conceptual model outlined above.

1. ENDOWMENT: BEFORE THE J.D.

Prior research asked two questions related to endowment. First, are certain types of people—defined by demographic characteristics such as gender, religion, race, and class—more likely to enter and remain in public interest work? And second, do pre-law political orientation and public service predict public interest careers? Scholars differ sharply about the salience and explanatory power of both, especially whether endowment variables *motivate public interest choices* (e.g., through personal association with a cause) or *limit other opportunities* (e.g., because of discrimination, so that public interest law becomes a default choice). In this section, we review the variables prior researchers defined as important in order to frame the approach of our study.

a. Gender

Gender has long been identified as an important influence on career choice in general and public interest careers in particular. Research about career patterns finds that women law students express stronger preferences for public interest work,⁸⁰ and women graduates are more likely to work in government, legal services, and nonprofits,⁸¹ and more inclined to do pro bono

80. See CATALYST, *WOMEN IN LAW: MAKING THE CASE* (2001); Howard S. Erlanger, *Introduction*, in STOVER, *supra* note 53; Guinier et al., *supra* note 50; Suzanne Homer & Louis Schwartz, *Admitted but Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY WOMEN'S L.J. 1 (1990).

81. See generally AJD2, *supra* note 51; MICHELE LORD ET AL., *A PASSION FOR PUBLIC INTEREST LAW: AN ASSESSMENT OF THE NAPIL EQUAL JUSTICE FELLOWSHIP PROGRAM* (2001); NAT'L ASS'N L. PLACEMENT FOUND. FOR L. CAREER RES. & EDUC., *JOBS & J.D.'S*, *supra* note 46; NAT'L ASS'N L. PLACEMENT FOUND. FOR L. CAREER RES. & EDUC., *THE SIGNIFICANCE OF SUMMER PROGRAMS: LAW STUDENTS AND LEGAL EMPLOYERS REPORT* (2003); JEAN E. WALLACE, *JUGGLING IT ALL: EXPLORING LAWYERS' WORK, HOME, AND FAMILY DEMANDS AND COPING STRATEGIES* (2002); LINDA F. WIGHTMAN, LAW SCH. ADMISSIONS COUNCIL, *LEGAL EDUCATION AT THE CLOSE OF THE TWENTIETH CENTURY: DESCRIPTIONS AND ANALYSIS OF STUDENTS, FINANCING, AND PROFESSIONAL EXPECTATIONS AND ATTITUDES* (1995); GITA Z. WILDER, *WOMEN IN THE PROFESSION: FINDINGS FROM THE FIRST WAVE OF THE AFTER THE JD STUDY* (2007); Kenneth G. Dau-Schmidt, Marc S. Galanter, Kaushik Mukhopadhyaya & Kathleen E. Hull, *Men and Women of the Bar: The Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49 (2009); Howard S. Erlanger, *Lawyers and Neighborhood Legal Services: Social Background and the Impetus for Reform*, 12 LAW & SOC'Y REV. 253

work.⁸² Explanations for this pattern vary, however. They include differences between women's and men's essential nature, claims that women opt out of big firm practice for family reasons, and arguments that women encounter less discrimination in public interest positions than they do in private practice.

Early research focused on gender essentialist arguments about differences in women's and men's motivations for pursuing legal careers. In a 1997 literature review, Susan Daicoff showed that earlier generations of mostly white, male law students displayed more dominance and competitiveness than later cohorts with a higher proportion of women⁸³ and were more likely to be achievement oriented rather than motivated by a specific substantive interest in law.⁸⁴ Robert Stevens's study of law school graduates in the 1960s and 1970s reinforced this view: male survey respondents overwhelmingly cited prestige as an important motive for attending law school.⁸⁵ These studies found that power and material gain were more significant motivators for men than altruistic goals like helping the disadvantaged and improving society.⁸⁶ As women began to enter law schools in greater numbers in the 1970s, researchers studied their experiences and found that gender essentialist arguments about their motivations had at best mixed empirical support. Although some research on the personality traits and motivations of female law students determined that many described themselves in the more dominant terms associated with their male counterparts,⁸⁷ other research emphasized gender differences.⁸⁸ For instance, Sandra Janoff found that a greater proportion of female students entered with an "ethic of care," emphasizing maintaining relationships and preventing harm, but suppressed this during law

(1978); Paul W. Mattessich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 LAW & INEQ. 59 (1990); Christa McGill, *Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear*, 31 LAW & SOC. INQUIRY 677 (2006); Robert L. Nelson, *The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society*, 44 CASE W. RES. L. REV. 345 (1994); Robert L. Nelson, Ronit Dinovitzer, Bryant G. Garth, Joyce S. Sterling, Gita Z. Wilder & Terry K. Adams, *Observations from the After the Bar Survey of the Bar Class of 2000*, 24 QUINNIPIAC L. REV. 539 (2006); Douglas Thomson, *Defending Public Interest Identity Throughout Law School*, Presented at Law & Society Association Annual Meeting, Budapest, Hungary (July 2001). *But see* Cynthia Fuchs Epstein & Hella Winston, *The Salience of Gender in the Choice of Law Careers in the Public Interest*, 18 BUFF. J. GENDER L. & SOC. POL'Y 21 (2009).

82. Robert Granfield, *The Meaning of Pro Bono: Institutional Variations in Professional Obligations among Lawyers*, 41 LAW & SOC'Y REV. 113 (2007).

83. Susan Daicoff, *supra* note 47, at 1350.

84. *Id.* at 1357.

85. Robert Stevens, *Law Schools and Law Students*, 59 VA. L. REV. 551, 578 (1973).

86. Daicoff, *supra* note 47, at 1359 (citing Alexander W. Astin, *Pre-Law Students—A National Profile*, 34 J. LEGAL EDUC. 73, 82–83 (1984)).

87. *See, e.g.*, Jane W. Coplin & John E. Williams, *Women Law Students' Descriptions of Self and the Ideal Lawyer*, 2 PSYCH. WOMEN Q. 323, 329–31 (1978); *see also* Martin J. Bohn, Jr., *Psychological Needs of Engineering, Pre-Law, and Undecided College Freshmen*, 19 J. C. STUDENT PERSP. 359 (1971).

88. *See* Georgina Williams LaRussa, *Portia's Decision: Women's Motives for Studying Law and Their Later Career Satisfaction as Attorneys*, 1 PSYCH. WOMEN Q. 350, 355 (1977) (finding that 52 percent of women law students displayed altruistic motives).

school to conform to the dominant rights discourse.⁸⁹ Some prior research depicts a range of motives more nuanced than the dichotomy between altruism and ambition; indeed, Georgina Williams LaRussa sees many women reporting both.⁹⁰ Research also indicates that women experience more personal change than men during law school, perhaps because they begin law school with values and personal identities less compatible with the adversarial norms of the legal profession.⁹¹ This interesting finding suggests that gender differences in motivations and value orientations are not hardwired but rather respond to environmental influences, consistent with our negative professional socialization thesis.

One should be skeptical about claims that all women approach being lawyers in the same hard-wired, essentialist way. Women may be channeled into particular career paths deemed socially appropriate for their gender and socialized to conceal their actual motivations. In addition, studies of gender motivations have significant limitations. First, all adopt a binary definition of gender—male or female—excluding the experiences of nonbinary individuals. Furthermore, participants were not asked for information about gender presentation (e.g., masculine versus feminine), marriage and children, or other factors that might affect the respondent's motivations and preferences. Second, prior research does not explore variation across intersectional identities, such as whether women of different races have distinct perspectives on the legal profession. Because much of the literature on gendered motivations in the legal profession is superficial, conclusions about fundamental differences between men and women driving career patterns should be viewed with skepticism.

A second argument is that women initially enter private practice but later opt for public interest careers when they have families. Indeed, the tendency for women to be overrepresented in the public interest sector seems to have declined from the early cohorts of women, whose members faced overt discrimination,⁹² compared to more recent cohorts, whose members are well-represented in large firms at the associate stage.⁹³ Existing scholarship points out, however, that women's traditional responsibility for child-rearing has been used to dismiss the underrepresentation of women at the partnership level as not a problem for law firms because it

89. Sandra Janoff, *The Influence of Legal Education on Moral Reasoning*, 76 MINN. L. REV. 193, 227 (1991).

90. See LaRussa, *supra* note 88, at 355 tbl.1.

91. See Fiona Kay & Elizabeth Gorman, *Women in the Legal Profession*, 4 ANN. REV. L. & SOC. SCI. 299, 301 (2008) (summarizing research).

92. See, e.g., CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* (1981); Carrie Menkel-Meadow, *The Causes of Cause Lawyering: Toward an Understanding of the Motivation and Commitment of Social Justice Lawyers*, in CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES 31 (Austin Sarat & Stuart Scheingold eds., 1996); Nancy J. Reichman & Joyce S. Sterling, *Recasting the Brass Ring: Deconstructing and Reconstructing Workplace Opportunities for Women Lawyers*, 29 CAPITOL U. L. REV. 923 (2002).

93. BARBARA A. CURRAN & CLARA N. CARSON, *THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN THE 1990S* (1994); WILDER, *supra* note 81; Kornhauser & Revesz, *supra* note 50; see also David Eaves, I.P.L. Png & J. Mark Ramseyer, *Gender, Ethnicity and Grades: Empirical Evidence of Discrimination in Law Firm Interviews*, 7 L. & INEQ. 189 (1989).

reflects women's so-called preferences.⁹⁴ By contrast, empirical evidence suggests that the failure of law firms to value women equally with comparable men influences women's decisions to leave.⁹⁵ Thus, it is not clear whether women opt out of private firms or are pushed out by discrimination and structural barriers to partnership.⁹⁶

A third explanation is that women face fewer discriminatory barriers and penalties in public interest careers compared to private practice. Among recent graduates, women public interest lawyers earn about 20 percent more than their male counterparts,⁹⁷ whereas women private practitioners generally make much less than their male counterparts, receive a lower return on the same human capital investments, and face pervasive and persistent discrimination.⁹⁸ Given that discrimination diminishes women's return on human capital investments relative to men, it may be that discrimination and reduced material rewards influence women's career choices. Discrimination in the form of stereotypes about appropriate roles for women may operate here as well. To the extent that women are believed to adopt certain gendered behaviors, they may be seen as a better fit for public interest career paths because of those stereotypical assumptions and encouraged in that direction more than their male counterparts.⁹⁹

b. Race

Findings on how race relates to public interest jobs are more limited but similarly problematic because they analyze race using "fixed, categorical variables" rather than seeing it as "a social construct marked by fluidity, multiplicity, and contingency."¹⁰⁰ Moreover, early research collapsed racial variation into small pigeonholes and presumed a deterministic view of race as inherited rather than

94. See, e.g., JOAN C. WILLIAMS, JESSICA MANVELL & STEPHANIE BORNSTEIN, "OPT OUT" OR PUSHED OUT?: HOW THE PRESS COVERS WORK/FAMILY CONFLICT (2006); Deborah L. Rhode, *From Platitudes to Priorities: Diversity and Gender Equity in Law Firms*, 24 GEO. J. LEGAL ETHICS 1041 (2011); Deborah L. Rhode, *The "No-Problem" Problem: Feminist Challenges and Cultural Change*, 100 YALE L.J. 1731 (1991).

95. See Fiona M. Kay & John Hagan, *The Persistent Glass Ceiling: Gendered Inequalities in the Earnings of Lawyers*, 46 BRIT. J. SOC. 279 (1995) [hereinafter Kay & Hagan, *The Persistent Glass Ceiling*]; Fiona M. Kay & John Hagan, *Raising the Bar: The Gender Stratification of Law-Firm Capital*, 63 AM. SOC. REV. 728 (1998) [hereinafter Kay & Hagan, *Raising the Bar*].

96. See Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint? Testing Theories of Gender Differences in the Careers of Lawyers*, 79 SOC. FORCES 229 (2000).

97. Cf. AJD2, *supra* note 51.

98. See generally Joyce S. Sterling & Nancy Reichman, *Overlooked and Undervalued: Women in Private Law Practice*, 12 ANN. REV. L. & SOC. SCI. 373 (2016).

99. See Susan P. Sturm, *From Gladiators to Problem-Solvers: Connecting Conversations about Women, the Academy, and the Legal Profession*, 4 DUKE J. GENDER L. & POL'Y 119 (1997); see also Deborah L. Rhode, *Gender and Professional Roles*, 63 FORDHAM L. REV. 39 (1994).

100. Taeku Lee, *Between Social Theory and Social Science Practice: Toward a New Approach to Survey Measurement of "Race"*, in MEASURING IDENTITY: A GUIDE FOR SOCIAL SCIENTISTS 113 (Rawi Abdelal et al. eds., 2009).

constructed and negotiated in the workplace.¹⁰¹ Prior research regarding the relationship between public interest careers and race found that entrants of color, like the early cohorts of women, were strongly oriented toward public interest law,¹⁰² partly because continuing discrimination by firms limited other opportunities.¹⁰³ Lawyers of color still display more commitment than other lawyers to pro bono services¹⁰⁴ and, like women, leave the profession in disproportionate numbers.¹⁰⁵ Although Latinx and Asian American lawyers continue to be oriented toward public interest law, African Americans' interest in public interest law has declined somewhat in favor of other career paths.¹⁰⁶ Further insight is needed into the distinctive experiences of different racial groups and of men and women within each.

c. LGBTQ and Gender Nonconformity

There is scant research about public interest activity by LGBTQ and gender nonconforming lawyers. One might predict that LGBTQ lawyers, like women and people of color who are lawyers, experience discrimination and are motivated to pursue legal careers to address it. Queer socialization—both within deliberately constructed LGBTQ communities and with respect to participation in wider heteronormative society—may encourage self-reported interests and modes of engagement that are well suited (or render such people more attractive) to public interest career paths. As entry barriers to the private sector have fallen, however, more movement into mainstream career paths is a strong possibility. Discrimination in the private sector is also a reality, however. Although the Supreme Court in 2020 issued a landmark ruling that federal civil rights laws prohibited employment discrimination on the basis of sexual orientation or gender

101. See DEVON W. CARBADO & MITU GULATI, *ACTING WHITE: RETHINKING RACE IN POST-RACIAL AMERICA* (2015).

102. See, e.g., NAT'L ASS'N L. PLACEMENT FOUND. FOR L. CAREER RES. & EDUC., *JOBS & J.D.'s*, *supra* note 46; WIGHTMAN, *supra* note 81; WILDER, *supra* note 81; DAVID B. WILKINS, ELIZABETH CHAMBLISS, LISA A. JONES & HAILE ADAMSON, *HARVARD LAW SCHOOL: REPORT ON THE STATE OF BLACK ALUMNI 1869–2000* (2002); Erlanger, *supra* note 81; Homer & Schwartz, *supra* note 80; Oliver B. Quinn, *Career Patterns of Black Graduates of Rutgers University School of Law Newark, New Jersey*, 7 BLACK L.J. 127 (1981); James A. Thomas, *Career Patterns of Black Yale Law School Graduates: From Young Blacks to Old Blues*, 7 BLACK L.J. 131 (1981); David B. Wilkins, *Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers*, 41 HOUSTON L. REV. 1 (2004); David B. Wilkins & G. Mitu Gulati, *Why Are There So Few Black Partners in Corporate Law Firms? An Institutional Analysis*, 84 CALIF. L. REV. 493 (1996).

103. See JACK KATZ, *POOR PEOPLE'S LAWYERS IN TRANSITION* (1982).

104. Granfield, *supra* note 82, at 130; Lempert et al., *supra* note 54, at 401.

105. See AM. B. ASS'N COMM'N ON WOMEN IN THE PROF., *VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS* (2006); see also Joe G. Baker & Brain K. Jorgensen, *Leaving the Law: Occupational and Career Mobility of Law School Graduates*, 50 J. LEGAL EDUC. 16 (2000).

106. AJD2, *supra* note 51, at 72; LORD ET AL., *supra* note 81; Kornhauser & Revesz, *supra* note 50; Lempert et al., *supra* note 54, at 424; McGill, *supra* note 81.

identity, it is too early to assess the impact of this ruling on career opportunities for LGBTQ lawyers.¹⁰⁷

d. Class

Information about the influence of class background on public interest career patterns is limited and ambiguous. Among Yale graduates in 1970, the poorest students exhibited the strongest public interest orientation,¹⁰⁸ and Granfield found that working class students at elite law schools were more committed to social change than their more privileged classmates.¹⁰⁹ However, early entrants to the federal Legal Services Program tended to come from *more* privileged backgrounds,¹¹⁰ and recent research confirms that this pattern persists for more prestigious public interest jobs.¹¹¹ This relationship, however, may be driven less by preferences and more by the financial capacity to accept a low-paying legal position.

e. Religion

Earlier cohorts of men in public interest law were more likely to be Jewish or Catholic rather than Protestant,¹¹² and atheist or Jewish rather than Protestant or Catholic.¹¹³ Strong commitment to any religion may foster public interest activity,¹¹⁴ and members of minority religions historically faced discrimination in large firms.¹¹⁵ The rise of conservative public interest law, one strand of which is Christian Right legal advocacy, might be expected to produce stronger relationships between conservative Christians and the public interest law organizations created to advance their interests.¹¹⁶

f. Age

Older law students are overrepresented among public interest graduates, perhaps because they have more developed career ambitions than recent college

107. *Bostock v. Clayton Cty.*, 140 S.Ct. 1731 (2020).

