"IN MY FATHER'S FOOTSTEPS: CAREER PATTERNS OF LAWYERS"

by

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INTRODUCTION

Even casual attention to the media provides many instances in which the child is in the same occupation as the parent. One sees this in entertainment, sports, music, law enforcement, academia, medicine, the family business. And one also sees it frequently in law. An examination of differences between those who follow in the parent's occupation and those who do not follow their parents would be fascinating for examination of parent-child dynamics, but our interest has been drawn to the process by which children of lawyers become lawyers. This study explored the process by which individuals from multigeneration lawyer families arrived at a career in the law. Of particular interest were the effects of early exposure to the law (human capital theory), the structure of occupational opportunities, historical events, and family tradition.

This article reports findings from an examination of several aspects of lawyers' careers, particularly the pattern followed in arriving at a career in law and aspects of the career path once someone has entered the law. With respect to the first, we look at when these children of lawyers first thought of law as a career; whether they had wanted not to be lawyers or had contemplated other careers; and whether they believed they had entered law through planning or had drifted into the profession. Then we focus on movement from college to law school — whether immediate or only after a period of time — and whether these lawyers would again take the same path to the law.

Of particular interest are parallels between the lawyer-child's and lawyer-parent's careers, that is, whether the lawyer-child's career is the same as the parent's. Here we are interested in three aspects. The first is whether parent and child attended the same law school. The second is whether law practice was general or specialized, and, if the latter, whether the specialty was the same for parent and child. Closely related is whether

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the parent and child both held law-related public positions (such as prosecutor or city attorney) and, if so, whether the positions were of the same type. The third is whether the child practiced with the lawyer-parent in the same firm. Here we examine whether the child joined the “family firm” as the first position in the practice of law or after having obtained experience elsewhere, reasons why the child joined the “family firm” and, if the child moved, the reasons for the move. We are also interested in ways in which the child may have individuated from the lawyer-parent, for example, by exploring other careers or working in them before entering the law. We conclude with information on these lawyers’ satisfaction with the law.

Transmission of Occupation Within Family

Although attention to the parent-child relationship has shown that college males reporting a close father-son relationship have a strong tendency to choose their father’s occupation and that father’s occupational success and parental support influence son’s work values, there has been little empirical research concerning the transmission of a parent’s occupation to a child. The existing literature, in addition to being limited, has the further difficulty of focusing on vocational outcome rather than on the process by which an occupation is transmitted from parent to child.

Despite our awareness of considerable occupational inheritance among lawyers, little attention has been given to the transmission of the specific occupation of law, that is, on how individuals chose the law or on familial or other factors affecting that choice. In his study of rural Missouri lawyers and those in Springfield (a city of 150,000), Landon found that roughly one-sixth had lawyer fathers, only slightly less than in Chicago, where another study showed 15 percent had lawyer fathers; however, there was a difference in Chicago between lawyers in the large corporate practice (12% had lawyer fathers) and those in the personal plight cluster of practice (14%).

The most significant contribution to our knowledge of the process of occupational transmission indicates not only that sons of lawyers preferred law far more than did non-lawyers’ sons (15.25% versus 3.16%), but among subjects “whose fathers were non-lawyer professionals, a scant 2.53 percent of the respondents who both liked law and expected to become lawyers actually became lawyers,” compared to more than half (51.34%) of lawyers’ sons in the same situation, that is, liking law and expecting to

become lawyers. The authors argue that the tendency for lawyers' children to follow in their parents' career footsteps results from transfer of human capital — knowledge about the law and about legal practice. They found that self-employed lawyers' talk at home about their work had a distinct effect on their children entering the law. This at-home conversation is one reason it is less costly to a lawyer's child to acquire human capital "than the cost incurred by a nonfollower, who must acquire some or most of this knowledge through experience."6

What leads children to follow in the same occupation as their parents? One aspect is opportunity; another is the related matter of the opportunity structure of positions in the larger society; a third is the effect of events impinging on a particular age cohort, such as war (and thus military service) or social movements like the civil rights and women’s movements. Opportunity for a child to follow a profession includes such mundane matters as the amount of money available to the family and the broader issue of the possibility of exposure to a range of occupations. The lack of funds may not only prevent further education but may also serve to keep a child close to home, most notably, "on the farm." The homogeneity of the community in which the child lives affects exposure to occupations. Perhaps this is a rural-urban distinction, with those growing up in rural areas seeing relatively little beyond farming and farm service occupations, while those who live in urban areas are exposed to a wider range of occupations. However, Laband and Lentz have suggested that the "exposure hypothesis" is overrated, with the transfer of human capital a more plausible explanation for farm children staying in agricultural occupations.7

