

1999

Doing Well and Doing Good: The Careers of Minority and White Graduates of the University of Michigan Law School

David L. Chambers

University of Michigan Law School, dcham@umich.edu

Richard O. Lempert

University of Michigan Law School, rlempert@umich.edu

Terry K. Adams

University of Michigan, tkadams@umich.edu

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Recommended Citation

Chambers, David L. "Doing Well and Doing Good: The Careers of Minority and White Graduates of the University of Michigan Law School." T. Adams and R. O. Lempert, co-authors. *Law Quad. Notes* 42, no. 2 (1999): 60-71.

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Doing well

BY DAVID L. CHAMBERS,
RICHARD O. LEMPert '68,
AND TERRY K. ADAMS, '72

&

Doing

good

The careers of
minority and
white graduates
of the University
of Michigan Law School,

1970 - 1996

Of the more than 1,000 law students attending the University of Michigan Law School in the spring of 1965, only one was African American. The Law School faculty, in response, decided to develop a program to attract more African American students. One element of this program was the authorization of a deliberately race-conscious admissions process. By the mid-1970s, at least 25 African American students were represented in each graduating class. By the late 1970s, Latino and Native American students were included in the program as well. Over the nearly three decades between 1970 and 1998, the admissions efforts and goals have taken many forms, but, in all, about 800 African American, 350 Latino, 200 Asian American, and nearly 100 Native American students have graduated from the Law School.

What has been the experience after law school of this large group of minority lawyers?

Have they practiced law successfully? Provided valuable service to communities? Have their career paths been similar to or different from those of their white classmates? In the last few years, affirmative action in higher education has faced increasing legal scrutiny, in part because of doubts about the kinds of graduates these programs produce. A few years ago, we and some of our colleagues at Michigan started asking whether we could learn the answers to these questions about the careers of our graduates. The Law School already possessed considerable information about our minority graduates — from the surveys we have conducted each year for over 30 years of our alumni five and 15 years after graduation. But, while the annual survey asks many questions about careers and career satisfaction, it is not mailed to graduates less than five years or more than 15 years out of the Law School. And, while the survey has long asked a few questions about discrimination based on race, it did not ask other questions — for example, about the race and ethnicity of clients served — that would permit us to explore other possible differences in the experiences of minority and white graduates.

Thus, in the fall of 1996, the three of us began designing a survey of all of Michigan's living African American, Asian American, Latino, and Native American graduates through 1996, together with a stratified random sample of our white graduates from 1970 through 1996. We worked to devise a questionnaire that explored many aspects of our graduates' professional experiences, including matters relating to gender, race, and ethnicity. It is now nearly three years later. The survey has

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been mailed, and all the questionnaires we are going to receive have been returned. Much of the data has been analyzed. This article reports what we have found so far and seeks to repay especially those alumni whose cooperation made our findings possible. Because of their participation, we have been able to assemble more information about the minority graduates of one school than has ever previously been assembled in the United States. We have also assembled a great deal of information about one school's white graduates as well. For purposes of this article, we have concentrated on our African American, Latino, and Native American graduates, the three groups whose race or ethnicity has been consciously considered in the

admissions program since the 1970s. We have included all these alumni, even though, in any given case, the race of any one of these graduates might or might not have made a difference in whether she or he was admitted. We refer to these groups as “minority” alumni. We draw comparisons primarily with our white alumni. In later publications, we will report on our Asian American alumni, the great majority of whom have graduated in the 1990s.

We have two principal and related findings to report. The first is that our African American, Latino, and Native American alumni, though, on average, admitted to the Law School with lower numerical entry credentials than those of whites, have fully entered the mainstream of the American legal profession. As a group, they earn large incomes, perform *pro bono* work in generous amounts, and feel satisfied with their careers. The initial and current job choices of minorities and whites differ somewhat, but across time the achievements of the minority graduates are quite similar and very few differences between them are statistically significant.*

Our second finding is related to the first. It is that although Law School Admission Test (LSAT) scores and undergraduate grade point averages (UGPA), two factors that figure prominently in admissions decisions, do correlate strongly with law school grades, they seem to have no relationship to achievement after law school, within the range of students admitted to our law school, whether achievement is measured by earned income, career satisfaction, or service contributions. For both our

minority and white alumni those numbers that counted so much at the admissions stage tell little if anything about their later careers.

METHODS

In the winter and spring of 1998, we mailed a seven-page survey to 2,196 alumni — 755 of whom were African American, 300 Latino, 60 Native American, 154 Asian American, and 927 white — who graduated between 1970 and 1996. After three mailings and a telephone reminder, we received responses from 51.4 percent of the minority alumni (approximately the same for each of the three minority groups) and 61.9 percent of the white alumni. Response rates of minority and white alumni are closer in each succeeding decade, and among graduates of the 1990s, the difference in rates is not statistically significant. Even though the overall level of response that we achieved was commendable for a mail survey of busy professionals, we were worried that there might be important differences between the respondents and nonrespondents that would compromise our findings. We examined this possibility using information on both respondents and nonrespondents that were contained in Law School records and developed in our own independent search of lawyer directories like *Martindale-Hubble*. Through these directories, we located a current place of employment for 87 percent of our minority graduates and 91 percent of our sample of white graduates.