108. See Stevens, *supra* note 85, at 703.

109. GRANFIELD, *supra* note 55, at 111.

110. See Howard S. Erlanger, Mia Cahill, Charles Epp & Kathleen Haines, *Law Student Idealism and Job Choice: Some New Data on an Old Question*, 30 LAW & SOC'Y REV. 851 (1996); Thomson, *supra* note 81.

111. Joyce Sterling, Ronit Dinovitzer & Bryant Garth, *The Changing Social Role of Urban Law Schools*, 36 SW. U. L. REV. 389, 407 (2007).

112. See SEYMOUR WARKOV & JOSEPH ZELAN, *LAWYERS IN THE MAKING* (1965); Erlanger, *supra* note 81, at 260; Seymour Warkov, *Employment Expectations of Law Students*, 6 SOC. QUARTERLY 222, 227 (1965).

113. See Stevens, *supra* note 85, at 614.

114. Cynthia Fuchs Epstein & Mitra Rastegar, *The Impact of Culture on the Choice of Legal Careers in the Public Interest*, Presented at the Annual Meeting of the American Sociological Association, New York, New York (Aug. 2007).

115. Ronit Dinovitzer, *Social Capital and Constraints on Legal Careers*, 40 LAW & SOC'Y REV. 445, 449 (2006); cf. Kay & Hagan, *Raising the Bar*, *supra* note 95.

116. See SOUTHWORTH, *supra* note 44.

graduates, who see law school as a default option, valued primarily for offering a secure middle-class career.¹¹⁷ Older graduates may also suffer discrimination by private firms.

g. Political Orientation

Law students' progressive political orientations—often shaped by their parents—are strongly associated with public interest law employment.¹¹⁸ But studies disagree about the strength of the relationship between prior political activity and public interest careers.¹¹⁹ And the type of political activism seems to matter. Longitudinal studies find conflicting evidence about the relationship between past and future activism: civil rights participants in the 1964 Freedom Summer were much more likely to remain active, while Teach for America alumni/ae were less likely.¹²⁰ Although expressions of concern for social justice at the beginning of law school are not predictive of career choices,¹²¹ students with a long-standing commitment to social change,¹²² who define themselves as activists rather than lawyers,¹²³ are more likely to become public interest lawyers. As with religiously motivated public interest law, the rise of the conservative movement has produced a new generation of ideologically committed lawyers whose backgrounds and activist histories are only now being examined.¹²⁴

h. Foreign Born

How the experience of being a first- or second-generation American affects career choice has not been studied in depth. The number of U.S. lawyers who are immigrants increased from 6 percent in 2000 to 8 percent in 2012.¹²⁵ Nearly 15 percent of recent graduates had foreign-born parents.¹²⁶ Once again, two divergent patterns could be predicted: immigrants strive for mainstream success in

117. AJD2, *supra* note 51, at 24; LORD ET AL., *supra* note 81; Thomson, *supra* note 81.

118. Erlanger et al., *supra* note 110; Kornhauser & Revesz, *supra* note 50.

119. Erlanger, *supra* note 81.

120. Doug McAdam, *The Biographical Consequences of Activism*, 54 AM. SOC. REV. 774 (1989); Doug McAdam, *Freedom Summer Project, Mississippi, 1964*, in PROTEST, POWER AND CHANGE: AMERICAN ENCYCLOPEDIA OF NONVIOLENT ACTION FROM ACT-UP TO WOMEN'S SUFFRAGE (Roger S. Powers & William B. Voegelé eds., 1997); Doug McAdam & Cynthia Brandt, *Assessing the Long-Term Effects of Youth Service: The Puzzling Case of Teach for America*, 88 SOC. FORCES 945 (2009).

121. See McGill, *supra* note 81, at 701.

122. GRANFIELD, *supra* note 55; see McGill, *supra* note 81.

123. Lynn C. Jones, *Exploring the Sources of Cause and Career Correspondence among Cause Lawyers*, in THE WORLDS CAUSE LAWYERS MAKE, *supra* note 54, at 203; Lynn C. Jones, *Career Activism by Lawyers: Consequences for the Person, the Legal Profession, and Social Movements*, 3 LEGAL PROFS.: WORK, STRUCTURE & ORG. 181 (Jerry Van Hoy ed., 2001).

124. SOUTHWORTH, *supra* note 44; see also JEFFERSON DECKER, THE OTHER RIGHTS REVOLUTION: CONSERVATIVE LAWYERS AND THE REMAKING OF AMERICAN GOVERNMENT (2016); TELES, *supra* note 44.

125. Ethan Michelson, *Immigrant Lawyers and the Changing Face of the U.S. Legal Profession*, 22 IND. J. GLOBAL LEGAL STUD. 105, 108 (2015).

126. AJD2, *supra* note 51, at 20.

pursuit of the American Dream; or immigrants identify with marginalized groups and are excluded by discrimination from private sector options and so choose public interest careers.

i. Pre-Law School Experience

The relationship between public interest career patterns and childhood and college experiences has not been studied beyond general analyses of political identity and class status. Early life challenges, such as encounters with the criminal justice or welfare systems, mental illness, or substance abuse, may be relevant. On one hand, hardship might create empathy and a desire to give back; on the other, those who experience hardship might seek to distance themselves from it by attaining material security. College experiences would presumably be more predictive of future public interest commitment, since students engaged in extracurricular activities, summer internships, and postgraduate employment would be making choices that presaged future career decisions.

2. EDUCATION: THE LAW SCHOOL EXPERIENCE

There is ample evidence documenting and explaining public interest drift in law school, suggesting that drift may flow from law school experiences. School placement services may influence career choices since private firms and public interest employers use different processes to select lawyers. The National Association for Law Placement (NALP) found that the On-Campus Interview Program (OCIP) in the 2L fall is the source of two-thirds of jobs at firms with more than 100 lawyers but only 4 percent of those in public interest law.¹²⁷ By contrast, nearly a third of public interest lawyers conducted independent job searches outside of OCIP, compared with just 14 percent of those who ended up at large firms. More than nine out of ten students who went to large firms obtained their jobs before graduation, compared with less than half of those with public interest jobs. These disparities strongly influence law students to seek jobs of “least resistance” at law firms.¹²⁸ Some schools devote significant resources to helping students find public interest jobs, often through a specialized public interest office,¹²⁹ but little is known about how these efforts relate to outcomes.

Even though traditional law school culture may marginalize public interest issues, a strong public interest community and sub-culture may sustain public interest commitment. Such a community can revolve around clinics, fellowship programs (e.g., Root Tilden and Hays at NYU), student organizations (such as National Lawyers Guild and American Constitution Society chapters and ethnic,

127. NAT'L ASS'N FOR L. PLACEMENT FOUND. FOR L. CAREER RES. & EDUC., *JOBS & J.D.S.*, *supra* note 46.

128. *See* SCHLEEF, *supra* note 50, at 150; Epstein & Rastegar, *supra* note 114.

129. STACY M. DEBROFF, JILL MARTYN, DEBORAH REED, ALEXA SHABECOFF & CAROLYN STAFFORD STEIN, *THE GREAT FIRM ESCAPE: HARVARD LAW SCHOOL'S GUIDE TO BREAKING OUT OF PRIVATE PRACTICE AND INTO PUBLIC SERVICE* (2000).

feminist, and gay and lesbian bar associations), opportunities for volunteer service, and interaction with other public interest students or lawyers.¹³⁰ Measuring law school culture, however, can be difficult.

Clinics serving underrepresented populations may increase commitment to public interest work by exposing students to the problems of poor clients and training them to be effective representatives.¹³¹ Research on the “clinic effect” suggests a strong relationship between clinic participation and public interest career choice among those who enter law school with a pre-existing commitment to social change; however, clinics do little to promote pro bono work or broader civic participation among law students generally.¹³²

Summer public interest jobs and term-time externships and volunteer work may be similarly associated with public interest careers, especially if they are repeated after the second year; but bad experiences may alienate students.¹³³ A NALP study found that students who worked for public interest employers in law school were far more likely to expect to do so after graduation than students who worked for law firms.¹³⁴ Students who engage in public service in law school are more likely to do pro bono work as lawyers.¹³⁵ By contrast, summer clerkships in firms can accustom students to think of themselves as hired guns, dissipate prior suspicions of corporate practice, and undermine public interest ambitions.¹³⁶

130. LORD ET AL., *supra* note 81; STOVER, *supra* note 53, at 3; Kornhauser & Revesz, *supra* note 50; Thomson, *supra* note 81. Cf. Epstein & Winston, *supra* note 81; Epstein & Rastegar, *supra* note 114; Peggy A. Thoits, *Personal Agency in the Accumulation of Multiple Role Identities*, in *ADVANCES IN IDENTITY THEORY AND RESEARCH* 179 (Peter J. Burke et al. eds., 2003); Philip Schrag, *Why Would Anyone Want to Be a Public Interest Lawyer?* (2009) (unpublished manuscript) (on file with author).

131. Howard S. Erlanger & Gabrielle Lessard, *Mobilizing Law Schools in Response to Poverty: A Report on Experiments in Progress*, 43 J. LEGAL EDUC. 199 (1993); Erlanger et al., *supra* note 110; Kornhauser & Revesz, *supra* note 50; Lisa G. Lerman, *Professional and Ethical Issues in Legal Externships: Fostering Commitment to Public Service*, 67 FORDHAM L. REV. 2295 (1999); Charles Ogletree, *Beyond Justifications: Seeking Motivations to Sustain Public Defenders*, 106 HARV. L. REV. 1239 (1993); Fran Quigley, *Seizing the Disorientating Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 CLINICAL L. REV. 37 (1995); Thomson, *supra* note 81. *But see* Rita James Simon, *An Evaluation of the Effectiveness of Some Curriculum Innovations in Law Schools*, 2 J. APPLIED BEHAV. SCI. 219 (1966).

132. Sandefur & Selbin, *supra* note 30.

133. SCHLEEF, *supra* note 50; STOVER, *supra* note 53; Foster, *supra* note 73; McGill, *supra* note 81; Donald N. Zillman & Vickie R. Gregory, *Law Student Employment and Legal Education*, 36 J. LEGAL EDUC. 390 (1986); Thomson, *supra* note 81.

134. NAT'L ASS'N L. PLACEMENT FOUND. L. CAREER RES. & EDUC., *THE SIGNIFICANCE OF SUMMER PROGRAMS*, *supra* note 81.

135. ASS'N OF AM. L. SCHS. COMM'N ON PRO BONO & PUB. SERV. OPPORTUNITIES, *LEARNING TO SERVE* (1999); DEBORAH L. RHODE, *IN THE INTERESTS OF JUSTICE: REFORMING THE LEGAL PROFESSION* (2000); Jill Chaifetz, *The Value of Public Service: A Model for Instilling a Pro Bono Ethic in Law School*, 45 STAN. L. REV. 1695 (1993); Jan C. Costello, *Training Lawyers for the Powerless: What Law Schools Should Do to Develop Public Interest Lawyers*, 10 NOVA L. REV. 438 (1986); Caroline Durham, *Law Schools Making a Difference: An Examination of Public Service Requirements*, 13 LAW & INEQ. 39 (1994); Russell Engler, *From the Margins to the Core: Integrating Public Service Legal Work into the Mainstream of Legal Education*, 40 NEW ENG. L. REV. 479 (2006).

136. GRANFIELD, *supra* note 55; SCHLEEF, *supra* note 50; STOVER, *supra* note 53.

Mentorship of students by large firm alumni/ae can have a similar effect.¹³⁷ Thus, law school programs that enable students to have public interest summer experiences may encourage public interest career choices.

3. ENVIRONMENT: AFTER LAW SCHOOL

The literature on what happens to lawyers “after the J.D.” is underdeveloped, and this Article is not focused on environmental factors. Nonetheless, it is important to highlight the issue of debt as it relates to our analysis. Many observers claim that educational debt is the single largest impediment to public interest careers.¹³⁸ Indeed, college and law school tuition have increased significantly faster than inflation,¹³⁹ and educational debt has ballooned. This is a very recent development: educational debt was almost non-existent in 1961 and did not become a substantial burden until the 1990s.¹⁴⁰ As a logical matter, debt load would seem relevant to public interest career patterns given the great disparity between starting salaries in public interest jobs and private law firm positions, which has steadily increased in the last four decades.¹⁴¹ The most comprehensive recent study found that large firms paid law graduates more than three times as much as public interest jobs—four times as much among those at the top-10 law schools.¹⁴²

Nevertheless, the relationship between debt and career choice remains unclear.¹⁴³ Several have argued that it is impossible to repay the average debt on a public interest salary.¹⁴⁴ Of those who left public interest law after holding a

137. GRANFIELD, *supra* note 55.

138. See EQUAL JUST. WORKS ET AL., FROM PAPER CHASE TO MONEY CHASE: LAW SCHOOL DEBT DIVERTS ROAD TO PUBLIC SERVICE (2002); N.Y. B. ASS'N SPECIAL COMMITTEE ON STUDENT LOAN ASSISTANCE FOR THE PUB. INT., ATTRACTING QUALIFIED ATTORNEYS TO PUBLIC SERVICE (2002); Vincent A. Romano, *Law School Debt Hampers Public Interest Employment*, 82 MICH. B.J. 26 (2003); David H. Vernon, *Educational Debt Burden: Law School Assistance Programs—A Review of Existing Programs and a Proposed New Approach*, 39 J. LEGAL EDUC. 74 (1989); James P. White, *The Impact of Law Student Debt upon the Legal Profession*, 39 J. LEGAL EDUC. 725 (1989); Garance Franke-Ruta, *The Indentured Generation: How Debt Stunts Young People's Dreams*, AM. PROSPECT, May 1, 2003; Ian Shapira, *A Mixed Blessing for Aspiring Lawyers*, WASH. POST, Nov. 30, 2007, at A1. *But see* Kornhauser & Revesz, *supra* note 50. LRAPs encourage students to take public interest jobs. See Oscar G. Chase, *Financing Legal Education: Loan Forgiveness Programs*, 39 J. LEGAL EDUC. 623 (1989). *But see* Luize E. Zubrow, *Is Loan Forgiveness Divine? Another View*, 59 GEO. WASH. L. REV. 451 (1991).

139. ABA COMM. ON LOAN REPAYMENT & FORGIVENESS, LIFTING THE BURDEN: LAW STUDENT DEBT AS A BARRIER TO PUBLIC SERVICE (2003); EQUAL JUST. WORKS ET AL., *supra* note 138; Michael A. Olivas, *Paying for a Law Degree: Trends in Student Borrowing and the Ability to Repay Debt*, 49 J. LEGAL EDUC. 333 (1999); John A. Sebert, *The Cost and Financing of Legal Education*, 52 J. LEGAL EDUC. 516 (2002).

140. WARKOV & ZELAN, *supra* note 112; WIGHTMAN, *supra* note 81; White, *supra* note 138.

141. ABA COMM. ON LOAN REPAYMENT & FORGIVENESS, *supra* note 139; EQUAL JUST. WORKS ET AL., *supra* note 138; Neil K. Komesar & Burton A. Weisbrod, *The Public Interest Law Firm: A Behavioral Analysis*, in PUBLIC INTEREST LAW: AN ECONOMIC AND INSTITUTIONAL ANALYSIS 80 (Burton Weisbrod et al. eds., 1978).

142. AJD1, *supra* note 16.

143. One recent study of UC Irvine law graduates, which did not look at career outcomes, found that even the pattern of debt accrual was not clearly related to the amount of tuition. Boutcher et al., *supra* note 32.

144. HEATHER WELLS JARVIS, FINANCING THE FUTURE: RESPONSES TO THE RISING DEBT OF LAW STUDENTS (2d ed. 2006); Kornhauser & Revesz, *supra* note 50; Nancy H. Rogers, President's Message: *Preserving the*

National Association for Public Interest Law (now Equal Justice Works) fellowship, 86 percent listed debt as a factor.¹⁴⁵ Equal Justice Works claimed that debt discouraged public interest practice but also found that a high proportion of public interest lawyers had large debts.¹⁴⁶ The *After the JD* study reported that legal services lawyers and public defenders had the lowest rate of debt repayment (only one-quarter had paid off all their debt); but it also found that other public interest lawyers had the highest rate.¹⁴⁷ Students of color are more likely to have debt.¹⁴⁸ Other studies have found that debt has little or no effect on career choice¹⁴⁹ and is rather a rationalization for decisions driven by other factors.¹⁵⁰ In order to focus on the impact of law school here, we include educational debt as a control and leave other environmental factors for a later analysis.