The occupational opportunity structure is affected by the number of positions available, and by internal changes within the occupation itself. Even if there are opportunities for legal careers, they may be different from the opportunities afforded one’s parent. You can’t readily work in a small family law office if the number of such firms has decreased significantly. And development of new specialties in the law, for example, one relating to computer software, may attract children away from their parent’s specialty in law — just as the development of jobs in electronics may draw lawyers’ children away from law itself.

Occupational opportunity structure is also affected by exclusions based on race, ethnicity, and sex and by the dissolution of those exclusions. If a parent is in a particular occupation, the child is more likely to stay in that job if others are less open because of


6 Id.

ascriptive characteristics. For example, one might ask if there are more Jewish children in law because some other professional or managerial positions, for example, high-level management positions in large corporations, were not open to them. The exclusion receiving most attention in recent years is that of women. Until recently, one found few women lawyers because they became nurses, school teachers, and secretaries not only because the female parent was a nurse or school teacher or secretary but also because they were channeled into those careers and away from the professions.

Events can have profound effects on occupational choices. The Great Depression certainly affected the ability of many to attend graduate school, including law school; while limiting opportunity for some, it may have served as well to keep some children closer to the law if there was a family firm into which they could move, providing a living with some security. The nation's international encounters have certainly affected careers, not only in interrupting them (through draft into the armed forces) but in promoting people to make certain decisions that they might otherwise not have made — like going to law school to obtain a draft deferment. Those events, which can serve to distinguish the occupational choice process between generations, also serve to affect the availability of certain types of job openings and the places available in graduate and professional schools. As Elder suggests, linking events and other factors, "Career lines are structured by the realities of historical times and circumstance; by the opportunities, normative pressures, and adaptive requirements of altered situations; and by those expectations, commitments, and resources which are brought to these situations."^6

Data for this Study

The lawbook publisher Matthew Bender & Company obtained information on 819 multigenerational lawyer families through a 1986 advertisement in the ABA Journal. We limited the data to direct parent-child combinations, excluded those for whom no current address could be determined, and added individuals about whom we learned from respondents and others from whom an interview was sought but could not be arranged. Surveys were sent to 770 potential respondents in mid-1989; 396 completed surveys and returned. Interviews were sought in lieu of surveys with 52 lawyers in upstate New York, midtown Manhattan, and downtown Boston; 22 interviews were conducted. Thus, of 822 individuals with whom contact was attempted by mail or telephone, there were 418 respondents (22 interviews, 396 surveys), a response rate of 50.9 percent; when ineligibles

and undeliverables are excluded, the rate is 54.0 percent. These data, from an admittedly atypical group of lawyers, allows us to examine patterns that can be checked with a much larger group of children of lawyers, including children who did not enter the law.

The surveys combined closed-response and open-ended items, and contained questions about respondents' educational and career patterns, the decision to become a lawyer, satisfaction with law as a career, and people who might have influenced the decision to become a lawyer, particularly the lawyer-parent, with information sought on the parent's law practice and influence on respondent. Although our respondents were in multigeneration lawyer families, we did not focus on a multi-generation process in this study.

Characteristics of Respondents. Our respondents, 80 percent of whom were male, had a mean age of 41.7 years; the modal age was 38. There was a wide age distribution, with two-thirds 44 and under. The women were younger, two-thirds being 37 or less, while two-thirds of the men were 46 or less; women's younger age was perhaps a reflection of the women's movement in lowering barriers and directing more women toward the professions. The modal year of law school graduation was 1978. Half the men had graduated by 1976, but it was 1981 before half the women respondents graduated.