* Readers unused to the notion of “statistical significance” may be surprised in looking at some tables to find instances where differences in means appear large but are said to be “not statistically significant.” The means represented in the tables are based on the sum of all the responses to a question by the individuals in each group (for example, their earned incomes), and there is often considerable variation in the responses. Statistical significance is a measure of the extent to which two distributions (sets of data points, e.g., the reported incomes for each minority group respondent and each white respondent) are likely to have been produced by random

sampling from a single underlying larger distribution. (The “P” values given in the tables are a measure of the probability that a given difference occurred at random.) This probability, in turn, is a function of the extent to which the two distributions overlap each other and of the number of cases in each distribution. (Imagine, for example, two groups, A and B. Each group has 100 members. Group A's members all earn between \$9,000 and \$11,000. All group B's members except one also earn between \$9,000 and \$11,000, but one of group B's members earns \$1 million. The mean income of group A, let's say, is around \$10,000. The mean income of group B is

around \$20,000, twice as much. But the difference between groups A and B would not be statistically significant because nearly all of both groups' members are in the same range. On the other hand, if nearly all of group A's members earned between \$9,000 and \$11,000, and nearly all of group B's members earned between \$19,000 and \$21,000, the means of income might again be \$10,000 and \$20,000, but the difference in incomes between the two groups would be highly significant statistically because there is no, or almost no, overlap between the incomes of members of the two groups.)

Extensive checking indicates that within our minority and white samples, the respondents and nonrespondents are very much alike across the characteristics important in the study and thus that our findings are not substantially distorted by biases in nonresponse. We do think it likely that a somewhat higher proportion of our nonrespondents than respondents are not currently practicing law (and thus not in any readily available attorney directory) and that we may have a somewhat lower response rate from those least happy with their Law School experiences, from those least satisfied with their careers, and from those who have the most frantic schedules, but we have little reason to believe that these differences are significantly more prevalent among our minority than among our white nonrespondents. We do know that the minority and white nonrespondents include large numbers of almost certainly high earning persons. For example, from our own address lists and from lawyer directories, we learned that at least 167 of the minority persons we sought to survey currently work in law firms of 50 or more lawyers. Of this group of 167, 41 percent were nonrespondents, nearly as high a rate of nonresponse as in the minority sample as a whole.

ACHIEVEMENTS AFTER LAW SCHOOL

The experiences of our minority and white graduates after law school have varied depending on when they graduated from the Law School. The graduates of the 1970s are not simply older and out of law school longer. They also entered a profession that was very different from the profession today — one that included few women, few minorities, and fewer large law firms. Thus, in the discussion that follows, we generally group our graduates by the decade in which they graduated.

We do not, however, focus in this article on the differences in the experiences of women and men, but gender differences between minority and white graduates need to be mentioned. Women represent a larger proportion of our minority graduates than of our white graduates (38 percent of our minority respondents are women, in contrast with 27 percent of our white respondents) and, of the differences that we

report between minority and white graduates, some are attributable in part to the fact that more of the minority respondents are women. As a broad generalization, minority graduates' career experiences differ from whites' career experiences in the same directions that women's career experiences differ from men's. Thus, for example, when we report that more whites than minorities work in private practice, the reason is due in part to the fact that women, both minority and white, are more likely to choose to work in settings other than private practice and there are simply more women among our minorities than among our whites. In greater part, however, gender and race/ethnicity seem to operate independently in explaining the situations of our alumni and often neither is part of the explanation. In other articles based on this study, we will report at greater length on the role of gender.

PASSAGE OF THE BAR

As Table 1 (page 64) reveals, across all three decades, almost all minority alumni who responded to our survey passed a bar exam after graduation. Overall, 97.2 percent have been admitted to the bar of at least one state, and many have been admitted in two or more states. We do not know how many, if any, of the 2.8 percent who have not joined a bar (15 individuals out of 552 responding minority graduates) attempted to pass a bar examination and failed and how many chose from the beginning employment that did not require bar membership. We do know that as a group these 15 view their non-law careers today with high satisfaction (somewhat higher, in fact, than the respondents who are bar members) and that two-thirds reported on the survey that their legal training is a "great value" to them in their current employment. (For comparison, the proportion of white graduates who have ever been admitted to the practice or law is 98.7 percent, a higher figure, but the difference between groups across the three decades taken together is not statistically significant.)

THE CAREERS OF THE GRADUATES OF THE 1970s

Three hundred minority students graduated from the University of Michigan Law School during the 1970s. This group of graduates took career paths very different from those of their white classmates. As Table 1 reveals, the members of both groups nearly all joined the bar, but while the great majority of white graduates from this decade began their legal careers in a firm, the great majority of minority graduates did not. Far more of the minority graduates began work in government or in legal services or public interest work. The world of practice our white and minority graduates entered was largely but not completely segregated by race. The great majority of the minority graduates of the 1970s found an initial workplace in which there was at least one other minority lawyer (that may explain in part the attraction to them of government agencies and very small firms), but 60 percent of whites took jobs in settings in which there were no minority lawyers at all.

To some extent, the pattern set by their initial job settings has continued to the present. At the time of our survey, the graduates of the 1970s had been out of law school between 18 and 27 years. Many minority graduates from that decade have never worked in private practice, and most are not in private practice today. As many are in business and government (taken together) as are in private practice. (See Table 2, page 64.) About half of those in government work for the federal government. Those in government today are often in positions of high responsibility. A remarkable 13 percent of all minority graduates of the 1970s serve as judges or public officials or government agency managers (in comparison to 4 percent of all white alumni). On the other hand, private practice is also an appealing setting for the minority graduates of the 1970s. More work in private practice than in any other single setting. Most of the minority lawyer private practitioners are in solo practice or in firms of 10 or fewer lawyers, while white lawyers are substantially more likely than minority lawyers to work in mid- or large-sized firms. Unsurprisingly, those minorities and whites from the classes of the 1970s who are in private firms are nearly all

Table 1
University of Michigan Law School
Bar Passage and First Job Settings

	Classes of the 1970s		Classes of the 1980s		Classes of 1990-1996	
	Minority N=146	White N=240	Minority N=191	White N=221	Minority N=208	White N=125
Ever admitted to the Bar	98.5%	97.9%	95.1%*	99.3%*	96.1%	97.4%
Judicial clerkship	8%	14%	11%	16%	18%	24%
First job (not counting clerkship)**						
Private practice	31%	69%	72%	85%	69%	82%
Solo or firm of 10 or under	15%	18%	11%	9%	10%	8%
Firm of 11 to 50	10%	27%	14%	23%	14%	7%
Firm of more than 50	7%	24%	47%	53%	45%	68%
Government	30%	15%	13%	4%	16%	3%
Legal services, public interest	18%	5%	7%	3%	3%	6%
Business	10%	6%	4%	3%	3%	2%
Other	10%	5%	4%	5%	9%	7%

* Differences are statistically significant (p<.01).