D. THE TRANSFORMATION OF LEGAL EDUCATION

In addition to addressing the ambiguous findings of prior career research, ours is the first study to examine public interest persistence since recent transformations in legal education. Empirical research on law school and legal careers emerged in the 1970s and 1980s, when the function and context of legal education were dramatically different. Law students were predominately white and male.¹⁵¹ A larger portion of lawyers worked in what would now be considered mid-sized firms, and there were fewer opportunities for public interest and governmental practice.¹⁵²

Route to Public Service Careers, 2 AALS NEWS 1, Apr. 2007. *But see* JANINE A. SCOTT, LEGAL AID WEALTH: SURVIVING AND THRIVING ON THE SALARY OF A PUBLIC INTEREST ATTORNEY (2009).

145. LORD ET AL., *supra* note 81.

146. EQUAL JUST. WORKS ET AL., *supra* note 138.

147. AJD2, *supra* note 51; Rebecca L. Sandefur, *Debt and Aspiration: How Do Early-Career Lawyers Afford to Work for the Public?*, Presented at Law & Society Association Annual Meeting, Chicago, Illinois (May 2010).

148. Lempert et al., *supra* note 54.

149. Howard Erlanger and his colleagues found no clear relationship between students having debt and taking a first non-traditional job. Erlanger et al., *supra* note 110. David Chambers found that debt had a weak effect on the willingness of graduates of lower-ranked schools to do public interest law and none on graduates of higher-ranked schools. David L. Chambers, *The Burdens of Educational Loans: The Impacts of Debt on Choice and Standards of Living for Students at Nine American Law Schools*, 42 J. LEGAL EDUC. 187 (1992); David L. Chambers, *Educational Debts and the Worsening Position of Small-Firm, Government, and Legal Services Lawyers*, 39 J. LEGAL EDUC. 709 (1989). Lewis Kornhauser and Richard Revesz found that the salary disparity between large firm and public interest jobs was far more important than debt levels. Kornhauser & Revesz, *supra* note 50. Christina McGill questioned the methodology of studies asserting a relationship between debt and career choice; her own data showed that the negative correlation between taking a government or public interest job and debt disappeared when other variables were considered. McGill, *supra* note 81.

150. GRANFIELD, *supra* note 55; SCHLEEF, *supra* note 50.

151. *See* Stevens, *supra* note 85, at 571–72 (showing that approximately 95 percent of sample were male and 98 percent white). However, even then, scholars expressed concerns about rising costs. *See* John R. Kramer, *Will Legal Education Remain Affordable, by Whom, and How?*, 1987 DUKE L.J. 240 (1987).

152. *See* CLARA N. CARSON & BARBARA A. CURRAN, THE LAWYER STATISTICAL REPORT: THE LEGAL PROFESSION IN 2000 (2004). Granfield reports that students going into public interest law declined by 50 percent between 1978 and 1988. GRANFIELD, *supra* note 55, at 5 tbl.1.1.

The past quarter-century has seen many revolutionary changes in the practice of law: big firm clients demand “more for less”;¹⁵³ public interest organizations have grown in size and ideological diversity;¹⁵⁴ the private sector has responded to government retrenchment in legal aid and public defender budgets with increased pro bono service and donations;¹⁵⁵ and technological innovations and the globalization of practice have created challenges at the apex of the profession while also generating insecurity and stratification.

Legal education has both responded and contributed to these changes. In choosing a law school, earlier generations of prospective students did not rely on ranking systems like the one pioneered by *U.S. News* in 1987.¹⁵⁶ Law schools now feel intense pressure to maintain or improve their positions in these rankings, engaging in a host of maneuvers and distortions to game the system.¹⁵⁷ These changes have increased stress and competition among students and made those with lower entering scores shoulder a higher portion of law school costs (because of cuts to need-based financial aid), while job outcomes remain deeply stratified based on law school status.¹⁵⁸ The competitive race among law schools to score high in the rankings game has disadvantaged public interest-minded students, whose schools structure curricula and career services to maximize the placement of graduates in high-paying private sector jobs.¹⁵⁹

Since the first wave of research on careers, legal education has also witnessed the expansion and transformation of experiential learning. Clinical education began in the 1970s as a way to teach skills, promote social justice, and deepen a sense of professional responsibility. Fifty years later it is firmly institutionalized but must compete with an expanded range of experiential opportunities, from

153. See SUSSKIND, *supra* note 39; Marc Galanter & William Henderson, *The Elastic Tournament: A Second Transformation of the Big Law Firm*, 60 STAN L. REV. 1867 (2008); Robert W. Gordon, *The Return of the Lawyer-Statesman?*, 69 STAN. L. REV. 1731 (2017).

154. Laura Beth Nielsen & Catherine Albiston, *The Organization of Public Interest Practice: 1975-2004*, 84 N.C. L. REV. 1591 (2006).

155. Catherine Albiston & Laura Beth Nielsen, *Funding the Cause: How Public Interest Organizations Fund Their Activities and Why It Matters for Social Change*, 39 LAW & SOC. INQUIRY 62 (2014); Cummings, *supra* note 79.

156. See Richard L. Abel, *Crunched by the Numbers*, 66 J. LEGAL EDUC. 961 (2017).

157. Brian Tamanaha argues that law schools have reduced class size and boosted faculty salaries and merit scholarship aid, forcing them to raise tuition and cut costs in areas like clinical education and need-based aid, while funding postgraduate fellowships to boost employment numbers. BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012); see also Carole Silver, *States Side Story: Career Paths of International LL.M Students or “I Like to Be in America”*, 80 FORDHAM L. REV. 2383 (2012).

158. Silver, *supra* note 157; see also Rebecca L. Sandefur, *Staying Power: The Persistence of Social Inequality in Shaping Lawyer Stratification and Lawyers’ Persistence in the Profession*, 26 SW. U. L. REV. 539 (2007); Joyce S. Sterling & Nancy Reichman, *So, You Want to Be a Lawyer? The Quest for Professional Status in a Changing Legal World*, 78 FORDHAM L. REV. 2289 (2010).

159. See, e.g., Abel, *supra* note 156; Bliss, *supra* note 31. Law school incentives to place graduates in the private sector relate, in part, to the focus on future alumni/ae donations and the role of placement rates in the *U.S. News* rankings formula.

externships to simulated skills courses.¹⁶⁰ Graduates rank experiential coursework as the most helpful curricular offering “in making the transition to . . . early work assignments as a lawyer.”¹⁶¹ Although many law students opt for simulated skills courses, which are easier to schedule,¹⁶² public interest students are more likely to take live-client clinical courses and value them highly.¹⁶³

The final change relevant to our study is the rise of curricular specializations. Law students no longer share a common educational experience but rather choose from a growing number of specialized programs with packages of guided coursework and certificates. Public interest specializations are an important subset. In 2015, Equal Justice Works listed over 40 law schools offering a public interest certificate program. UCLA Law School launched one of the first in 1997.¹⁶⁴ The program was created to respond to public interest drift by providing an institutional counterweight to law school socialization.¹⁶⁵ Courses are limited to program students in order to promote a sense of community and counteract feelings of isolation and alienation. A fundamental question motivating this study is how this and other specialized public interest programs relate to public interest career patterns.

II. AN EMPIRICAL STUDY OF CALIFORNIA LAW SCHOOL GRADUATES

As Part I highlights, the primary flaw of the existing empirical literature on legal careers is its failure to evaluate comprehensively the relationship of relevant variables to each other. Our *Project on California Legal Education and Careers* responds to this problem with the first large-scale assessment of the individual and institutional factors associated with public interest persistence. The Project’s foundation is an original survey of a decade of graduates from six California law schools—over 15,000 California graduates—which collected information on how endowment, educational, and environmental factors relate to career choice. The survey results produced rich data about careers, including those of the cohorts of graduates who entered very different markets before and after the 2008 recession.

Our project transcends prior studies in three important ways. First, it uses multivariate analysis to examine the relative contributions to public interest career patterns of a systematic range of variables—demographic and social characteristics, experiences prior to law school, and law school experiences—thereby revealing

160. Margaret E. Reuter & Joanne Ingham, *The Practice Value of Experiential Legal Education: An Examination of Enrollment Patterns, Course Intensity and Career Relevance*, 22 CLINICAL L. REV. 182, 205–06 (2015).

161. AJD1, *supra* note 16, at 81 tbl.11.1.

162. Reuter & Ingham, *supra* note 160, at 206.

163. *Id.* at 231.

164. Richard L. Abel, *Choosing, Nurturing, Training and Placing Public Interest Law Students*, 70 FORDHAM L. REV. 1563, 1564 (2002).

165. The program application asks students to describe and document the content and quality of their public interest activities, thereby demonstrating the “tenacity, idealism, and initiative that are particularly important for public interest lawyers who may forgo material incentives in their career.” *Id.* at 1565.

which factors are significantly related to public interest persistence when all are considered. Second, this study generates a sufficiently large sample of public-interest-oriented graduates to allow comparison with graduates who take other career paths. Because public interest lawyers are a small fraction of the profession, past researchers have had difficulty acquiring enough data for meaningful analysis. Our large-scale survey, in contrast, generated the data necessary for that analysis. Third, our study collects data on law school structures and programs, allowing us to compare their influence with that of individual variables.

A. THE PROJECT ON CALIFORNIA LEGAL EDUCATION AND CAREERS

In 2017, we conducted a retrospective survey of California law graduates.¹⁶⁶ In designing it, we made two important methodological choices. The first was to take a multi-site approach encompassing ten years of graduates (2001-2010) from six law schools in California's two primary legal markets: three from the Bay Area (Santa Clara, Stanford, and UC Berkeley) and three from Los Angeles (Southwestern, UCLA, and USC). We selected these law schools to evaluate the effects of institutional factors along a number of dimensions (see the Methodological Appendix for information about the participating schools at the time of selection). Our second important methodological choice was to survey *all* graduates of our six participating California law schools. This approach generated a large sample, reflected in Table 1,¹⁶⁷ including enough respondents with and without public interest career patterns to enable multivariate analysis.

TABLE 1: RESPONSE RATES

Law School	Population	Completed Surveys	Response Rate
USC	2,010	426	21.2%
Berkeley	2,864	920	32.1%
Santa Clara	2,689	615	22.9%
Southwestern	2,588	526	20.3%
Stanford	1,645	432	26.3%
UCLA	3,290	767	23.3%
Overall	15,086	3,686	24.4%

166. More detail about our survey design and method is included in the Methodological Appendix to this Article.

167. The response rate to our survey (Table 1) was commensurate with those of other major surveys of lawyers' careers. See Methodological Appendix for full explanation.

Surveying the population of graduates across ten years also generated a sufficient number of respondents to permit more sophisticated analysis of the factors we have identified as theoretically important. In addition, a ten-year cohort allowed us to investigate changing patterns of public interest participation in the different economic climates before and after the 2008 recession. Although these are cross-sectional rather than longitudinal data, respondents provided a career history that lets us examine not only initial job choice following graduation but also public interest employment several years later.¹⁶⁸ Our Project thus makes a significant and complementary contribution to the recent longitudinal studies of career trajectories, including the national *After the JD* study and school-specific surveys of alumni/ae (Harvard, Yale, Georgetown, and Michigan) and enrolled students (Indiana),¹⁶⁹ which contain too few public interest lawyers to allow detailed analysis of that group. For instance, only 6 percent of respondents in the *After the JD* study were in legal services, public defender offices or public interest law firms.¹⁷⁰ By contrast, our much larger sample includes more than ten percent of lawyers in the same types of jobs.

The crucial innovation of our study was to combine data about traditional background characteristics with more granular information about respondents' pre-law and law school experiences. This approach permitted us to draw a broader portrait of how endowment and education factors combine. As Table 2 shows, our respondents were diverse across important sociodemographic axes.¹⁷¹ Although Table 2 contains raw numbers, as the Methodological Appendix describes in detail, we weighted responses in our multivariate analysis to ensure that our results are representative of the actual population of respondents at our six schools during the cohort years.

168. To address concerns about the accuracy of recall regarding past public interest experience and motivation, we evaluated public interest endowment using both objective factors (such as prior nonprofit employment or volunteer experience) and subjective factors (using questions drawn from comparable studies). The survey included objective questions about job and volunteer experience modeled on those used in other studies, like *After the JD* and Granfield's study of "public interest drift" in law school. See AJD2, *supra* note 51; GRANFIELD, *supra* note 55. These questions asked about pre-law school organizational participation, nonprofit and law-related work, as well as alternative careers contemplated and the reasons for choosing law school.

169. See Deborah J. Cantrell, Elizabeth Levy Paluck, Heather Lord & April Smith, *Walking the Path of the Law: How Law Graduates Navigate Career Choices and Tolerate Jobs that Fail to Meet Expectations*, 14 CARDOZO J. L. & GENDER 267 (2008); Dau-Schmidt et al., *supra* note 81; Marilyn Tucker, *Whatever Happened to the Class of 1983?*, 78 GEO. L.J. 153 (1990); Terry Adams, *Patterns of Legal Careers of University of Michigan Law School Graduates 1952-2001*, Presented at Law & Society Association Annual Meeting (2010).

170. See AJD1, *supra* note 16.

171. We measured the political orientation of our respondents with the American National Election Studies (ANES) seven-point scale, a standard measure of political orientation commonly used by political scientists. When weighted to the population using ABA data, the proportion of our interview subjects that lean liberal is 67.2 percent. By comparison, 62.6 percent of college-age California residents born since 1975 reported leaning liberal, according to data from ANES from their 2016 survey. Information about the ANES measure and data can be found here: *Data Center*, AMERICAN NAT'L ELECTION STUD. <https://electionstudies.org/data-center/> [<https://perma.cc/B3UU-8ERY>] (last visited Apr. 15, 2021).

TABLE 2: CHARACTERISTICS OF SURVEY RESPONDENTS

Sociodemographic characteristics	Number of cases	Percentage of respondents
Female	2,007	54.9
Non-white	1,298	35.8
LGBTQ	273	7.5
Foreign born	562	15.3
Parent(s) foreign born	1,345	36.0
Father's education high school or less	628	17.5
Family struggled financially	743	20.3
Challenges growing up	1,569	42.0
Relative who was a lawyer	1,186	32.3
Jewish or Catholic	1,072	28.7
Liberal leaning	2,563	71.5
Libertarian	403	11.2
Graduated after 2008	727	22.3
Overall sample	3,735	100

Our survey was also unique in asking about life challenges or experiences that might relate to public interest careers because formative life experiences can shape students' career aspirations. About one-fifth of survey respondents reported that their families struggled financially while they were in high school, and 17.5 percent of respondents had fathers with a high school education or less. Of our respondents, 32.3 percent had a relative who was a lawyer. Finally, a substantial percentage (22.3 percent) graduated after 2008 into the Great Recession.

The last major innovation of our survey was asking respondents for detailed information about pre-law and law school experiences that might predict public interest careers. A substantial proportion had college experiences that might be related to subsequent public interest careers (see Methodological Appendix, Table A.3, for a full overview). Among law school experiences, in particular, practice-oriented work in a clinic or an externship or as a volunteer was common, as were public interest extra-curricular activities; by contrast, participating in a public interest specialization was rare. We also collected unique data about mentoring and law school culture.

B. INDEPENDENT AND DEPENDENT MEASURES

To conduct our analysis using these data, we identified three clusters of independent variables that prior literature suggests are related to public interest career patterns. The first, which we call "endowment," captures the demographic characteristics and early life experiences of our respondents.¹⁷² We also include a

172. To be clear, by endowment, we do not mean to suggest that characteristics like gender and race are innate or immutable. On the contrary, we understand these characteristics to be socially constructed and shaped by individual agency and social discrimination, which is precisely why we structured our survey instrument and analytical design to give respondents choice in describing their career experiences.

second block of educational experiences during college as part of the endowment students bring to law school. The remaining clusters encompass educational experiences during law school, as well as respondent's perception that the law school's cultural climate welcomed public interest careers.

While this Article does not systematically examine how environmental factors affect career choice, we did control for factors that might affect public interest career trajectories. First, because respondents in this cross-sectional survey graduated at different times, we control for career stage, represented by the number of years between graduation and the survey. Second, to address economic conditions that might affect public interest career choice, we control for whether the respondent graduated after 2008 into the Great Recession and for debt the respondent accrued during law school. Finally, we control for respondent's stated career preferences for a public interest career upon entering law school, allowing us to assess the additional effect of demographic and social characteristics and experiences on career patterns.

Our analysis focuses on three distinctive dependent measures. Our first and primary dependent measure is whether respondent held a *job in a public interest setting*. For purposes of the present analysis, we defined public interest setting as a nonprofit, government, or public defender. In the analysis below, we refer to these as "jobs in a public interest setting" or simply "public interest jobs." In contrast to prior studies focused on student career preference at graduation or first job,¹⁷³ our study considers whether either respondents' *first* or *current* job (at least seven years after graduation) was in a public interest setting, providing a longer-term measure of public interest commitment. Second, to capture broader conceptions of public interest legal practice, we also analyzed the relationship between our independent variables and respondents' employment in for-profit *private public interest law firms*—small boutiques specializing in social justice work, typically on a sliding fee scale or under a fee-shifting arrangement. Third, we performed the same analysis in relation to broader measures of public service and civic engagement, such as levels of pro bono service and charitable giving.