Almost all respondents (almost 95%), not surprisingly, were practicing law, and most of them, again not surprisingly, were in law firms:

- family firms 23.9%
- other firms 54.7%
- solo practice 9.8%
- prosecutors, government attorneys, judges 7.6%

As to the extent of specialization, we find that those in the practice of law were in:

- general practice 40.0%
- general practice with specialization 12.5%
- specialized practice 47.5%

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9 An examination of the sample and returns suggests that the returns are not unrepresentative of the original sample on some basic characteristics. The proportion of males for both the original sample and respondents is the same. We find roughly the same proportions of sample and respondents practicing in metropolitan area central cites and suburbs, a slightly higher representation from smaller cities, and, to our surprise, a slight underrepresentation among respondents from smaller towns than in the sample. Closer to our expectations — that lawyers in less-populated areas would be likely to respond — we find that when we compare the state of practice of the original Matthew Bender information with the state of bar admission of our respondents, the larger states (New York, Pennsylvania, Illinois, Texas, California) are underrepresented among the respondents.
Among the predominant specializations our respondents indicated were: 10

- trial or litigation work 16.6%
- commercial work 16.6%
- real estate 11.7%
- probate 9.8%

Lesser amounts were accounted for by other specializations:

- labor law 4.6%
- tax law 4.6%
- family and matrimonial 3.7%
- insurance defense 3.1%
- tort/personal injury 2.8%
- intellectual property 2.5%
- bankruptcy 2.1%
- criminal defense 1.8%

How many held a law-related public positions like judge, district attorney, or city attorney at the time of the survey? Roughly one-third, with roughly equal numbers holding it as their primary job and as a part-time, non-primary position. (Over two-fifths — 43.8% — had held such positions in the past.) Among the public positions named, the largest proportion (26.0%) was work for the attorney general, another government agency, and military law practice. 11 In addition, we find:

- prosecutors 16.9%
- local government attorneys 22.1%
- judges 12.3%

Respondents' mean time at their present position was just over 10 years, with the mode seven years; four-fifths had been at their position for 15 years or less. Over two-fifths (43.4%) had had at least one previous law job, consonant with patterns reported in other studies. For example, Heinz and Laumann found that most lawyers at ages 27 and 28 were still in their first law positions, “but this proportion rapidly drops to 34 percent by age 30 and then oscillates around 30 percent from about 34 years of age.

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10 Respondents could name more than one specialization; 77 named two and 99 named three.

11 Roughly five percent of the sample indicated having been significantly involved in bar association activity, but respondents were not asked this directly.
through the rest of the age distribution." Indeed, for our respondents, the proportion having a previous job increases steadily with age. Ten percent of those with positions prior to the present one had been in solo practice and half in a firm; roughly equal numbers (at about eight percent each) had been either house counsel or in prosecution or public defender work, and another 12.7 percent had worked for other government agencies.

EARLY STAGES OF CAREER

Thinking About a Law Career

Thought about the possibility of a career may long precede even the formal training necessary for entrance into the career. To learn when the children of lawyers, at times from a long line of lawyers, began to think about law as a career, we asked when they started thinking about law as a career and when they started thinking seriously about it. Fully two-fifths said that they had thought of law as a career even before high school and almost two-thirds (63.3%) did so before entering college. (See Table 1). Women were less likely to think of law as a career early (28.6% before high school, compared to

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12 John P. Heinz & Edward O. Laumann, Chicago Lawyers: The Social Structure of the Bar 178 (1982). In our sample, twenty percent reporting having had two previous jobs and 8.6 percent had three previous jobs. A survey of several graduating classes at seven law schools in the Northeast showed that of those graduating from law school in 1959, 1969, and 1974, by 1985 less than one-fourth were "still in the same organizations in which they first worked after law school" and half of those graduating in 1981 had already changed jobs. Leona M. Vogt, From Law School to Career: A Highlight Report of the Career Paths Study of Seven Northeastern Area Law Schools (no date). A study of University of Michigan Law School alumni showed that of those graduating in 1966 and 1967, somewhat over one-fourth had had only one job, and over half of those graduating in 1976 and 1977 likewise had more than one job by five years after graduating; the mean number of jobs held by the two earlier graduating classes was 2.38 and 2.31, by the later classes, 1.78 and 1.69. Terry K. Adams & David L. Chambers, The Recent Alumni of the University of Michigan Law School: A Report on a Survey of the Classes of 1966 and 1967 Fifteen Years After Graduation and the Classes of 1976 and 1977 Five Years After Graduation 25 (June 1984).