** Differences in tendencies to have first jobs in various settings are statistically significant in all three decades (p<.01).

Table 2
University of Michigan Law School
Current Job Settings as of 1997*

	Classes of the 1970s		Classes of the 1980s		Classes of 1990-1996	
	Minority N=146	White N=246	Minority N=177	White N=210	Minority N=208	White N=125
Private practice	41%	60%	47%	53%	58%	67%
Solo or firm of 10 or under	27%	23%	22%	15%	15%	10%
Firm of 11-50	7%	14%	10%	11%	10%	13%
Firm of more than 50	7%	23%	15%	27%	33%	44%
Government	23%	14%	19%	10%	20%	9%
Legal Services, Public Interest	2%	1%	4%	3%	4%	2%
Business (as lawyer or nonlawyer)	20%	16%	15%	27%	14%	7%
Other	15%	10%	16%	8%	5%	15%

* For each decade, the differences in current job patterns are statistically significant when private practice is broken down into three groups by firm size (p<.01).

partners, and those who are in organizations other than private firms have typically risen to positions of supervisory or managerial responsibility.

For the graduates of each decade, we have three sorts of measures of achievements and service in addition to what we know about their job status. These are: their satisfaction with their work; their income; and their unremunerated services to others.

As to career satisfaction, the minority graduates of the 1970s are a generally satisfied group, fully as satisfied as their white classmates. (See Table 3, page 66.) We asked all our respondents to indicate their overall career satisfaction on a 7-point scale. We report as "satisfied" those who answered our question with one of the three highest scores on the scale, even though a "3" on our scale probably signified only "somewhat satisfied" while a 1 indicates "extremely satisfied." As Table 3 reports, 79.2 percent of our minority graduates from the 1970s report satisfaction with their careers. (Across all three decades of graduates, 14 percent of minorities and 11 percent of whites put themselves into the highest of the seven categories of career satisfaction; 35 percent of minorities and 41 percent of whites put themselves in the second highest; and 26 percent of minorities and 28 percent of whites in the third highest. Those who do not put themselves into one of these highest three categories nearly all place themselves in one of the next two, not in either of the bottom two. Only five percent of minority graduates and four percent of white graduates place themselves in the lowest two categories, the categories we consider to indicate serious dissatisfaction.)

We also asked the graduates about their satisfaction with various aspects of their careers, including their satisfaction with solving problems for clients, their income, the intellectual challenge of their work, the value of their work to society, their relationship with coworkers, and the balance between work and family. Among these aspects of work, the minority and white graduates of the 1970s express the greatest satisfaction with their solving of problems for clients and with the intellectual challenge of their work and the least satisfaction with the balance between their family and their professional lives. The only area of their careers in which a statistically significant difference appears in

the satisfactions of the minorities and whites is with regard to the social value of their work. Our minority graduates are significantly more likely to report satisfaction with their work's social value.

Michigan's minority graduates from the 1970s earn very high incomes — a mean of \$141,800, a median of \$101,500. (See Table 4, page 66.) To put these figures into perspective, the median income of Michigan's minority alumni who graduated between 1970 and 1979 places them in the top 8 percent of total *household* incomes in the United States even if they had no other household income or non-job sources of income. If we add spouse's income and non-job sources of income to respondent's job income, minority graduates from the 1970s had household incomes in 1996 in the top 3 percent of American households. The incomes of white graduates, as a group, are somewhat higher — a mean of \$177,700, a median of \$135,000 — and the difference in distribution of incomes is statistically significant, but by any standard our minority graduates from the 1970s are extremely successful financially.

The minority and white graduates of the 1970s have also provided a remarkably high level of service to others. (See Table 5, page 69.) Nearly all report that they have served as mentors to other lawyers. Indeed, on average, the minority graduates have served as mentors to eight attorneys over their years since graduation. The minority graduates are also deeply involved in community service. Over half serve now or have recently served on the governing board of a nonprofit organization. A great many serve on two or more such boards. Forty percent are also involved in some manner in electoral or nonelectoral issue politics. The private practitioners are also deeply involved in *pro bono* legal work, contributing an average of 132 hours of law-related service during the year. The ABA's Model Rules of Professional Conduct urge lawyers to perform at least 50 hours of *pro bono* service each year. Sixty-five percent of the minority private practitioners report 50 or more such hours. As Table 5 reveals, minority graduates provide somewhat more service in each of these areas than the white graduates, though only the minority lawyers' higher participation on nonprofit boards differs from that of their white counterparts at a statistically significant level.

THE CAREERS OF THE GRADUATES OF THE 1980s

A great change in job opportunities and job choices began to occur near the end of the 1970s and continued throughout the 1980s. Large law firms in the United States grew at a rapid rate. The gap in starting salaries between jobs in government and legal services and jobs in private firms grew wider and wider. And the graduates of the University of Michigan Law School, both minority and white, found themselves in high demand from large firms. More white and minority graduates took initial jobs in large firms, fewer took initial jobs in government, barely any took jobs in legal services and public interest settings, and the differences between the initial career choices of white and minority graduates greatly diminished. (See Table 1.)