C. MODELING PUBLIC INTEREST CAREER PATTERNS

How did we go about examining these relationships? Ideally, we would like to know how much each personal characteristic or experience contributes to public interest career trajectory *net* of other factors. For example, does volunteering for a social justice organization relate to an individual's choice to go into public interest law even after controlling for that individual's race, gender, and political orientation? To measure this net effect, our study uses multivariate analysis to consider the relative contributions of endowment factors *and* educational experiences, such as public interest clinics, externships, or curricular specialization. We

173. GRANFIELD, *supra* note 55; STOVER, *supra* note 53.

conducted a series of linear probability models, introducing at each stage theoretically grouped clusters of endowment and educational variables at specific time periods during respondents' careers. These models assess the relative contribution of each new cluster of variables to the overall explained variance of the model net of the variables already in the model. For example, by introducing college experiences into the model after demographic characteristics, we examine the relationship with college experiences *net* of the contributions of demographic and social characteristics of respondents. Table A.4 in the Methodological Appendix reports the means of our regression variables for two groups of students: those who did and did not enter law school with a preference for public interest careers. Our subsequent linear regression models report how each of these factors contributes to public interest career patterns net of the others.¹⁷⁴

III. WHY DO PUBLIC INTEREST LAWYERS PERSIST?

The central aim of our study is to illuminate the critical factors relevant to public interest persistence and to disentangle the impact of endowment and education on careers. Are certain students equipped with the resources and commitment to pursue public interest careers despite what happens in law school? Or do their educational experiences affect whether they choose to persist? This Part presents our key findings. It begins with an overview of public interest career patterns and their distribution by school. We then present the results of our multivariate analysis, which shows that, while background factors are clearly relevant to career paths, the nature and content of legal education contribute to public interest persistence. Next, we compare outcomes for lawyers in private public interest law firms and lawyers in commercial firms in relation to measures of pro bono and civic participation. We conclude with a preliminary discussion of what happens to graduates after law school, comparing career patterns of those who start and end up in public interest legal positions.

A. AN OVERVIEW OF PUBLIC INTEREST CAREERS

Two important points are worth emphasizing at the outset. First, a substantial proportion of our respondents entered public interest practice directly upon graduation. Second, contrary to the prevailing drift thesis, the proportion of lawyers in public interest job settings increases substantially between first and current job.

174. See Methodological Appendix for details.

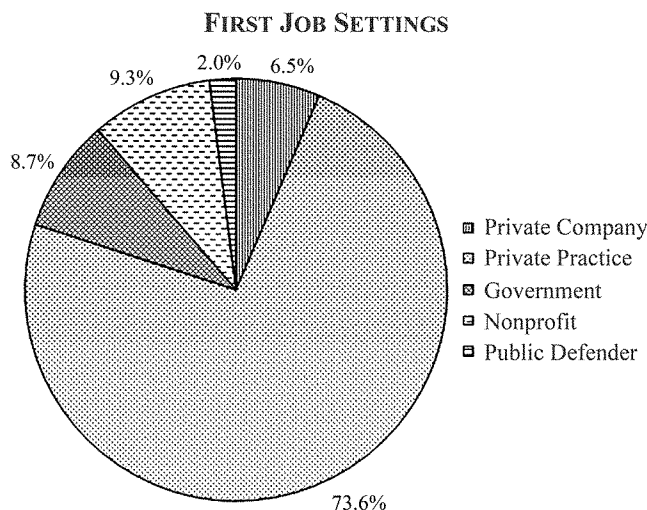


FIGURE 2: Distribution of first job by setting (weighted).

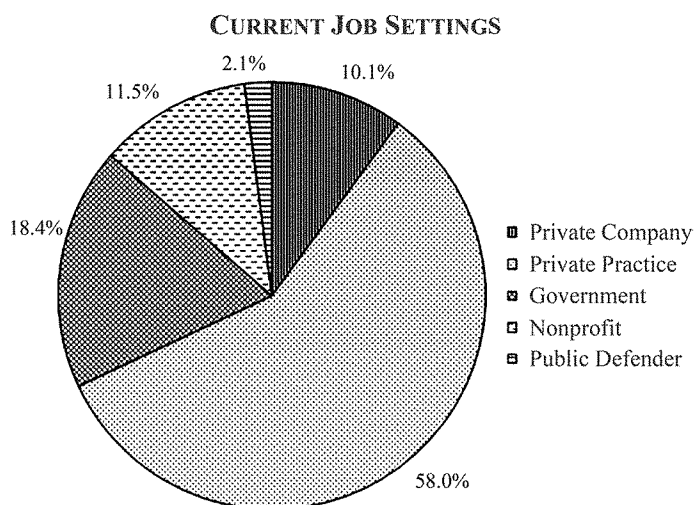


FIGURE 3: Distribution of current job by setting (weighted).

As Figure 2 shows, nearly three-quarters of law graduates go directly into private practice, which includes solo practice and law firms of any size. Another 6.5 percent work in-house for private companies. In contrast, 20 percent of our respondents held first jobs in nonprofit, government, and public defender offices—the practice settings we define as public interest law. Although this proportion is generally consistent with recent longitudinal studies, our respondents were more likely than those in other surveys to be nonprofit lawyers, giving us more information about their

understudied careers.¹⁷⁵ Furthermore, as Figure 3 shows, there is a notable increase in public interest employment between first (20 percent) and current jobs (32 percent). The biggest increase was in the government sector, which doubles from approximately 9 percent to 18 percent, while the nonprofit sector grows by roughly a fourth (from 9.3 percent to 11.5 percent).

Because we designed our study to compare the public interest career paths of graduates of different types of educational institutions, it is useful to disaggregate public interest outcomes by school.

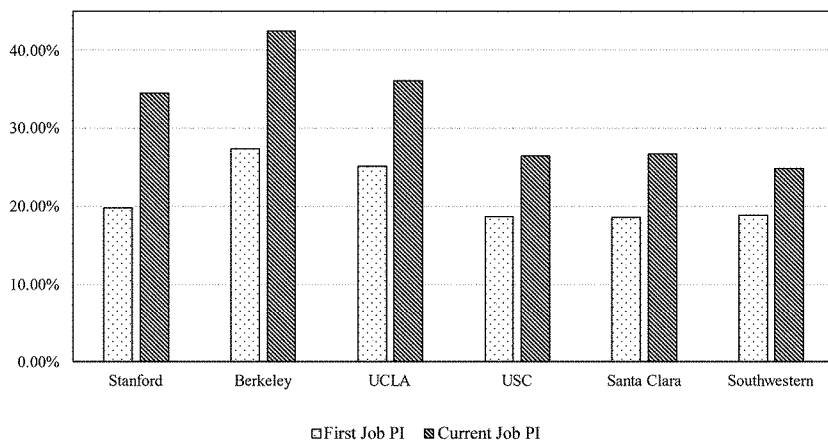


FIGURE 4: Percentage of graduates in public interest jobs by school.

Figure 4 shows three important relationships between schools and public interest jobs. First, *more elite schools send a higher proportion of their graduates into public interest law.*¹⁷⁶ There could be several reasons for this. Because many entry-level public interest jobs are highly competitive, particularly those requiring fellowships, one would expect more elite credentials to be an advantage. More elite schools, which are wealthier, might also have better loan assistance programs facilitating public interest entry and stronger job placement services and networks. Second, *within the same status range, public schools place relatively more graduates into public interest jobs than their private school counterpart.* For example, Berkeley and UCLA send more graduates into public interest jobs than their similarly ranked

175. Whereas 20 percent of *After the JD* respondents reported that their first job was in the public interest as we define it, 16 percent of those lawyers were in government jobs, compared to around 9 percent of our respondents. See AJD1, *supra* note 16.

176. We group schools based on their perceived status in the legal educational community, typically represented by the heavily criticized but nevertheless dominant *U.S. News* rankings. In 2017, the year of our study, Berkeley and Stanford were ranked in the top 10, USC and UCLA in the next ten, and Santa Clara and Southwestern further down the list.

private counterparts, Stanford and USC. From the policy perspective of seeking to produce the next generation of public interest lawyers, public universities in California are sending a larger proportion of their graduates into public interest practice.¹⁷⁷ Third, movement into public interest law between first and current jobs *occurs at every school no matter where they are in the hierarchy*. Therefore, although where students go to school may shape the boundaries of public interest practice, graduates of all schools migrate into public interest settings over time.

B. PUBLIC INTEREST JOBS

We now turn to the core of our analysis by asking: What factors are related to entry and persistence in public interest jobs? Based on our models, this section presents results for the relationship between our independent variables and public interest practice. Table 3 reports results for respondents who held a *first job in a public interest setting* and Table 4 for those with a *current job in a public interest setting*. Each contains a set of five block models, which introduce variables in conceptual order. Model 1 introduces controls. Models 2 and 3 introduce endowment variables (demographic and social characteristics, as well as pre-law experience), while Models 4 and 5 introduce education variables (including law school coursework, activities, mentoring, and culture). There is a statistically significant increase in the amount of variance explained from Model 1 through Model 5 as each group of variables is introduced.¹⁷⁸ We note that it was respondents' experiences in law school that made the largest contribution to explained variance in these models.

Model 1 in Tables 3 and 4 includes our control variables only. This model shows that the number of years between graduation and the survey had a significant but small negative relationship to both first and current jobs in a public interest setting. Graduating after 2008 had no significant relationship to first job in a public interest setting but was significantly negatively related to current job in a public interest setting. Debt had a significant but small negative relationship to first and current jobs in a public interest setting.¹⁷⁹ Finally, and not surprisingly, respondents' stated career preference for a public interest career upon entering law school had the largest significant relationship to both a first and a current job in a public interest setting.¹⁸⁰ We discuss each additional cluster of variables below. This section reports only the findings, which are then interpreted and discussed in Part III.

177. This effect is magnified because Berkeley and UCLA, as public serving institutions, also have the largest class sizes and largest number of graduates among these six law schools.

178. See Methodological Appendix for more details on this approach.

179. As outlined above, the effect of law school debt on public interest careers is not the focus of this Article. Accordingly, debt is included in these models as a control only, where standardized coefficients were negative.

180. See Tables 3 & 4, Model 1.

TABLE 3: LINEAR PROBABILITY MODELS OF FIRST JOB IN PUBLIC INTEREST SETTING

	Model				
	1	2	3	4	5
(Constant)	0.291***	0.175***	0.129	0.054	0.107
Controls					
Years Since Graduation	-0.010***	-0.009***	-0.006***	-0.005**	-0.005**
Graduated After 2008	0.012	0.011	0.014	0.016	0.019
Prelaw Goal was Public Interest	0.270***	0.252***	0.218***	0.147***	0.146***
Law School Debt (thousands)	0.000***	0.000***	0.000***	0.000***	0.000***
Individual Characteristics					
Female		0.018*	0.007	-0.004	-0.006
Person of Color		0.077***	0.068***	0.042***	0.037***
Age		0.003***	0.003***	0.004***	0.003***
LGBTQ		0.120***	0.103***	0.083***	0.083***
Foreign Born		-0.052***	-0.059***	-0.042***	-0.042***
Parent(s) Foreign Born		-0.029**	-0.023*	-0.002	0.000
Father's Education HS or Less		-0.012	-0.009	-0.023*	-0.023*
Financially Struggled		-0.018	-0.018	0.002	0.002
Challenges		0.025**	0.018*	0.014	0.014
Lawyer Relative		-0.004	-0.004	0.004	0.005
Jewish or Catholic		-0.007	-0.014	-0.016	-0.016*
Liberal		0.007	-0.007	-0.021**	-0.021**
Libertarian		-0.073***	-0.065***	-0.068***	-0.069***

TABLE 3 CONT.

	Model				
	1	2	3	4	5
Pre-Law School Experiences					
Social Justice Leadership Role			0.044***	0.031**	0.029*
College Volunteer Gov't/Nonprofit			0.052***	0.043***	0.041***
College Summer Gov't/Nonprofit			0.037***	0.029***	0.025**
Work for Gov't/Nonprofit			0.091***	0.055***	0.053***
Law School Experiences					
PI Specialization				0.020	0.021
PI Extracurriculars				0.031***	0.033***
PI 2L Summer				0.284***	0.278***
PI Externship				0.017*	0.016*
Any Clinic				-0.002	-0.002
Law School Volunteer Gov't/Nonprofit				-0.016	-0.014
Law School Culture					
Had Mentor					0.030***
Other Students Shared Goal					-0.065***
Career Path Respected by LS					0.022*
Other Students Valued Career Path					-0.020
Adjusted R-square	0.09	0.11	0.13	0.21	0.22

Notes: Unweighted $N = 3735$. Statistics weighted using ABA characteristics of graduating classes of California law schools.

TABLE 4: LINEAR PROBABILITY MODELS OF CURRENT JOB IN PUBLIC INTEREST SETTING

	Model				
	1	2	3	4	5
(Constant)	0.470***	0.302***	0.261***	0.254***	0.307***
Controls					
Years Since Graduation	-0.016***	-0.015***	-0.012***	-0.011***	-0.011***
Graduated After 2008	-0.099***	-0.098***	-0.094***	-0.095***	-0.091***
Prelaw Goal was Public Interest	0.326***	0.289***	0.249***	0.205***	0.207***
Law School Debt (thousands)	0.000***	0.000***	0.000***	0.000***	0.000***
Individual Characteristics					
Female		0.051***	0.039***	0.032***	0.032***
Person of Color		0.113***	0.103***	0.088***	0.086***
Age		0.003***	0.003**	0.003***	0.003**
LGBTQ		0.120***	0.105***	0.095***	0.096***
Foreign Born		-0.078***	-0.085***	-0.076***	-0.076***
Parent(s) Foreign Born		-0.063***	-0.057***	-0.045***	-0.043***
Father's Education HS or Less		-0.008	-0.004	-0.010	-0.010
Financially Struggled		-0.014	-0.014	-0.003	-0.005
Challenges		0.018*	0.010	0.007	0.006
Lawyer Relative		-0.040***	-0.039***	-0.036***	-0.037***
Jewish or Catholic		0.015	0.007	0.006	0.006
Liberal		0.067***	0.052***	0.042***	0.042***

TABLE 4 CONT.

	Model				
	1	2	3	4	5
Libertarian		-0.111***	-0.102***	-0.106***	-0.106***
Pre-Law School Experiences					
Social Justice Leadership Role			0.016	0.007	0.004
College Volunteer Gov't/Nonprofit			0.062***	0.049***	0.045***
College Summer Gov't/Nonprofit			0.033***	0.027**	0.026**
Work for Gov't/Nonprofit			0.132***	0.112***	0.109***
Law School Experiences					
PI Specialization				-0.018	-0.019
PI Extracurriculars				0.016	0.018
PI 2L Summer				0.167***	0.157***
PI Externship				0.008	0.008
Any Clinic				-0.004	-0.003
Law School Volunteer Gov't/Nonprofit				-0.056***	-0.054***
Law School Culture					
Had Mentor					0.036***
Other Students Shared Goal					-0.029**
Career Path Respected by LS					-0.043***
Other Students Valued Career Path					-0.006
Adjusted R-square	0.11	0.14	0.16	0.19	0.20

Notes: Unweighted N = 3735. Statistics weighted using ABA characteristics of graduating classes of California law schools.

1. ENDOWMENT FACTORS

a. Demographic and Social Characteristics

Recall that prior research found that women and students of color expressed stronger preferences than other students for public interest work, that early cohorts in public interest work were disproportionately Catholic or Jewish, and that older students were overrepresented among public interest graduates.¹⁸¹ In addition, prior research about class, immigrant status, and LGBTQ identity was inconclusive or nonexistent. This section reports on the contributions of these demographic and social characteristics, when included together (see Model 2). We find that all these factors except class are related to public interest careers—but in diverse ways.

With regard to *gender*, we indicated earlier that prior research on the subject is flawed. Nevertheless, we decided to model our survey on previously used variables, rather than attempting to develop a new framework, in order to ensure that our data would be consistent with (and therefore comparable to) past research. In our study, the findings indicate that identifying as female is predictive of public interest work at later stages of one's career but not at the beginning.¹⁸² We see from Table 3 that gender is *not* significantly related to *first* job in a public interest setting even though women were more likely than men (33 versus 21 percent) to report a preference for public interest careers when entering law school. However, Table 4 shows that gender *is* significantly related to holding a *current* job in a public interest setting.

Regarding other demographic characteristics, our findings are more consistent across respondents' career stages. With respect to *race*, we find that identifying as non-white was significantly positively related to both first and current public interest jobs. Identifying as *LGBTQ* was significantly positively related to both first and current jobs in public interest settings. *Age* was also positively and significantly related to both first and current public interest jobs, although there were no significant age differences between students who entered law school expressing a preference for public interest careers and those who did not (see Appendix Table A.4), and the age distribution was similar in these two groups. Finally, in most of the models being foreign born or having at least one foreign-born parent was significantly *negatively* related to first job in a public interest setting.¹⁸³

We also gathered data on social characteristics and political attitudes that might relate to public interest careers. Experiencing challenges growing up

181. See *supra* Section I.C.1.

182. Although being female was significant in Model 2 of Table 3, in subsequent models that introduced additional variables, gender was no longer significant. See *supra* Table 3, Models 3–5.