13 One report suggests that medical students who are children of physicians also consider their careers at a very young age. Among six successive classes at the University of Pennsylvania medical school, "just over half the students were already considering a medical career by the time they were thirteen"; for those with doctor-fathers, "the percentage climbed to three-quarters." David J. Rothman, Strangers at the Bedside: A History of How Law and Bioethics Transformed Medical Decision Making 133 (1991) (citing Natalie Rogoff, The Decision to Study Medicine, in The Student-Physician 110-11 (Robert K. Merton et al. eds., 1957)). Perhaps in part because of the demands of the pre-med curriculum, which one must start early, prospective medical students identified themselves earlier than those contemplating law as a career. In one comparative study, 44 percent of medical students had their minds made up about their careers before entering college; among the law students the figure was 15 percent. By the beginning of their junior year, three-quarters of those who would go on to medical school had decided on their careers, compared to one-third of law students.

Wagner Thielens, Jr., Some Comparisons of Entrants to Medical and Law School, in The Student-Physician, supra, at 132-33, cited in Rothman, supra, at 134.
Table 1

Thinking About Law as a Career

<table>
<thead>
<tr>
<th></th>
<th>Start Thinking</th>
<th>Think Seriously</th>
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<tbody>
<tr>
<td>Before High School</td>
<td>40.7%</td>
<td>12.7%</td>
</tr>
<tr>
<td>During High School</td>
<td>22.7</td>
<td>17.0</td>
</tr>
<tr>
<td>During College</td>
<td>25.6</td>
<td>47.6</td>
</tr>
<tr>
<td>After College</td>
<td>11.0</td>
<td>22.7</td>
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(n=418) (n=418)

43.7% of the males) and far more likely to think of it later; a full one-fifth did not think of it until after college, compared to less than ten percent of the males, a statistically significant relationship.

Few of those who thought of law as a career early (before high school) thought about it seriously, while a much higher proportion of those who did not think about it until after college did so seriously. Those individuals, with such early serious thought to a legal career, might have been quite likely to remain constant in their choice. A study of career preference stability and change in the college years, part of a larger National Opinion Research Center (NORC) study of occupational choice, show that “58 percent of the freshmen oriented to law still planned legal careers at the time of graduation.”

College was the principal period when people gave serious thought to law as a career, with almost one-half (47.6%) engaging in such thought then. Although men and women were equally likely to consider law as a career quite early, during high school and college men were much more likely to do so, leaving the post-college period as the predominant one in which women thought seriously about law as a career (45.2% compared to only 17.1% of the men). The overall primacy of the college period is reinforcement for the suggestion that “the educational system, and institutions of higher education in particular, come to be specialized in occupational sorting” as they play the roles of “media for communication between the individual and the occupation and a locus of the latter’s decision making.”

However, when a child has already been exposed to the parent’s occupation, the educational institution’s role may be both more limited and different, serving to reinforce exposure of careers more than to assist the child in initial sorting of possible occupations.

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14 Seymour Warkov & Joseph Zelan, Lawyers in the Making 1-2 (1965). The study also showed, however, that half of those who chose law as a career “transferred into law from other fields,” and that occupational choice could be partly explained by an individual seeking “to attain an occupational status equal to or higher than that of his father.” Id. at 5.

**Not Wanting to be a Lawyer.** Whether individuals have always thought of being lawyers is also relevant in the formation of their career. Most of our respondents followed a direct, or fairly direct, path to their law career. Yet many had periods when they did not want to be lawyers. Forty-four percent indicated there was a period when they did not want to be a lawyer. When that period occurred varied, but for most it came before they entered law school. Roughly one-fifth each said it occurred before high school, during high school, or extended from the high school period through college. Another roughly 30 percent had such a time during college, and still another 14 percent pointed to such a time as covering the period from college to law school and into law school. For some, even if only relatively few, thoughts of not wanting to be a lawyer came even after they had made the serious step toward the law by entering law school, when frustration with the difficulty of law school gave them second thoughts.