The changes between decades were particularly striking for the minority alumni. In the 1970s, only a third of minority graduates took initial jobs in private practice (after any judicial clerkship). In the 1980s, nearly three-quarters took an initial job in private practice. And whereas during the 1970s, the minority graduates who took jobs in firms overwhelmingly found work in small and mid-sized firms, during the 1980s over 60 percent of those taking firm jobs began in firms of more than 50 lawyers. This was an enormous shift. The one pattern that remained much the same was that, while the proportions of minority and white graduates taking initial jobs in government declined sharply, minorities were still considerably more likely than whites to take an initial position in government.

In 1997, when the minority and white graduates of the 1980s had been out of law school for between eight and 17 years, many fewer of the members of these classes were still working in private practice. (See Table 2.) About 40 percent of both whites and minorities who had begun in private practice had left to work in business or, to a lesser extent, in government. The net effect of initial choices and shifts has been that the minority lawyers not in private practice remain substantially more likely than white graduates to work in government, while the white lawyers not in private practice are more likely to work in business. Still, for both groups, private practice remains by far

the most common single setting for work. About half of the minority graduates of the 1980s work in private practice, and of those in private practice about a third work in firms of more than 50 lawyers. About the same proportion of white graduates work in private practice, but more of those who do work in large firms. Somewhat fewer of the minorities than whites from the 1980s working in firms are partners as of 1997, but the primary reason for this lower proportion appears to be that more of the minority than white graduates of the 1980s began work in their current firm recently and more of the minority than white graduates were 1988 and 1989 graduates who, at the time they answered our questionnaire, were just reaching the stage when promotion commonly occurs.

Table 3 reveals the career satisfaction of the classes of the 1980s. Again, we see that the great majority of minority graduates are satisfied with their careers. The differences here that seem most striking are not between minorities and whites — there are no significant differences in this respect — but between graduates of whatever race in private practice and graduates in other settings. Those who work in private practice are significantly less satisfied with their careers, a pattern that we have been observing for several years now in the responses to our annual Alumni Survey. As was the case with the 1970s graduates, the only aspect of career satisfaction for which there is a significant difference between white and minority lawyers of the 1980s is that minority lawyers are more likely than whites to be satisfied with the value of their work to society.

Like their predecessors of the 1970s, the graduates of the 1980s earn high incomes. (See Table 4.) Minority lawyers earn an average of \$104,500 and a median of \$85,000. Their average household incomes, despite their relative youth, are in the top 7 percent of all American households. The incomes of white graduates are, on average, somewhat higher — a mean of \$127,700, a median of \$110,000. This difference is in large part due to the high incomes of those who work in large firms. As Table 2 reports, a higher proportion of the white graduates than minority graduates work in large firms.

Table 3
University of Michigan Law School
Career Satisfaction in 1997*
(Proportion placing themselves in top 3 of 7 categories)

	Classes of the 1970s		Classes of the 1980s		Classes of 1990-1996	
	Minority N=144	White N=237	Minority N=184	White N=215	Minority N=205	White N=125
Private practice	80%	79%	70%	71%	63%	72%
Solo or firm of 10 or under	78%	81%	74%	77%	90%	88%
Firm of 11-50	90%	90%	72%	65%	48%	76%
Firm of more than 50	78%	71%	65%	70%	55%	67%
Government	87%	91%	85%	92%	85%	88%
Business	64%	84%	81%	87%	71%	93%
All respondents	79%	82%	76%	79%	71%	76%

* In comparisons of pairs of minorities and whites in any work setting in any decade, none of the differences is statistically significant.

Table 4
University of Michigan Law School
Mean Earned Income in 1996*

	Classes of the 1970s		Classes of the 1980s		Classes of 1990-1996	
	Minority N=136	White N=239	Minority N=178	White N=191	Minority N=195	White N=102
Private practice	\$167,700	\$205,100	\$125,500	\$161,200	\$74,000	\$71,200
Solo or firm of 10 or under	\$154,400	\$131,700	\$78,500	\$105,800	\$75,900	\$45,800
Firm of 11-50	\$161,300	\$197,000	\$140,600	\$138,900	\$68,800	\$73,700
Firm of more than 50	\$223,900	\$279,300	\$179,300	\$197,900	\$75,700	\$75,800
Government	\$91,600	\$79,600	\$82,500	\$70,800	\$53,200	\$49,700
Business	\$183,600	\$224,800	\$130,300	\$117,100	\$80,500	\$133,400
All respondents	\$141,400*	\$177,700*	\$104,500*	\$127,700*	\$68,000	\$68,300

* The differences between the earned incomes of all minority and all white respondents from the 1970s and again from the 1980s are statistically significant ($p < .05$). None of the other pairs of incomes differ significantly. In most cases where differences seem large (e.g., the incomes of minority and white graduates of the 1990s in small firms or in business), the numbers of individuals are small and the variations in individual incomes are quite wide. See note on page 62.

As Table 5 shows, both minority and white attorneys have typically served as mentors to several less experienced lawyers. They also perform a great deal of unremunerated community service — mentoring younger attorneys, serving on boards, working on political campaigns and performing *pro bono* work. The minority graduates perform somewhat more of this community work than the white graduates, but the differences are not statistically significant.

THE CAREERS OF THE GRADUATES OF 1990 THROUGH 1996

In the early years of the 1990s, more minority and white students than ever before took judicial clerkships, and, as in the 1980s, whether they had a clerkship or not, nearly all passed a bar and most began work in a private firm. In the country in general at this point, many of the largest firms were hiring fewer new lawyers than they had in the late 1980s. As Table 1 reveals, however, Michigan's graduates, both minority and white, continued to enter large firms in very large numbers. As in the earlier decades, of those who did not enter firms, far more of the minority graduates than whites chose to start their careers in government.