183. We plan more detailed analysis of intersectional and smaller groups in later work as a follow up to our initial findings. This is, however, the first study to ask systematically about LGBTQ status along with other factors and to find that LGBTQ status is positively related to public interest careers. In addition, we defined race inclusively based on respondents' self-identification to include all respondents who identified as people of color as part or all of their racial identity.

(either personally or in one's family)—such as mental illness, domestic violence, or substance abuse—had a positive significant relationship to first job in a public interest setting.¹⁸⁴ However, these same challenges were not robustly related to current public interest job. The relevance of political viewpoints to public interest work revealed an ideological divide. Libertarian political views were significantly negatively related to first and current public interest jobs, whereas liberal political views were significantly positively related to current (but not first) job.

b. Experience before Law School

Model 3 in Tables 3 and 4 introduces measures of experiences before law school that are associated with civic engagement and public service, focusing on those with a clear connection to public interest and social justice values. These include whether respondents held a leadership position in a public interest or social justice organization, volunteered significantly for a government or nonprofit organization during the school year or college summers, or worked for a government or nonprofit organization after college and before law school. Some law schools, including the UCLA Epstein Program in Public Interest Law and Policy, view these experiences as possible indicators of future public interest careers when admitting students.

We find that all these experiences were *positively and significantly* related to a *first job* in a public interest setting, even after controlling for respondent's pre-law preference for a public interest career, suggesting that college experiences may influence students during important formative years. Because individuals with public interest motivations may be more likely to choose these experiences in college, our controls for preferences at the beginning of law school may not fully account for this selection effect. Even if this is true, however, these college experiences offer objective measures of public interest motivation independent of retrospective bias about career preferences prior to law school. Moreover, the effects seem to be long lasting; all these measures are also positively significantly related to current job in a public interest setting, with the exception of holding a leadership role.

Overall, then, endowment variables matter in predicting public interest careers, although in different directions. Gender, race, LGBTQ status, and age are positively related, while being first- or second-generation American is negatively related. Experiencing challenges growing up is also related to holding a first public interest job, while political orientation became significant only for current public interest job. Public interest experiences before law school are significant across the board and for the most part strongly related to first and current public interest jobs. All this suggests that endowment is critical to understanding the pursuit of public interest careers—persistence, in some ways, may be already

184. Challenges captured in this measure include whether, when growing up, respondent or someone close to respondent experienced abuse, neglect, substance abuse, mental illness, domestic violence, arrest or incarceration, welfare assistance, deportation, homelessness, losing a job or housing because of discrimination, or a disabling condition.

hardwired in students when they arrive at law school. This leads to the question: What difference does law school make to students in it for good?

2. EDUCATIONAL FACTORS

a. Coursework and Activities

To assess the contributions of law school to public interest persistence net of endowment effects, Model 4 introduces measures of law school coursework and activities thought to help students maintain public interest commitment, develop skills for public interest careers, and provide a sense of community and identity among public-interest-minded students. These include pursuing a formal specialization in public interest law, engaging in public interest extracurricular activities, working at a public interest organization during the 2L summer, volunteering for a nonprofit or government organization, completing a public interest externship, or working in a clinic during law school. Law school administrators design these programs to support and encourage students interested in public interest careers, and they may also encourage all students to think about their broader ethical obligations to promote access to justice as a member of the legal profession.

Many of these law school experiences were related to holding a *first job* in a public interest setting. Engaging in public interest extracurricular activities, completing a public interest externship, and working for a public interest organization during the 2L summer were all related to a first job in the public interest. Completing a public interest curricular specialization was positively related to first job in a public interest setting but not statistically significant. The remaining experiences were not significantly related to a first job in a public interest setting.¹⁸⁵ Engaging in public interest extracurricular activities and working for a public interest organization during the 2L summer also were positively related to *current job* in a public interest setting, although extracurricular activities were only marginally significant (e.g., $.05 < p < .10$). Volunteering for a government or nonprofit organization was *negatively* related, and the remaining experiences were not significantly related. Contrary to conventional wisdom, participating in a clinical course had no relationship with first or current public interest job.

What conclusions can we draw from these findings? First, these data suggest that law school experiences do relate, net of other factors, to entering and staying in public interest careers. Second, the experiences that seem to matter for *later career stages* are those that involve public interest activities *outside* the formal curriculum, namely extracurricular activities and working in the public interest during a 2L summer.¹⁸⁶ Third, completing a public interest curricular specialization was marginally related to

185. We note that students who expressed an interest in public interest careers at the beginning of law school were less likely (37 percent) than those who did not (56 percent) to participate in clinics ($p < .001$). See Appendix Table A.4. It may be that clinics have become a more mainstream skills-oriented course that most law students take and less a location for public interest training and solidarity.

186. The one exception is that volunteer work did not seem to have the same positive relationship.

first job in a public interest setting, even though less than ten percent of our respondents, and only those at two of our six schools, specialized in this way. The association between curricular specialization and public interest careers might have been stronger if there had been a larger group of respondents who participated in such programs.

b. Culture and Mentorship

Model 5 investigates respondents' experience with law school through a different lens, exploring the relationship between culture and careers. To get at the effect of law school culture, we asked whether a respondent had a mentor in law school, whether the respondent felt that her career path was respected by the law school, whether there were other students who shared her career goals, and whether she felt other students valued her career path.

Our results were consistent with the literature reporting that public-interest-oriented students find law school culture alienating. Respondents who felt that other students shared their career goals were significantly less likely to have first or current jobs in public interest settings—suggesting that those who feel most at home in the dominant law school culture are students who aim to enter private practice. Similarly, respondents who felt that the law school respected their career paths were significantly less likely to have a current job in a public interest setting. In short, students who went into public interest careers did not feel that their peers or the law school valued their career choices.

What *does* seem to matter to public interest persistence is *mentoring*, which was significantly related to first and current jobs in public interest settings, net of other factors. Because public interest jobs often are not advertised, mentors can be instrumental in helping students identify public interest opportunities, open doors, and provide references. As one respondent noted in an open-ended response: “My mentors were invaluable for helping me to understand and navigate the public interest community. These relationships were essential for making connections that helped me to build the bridge from law school to my career.”¹⁸⁷ Another emphasized: “Mentors are the single most important element of graduate education for someone who is taking a path that differs at all from standard.”

The relationship between law school and public interest careers is complex and suggests a distinction between formal curricular programs promoting public interest law and extra-curricular efforts by students, faculty, and staff to navigate around the usual law school emphasis on private careers, which may alienate public interest students. Over the longer term, it seems that activities requiring student initiative—participating in extracurricular activities, landing a 2L job, and finding a mentor—are the most significant factors related to public interest persistence. Law schools

187. In addition to asking respondents whether they had a mentor and to describe how the mentor provided assistance, we also asked: “Is there anything else you would like to tell us about your relationship with mentors during law school?” The quotes here are in response to this open-ended question. We plan to investigate mentorship's relationship to public interest careers in a later article.

facilitate these experiences, providing the structure and scaffolding for them, but their value lies outside traditional modes of instruction and support.

For ease of reference, Table 5 summarizes the key findings of the above analysis.

TABLE 5: SUMMARY TABLE OF KEY FINDINGS

		Variables	PI First Job	PI Current Job
ENDOWMENT	Individual Characteristics	Female	+	+
		Non-white	+	+
		Age upon grad. law school	+	+
		LGBTQ	+	+
		Foreign Born	-	-
		Parent(s) Foreign Born	- ^a	-
		Father's Education HS or less	ns	ns
		Financially Struggled	ns	ns
		Life Challenges	ns ^a	+ ^a
		Lawyer Relative	+	ns
		Jewish or Catholic	ns	+
		Libertarian	-	-
		Liberal	ns	+
	Pre-Law School Experiences	Social Justice Leadership Role	+	ns
College Volunteer Gov't/Nonprofit		+	+	
College Summer Gov't/Nonprofit		+	+	
Work for Gov't/Nonprofit		+	+	
EDUCATION	Law School Experiences	PI Specialization	ns	ns
		PI Extracurriculars	+	ns
		PI 2L summer	+	+
		PI Externship	+	ns
		Any Clinic	ns	ns
		Law School Volunteer Gov't/Nonprofit	ns	-
		Law School Culture	Had Mentor	+
	Other Students Shared Goal		-	-
	Career Path Respected by LS		+	-
		Other Students Valued Career Path	ns	ns

^a Statistically significant when first introduced in the analysis, but not robust across later model specifications; ns = not significant.

C. PRIVATE PUBLIC INTEREST LAW FIRMS

Most studies of public interest law practice focus on the traditional categories of nonprofit and government jobs. But researchers have suggested that the “public interest law industry” is actually broader, encompassing “private public interest law firms,” whose “core mission is to advance a vision of the public interest that enhances legal and political access for underrepresented groups or pursues a social change agenda that challenges corporate or governmental power.”¹⁸⁸ Studies of these firms suggest that their number has increased over the past forty

188. Cummings, *supra* note 41, at 11.

years to several hundred nationwide, with the greatest concentration in California.¹⁸⁹ These firms typically are quite small, an average of fewer than ten lawyers, and generally focus on civil rights, consumer protection, employment, environmental law, and criminal law, often relying on contingent fees, fee-shifting statutes, and government stipends to fund legal work.¹⁹⁰

While these firms are an important part of the public interest law sector, we know very little about the lawyers who practice in them and how their career patterns compare to those of lawyers in the nonprofit and governmental sector. To explore this issue, we ran the same linear probability model in relation to a dependent measure designed to capture jobs located in the private public interest law sector.¹⁹¹ We found that many of same law school experiences relevant to careers in traditional public interest job settings are also related (net of other background factors) to persistence in private public interest law firms. In particular, participation in public interest extracurricular activities has a positive and significant relationship with a first job in a private public interest law firm, while holding a public interest job during the 2L summer is strongly related to both a first and a current job in the private public interest law sector.

D. PRO BONO AND CIVIC ENGAGEMENT

We also conducted the same analysis in relation to broader measures of public service: pro bono participation by lawyers in the commercial law firm sector and levels of civic participation by all respondents. We know that throughout the profession, but particularly in the large firm sector, pro bono is an important piece of the civil justice system. Big firm lawyers perform an annual average of about 50 hours of pro bono service, junior lawyers contributing a disproportionate share.¹⁹² Do law school experiences in the public interest potentially have a broader significance, correlating with the pro bono activity of lawyers who choose not to enter public interest practice?

Our data suggest that the answer is a qualified yes. Participation in a public interest specialization, extracurricular activities, and externships during law school was positively related to more pro bono hours in a first private sector job: that is, those who had engaged in these public interest activities in law school reported higher yearly pro bono hours, on average, than those who did not. Holding a 2L summer public interest job was strongly negatively correlated with pro bono hours—a notable difference from respondents holding traditional public interest jobs. There is no relationship between law school public interest experience and pro bono hours in the *current* job, but holding a 2L summer public interest job remains negatively related to annual pro bono hours.

189. *Id.* at 14.

190. *Id.*

191. We defined this sector by those firms listed in the survey as plaintiff-side and focused on social justice issues, such as civil rights, environmental law, and housing.

192. AJD2, *supra* note 51, at 36.

TABLE 6: NUMBER OF ANNUAL PRO BONO HOURS BY FIRM LAWYERS IN RELATION TO LAW SCHOOL EXPERIENCES

	Law School Activity					
	PI Extracurricular		PI Externship		PI 2L Summer	
	Yes	No	Yes	No	Yes	No
First Job	61.3	37.1	55.6	40.8	39.3	48.0
Current Job	34.7	24.6	30.9	26.4	30.2	27.9

Table 6 reports average annual pro bono hours for respondents whose first and current jobs were in commercial law firms (excluding private public interest firms). As it shows, lawyers who participated in public interest extracurricular activities and externships do significantly more pro bono work in their first law firm job than those who do not, but that difference declines by the current job. For first jobs, the pro bono hours of those who spend their 2L summer in a public interest job are nearly 10 hours less on average than the hours of those who do not, although by the current job the difference is insubstantial.

Another aspect of public interest as an element of professionalism is civic engagement and service to the community. In terms of civic engagement, our survey asked respondents to indicate whether, in the past year, they had performed a range of service activities, including: serving on a bar committee, volunteering for a political campaign, serving on a nonprofit board, volunteering to improve their community, help those in need, or advance a cause, or donating money to a legal aid or public interest group. Those who engaged in a public interest specialization, extracurricular activities, and externships were more likely to report civic engagement in their current job than those who did not.

E. CAREER PATTERNS OUT OF AND INTO PUBLIC INTEREST LAW

Thus far, we have focused on the relationship between law school experiences and first and current public interest jobs. These two snapshots illuminate persistence at different moments, spotlighting public interest work directly after law school and when respondents were surveyed early in their careers. Yet persistence over time is not linear. Some graduates start in public interest only to switch to other sectors; some start in the private sector and later move into public interest law; others switch back and forth.¹⁹³ Our focus on persistence highlights what happens not only before and during law school but also *after* graduation as lawyers navigate the market for legal jobs while balancing other life and family commitments. These environment factors tell a broader story about career trajectories, which is outside the scope of this Article.

193. Prior research about legal career patterns has shown that law graduates often change jobs. See AJD2, *supra* note 51.

Nonetheless, it is useful to provide a preliminary map of post-graduate career patterns. This section does so by looking at two types of career patterns. The first, focusing on the flow *out of* public interest practice, identifies patterns of post-graduate public interest *attrition*. The second, looking at flows *into* public interest practice from other sectors, highlights patterns of public interest *attraction*.

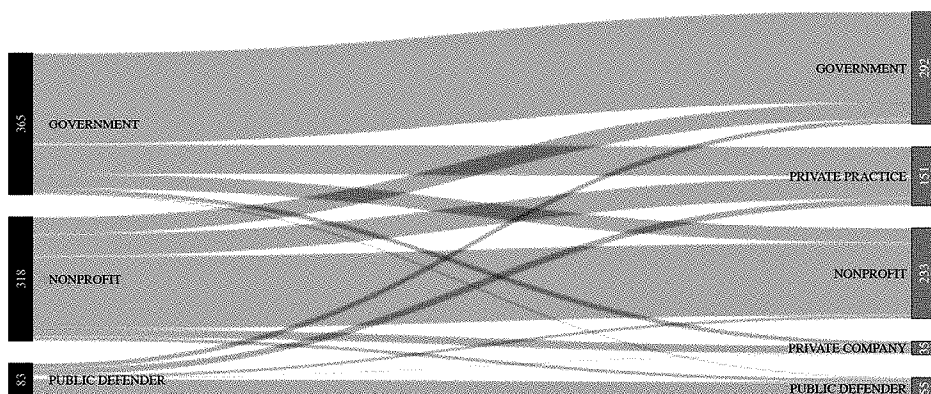


FIGURE 5: Career flow for graduates with first job in public interest.

Figure 5 depicts career patterns of respondents whose first positions were in a public interest setting, revealing both significant continuity and patterns of attrition.¹⁹⁴ A critical finding is that *attrition is relatively small*: three-fourths of graduates who began in public interest work were still working in the public interest

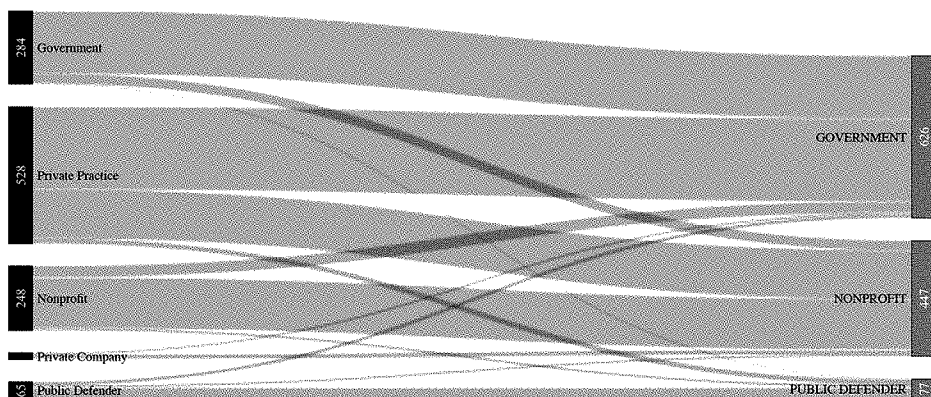


FIGURE 6: Career flow for graduates with current job in public interest.