There were several basic reasons offered for not wanting to be a lawyer: other career desires and interests, lack of interest in the law, and a desire to keep options open, a negative view of the law, and a desire not to follow in the footsteps of a parent. Roughly 45 percent of the reasons given touched on wanting to be in another career or, for a few, of being involved in other work. For example, one respondent “always wanted to be a doctor, probably because of parent’s pressure. However, college was more difficult than anticipated and I decided that I would not be able to get the grades needed for med school and still be happy, so my second choice was the law.” Others were happy at their non-law work: one respondent was “more interested in ranching (my maternal family’s pursuit, which I spent my time pursuing),” and another, a teacher, “wanted to really make history understandable and enjoyable to students.” Roughly a fourth of the reasons involved a lack of interest in the law or a desire to keep options open. Another 14.3 percent of the reasons reflected a negative view of the profession, and 14.4 percent of the reasons dealt with respondents not wanting to follow “in the family footsteps.”

Part of individuals not wanting to be a lawyer was less that they wanted to be in another occupation than uncertainty or lack of interest, of not being focused on any particular occupation, or of being “not especially career-oriented,” either because they were not ready to do so or because they wished to defer reaching a career decision. Before college, said one lawyer, “I hadn’t really wanted to decide on a career path,” so “I was ‘keeping my options open;’” another, prior to completing college, “had not yet assessed my likes and abilities” and thus “had not arrived at the attractiveness of the law for me.”

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16 Respondents could give more than one reason. 170 respondents gave 195 reasons.

17 Quotations without attribution are taken from comments on the surveys, which were undertaken on the condition that quotations would not be attributed to named individuals. In some instances, comments from more than one respondent have been combined into a single sentence.
It is not surprising that those for whom the period of not wanting to be a lawyer came early were “thinking about other things.” At ages 15-17, “being a lawyer was not something bubbling in my head; there was not a great emphasis, nor should there have been.” This time period was nicely captured in the one-word response, “adolescence.” Some of this uncertainty was a part of “personal-emotional turmoil and evolution” or lack of direction. “I was mixed up about a lot of things then,” said one lawyer. Still another lawyer observed, “We were too busy appreciating ‘finding ourselves’ rather than the thousands of years of precedent involved in the evolution of our legal system.” Some, however, thought they could not do it, because of intelligence (“I just didn’t think I had enough ‘smarts’”) or because of his family situation; it “never occurred” to a married man with two children that he could attend law school and a law professor “had put law out of my mind” when he became a Jesuit priest.

Having a time of not wanting to be a lawyer was often true for women. “Law was not a career generally open to women except for a few pioneers,” so a woman who graduated from college in 1955 “never considered it” at the time. A somewhat younger woman did not want to be a lawyer until the end of undergraduate school because of the “view of women lawyers as unattractive and discriminated against.” Indeed, we find that a slight majority of women (51.3%) had a period when they did not want to be lawyers, while only 42.8 percent of the men had such a time (not statistically significant). The difference between men and women as to whether they wanted to or planned to enter a different career, is, however, statistically significant; roughly half (51.2%) of the men but fully 72.5 percent of the women had such a stage in their career thinking.

Another major reason why people went through a time when they did not want to be lawyers was a negative view of the law, relevant to contemporary “lawyer-bashing” and suggestive of its possible effects. Sometimes the negative view was a wholesale indictment of the profession as “totally corrupt”; however, other negative views included those that law was “too mainstream and conventional” and the comment of a former journalist who had “viewed law as an elitist job for persons who had the opportunity to obtain a professional education but no interest in public welfare.”

At other times, negative perspectives were based on personal experience, including childhood observations. One woman who “had seen how hard my father worked and how demanding his position was” felt she “didn’t want to work that hard,” a remark echoed by others, who, for example, “could not imagine working 60 hours/week inside.” Another woman recounted that “All my life I had seen the pressure and worry my father suffered as a principal in a small law firm. I couldn’t understand why anyone would put themselves through it.” Although another woman lawyer’s comment that she thought “all lawyers had to be very aggressive like my father and uncles” reflected a view of the law as masculine-aggressive, and thus something that did not fit with a more female perspective, women were not the only respondents to speak of the effect of law practice
on their lawyer-parent. Thus it was a man who said he “felt my father may have lost some of his humanity due to over-working,” and another male who, in a comment like that of several, said, “I can remember that my father was not around much as he was too busy lawyering to play with me as a child and I did not want to be like him in that regard.” That much of a negative view of law came from what they had seen in their lawyer-parent’s work is an indication, part of the human capital transfer argument, that people may consider other fields because they have seen negative effects of the parent’s occupation: positive aspects of a career are not all that is implicitly transmitted to the child.