At the time of our survey, only one to seven years after they graduated, most of our graduates who began work in a large law firm are no longer working at that firm — 65 percent of minority graduates and 53 percent of white graduates have left their initial position. As Table 2 reveals, however, large numbers of recent minority and white graduates continue to work in large firms. Many have simply moved from one large firm to another. About 10 percent of both minorities and whites in private practice have already become partners in their firms, mostly in firms of small and mid-size. Of those in nonfirm settings, a greater proportion of both white and minority graduates work in business and in government than worked initially in these settings and about 15 percent of minority graduates and no white graduates report themselves working as supervising or managing attorneys.

As with the graduates of prior decades, the great majority of the graduates of the 1990s report overall satisfaction with their careers, and again somewhat (but not

significantly) fewer minorities than whites report such satisfaction. (See Table 3.) Once more, both white and minority lawyers working in mid-sized and large firms are substantially less satisfied than those working in other settings. When we look at the components of satisfaction, the only area of satisfaction in which there is a

“For the most recent graduates surveyed (the classes of 1990 to 1996), the average debt on graduation for the minority graduates was \$57,200 and for white graduates \$34,600

By the graduating classes of 1995 and 1996, half the minority graduates left law school with debts of at least \$70,000.”

difference between minorities and whites is with regard to satisfaction with coworkers, where whites are significantly more likely than minorities to express high satisfaction. (Minority attorneys are not dissatisfied with their co-worker relationships; for reasons we do not yet understand, the white graduates of the 1990s are simply extraordinarily satisfied with these relationships in comparison to white and minority graduates of prior decades. Ninety percent of them express satisfaction with their coworker relationship in comparison to 76 percent of the minority graduates.)

Most of these recent graduates are probably earning more than their parents' wildest expectations. (See Table 4.) For both white and minority graduates the median income is \$65,000, and the average around \$68,000, placing them shortly out of law school in the top 15 percent of earned incomes for all American households. At the same time, the graduates of the 1990s are saddled with much higher educational debts than were the graduates of earlier decades — about twice the average debt of the graduates of the 1980s and about six or seven times the average debt of the graduates of the 1970s. In all

three decades, the mean educational debts of minority graduates have been much higher than the debts of white graduates. For the most recent graduates surveyed (the classes of 1990 to 1996), the average debt on graduation for the minority graduates was \$57,200 and for white graduates \$34,600. As time passes, debts continue to become more and more onerous in absolute dollars and in relation to initial year earnings. By the graduating classes of 1995 and 1996, half the minority graduates left law school with debts of at least \$70,000. Thus, for many graduates of the 1990s, particularly for the minority graduates, paying off their law school loans with after-tax dollars has probably cut into the high standard of living that their earnings permit them.

Unremunerated contributions are also substantial among the graduates of the 1990s. (See Table 5). Many, even in their first years out of law school, have served on the boards of nonprofit organizations and most have already served as mentors for other attorneys. The amount of *pro bono* work performed by those in private practice is particularly noteworthy, with minority graduates in private practice performing an average of 90 hours in the preceding year and whites performing an average of 59. The difference is statistically significant but both groups report much higher participation in *pro bono* work than is the case with lawyers in the United States in general.

MINORITY LAW TEACHERS ACROSS THREE DECADES

Insufficient numbers of our graduates teach law for us to report on them separately by decade, but they are a group that, taken together across the decades, deserve discussion. Roughly 6 percent of the minority graduates of the classes between 1970 and 1996 work today in the field of education. Most of this group — 25 minority graduates in all — are teachers of law. Since our survey focused primarily on those who practice law in some setting, we did not learn much about the professional life of law teachers — what or where they taught, for example. But the numbers are important. Michigan is among the 10 law schools that provide the largest numbers of

law teachers for American law schools. At the beginning of the 1970s, there were almost no African American, Latino, or Native American law teachers at predominantly white law schools in the United States. Together with the minority graduates of the other teacher-producing schools, Michigan's minority graduates have played an important role in bringing minority group members onto the faculties of law schools in the United States. White alumni are similar to minority alumni in the frequency with which they choose careers in education and about the same proportion of those who choose careers in this sector enter law teaching.

DIFFERENCES AMONG MINORITY GROUPS

Up to this point in this article, we have grouped our African American, Latino, and Native American graduates together as our “minority alumni.” What differences are there, if any, among these three groups with regard to the aspects of their careers that we have been reporting? Some, but very few. Within each decade, we have such limited numbers of Native American respondents that almost no differences between them and the other two minority groups have statistical significance. (The one exception is that the 14 Native American graduates of the 1980s are more satisfied with their careers overall than the 170 African American and Latino respondents from the same decade, a pattern that does not continue for the graduates of the 1990s.)

The numbers of Latino and African American graduates in our sample are large enough to look for significant differences, but the differences between them are in fact quite small. African American and Latino graduates have made somewhat different initial career choices. During the 1970s and 1980s, many more African Americans than Latinos took a first job in government (25 percent of African American graduates of those two decades, 7 percent of Latino graduates), but during the 1990s, the pattern was reversed (12 percent of African Americans took a first job in government, 25 percent of Latinos). For none of the

decades are there substantial differences between African American and Latino respondents in their current work settings, in their current earned incomes, or in their overall career satisfaction. Nor are there significant differences in the amount of *pro bono* work they perform or in their service on nonprofit boards. Thus, what we display in the tables as the achievements of "minority graduates" is close to the achievements of African American and Latino graduates separately.