194. Figures 5 and 6 are Sankey diagrams. The total number of cases indicated on the left vertical label for each segment equals the total number of cases indicated on the right vertical label for each segment. Sankey diagrams are used to visually show the flow of any system process (e.g., money, materials), often over time. For more on Sankey diagrams, see *Sankey Diagram*, THE DATA VISUALISATION CATALOGUE, https://dataviz.catalogue.com/methods/sankey_diagram.html [<https://perma.cc/GHK7-3W9V>] (last visited Apr. 15, 2021).

sector at the time of our survey, which was at least seven years later. Only 186 of our respondents moved from public interest settings to private practice.

Figure 6 shows the flow into public interest work from the perspective of the respondent's current job in public interest law. Because there were more respondents with current than first public interest jobs, we wanted to know where those who ended up in public interest jobs at the time of our survey started their careers. We were interested in their earlier careers, in particular the degree to which respondents had left private practice for public interest jobs. Figure 6 confirms that, although there is significant continuity in public interest career paths, there is significant public interest *attraction*: flow from the private to the public interest sector. Indeed, 528 of our respondents (14 percent) moved from private firm practice to public interest settings.

IV. MAKING PUBLIC INTEREST LAWYERS AND REMAKING PUBLIC INTEREST LAW

This Part builds on the findings in Part III to advance two goals. First, we move from description to analysis by interpreting our findings in order to draw conclusions about why lawyers enter and remain in the public interest sector. Second, based on this analysis, we discuss implications for understanding the role of law school in promoting public interest law, narrowly defined, and social justice values, broadly conceived, in a time of increasing polarization and political crisis.

A. ANALYSIS

1. IN IT FOR GOOD: BECOMING PUBLIC INTEREST LAWYERS IN THE CONTEMPORARY PROFESSION

Because we know so much about the myriad ways in which law school channels students into private sector careers (how it produces drift), the central question animating this study has been whether and how law school matters in promoting sustained public interest commitment—what we call persistence. In exploring this question, we have sought to disentangle the career effects of what students bring to law school and what they take away. If students pursue public interest careers because of their backgrounds, regardless of the opportunities law schools offer, the focus should be on admitting those students. If, instead, law schools contribute to career paths, they should identify the curricula and programs that are most effective. Our findings, presented in Part III, suggest that the answer is not either-or: what students bring to law school does influence whether they enter and persist in public interest work, but law school public interest experiences also contribute substantially. This conclusion holds true for both traditional public interest jobs and those in the private public interest sector, whereas the relationship between law school and pro bono service and civic engagement is more complex. These findings raise important theoretical questions about *why*

we observe the patterns we do and what they mean for law school programmatic design, which we explore in this section.

a. The Complex Relationship between Identity and Careers

Student backgrounds help predict their career paths but not in any simple way. For example, the relationship with gender varied with career stage. Gender was positively related to current but not first job in a public interest setting. Although superficially puzzling, this finding is consistent with what we know about the changing role of women in the profession. In recent decades, women have entered law school and large firm associate classes in similar proportions to men; our data likely reflect that historical shift.¹⁹⁵ Although discrimination against women persists in both law school and practice,¹⁹⁶ it tends to be more significant at later career stages.¹⁹⁷ Research also indicates that women experience more personal change than men during law school, perhaps because they enter with values and identities less consistent with the adversarial norms of the legal profession.¹⁹⁸ During their legal education, however, women's attitudes and moral views become indistinguishable from those of their male colleagues, and interest in public interest work declines more sharply among women than men.¹⁹⁹ This finding invites further study into the relationship between women's increased involvement in public interest work and the structural barriers they encounter in the private sector as they move through their careers. Our women respondents could enter private practice in similar proportions to men because they faced fewer discriminatory barriers at entry than previous cohorts. The question of how their subsequent experiences in private practice affected their career plans warrants closer examination.

Why is gender related to holding a current public interest job? Some argue that women are more likely to choose public interest careers because they seek to serve society, whereas men maximize income and political power.²⁰⁰ This

195. In 1970, women were eight percent of total law school enrollments in the United States. By 2006, women and men were nearly identical proportions in law school. See Kay & Gorman, *supra* note 91, at 300.

196. See generally MARY JANE MOSSMAN, *THE FIRST WOMEN LAWYERS: A COMPARATIVE STUDY OF GENDER, LAW, AND THE LEGAL PROFESSIONS* (2006); Kate Eastman, *Sex Discrimination in the Legal Profession*, 27 U.N.S.W. L.J. 866 (2004); Lani Guinier, *Of Gentlemen and Role Models*, 6 BERKELEY WOMEN'S L.J. 93 (1990); Lani Guinier, Michelle Fine & Jane Balin, *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994); Suzanne Homer & Louis Schwartz, *Admitted but Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY WOMEN'S L.J. 1 (1990); Hull & Nelson, *supra* note 96.

197. Hull & Nelson, *supra* note 96.

198. Kay & Gorman, *supra* note 91, at 301 (summarizing research).

199. *Id.* at 302.

200. Janet Taber, Marquerite T. Grant, Mary T. Huser, Rise B. Norman, James R. Sutton, Clarence C. Wong, Louise E. Parker & Claire Picard, *Project: Gender, Legal Education and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988); Lee E. Teitelbaum, Antoinette Sedillo López & Jeffrey Jenkins, *Gender, Legal Education, and Legal Careers*, 41 J. LEGAL EDUC. 433 (1991); see also Dau-Schmidt et al., *supra* note 81. Research indicates that women express less satisfaction with their legal careers generally. See Tucker, *supra* note 169. *But see* John P. Heinz, Kathleen E. Hull & Ava

explanation fails to account for evidence that women's attitudes and values change during their legal education, becoming indistinguishable from those of their male peers.²⁰¹ Likewise, the argument that women leave private practice for the more family-friendly environment and hours of public interest careers frames the decision to leave a firm as a matter of "choice" by women who "prefer" work schedules compatible with family responsibilities.²⁰² However, there is little evidence for this claim about preferences, which are simply inferred from women's decisions to leave private firms.²⁰³ This theory also fails to account for the effects of women's experiences in the workplace: how workplace interactions affect female workers' experiences, including the role played by the traditionally male private firm atmosphere in dissuading women's sustained participation. In fact, as we highlighted earlier, the data do not allow us to determine whether private firm exit reflects "constraint" (such as discrimination) or "choice."²⁰⁴ We suspect that women are able to obtain jobs in all practice settings on graduation but later face discrimination in some practice settings, motivating them to change jobs and practice sectors.²⁰⁵ It may be quite rational for women to leave discriminatory firm settings for alternatives without these barriers to advancement, but prior empirical research suggests it is barriers at work, rather than innate preferences regarding caring for children, that drive this decision.²⁰⁶

Other demographic factors also are correlated with public interest careers in complex ways. Race is positively related to holding public interest jobs, more strongly for current position than first. Further investigation is needed to understand why being a lawyer of color is more strongly associated with current public interest job in light of research suggesting that lawyers of color may disproportionately leave large private law firms because they experience discrimination or

A. Harter, *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999); Jean E. Wallace, *Explaining Why Lawyers Want to Leave the Practice of Law*, in 3 LEGAL PROFS.: WORK, STRUCTURE AND ORG. 117 (Jerry Van Hoy ed., 2001).

201. Kay & Gorman, *supra* note 91, at 301.

202. It is likely an overgeneralization that public interest settings uniformly provide more family friendly environments than private settings. Government and public interest lawyers engage in complex litigation just as large law firm lawyers do.

203. See Hull & Nelson, *supra* note 96.

204. See *supra* notes 196–99, and accompanying text.

205. Hull & Nelson, *supra* note 96; Fiona M. Kay, *Flight from Law: A Competing Risks Model of Departures from Law Firms*, 31 LAW & SOC'Y REV. 301 (1997). Indeed, empirical research demonstrates that women lawyers face barriers in later stages of their careers, Hull & Nelson, *supra* note 96, at 252, and that law firms do not value women the same as comparable men, which likely influences women's decisions to leave. See Kay & Hagan, *The Persistent Glass Ceiling*, *supra* note 95; Kay & Hagan, *Raising the Bar*, *supra* note 95.

206. In her study of the career trajectories of lawyers, for example, Fiona Kay found that although life events such as having children negatively affect the promotion and lateral mobility of women, having children did not directly affect exits from law practice. Kay, *supra* note 205, at 304.

lack powerful mentors for achieving partnership.²⁰⁷ Further research is also needed on intersectional questions such as how the experiences of genders and sexualities differ across racial categories. We also found that LGBTQ lawyers are more likely to enter and stay in public interest careers. This may reflect these lawyers' personal experiences with injustice and their determination to address it or, alternatively, the possibility that discrimination in private practice persists beyond the entry level. In addition, the popular perception is that individuals in queer communities gravitate towards anti-capitalist worldviews, which may dissuade or block law students in those communities from pursuing careers in private practice.²⁰⁸ During the careers of our respondents, courts decided a series of landmark cases affirming LGBTQ rights, which may have encouraged LGBTQ respondents to seek public interest careers to be part of this broader social change.²⁰⁹ Moreover, not all LGBTQ perspectives are the same. The limitations of our data, however, prevent us from distinguishing among cisgender LGBTQ experiences and the transgender or nonbinary experiences with respect to career choice within the legal profession.

Interestingly, proxies for respondents' class, such as parental education or experiences of financial hardship while growing up, were *not* related to careers in public interest jobs. The theoretical relationship between class and public interest career trajectories is less than intuitive. On the one hand, students from lower class backgrounds may seek legal careers as a means of social mobility, while only relatively well-to-do graduates enjoying family support or inherited resources may be able to take poorly paid public interest jobs. On the other hand, students whose families struggled financially when they were growing up may have particular empathy with and understanding of low-income clients and seek public interest careers to provide access to justice.²¹⁰ Neither theory was supported by our analysis, and therefore more investigation of how class relates to career choice is warranted.

Although we found that lawyers who identify as African American, Asian American, and Latinx are more likely to follow public interest career paths, lawyers who were born abroad or had a parent born abroad are *less* likely to do so. Students born abroad or from families that immigrated may feel an obligation to take lucrative private sector jobs to support extended family members. Alternatively, our findings may result from selection bias in that foreign-born students who attend law school in the United States (as opposed to their country of origin) may be motivated to seek American training in order to obtain private

207. See Monique R. Payne-Pikus, John Hagan & Robert L. Nelson, *Experiencing Discrimination: Race and Retention in America's Largest Law Firms*, 44 LAW & SOC'Y REV. 553 (2010).

208. See PETER DRUCKER, *WARPED: GAY NORMATIVITY AND QUEER ANTI-CAPITALISM* (2020).

209. See, e.g., *Lawrence v. Texas*, 539 U.S. 558 (2003).

210. We captured class using two variables: father's education and whether the family struggled financially during respondent's high school years.

practice positions.²¹¹ The apparent tension between the findings on race and immigration may reflect the contradictory ways that racial identification shapes aspirations. Racial identification may promote solidarity with disadvantaged groups and encourage public service on one hand but also fuel a desire to achieve upward mobility and transcend disadvantage on the other. We investigated this tension further by including a race-by-immigrant-status interaction in our analysis; this interaction was also negatively related to public interest career patterns. This result indicates that foreign-born law students who identify as non-white, like foreign-born law students in general, are significantly less likely than other students to engage in public interest careers. These findings offer another caution about treating race and ethnicity as a monolithic category; migrant status and race are clearly not identical when it comes to public interest career patterns, and complex motivations and challenges may be at play.

The relationship between public interest careers and social characteristics is similarly nuanced. Even though class background was not significantly related to holding public interest jobs, experiential challenges while growing up were, at least for respondents' first job. Those who experience hardship may be more concerned about inequality and injustice and thus more apt initially to pursue careers that address those issues, although the influence of early life challenges may fade over time.

Our data about religion also diverge from earlier studies that found that legal aid lawyers were more likely to be Jewish or Catholic rather than Protestant.²¹² We detected no relationship between religion and public interest careers. This may reflect the decline in religious discrimination by law firms or the growing conservatism of some sectors of the Catholic community. It may also be that members of these religions no longer perceive themselves as outsiders and, therefore, are less likely to define their professional identity in terms of social change to advance inclusion or equality.

Earlier studies also found that a disproportionate number of public interest lawyers were "red diaper" babies who shared their parents' left politics.²¹³ Among our respondents, libertarianism was negatively correlated with public interest careers, whereas liberal political leanings positively correlated with a current job in public interest law. This may be because libertarian lawyers are averse to legal aid or law reform work whose goal is to expand access to government benefits and protections. Nevertheless, the rise of libertarian public interest organizations, such as the Institute for Justice, could create more pathways into careers challenging regulation. Because public interest law has historically been a liberal-left project, it makes sense that political liberalism is related to public interest careers.

211. There also may be variation across country of origin, which we cannot capture because this measure does not disaggregate by country of origin.

212. HANDLER, HOLLINGSWORTH & ERLANGER, *supra* note 6, at 140–41.

213. *Id.*

b. The Additional Importance of Pre-Law Experience

Social and demographic characteristics relate to public interest career commitment, but including public interest experiences during and after college significantly increased the explanatory power of our model. Respondents who, before law school, held leadership positions in public interest or social justice organizations, or volunteered or worked for government or nonprofit groups, were more likely to have first jobs in public interest settings, and most of these experiences were also significantly positively related to holding a current public interest job.²¹⁴ These early public oriented experiences may offer intangible rewards (such as meaningful work), confer relevant experience and skills, and confirm an identity based on altruism, ethics, and public service. Functionally, they may also familiarize students with the norms of the nonprofit sector and job market, knowledge that is valuable when they conduct independent job searches in law school.

c. Taking the Initiative in Law School

Some, but not all, of the law school experiences we examined were significantly positively related to public interest career patterns. It is important to underline that law school experiences that were related to later public interest careers tended to take place *outside of law school classrooms*. Public interest externships, public interest jobs during the 2L summer, and public interest extracurricular activities all were positively related to a first public interest job. However, only extracurricular activities and a public interest 2L summer job were positively related to a current public interest job. Students who engage in extracurricular public interest activities may be more likely to become public interest lawyers because they associate with like-minded fellow students who support their goals. Such students may also exercise initiative and reinforce the entrepreneurial skills needed to build public interest careers beyond law school. In addition, live-client experiences reinforce the important contributions that public interest practice can make to improved circumstances and social justice for real people.

By contrast, we made two surprising findings regarding other kinds of public interest experiences students often have in law school. First, respondent participation in a law school clinic, long associated with public service, has no relationship with public interest careers. Rather than suggesting that clinics are irrelevant to professional formation, however, we think this finding reflects their changing nature. Because legal clinics emerged during the War on Poverty and often were taught by former legal services lawyers, they initially focused on the problems of poor people. Accordingly, they emphasized and modeled a commitment to public interest practice focused on social justice, along with teaching lawyering skills. As so-called experiential learning has become mainstream, even required, clinics

214. That holding a leadership position in a public interest organization before law school is not correlated with current public interest job may be an anomaly, unless it signals ambitions that lead elsewhere.

have grown more diverse and less concerned with poverty or social change. Accordingly, clinic work may be less closely tied to social justice. Second, respondents who volunteered for government or nongovernmental groups while in law school were less likely to have current public interest law jobs. Earlier studies found that such volunteer experiences tended to confirm the message conveyed in law school that such work is unrewarding: routine, intellectually unchallenging, and tainted by bad working conditions and low status.²¹⁵ We may be seeing similar effects here. In addition, volunteering may reinforce the message that public service is a charitable aside, not a core element of professional identity.

Another program of concern, the public interest curricular specialization, had a positive but not quite statistically significant relationship to public interest career patterns. This may be a product of the small number of specialists in our sample. Only UCLA and Santa Clara offered formal public interest specializations during the law school tenures of our respondents. Also, at that time, these programs were relatively new. Because just 6 percent of our respondents reported participating in these programs, we may lack the statistical power to discern their effects. Nevertheless, we believe these programs are important. They are designed to instill knowledge and skills, provide role models and, perhaps most importantly, nurture a sub-culture of significance and solidarity among students alienated from the law school environment. As they become more common and more students go through these programs, we anticipate it will be easier to identify their relationship to students' career choices.

Finally, our findings are consistent with earlier accounts of the corrosive effect of law school culture on public interest commitment. Those respondents who felt that other students shared their career goals were *less* likely to have a first or current public interest job, suggesting that private-market-oriented students were more likely to find a community in law school than were public-interest-oriented students. Perceived law school respect for career path was positively related to first job in a public interest career setting but negatively related to current job in public interest setting.

The one aspect of law school culture that clearly stood out as a facilitator of public interest careers was mentorship. Having a mentor was positively related to public interest career patterns, in both first and current jobs. While developing a mentorship requires student initiative to seek out and build relationships, it also requires law schools to employ faculty and staff willing and able to mentor students in public-oriented professional values and public interest careers. Such mentors guide students seeking public interest fellowships, reaffirm their commitments to public service and social justice, and help them navigate the tricky and nonstandard market for jobs in public interest settings. Mentoring can also help students choose curricular and extracurricular offerings suited to their goals.

215. STOVER, *supra* note 53, at 3.

Bolstering mentorship opportunities and resources to create community and provide important training and connections may increase public interest participation and placement.