A different but related reason for not wanting to be a lawyer is simply that it is the family occupation. The lawyer-parent directly turned the child away from the law only in a few instances: only 5.7 percent were said to be opposed or discouraging, compared to 54.0 percent said to be encouraging. One woman, “discouraged by my father in high school,” didn’t begin to think about law as a career “until after college graduation when I realized I had to earn a living.” For another woman, “Father’s initial reaction was an emphatic ‘No’,” although she came to learn it was because of his earlier experiences, not because she was a woman.18 Women were not, however, the only children who were discouraged, although discouraging female children did reinforce the legal profession’s existing opportunity structure.

Far more frequent than explicit discouragement was the negative effect of the familial expectation that the individual would become a lawyer. Thus one heard remarks from several that they had not wanted to be a lawyer “because father and grandfather were lawyers and I was expected to become one.” At times the expectations were not explicit. This can be seen in the comment that “latent expectations within the family,” along with the view that there were “too many lawyers in the family,” led to a period of not wanting to be a lawyer. Often, however, the expectation was explicit, as were the standards created. One person stayed away from law as a career for a while because always being compared with the lawyer-father created a “feeling of having to compete,” leaving the child “too intimidated.” The standards could, however, be set by the child rather than by the parent. Thus for one lawyer for whom neither father nor grandfather had suggested law, “It never crossed my mind that I could do what my father did, because he was ‘infallible.’”

Family expectations and pressure can backfire. Respondents’ comments about reacting negatively to the expectations so indicate, even though they had come to the law nevertheless and may have benefited from having a period when they did not want to be

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18 Discouragement could, of course, come from others, as it did for one prelaw student told by the dean of the law school that “I was not a candidate for law school.” This person changed his major; there was a change in deans, and the person entered law school. He had the old dean as a professor “who congratulated me as a fine freshman law student.” For professors and friends, encouragement, not discouragement, is the dominant mode. See Stephen L. Wasby & Susan S. Daly, Professors and Friends: Advice and Encouragement to Prospective Lawyers (Apr. 21, 1990) (paper presented to New York State Political Science Association).
a lawyer. For example, "family pressure to become a lawyer left me feeling I had no right to make my own decisions for my future" and to wanting to do something else. When the child was not only the child of a lawyer-parent but a potential third-generation lawyer, the strength of the expectations could have been higher, perhaps increasing the desire to turn away. Individuals didn't want to be lawyers because it "seemed too simple and predictable" because they were third-generation lawyers or "As I am a third generation lawyer, there were certain expectations I rebelled against." However, we find little difference between lawyers with relatives in the grandparent's generation (that is, third-generation lawyers) and second-generation lawyers in whether they had a period of not wanting to be a lawyer (in the low 40% range for both).

Many others simply spoke of "wanting to be independent from the family and the family profession" or to "break out of the mold." Because of "too much inbred expectation," one woman "had to choose something else (at least initially) to identify myself as different," nor was she alone in this feeling. "I wanted to do something different" is part of the process of individuation, of creating an independent self or self-definition. One can perhaps see it most clearly in the remark, "I wanted to establish myself completely on my own." Even those who did enter the same profession wanted to be able to do it their way, because they "didn't want to be a clone of [their] father." Thus, as one put it, "I did not want to pursue [law] without much thought as I wanted to be responsible for the decision solely and not because relatives had chosen law."

*Contemplating a Different Career.* Although less than half had indicated a period when they did not want to be a lawyer, over half (55.5%) had a period when they wanted to or planned to enter a different career. Perhaps the disjuncture is explained by people thinking about another career without having rejected law as a possibility; some contemplated, or even tried, other careers, only to return to law. Children may also enter the parent's occupation despite themselves, intending to enter another occupation or deciding to "try other things," only later gravitating toward the parent's occupation, perhaps after having resolved parent-child conflicts. Also, some thoughts of other careers may have been, in the words of one respondent, "more likely to have been fantasies than actual career paths." We should keep in mind that these people, when they wanted to enter a different career, were doing so against the background of a parental occupation in law.