SUMMARY OF THE DECADES

The minority graduates of the 1970s entered a world of practice in which there were few other minority lawyers and law firms were highly segregated by race. Most, regardless of their initial setting of work, have gone on to highly successful careers. The minority graduates of the next two decades found work in firms of all sizes, in government, in business, and in teaching, and have also become part of the main currents of the American legal profession. Across all three decades, Michigan's minority graduates have gravitated toward work in government to a greater extent than their white classmates. Over 40 percent of the minority graduates have worked in government at some point since law school, and many from the 1970s and 1980s are now judges, elected officials, or agency managers or officials. Half of those now working in government work for the federal government.

Across all settings of work, the minority lawyers are generally satisfied with their careers. As a group, they earn lots of money. They contribute to the public good by mentoring younger lawyers, by serving on nonprofit boards, by doing elective and nonelective political work, and by contributing their legal services on a *pro bono* basis. Of course some minority graduates are not satisfied with their careers, earn far less than the average among our graduates, and make few contributions to the community. That is true also with our white graduates. As we pointed out above, 5 percent of our minority respondents and 4 percent of our white respondents reported themselves in the lowest two of seven categories on our scale of overall career satisfaction. Since it is also probable that the nonrespondents to

our survey include a somewhat higher proportion of persons who are not satisfied with their careers, it may well be that the actual proportion of dissatisfied persons among our graduates from these classes is higher, with somewhat more minorities than whites among the dissatisfied. Still, comparing our findings with studies of satisfaction in the bar in the country as a whole, Michigan's graduates, minority and white, are much more satisfied in general than most other American attorneys report themselves to be.

THE RACE AND ETHNICITY OF CLIENTS

A very high proportion of the clients of our minority and white graduates in private practice are white, in large part, we assume, because white people make up the majority of Americans and white people and the organizations they run are, in general, more able than minorities to afford attorneys. At the same time, our alumni, regardless of race, disproportionately serve clients of their own race. A higher proportion of the clients of our African American graduates are African American than is the case for our white or Latino graduates, and a higher proportion of the clients of our Latino lawyers are Latino than is the case for our African American or white graduates. This pattern holds both for our graduates' individual clients and for their contacts with organizational clients, such as corporations. (See Table 6, page 69). There is also a strong correlation for lawyers of each ethnic group between the proportion of same-race attorneys with whom they practice in the same firm and the proportion of their clients and their organizational contacts who are also of that race: for example, African American lawyers working in largely African American firms serve more African American clients than do African American lawyers in firms that are predominantly white.

From one point of view, this distribution of client services among private practitioners can be regarded as a part of the success of Michigan's program of training more minority lawyers. A school

such as Michigan wants its graduates, taken as a group, to serve well all segments of the public, and our program has surely increased the numbers of our graduates providing services to African American and Latino individuals and businesses. (Our African American and Latino graduates of the 1970s and 1980s also provide more services than whites to low and middle income individuals.) From another point of view, the implications of the race-linked pattern of clients are more ambiguous, a sign of the persistent salience of race in American society. However the pattern of services is viewed, it is a reflection that in our culture, as in nearly all others, people seek out people whom they perceive as like themselves. Clients seek lawyers with whom they expect to be comfortable. Lawyers seek out as colleagues and as clients people to whom they have access and with whom they, too, expect to be comfortable.

IS MINORITY SUCCESS ATTRIBUTABLE TO AFFIRMATIVE ACTION AFTER GRADUATION?

At the same time that the University of Michigan Law School was making efforts to bring more minority lawyers into the Law School, other institutions in American life — first, government agencies, then firms and corporations — were beginning to make the same sorts of efforts. To what extent is the success of Michigan's minority lawyers after graduation due to the affirmative action of others rather than to hiring, promotion, and compensation standards that disregard race entirely?

We are limited in our ability to answer this question. We did not survey the employers who hired our graduates. Nor did we ask our minority or our white graduates whether their ethnicity played a role in the jobs they were offered either immediately after law school or later. Had we asked, we do not think that most respondents would have known. We also believe that there are subtle issues here that a few survey questions would not have illuminated. As previously all-white institutions throughout society committed themselves to racial integration, they understandably viewed the social value of a diverse work force as an appropriate component in assessing how well their

work force as a whole would perform. We do not believe, however, that over the course of any given employee's career many employers would permit such considerations standing alone to make up for significant deficiencies in job performance.

Still, for whatever relevance it is seen as having, our data do contain some clues about the degree to which employers might have been taking race favorably into account in making hiring and retention decisions. Large law firms, for example, generally attach significant weight to law school grades when making initial decisions about hiring law students. In each of the three decades, our minority graduates hired by large firms have had, in general, significantly lower law school grades than their white classmates hired by the firms of the same size. This is a strong sign that, in general, large firms have assigned positive weight to increasing the racial diversity of their staffs. One cannot, however, conclude from these data that firms hiring minority graduates were hiring less qualified persons than they would have if they had not taken race into account.

Throughout the period we studied, a high proportion of the permanent job offers firms extended were to students whose abilities the firms knew first hand because the firms had observed them as summer clerks. This has been especially true in the 1990s. When firms offered long-term jobs to students, they almost certainly believed, based on actual observation, that he or she showed promise of performing well.