2. PRIVATE FIRMS AND THE PUBLIC GOOD: ADVANCING JUSTICE OUTSIDE THE GOVERNMENTAL AND NONGOVERNMENTAL ARENAS

Law school public interest experiences also are important to law students who choose careers in private law firms, rather than full-time work in nonprofit or governmental public interest organizations. Just as public interest extracurricular activities and 2L summer jobs are significantly related to careers in the traditional public interest sector, so they are significantly related to careers in private public interest firms. By contrast, holding a summer 2L public interest job has a strong *negative* relationship with pro bono activity among lawyers in private settings. It may be that these private lawyers had negative experiences during their 2L public interest summer that propelled them away from public service. In addition, private lawyers who held 2L public interest jobs may have wanted firm jobs in their 2L summer but failed to obtain them; for these respondents, 2L public interest work may have been a stopgap rather than a vocation. Moreover, the strong relationship between law school public interest experiences and private pro bono activity in first job does not extend to respondents' current positions. Selection bias may explain this result; we know that a substantial proportion of lawyers move from private to public interest practice over time. Perhaps those respondents who were most motivated to do public service moved from private firm practice to public interest settings, whereas those respondents who stay in private practice internalize the expectations of billable work on the partnership track. Respondents who engaged in public interest activities during law school did, however, show higher levels of civic engagement through activities such as board service, community volunteering, and charitable giving to legal aid and public interest groups.

3. ATTRITION AND ATTRACTION: PERSISTENCE OVER THE LONG HAUL

Finally, our data on career patterns over time suggest that the public interest drift thesis based on studies of law students does not capture the arc of public interest career patterns. As the flow diagrams in Part III revealed, although there is some *attrition* from public interest positions, over three-quarters of the respondents who started in public interest jobs were still in them at the time of our survey, at least seven and as many as sixteen years after graduation. When attrition does occur, the destination depends somewhat on where public interest lawyers start. Government lawyers are more likely than nonprofit lawyers to move into private practice or in-house at a private company. We suspect that this pattern reflects the revolving door of government agency lawyers joining firms representing regulated industry clients. Interestingly, roughly one-sixth of nonprofit lawyers also move into private practice, contradicting conventional wisdom about the isolation

of the nonprofit legal market (i.e., that such lawyers cannot move to lucrative private sector jobs) while also possibly documenting movement of lawyers from nonprofits into private public interest law firms.

Reinforcing the *attraction* of public interest law careers over time, we emphasize that a larger proportion of respondents held current public interest jobs than held first jobs in public interest settings. This suggests a different type of public interest persistence: some graduates may begin in private practice for various reasons, such as loan repayment or training, in order to pursue public interest careers later. These patterns also problematize the conventional wisdom that students cannot transfer from the private sector into public interest work.

These findings offer important takeaways and pose new questions. Surprisingly, once graduates *enter* public interest jobs, persistence is the norm, not the exception. Accordingly, investments directed at maintaining public interest career aspirations during law school and helping students launch their public interest careers may help expand the public interest bar substantially. Moreover, fewer graduates drop out of public interest work than opt in: forces of attraction are stronger than forces of attrition, suggesting there is less public interest drift after graduation than during law school. Instead of thinking of persistence as a linear progression, these patterns suggest a more nuanced story in which some graduates reenter and recommit to public interest careers after graduation. They also raise important questions about the demographic composition of lawyer cohorts who leave firms for nonprofit and government jobs, highlighting the need for further research on how race, gender, class and other factors shape entry and exit over time.

B. IMPLICATIONS

This last section draws on our empirical analysis to provide policy recommendations for law schools confronting the challenge of producing lawyers committed to responding to contemporary demands for fundamental change. It also poses important questions about how law schools—and the legal profession more broadly—should think about the meaning of public interest law in the current crisis and beyond.

1. REIMAGINING LAW SCHOOLS IN THE CURRENT CRISIS

Over the past decade, critics have shown how the economics of legal education have been broken by the pursuit of rankings, which motivated schools to overspend on status enhancement, foisting the costs onto students in the form of higher tuition.²¹⁶ In order to improve their rankings, schools reduced class sizes; but that strategy also reduced tuition revenue and intensified the need to cut investments in programs, administrative staff, and extracurricular support.²¹⁷

216. TAMANAHA, *supra* note 157.

217. BEN BARTON, *FIXING LAW SCHOOLS: FROM COLLAPSE TO THE TRUMP BUMP AND BEYOND* (2019).

These profound challenges have prompted many reform proposals: reducing law school from three to two years, relaxing ABA accreditation standards to promote greater diversity in law school training, and reorienting the curriculum to emphasize practical skills training relevant to private job market placement.²¹⁸

The public health and economic crises created by COVID-19 have forced law schools to further revise programming and institutional design. The wholesale move to online learning, combined with the impact of the pandemic on enrollment and thus the economics of law schools, have created an unprecedented opportunity for re-envisioning how law school works and what values it serves. This reimagining coincides with a broader reckoning with the intransigence of racial subordination in policing and beyond, galvanizing demands for responsive educational experiences that analyze and challenge racial inequality in law and prepare students to contribute to movements for racial justice. Similarly, the economically disastrous fallout from the pandemic, including unemployment rates not seen since the Great Depression, underscores the growing need for public interest lawyers focused on reducing economic inequality and pursuing social justice.

We have a unique opportunity to reemphasize law schools' role in promoting public engagement and access to justice, core professional values that have been eclipsed by the rankings race and the concern to demonstrate that law schools remain a good financial investment for students. Law schools confront a choice between reinforcing austerity and neoliberal return-on-investment values, on one hand, and engaging in a broader conversation about social relevance and equal justice, on the other. Our study contains important lessons that can inform this broader conversation: showing how law schools can support the public interest careers and professional service that are essential to producing sustainable social change and maintaining democratic society. To be faithful to the ideal of equal justice in this moment of crisis, law schools will have to think more deeply about their role in addressing the pernicious consequences of persistent racial and economic inequality. Robust support for public interest law is an essential dimension of this role, which may have multiplier effects by inculcating an ethos of public engagement and social responsibility in all graduates.

Our study offers reasons for optimism despite the torrent of criticism of law schools' "failure."²¹⁹ Indeed, by focusing on the positive role of public interest experiences in law school, we have identified and applauded the mechanisms law schools have already institutionalized to help students explore service-learning opportunities and develop skills and acquire credentials to compete in the public interest market. Law schools do this most effectively by creating frameworks within which students can exercise initiative to prepare themselves to be public-interest-minded lawyers by participating in extracurricular activities, externships,

218. *Id.*

219. TAMANAHA, *supra* note 157.

and summer jobs. Law schools could invest more in these types of experiences, conferring greater institutional legitimacy and broadening student opportunities for public engagement.

Our study suggests other ways law schools could foster public interest values. Because we find that students' backgrounds and activities before law school combine with law school experiences to shape public interest careers, we encourage law schools to consider our findings to fine-tune their admissions policies, curricula, pedagogy, and culture to strengthen their role in producing public interest lawyers and, more generally, law graduates professionally committed to the public good.

Our study has important implications for how law schools choose among applicants. Because a commitment to social justice can promote student diversity, the creation of a public interest program or track may also address persistent racial disparities in law school enrollment.²²⁰ Applicants' experience of hardship may be an appropriate consideration in admissions decisions.²²¹ How hardship is defined will have an effect on public interest career trajectories, since life challenges are predictive of public interest commitment but class status is not. These findings caution that law schools should think carefully about how they measure obstacles and hardship as criteria for recruitment into public interest programs.

College experiences in public interest work also relate to subsequent public interest careers. Law schools seeking to admit students who will pursue public interest careers may be able to use these objective markers to identify promising candidates. Law schools looking for criteria to select students for public interest programs often consider such experiences. Our findings offer some support for that choice. We caution, however, that once demographic and social characteristics are considered, these experiences make only modest contributions toward explaining variation in career trajectories. They may be indicative of likely public interest career paths but are not a silver bullet for identifying future public interest lawyers.

How might law schools improve the culture for public-interest-minded students and sustain their commitment? Some argue that law schools should create an alternative culture and system of recognition to compete with the dominant one valorizing large firm jobs and federal court clerkships. In the early days of the federal Legal Services Program, "Reggies" (the fellowship named after poverty law pioneer, Reginald Heber Smith)²²² were eagerly sought by top graduates of elite law schools. The same is true today of "Skaddens" (the post-graduate fellowship funded by Skadden Arps).²²³ Law schools should consider creating their own fellowships

220. Lempert et al., *supra* note 54, at 494.

221. Brian Pascus, *SAT Exam to Give Students "Adversity Score" in Bid to Level Playing Field*, CBS NEWS (May 16, 2019), <https://www.cbsnews.com/news/sat-adversity-score-college-board-will-use-sat-exam-to-give-students-adversity-score-in-bid-to-level-playing-field/> [<https://perma.cc/RR48-UWJZ>] (last visited Apr. 15, 2021).

222. JOHNSON, JR., *supra* note 22, at 179–80.

223. Skadden Foundation, www.skaddenfellowships.org [<https://perma.cc/KP7Y-5N5B>] (last visited Apr. 15, 2021).

(perhaps through alumni donors), for which students compete in an on-campus process parallel to the private firm market. This approach could confer prestige and pay an attractive salary at a public interest job. Such fellowships allow students to gain two years of public interest practice, which help open the door to longer-term positions. Many schools created public interest fellowships in response to the Great Recession; we find ourselves in similar circumstances now. To achieve long-term success, however, these fellowships must be placed on a sustainable financial footing.²²⁴

Because mentoring makes a difference, schools should also consider how to facilitate greater access to a range of mentors: faculty, upper-division students, and public interest practitioners. Enhancing faculty diversity may also help to extend opportunities for meaningful mentoring. Public interest specializations like UCLA's already do this; rather than leaving the onus on students to find mentors, schools should help connect mentors to students based on student preferences and facilitate the modification or augmentation of such assignments as needed.

Finally, to foster public-interest-oriented professional values, law schools can offer non-material recognition for public interest commitment during law school regardless of students' ultimate careers. Law schools can recognize pro bono work, volunteer leadership, and outstanding social justice scholarship during annual ceremonies and at graduation. By foregrounding and valorizing such activities, law schools declare that commitment to the public good constitutes the core of legal professionalism. At the same time, by recognizing those who demonstrate excellence in public service, the law school helps public interest job seekers stand out in a competitive market for fellowships and other positions.

2. RETHINKING THE MEANING OF PUBLIC INTEREST LAW

Just as our study identifies ways for law schools to help create public interest lawyers, so it also suggests how to reconceptualize what it means for graduates to engage in public interest work in the first instance. Particularly as the profession's sectors become increasingly interconnected, and public interest lawyers must rely on their private sector counterparts for funding and pro bono support,²²⁵ legal educators should do more to help students think strategically about building careers in the private sector that make meaningful contributions to the public interest. The programs that may strengthen student commitment to public interest careers also may influence those in private law practice. This interconnection is important because it shows the broader benefits of law school public interest programs in teaching professional values for all lawyers, rather than being merely specialized curricular programs in a zero-sum resource competition. Public interest programs create opportunities for dialogue that potentially influence students across the board as they enter their careers. These opportunities represent pivotal moments

224. Seal, *supra* note 35.

225. See Cummings, *supra* note 79, at 49.

when professional socialization can make support for the rule of law and access to justice a central component of students' professional identity. Although many schools have adopted pro bono requirements, and some facilitate voluntary pro bono activities,²²⁶ our study suggests that these are not substitutes for more robust public interest programming. Instead, they risk compartmentalizing the idea of giving back as a form of charity, rather than a core part of the lawyer's professional role.

Our study broadens the conception of public interest law in other ways that have important implications for how to advise students about careers. One consistent objection to law school investment in public interest programs and debt relief for public service is that increasing the supply of public interest graduates does nothing to increase the limited number of public interest positions.²²⁷ Although this constraint is significant, our findings suggest that market supply-and-demand reasoning frames public interest outcomes too narrowly. First, by investigating private public interest law firms as sites of public interest practice, we highlight an area that career services offices underappreciate. We urge those offices to support students who may want to enter this sector. Second, we suggest that schools consider how to support entrepreneurialism among graduates, helping them create their own solo or small-firm low-bono or social justice practices. There are important models of community law practice, championed by academics like Luz Herrera, and our data help to make the case for thinking creatively about what it means to do access to justice work in the contemporary profession.²²⁸ Third, we are at a unique historical moment in terms of both need and opportunity. Millions of Americans are unemployed, income inequality and precarity have been growing for more than a decade, and government policy responses have not kept pace. Just as lawyers were essential in developing the policy reforms following the Great Recession, so lawyers will have tremendously important roles to play in our legislative response to the pandemic, racial injustice, income inequality, climate change, and the eroding rule of law. Law schools must train their graduates to view themselves as public interest professionals in the broadest sense in order to meet this challenge successfully.

3. PROMOTING THE PUBLIC INTEREST IN TRANSFORMATIVE TIMES

The core mission of the law school is to inculcate both technical craft and professionalism. As the seminal 2007 Carnegie Report on legal education concluded, the ethical-social dimension of law school is a crucial component, imbued through the study of legal ethics and immersion in the challenges of the professional role throughout the curriculum.²²⁹ As the report and other commentators have emphasized, this ethical-social dimension has come under pressure on

226. DEBORAH L. RHODE, *PRO BONO IN PRINCIPLE AND IN PRACTICE* (2004).

227. See McGill, *supra* note 81, at 704–05.

228. See generally Luz Herrera, *Community Law Practice*, 148 *DAEDALUS* 106 (2019).

229. WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 28 (2017).

several fronts. The shift toward neoliberal metrics for evaluating law schools has elevated so-called marketable skills over values, crowding out space for developing professional identity. Clinical programs, originally the bastion of public service and a model of access to justice, have been reformulated under the rubric of experiential education to focus on “practice-ready” skills said to be valued by private sector employers.²³⁰ In addition, law school growth and fundraising pressures have increased fragmentation of law school programs and curricula by creating institutes and centers, each with its own funding stream and curricular requirements, destroying the coherence of the law school experience by dividing it among many sub-law schools.

Paralleling these changes within law school are broad political and professional shifts that challenge core values and even the idea that there is any public interest to which lawyers should aspire. The profession has long been stratified, but over the past thirty years stratification has increased to the point where different professional sectors interact infrequently and lack a sense of common identity or values.²³¹ This fragmentation coincided with the transformation of American politics, now defined by hyper-partisanship and polarization, which has arrayed lawyers on different sides of important social policy issues, unable to agree even on common facts, much less a shared vision of justice. This pathology was vividly illustrated during the Trump impeachment proceedings, as lawyers in what had been nonpartisan positions, such as the Attorney General, acted as if partisan advocacy was their appropriate role.²³² The Justice Department’s response to the movement for racial justice has further entrenched this division, as Department lawyers supervised the deployment of federal law enforcement to quell peaceful protests in cities like Portland and Seattle in the name of law and order while standing by as a riotous right-wing mob invaded the Capitol on January 6, 2021.

These trends make this a crucial time for law schools to reconsider not only how to teach social justice advocacy but also how to build consensus around core professional values in support of movements for racial justice, economic equality and defense of the rule of law. The types of public interest programs and activities we highlight are significant precisely because they show that public interest work is valued by and important to the profession—and, most critically, relevant to the struggle for inclusion and justice. Moreover, public interest programs demonstrate that there are multiple paths to public service, while emphasizing that law schools need to imbue students with a normative framework for understanding why public service is essential to equalizing representation in law and politics. This is not to romanticize law schools or endow them with a transformative potential they do not possess. It is important to remember that law schools have

230. Robert J. Condlin, *Practice-Ready Graduates: A Millennialist Fantasy*, 31 *TOURO L. REV.* 31 (2015).

231. CRAIG A. McEWEN, LYNN M. MATHER & RICHARD J. MAIMAN, *DIVORCE LAWYERS AT WORK: VARIETIES OF PROFESSIONALISM IN PRACTICE* (2001) (analyzing communities of practice); Nelson & Trubek, *supra* note 59, at 72 (discussing arenas of professionalism).

232. Tessa Berenson, *Attorney General Barr Says He Won't Be Bullied: But Questions Remain about His Independence from Trump*, *TIME*, Feb. 12, 2020.

long been sites of exclusion, hostile to students motivated to pursue nontraditional career paths. However, they remain the one place where future lawyers come together to engage with each other around common professional themes and values. As schools, like the profession, lose their unity, public interest programs can provide an anchor, unifying lawyers around social justice values and offering leadership to the next generation of lawyers as they confront the enduring consequences of the current crisis.

CONCLUSION

At a moment when fundamental democratic values of social inclusion are deeply contested, it is crucial to think about how to strengthen support for those values and the institutions built on their foundation. Lawyers have long been essential architects of democratic institutions, and public interest lawyers have played crucial roles in movements for civil rights and economic justice—performing what legal scholars Lani Guinier and Gerald Torres have termed “demosprudence.”²³³ Although public interest lawyers confront challenges from political opponents, funding limitations, and shifts in political culture, those lawyers have succeeded in forging a distinctive field of practice that lifts up the voices and builds the power of groups pushed to the margins of our society. In so doing, they have contributed meaningfully to the broader struggle to protect our vibrant democracy—a struggle that is particularly salient and essential in this pivotal moment. Law schools and the legal profession must understand and value how lawyers contribute to social transformation and continue to support their work in the service of democracy to protect American society in a time of crisis.