In an effort to learn whether or not this confidence on the part of firms was well placed, we asked our respondents how many years they worked at their first jobs (not including judicial clerkships) in the belief that less able people would be asked or encouraged to leave. At the time of our survey, most graduates of the 1990s had not been out of law school long enough for meaningful assessment, but the graduates of the 1980s are a good group to examine. The many minority graduates from the 1980s who took a first job in a firm of 50 or more lawyers spent an average of 4.2 years at that firm. By comparison, the white graduates in our sample who took a job in a large firm spent an average of 4.7 years at the firm. Seventeen percent of minority alumni and 21 percent of white alumni

Table 5
University of Michigan Law School
Unremunerated Contributions as of 1997

	Classes of the 1970s		Classes of the 1980s		Classes of 1990-1996	
	Minority N=146	White N=246	Minority N=187	White N=221	Minority N=208	White N=125
Numbers of lawyers mentored (mean)	8	6	5	5	3	2
Serves on at least one nonprofit board	60%*	48%*	48%**	34%**	29%*	19%*
Involved in politics (electoral or issue)	40%	23%	24%	17%	25%	21%
Hours of <i>pro bono</i> legal work in a year for private practitioners (mean)	132	90	103	86	98*	58*
Private practitioners doing 50 or more hours of <i>pro bono</i> work in a year	65%	48%	63%	53%	53%	49%

* Differences are statistically significant (p<.05).
** Differences are statistically significant (p<.01).

Table 6
University of Michigan Law School
Classes of 1970-1996
Proportion of Clients/Contacts Who are of Various Racial/Ethnic Groups

Individual Clients <i>(of private practitioners who spend at least 20 percent of their time serving individuals)</i>	Black Clients*	Latino Clients*	White Clients*
	Black Graduates	53%	5%
Latino Graduates	11%	29%	53%
White Graduates	14%	5%	77%

Organizational Contact Persons <i>(of private practitioners who spend at least 20 percent of their time serving organizations)</i>	Black Contacts*	Latino Contacts*	White Contacts*
	Black Graduates	25%	2%
Latino Graduates	4%	9%	82%
White Graduates	4%	2%	89%

* Statistically significant (p<.01).

spent 7 or more years at their first large firm job. These differences are slight and not statistically significant. (There are, of course, many reasons other than lack of capacity to explain why an associate would leave a firm after a few years. In making this comparison, we have assumed that the dissatisfactions that might lead minority graduates to leave after a few years are essentially the same as those that might lead white graduates to do so. In fact there are reasons, as David Wilkins of Harvard has ably explored, why a minority person who is as competent as his or her white colleagues might be generally less happy in work settings that, like nearly all large firms, are predominantly white.)

A quite different place to look for whether success is due to affirmative action is among experienced lawyers who are on their own or in small firms, a group unlikely to benefit significantly in their current practice by affirmative action. Income is a common, even if contested, measure of ability. As Table 4 reported, the minority lawyers we surveyed from the 1970s who are in solo practice or in small firms had average incomes in 1996 of \$154,400. Their median income was \$95,000. The minority graduates of the 1980s in solo practice and in small firms averaged \$78,500, with a median of \$76,000. (White graduates from the 1970s in solo practice and small firms average somewhat less than their minority classmates; white graduates from the 1980s average somewhat more.) To be sure, all lawyers are hired from time to time for reasons other than their abilities or their reputations for ability — they are golf buddies of the client or are married to a client's cousin. But, on average, one would expect that most clients with a legal problem look for someone with a reputation for competence and that most lawyers who do not develop such a reputation will eventually pay a heavy financial price. From any economist's perspective, these solo and small firm minority practitioners have demonstrated their competence in the marketplace.

PREDICTING SUCCESS IN PRACTICE FROM ENTRY CREDENTIALS

Nearly all law schools, including Michigan, rely heavily on applicants' scores on the Law School Admission Test (LSAT) and on the applicant's undergraduate grade point average (UGPA) in making decisions about admissions. We examined the relationship between these two figures and the grades the graduates earned during law school as well as the relationship between these figures and achievement after law school. Do high LSATs and UGPAs actually predict better performance in law school? Do they correspond with more achievement after law school?

What we find is that there is a strong, statistically significant relationship between LSAT and UGPA, on the one hand, and grades at the end of three years of law school on the other, but no significant relationship between the LSAT or UGPA with regard to what matters much more — the achievement of students after graduation.

The University of Michigan Law School receives far more applications for admission than it has places to fill, nearly always at least 10 times as many applicants as there are positions. In deciding whom to admit, Michigan, like all other highly selective law schools, considers such hard-to-quantify indicators of ability as applicant essays and letters of recommendation, but it also pays considerable attention to LSAT scores and the UGPA. Critics of minority admissions programs typically point to disparities between minorities and whites in these quantifiable indicators and not to disparities in other indicators of ability to support their claims that race-conscious admissions programs admit people who are less competent academically, less able to benefit from their education, and less likely to succeed after school than rejected white applicants.

The flaw in this argument in the Law School context is that the usefulness of LSAT scores and the UGPA as law school selection devices has been demonstrated solely with respect to first-year law school grades, rarely examined with regard to grades over the full three years of law school, and never, before this study, examined for their relationship to achievement in the practice of law.

In order to measure the relationship between the LSAT and UGPA and performance during and after law school, we combined each graduate's LSAT and UGPA by ranking the respondents according to their LSAT scores and their UGPAs and adding their percentile rankings on these two dimensions, yielding an index with the potential range of 0 to 200. We refer to this measure as the "index," even though it is not the actual index that the University of Michigan Law School has used in the application process. (The Law School has computed an index based on LSAT and UGPA to predict Law School grades for applicants. It has been constructed in different ways over time, and some of the formulae for earlier years are no longer in the Law School files.) We also constructed three indexes of post-Law-School achievement: an index of satisfaction that combines overall satisfaction with the various components of satisfaction; a measure of income that uses log of income to reduce the effects of a few very high income respondents; and an index of community service that combines mentoring, *pro bono* work, and involvement on nonprofit boards. All three indices were created before looking at their relationship to the admissions index or to law school grades.

The combined LSAT and UGPA admissions index does a good job of predicting final law school grade point averages. Students with high indexes tend to earn higher grades than students with lower indexes. For all students, considering each decade separately, the correlations range from .62 to .66, which means that between 38 and 43 percent of the variance in Law School grades can be explained by the admissions index alone. (For minorities considered separately, the correlation ranges between .48 and .58; for whites separately, the relation is somewhat weaker but still substantial.)

Given this strong relationship between Law School admissions criteria and graded Law School performance, one might expect that these quantifiable admissions criteria would also positively correlate to success in practice. Our examination, however, reveals no such relationship. For no decade's graduates is there a statistically significant relationship between the admissions index and either the log of income or our index of career satisfaction. Those with

comparatively low admissions indexes earn as much on average as those with high indexes and are as satisfied with their careers. There is a significant correlation, however, between the admissions index and our index of service: in all decades those with higher admissions index scores tend to contribute less unremunerated service to society, as measured by our service index, than those with lower indices, and this negative relationship is statistically significant among graduates in the 1970-79 and 1990-96 cohorts. Why there is this mildly negative relationship between the admissions index and community service is unclear. It may possibly be due to the fact that Michigan seeks to recruit students who subscribe to the legal profession's aspirational norms of service and so admits applicants who appear committed to serving others on somewhat weaker numerical records than they require of those who seem less interested in service.

One can easily overinterpret our findings about the absence of a positive relationship between numerical admissions credentials and later achievement. It might be tempting to conclude that the skills that predict law school grades don't matter in practice — or to conclude that our graduates would do as well in practice if we admitted all applicants without regard to their undergraduate grades and LSAT scores. Neither of these interpretations correctly understands our data. In the first place, our measures of achievement after law school — satisfaction, income, unremunerated service — do not measure the full range of competence of a good lawyer. For neither our white nor our minority graduates did we conduct a survey of clients to determine how well the clients believe they have been served. Nor, of course, did we ourselves observe our graduates at work or review the products of their work. It is possible that, had we done so, we would have reached some conclusions about their skills that would in turn have correlated with the numerical admissions credentials. Second, and more fundamentally, ours is a study only of the students whom the University of Michigan Law School Admissions Office actually chose to admit. The Michigan students who are admitted, minority and white, fall within a narrow band of skills and performance, a band of high achievement. All that we have found is that, within that band, the skills measured by the LSAT

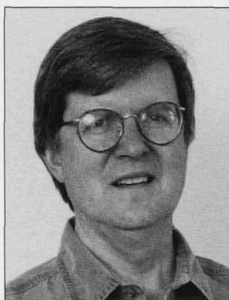
and UGPA do not predict differences in career achievements when those skills are considered as part of an admissions process that also considers letters of recommendation, nongraded accomplishments, and other indicators of ability and achievement. One cannot extrapolate from that conclusion to the conclusion that any randomly chosen group of applicants, including persons with very low LSAT scores or undergraduate grades, would have done as well as the applicants that Michigan admitted.

CONCLUSION

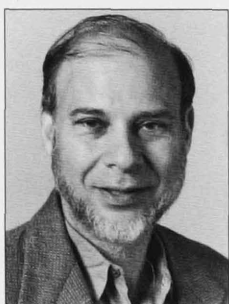
The University of Michigan Law School considers race in admissions in order to achieve a diverse student body for educational purposes. We believe that diversity is important to the learning experience. A question on our survey that we have not discussed earlier indicates that most minority graduates and many white graduates, including about half the School's

white graduates from the 1990s, believe that the ethnic diversity they found at Michigan added a great deal to their classroom experience. Most of us who teach in the classrooms of the University of Michigan Law School have had the same experience.

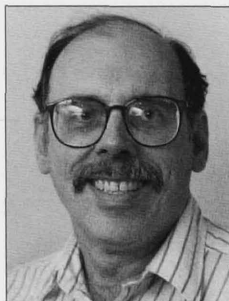
What this survey has demonstrated is that in addition to the values that the ethnic diversity of our students have contributed to the Law School environment, our minority graduates, like our white graduates, have gone on to make significant achievements in the profession after law school. They have fine jobs and they do good works. They earn a lot and they contribute a lot. Thus, we have found a clear answer to one of the central questions that originally motivated our research: the University of Michigan Law School's admissions program has brought into the profession large numbers of minority lawyers who have become financially successful, happy with their careers, and generous with their time through community service.



David L. Chambers, the Wade H. McCree Jr. Collegiate Professor of Law, has taught at the Law School since 1969. A graduate of Princeton University and Harvard Law School, he practiced in Washington, D.C., and served on the staff of the National Advisory Commission on Civil Disorders. He is a past president of the Society of American Law Teachers and serves currently on the executive committee of the Association of American Law Schools. He is noted for his work on the different experiences of men and women in the law profession and on child custody, same-sex marriage, and other issues in family law.



Richard O. Lempert, '68, the Francis A. Allen Professor of Law, is a graduate of Oberlin College and the University of Michigan Law School and holds a Ph.D. degree in sociology from the University of Michigan. From 1995 to 1998 he chaired the Sociology Department at the University of Michigan. Professor Lempert is particularly concerned with applying social science research to legal issues. His articles include work on juries, on capital punishment, and on the use of statistical and social science evidence by courts, as well as on DNA evidence and evidence law in general.



Terry K. Adams, '72, is Senior Research Associate at the Law School and Senior Survey Specialist at the Institute for Social Research at the University of Michigan. He practiced public benefits law in legal services for the poor and a prepaid legal services plan for union members, prior to joining ISR in 1980. His research has been primarily on the dynamics of wealth, income, and poverty in the United States, and on the influence of legal rules on individual behavior. He has worked with David Chambers on the Law School's annual Alumni Survey since 1973.