This Article, the first in a series on public interest careers, contributes new empirical insights about these issues by reporting and analyzing findings from the Project on California Legal Education and Careers. This large-scale empirical project provides unprecedented evidence about the factors associated with long-term public interest persistence. We find that law schools play key roles in creating opportunities for students to deepen their commitment and gain the skills and connections necessary to enter public interest work and persist over time. Law schools are at an inflection point, confronting fundamental questions about their contribution to building a more equal and inclusive society, one that transcends individual achievement and economic return. Our findings underscore law schools’ vital role in producing legal professionals committed to social justice. It is essential that law schools invest in the institutional programs necessary to nurture and train the next generation of public interest lawyers so they may meet the challenge of the current crises and help chart a path to a stronger democracy.

233. See generally Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L.J. 2740 (2014).

METHODOLOGICAL APPENDIX

I. DESIGN

Launching a study of this scale required significant resources: financial support to administer the survey and personnel to facilitate contact with the schools' alumni/ae. To support the Project, we received substantial grants from the National Science Foundation and the Law School Admission Council. The University of Wisconsin Survey Center helped develop and field the survey.²³⁴ We also reached out to partners at our targeted law schools, who facilitated the crucial task of obtaining contact information for 2001-10 alumni/ae to permit survey administration.²³⁵ Finally, our home institutions provided support for a Project Director, who coordinated survey development and beta testing and interfaced with Survey Center staff to ensure survey delivery and data collection. We developed the survey over the course of a year and a half. During this time, we also obtained IRB approval from UCLA and UC Berkeley for this project.²³⁶ We are grateful to all these institutional actors for their assistance with and support of this research.

We surveyed ten years of graduates (2001-2010) from six law schools in California's two primary legal markets: three from the Bay Area (Santa Clara, Stanford, and UC Berkeley) and three from Los Angeles (Southwestern, UCLA, and USC). We selected these law schools to evaluate the effects of institutional factors along a number of dimensions listed in Table A.1.

234. We chose the University of Wisconsin Survey Center (UWSC) to field the survey based on prior experience and cost comparisons. Catherine Albiston worked with the UWSC several times before with excellent results, particularly with regard to response rates. Also, unlike many commercial survey centers, the UWSC has a highly trained staff and tenured professors overseeing data collection and consulting on projects.

235. The authors obtained commitments and established relationships with the following faculty members, who facilitated access to alumni/ae contact information and other aspects of this research at the four institutions other than UCLA and UC Berkeley: Bryant Garth (Dean and Professor of Law, Southwestern Law School), Gillian Hadfield (Richard L. and Antoinette Kirtland Professor of Law and Professor of Economics, USC School of Law), Deborah Rhode (Ernest W. McFarland Professor of Law, Stanford Law School), and Stephanie Wildman (Professor of Law and Director of the Center for Social Justice and Public Service, University of Santa Clara Law School).

236. UCLA IRB # 12-001469, initially granted Nov. 18, 2012 (updated 2015).

TABLE A.1: CHARACTERISTICS OF PARTICIPATING LAW SCHOOLS

	UCLA	USC	SW	Berkeley	Stanford	Santa Clara
US News rank 2011	16	18	121	9	3	84
% grads passing California Bar (07/2010)	83.5	90	59	91	98	70.4
Public/private	Public	Private	Private	Public	Private	Private
Secular/relig.	Secular	Secular	Secular	Secular	Secular	Religious
Number of JD graduates (2010)	337	210	282	291	176	295
% male/female graduates	53/47	54/46	50/50	45/55	53/47	54/46
% African American graduates	4	7	6	4	10	4
% Asian American graduates	19	18	15	18	14	28
% Latino graduates	9	14	13	9	10	8
Tuition (thousands); Resident/non resident	31/42	45	35	31/43	42	37
% with financial support from school	62	66	28	66	47	38
Median Undergrad GPA	3.74	3.6	3.22	3.83	3.87	3.36
Median LSAT	168	166	155	167	170	159
Percent employed 9 months out:						
Firms	59	71	53	69	56	52
Business	9	8	23	2	9	25
Gov't	8	5	9	6	5	12
Public Interest Law	9	5	5	10	4	4
Judicial Clerk	11	8	2	12	24	2

Source: American Bar Association.

We surveyed all graduates of our six participating law schools, yielding an overall response rate of 24.4 percent (3,686 completed surveys). This response rate is consistent with other surveys like ours. Prominent law school alumni/ae surveys, which are most closely analogous to ours, had rates ranging from 24 percent of Yale Law School graduates from 1970 to 1999 and 33 percent of Indiana Law School alumni/ae to 66 percent of Michigan Law School graduates from 1981 to 2000. Longitudinal studies using direct contact strategies, such as phone calls, obtain higher rates, but are significantly more expensive and time-consuming in terms of staff hours.²³⁷ *AJD1* and *AJD2* had response rates of 50 percent, but these were administered differently.²³⁸ A study of the impact of gender on the careers of Colorado lawyers had a 55 percent response rate.²³⁹ We used ABA data to develop a weighting strategy, described below, to account for potential response bias.

237. Kenneth G. Dau-Schmidt, Jeffrey E. Stake, Kaushik Mukhopadhyaya & Timothy A. Haley, "The Pride of Indiana": An Empirical Study of the Law School Experience and Careers of Indiana University School of Law-Bloomington Alumni, 81 IND. L.J. 1427 (2006).

238. *AJD1*, *supra* note 16.

239. Nancy J. Reichman & Joyce S. Sterling, *Sticky Floors, Broken Steps, and Concrete Ceiling in Legal Careers*, 14 TEX. J. WOMEN & L. 27 (2004).

II. RECRUITMENT METHODOLOGY

The Survey Center fielded the web-based survey through a Web/Mail mixed mode five-contact strategy, which included providing initial contact letters, pre-incentives, and follow-up email reminders.²⁴⁰ For all schools, we used a five-wave protocol, beginning with a mailed invitation to participate in the survey with a link to the web survey, followed by four email reminders. We supplemented this with targeted emails and social media outreach by deans and other program administrators at each school. Research indicates that web surveys with these additional efforts produce response rates comparable to or better than mail-only surveys at a fraction of the cost.

Rather than focusing solely on public interest graduates, we contacted the universe of graduates from a ten-year period. We sent invitations signed by the deans of our participant California law schools to all 15,086 graduates from the ten graduating classes (2001-10).²⁴¹ To avoid biasing responses toward graduates interested in public interest law, invitations stated only:

This study seeks to understand how law school prepares students to pursue careers in many different areas of practice and the challenges graduates face in the contemporary job market. The findings will help guide legal educators and policy makers at this time of significant transition for the legal profession.

Consistent with best practices for promoting survey response, we offered a \$2 pre-incentive to participate.²⁴² Each invitation contained an embedded link to an individualized web-based survey instrument, which could be accessed only with an individual specific passcode.²⁴³

240. All survey waves were completed by January 2017. Between October 2015 and February 2016, UWSC fielded the survey for five schools: Berkeley, Santa Clara, Southwestern, UCLA, and USC. Stanford administered the survey itself in November-December 2016. For all schools, we used a 5-wave protocol that began with a mailed invitation with a link to the web survey, followed by four email reminders. We supplemented this with targeted emails and social media outreach by deans and other program administrators at each school.

241. The deans were: Sujit Choudry (Berkeley), Lisa Kloppenberg (Santa Clara), M. Elizabeth Magill (Stanford), Jennifer Mnookin (UCLA), Susan Prager (Southwestern), and Andrew Guzman (USC).

242. An effective way to increase response rates is to include a token financial incentive along with the initial contact letter of the survey. The token incentive serves two purposes. First, it brings social exchange into play and encourages respondents to reciprocate by responding to the survey. Second, because it is novel and unexpected, it encourages potential respondents to read the materials rather than immediately throwing them away with other junk mail. Research also shows that in addition to increasing response rates, token incentives also reduce nonresponse bias. Robert M. Groves, *Nonresponse Rates and Nonresponse Bias in Household Surveys*, 70 PUB. OPINION Q. 646 (2006). Research also finds that token financial incentives included with the original survey contact are significantly more effective in boosting response rates than larger payments promised upon completing the survey. Jeannine M. James & Richard Bolstein, *Large Monetary Incentives and Their Effect on Mail Survey Response Rates*, 56 PUB. OPINION Q. 442 (1992).

243. Research indicates that web surveys with these additional efforts produce response rates comparable to or better than mail-only surveys at a fraction of the cost. Michael D. Kaplowitz, Timothy D. Hadlock & Ralph Levine, *A Comparison of Web and Mail Survey Response Rates*, 68 PUB. OPINION Q. 98 (2004).

III. WEIGHTING

To address any potential response bias, for analysis we weighted responses in accord with demographic data provided by the ABA about each class in our six participant schools. Our survey weights were calculated based on four variables: institution, race/ethnicity, sex, and year of graduation. The fraction of each possible combination of institution-year-race/ethnicity-sex (e.g., female African-American students at Berkeley in 2005) among the entire population of the students during the period in question was calculated so that respondents from sub-populations that had lower response rates could be weighted more than those from sub-populations with higher response rates. Weights were calculated by taking the ratios between the fractions of each combination in the sample of respondents and the fractions in the student bodies and then normalizing these ratios so that the weighted total summed to the total number of graduates surveyed: 3,735. This approach allows us to align responses with the actual demographics of each of our surveyed graduate classes based on school-specific data collected by the ABA. Survey weighting such as this is a standard approach for correcting for potential disparities in response rates among subgroups.

IV. SURVEY CONTENT

Following our conceptual model, we organized the survey questions in three theoretical groupings designed to elicit information about *endowment*, *education*, and *environment*. We also drew on prior studies of law graduates to craft questions eliciting data that could be compared to those from other studies.

Questions regarding *endowment*, or the background students bring to law school, addressed social capital (social connections, relatives who are lawyers), demographic and social characteristics (class, race, gender, age, sexual orientation, religion, political orientation), personal challenges, and human capital (including public interest experience). The survey asked a series of questions about demographic characteristics as well as economic and social characteristics.

In addition, the survey included questions about goals and values prior to law school to identify respondents with high public interest propensity. Although retrospective assessments of preferences may not be as accurate as contemporaneous ones, collecting these data was not feasible. Unlike previous studies, we also rely on information about objective pre-law school experiences that might predict public interest commitment, such as holding leadership roles in college student groups, volunteering for nonprofit or government agencies, and public service work after college.

Questions regarding *education*, or what happens during law school, address additional human capital investments (coursework, extracurricular activities, summer employment) and the programs and culture of law schools that encourage public interest commitment (formal public interest specializations, mentorship, general public interest culture). We also asked questions designed to

capture the climate for public-interest-oriented students at their law schools. These questions get at the institution-driven experiences and culture that may vary across respondents and schools and likely contribute to public interest career patterns and commitment.

Questions regarding *environment*, or the climate and circumstances students face after leaving law school, address market conditions (job opportunities, salaries) and individual factors that affect life after law school (debt, family circumstances). In this Article, environmental factors were primarily used as controls (graduating after the 2008 economic crash, debt incurred in law school, and years since graduation).

Finally, our survey included a host of questions designed to elicit information about our dependent measures of public interest persistence. Although we collected data on all of respondents' positions since law school, a detailed analysis of career patterns is beyond the scope of this Article and will be addressed in a future analysis and article.²⁴⁴

V. PROFILE OF RESPONDENTS

Table A.2 reports descriptive statistics on age at graduation, years since graduation, and debt accrued during law school, weighted to the population. As it

TABLE A.2: AGE AT GRADUATION, YEARS SINCE GRADUATION, AND DEBT ACCRUED

Measure	Mean	Standard Deviation	Minimum	Maximum
Age at graduation	28.1	5.2	20	61.0
Years since graduation	11.4	2.9	7	16.0
Debt accrued prior to law school (dollars)	11,147	23,154	0	250,000
Debt accrued in law school (dollars)	81,238	61,303	0	500,000

Notes: Unweighted $N = 3735$. Statistics weighted using ABA characteristics of graduating classes of California law schools. Age at graduation Winsorized to address outliers.

244. The final survey data set included 680 variables, but because of skip patterns and check-all-that-apply questions, the average respondent completed considerably fewer questions.

shows, the mean age at graduation of our respondents was about 28, and the mean years since graduation was 11.4. The mean debt accrued during law school among our respondents was \$81,238, which was much larger than the mean debt accrued *prior* to law school of only \$11,147 (although this figure may not reflect additional debt taken on by respondents' families). For comparison with prior studies, which focus on median rather than mean debt, the median law school debt among our cohort was \$75,000, slightly more than the figures from recent studies that we discussed above.²⁴⁵

A major innovation of our survey was asking respondents for detailed information about pre-law and law school experiences that might predict public interest careers. An overview is provided in Table A.3.

**TABLE A.3: COLLEGE AND LAW SCHOOL EXPERIENCES
AND LAW SCHOOL CULTURE**

Measures	Number of cases	Percentage of respondents
College Experiences		
Leadership position in social issue-oriented organization	585	15.7
Volunteer for government or nonprofit organization	891	23.9
Summer work for government or nonprofit organization	1245	33.4
Post-college work for government or nonprofit organization	937	25.1
Law School Experiences		
PI specialization	229	6.1
PI extra-curricular activities	1591	42.6
Enrolled in a clinic	1787	47.8
Took an externship	1636	43.8
Volunteer work government or nonprofit organization	2420	64.8
Had a mentor	1776	47.6
Law School Perceived Culture		
Others shared career goal	2646	70.8
Law school respected respondent's path	2209	59.1
Other students valued respondent's career path	2329	62.5
Overall sample	3735	100

245. Among our cohort, the median educational debt upon entering law school was \$0.

Table A.4 reports the means of our regression variables for two groups of students: those who did and did not enter law school with a preference for public interest careers. Our linear regression models in this Article report how each of

**TABLE A.4: CHARACTERISTICS OF RESPONDENTS
RELATIVE TO PUBLIC INTEREST (PI) CAREER PREFERENCE**

Measure	No PI Preference	PI Preference	All Students
Years since Graduation	11.5	11.3	11.4
Graduated After 2008	20.3%	22.1%	20.8%
Law school debt (thousands)	79.63	85.53	81.23
Individual characteristics			
Person of Color	45.5%	46.1%	45.7%
Female	47.3%	62.7%	51.5%
Age	28.1	28.1	28.1
LGBT	5.7%	10.1%	6.9%
Foreign Born	19.1%	14.0%	17.7%
Parent(s) Foreign Born	40.5%	41.6%	40.8%
Father Education HS or less	19.1%	21.1%	19.7%
Financially Struggled	19.8%	26.2%	21.6%
Challenges	38.9%	49.3%	41.8%
Lawyer Relative	30.1%	30.8%	30.3%
Jewish or Catholic	28.3%	30.2%	28.8%
Liberal	64.5%	78.0%	68.3%
Libertarian	14.4%	7.9%	12.6%
College Experiences			
Social Justice Leadership Role	10.2%	24.2%	14.0%
College Volunteer Gov't/Nonprofit	19.7%	34.0%	23.7%
College Summer Gov't/Nonprofit	27.5%	42.8%	31.7%
Work for Gov't/Nonprofit	17.1%	39.1%	23.1%
Law School Experiences			
PI Specialization	3.6%	14.9%	6.7%
PI Extracurriculars	34.2%	57.6%	40.6%
PI 2L summer	18.9%	43.6%	25.7%
PI Externship	40.6%	59.1%	45.7%
Any Clinic	55.7%	37.5%	50.7%
Law School Volunteer Gov't/Nonprofit	70.5%	52.1%	65.5%
Law School Culture			
Had Mentor	42.2%	54.4%	45.5%
Other Students Shared Goal	59.0%	59.6%	59.1%
Career Path Respected by LS	69.7%	72.3%	70.4%
Other Students Valued Career Path	63.4%	59.2%	62.3%

Notes: Unweighted $N = 3735$. Statistics weighted using ABA characteristics of graduating classes of California law schools.

these factors contributes to public interest career patterns net of the others. To check for the possibility that students with a preference for public interest law careers when entering law school were substantially different than students who did not have this preference, we used a matching strategy to conduct the same analysis on a matched set of respondents with and without public interest career preferences. We used the *cem* package in Stata to match across the graduates in these two groups to account for differences in demographic and ideological makeup between these subsets. The variables that we chose to match these subgroups on were gender, race, age_at_graduation, foreign birth, liberalness, and libertarianness. After identifying the subsets of the sample that are and are not matched across public interest career preference over the demographic and ideological variables via the algorithm, we excluded the subset that were not matched from the follow up analysis. The results of this follow up analysis were substantially similar to the results reported in the Article.