The time when thinking about a different career took place varied; for most, it was before entering law school. However, for some, negative experiences there prompted them to think about shifting out of law. As one woman observed, "Law school was a depersonalized experience for me. I did not enjoy it and questioned my decision." She continued, "Many times in my later position I felt trapped or out of touch with my original intent in becoming a lawyer and dreamed of change." The same effect could occur if a prospective lawyer had exposure to law school at an earlier date. One who attended Stanford as an undergraduate sat in some law school classes there as a freshman and
didn’t like them or the people.” Such reactions, particularly those of the law school student, are perhaps not surprising, as law school is the first “test” for the prospective lawyer and of whether he or she really wants to do it; however different law school is from law practice, it is the first encounter with “reality.” If law as an idea seemed easy or had a mythic quality, perhaps because of a loved parent who had stature in the community, here now was reality, with intergenerational change in the difficulty of law school adding to the harshness of that reality.

The predominant reason for wanting or planning to be something other than a lawyer (almost two-thirds of the reasons given) was simply that they wanted to be something else or that they looked at other fields (another 15%). A few explored other occupations as “contingency plans in case [they] did not get into law school.” For many more, law was available as a fallback if other options were not attractive, for example, when they encountered a bad experience in other fields, or if other options were not available. An example of the latter is an older lawyer who might have gone into a different career, but “the Great Depression had hit,” he wanted to marry, and he knew “law was available” and that he could enter the family firm. Some were routinely conscious that law was available as a fallback. For others, however, it may have been further in the background, being evoked only after difficulties arose with the other options that were being explored. Thus one person “redirected my career” to law “after (1) a poor experience with a School of Education, followed by (2) a realization that I didn’t want to be a teacher, followed by (3) the insight that I would like to be a patent lawyer like my father.” Thus we should note that although some lawyer children who contemplate another occupation appear to end up in the law by default, they default to law which for them had been a constant part of their background, whereas others who had not shared that earlier exposure could not default to that occupation.

Most retained the desire to enter a different career for only a short time, and for most it did not proceed past the thinking stage. However, some did make a serious start toward another career. Even here the effect of a parent is not absent. One respondent, whose father’s initial career was in the armed forces, felt himself “oriented in that direction for a time, to the extent of having an ROTC scholarship for the first three years of college.” Some had even explored more than one field. This was true of the woman who “was interested in teaching and obtained a teaching certificate” and “also had worked in retailing and was interested in becoming a buyer for a fashion clothing store.” Among those who seriously explored non-law occupations was one who had a “serious infatuation with journalism during high school and college in the post-Watergate era, and took several promising internships”; another, who “believed [she] had some art talent and therefore thought I should focus on a career in that area,” had an undergraduate major in advertising design and worked in the graphic arts field for two years after college; and a young woman who started working as an actress because she was “stage-struck and too young to mind the dreadful lifestyle that goes with it.”
For some, a period of wanting to enter a career other than law resulted from a feeling of not being able to go to law school because they “could not afford the time or money.” For others, the problem was not money or military, but academic. They felt their grades weren’t good enough: “I didn’t think I could get into law school,” said one, and another explained that “my first two years of college were rough — poor grades and I resigned myself to the belief I couldn’t go to law school.” For still others, expected military obligations made it unclear that they could go on to law school.

A number of women lawyers indicated that they wanted to enter different careers because law had not been available to them. “Although I wanted to be a lawyer, I felt society didn’t think it was the thing to do,” said one, so she “considered being a teacher.” The effects of channeling women into certain careers could also be seen in the remarks of one woman who “planned to teach several years and then be a wife and mother,” a then standard path, or of another that when she was in undergraduate school, “Women still were not encouraged to enter law,” so she had thought of a university teaching career instead. So had another woman, who pinpointed the dates of change in acceptance of women in law school. In 1965, she said, “there appeared to be more opportunities for women in teaching and in academic life. This changed by 1970,” by which time “my interest in law had increased, and the woman’s movement meant that law schools accepted women.” The change in views also had its effects earlier in respondents’ lives. One woman said that when she was “in grade school I didn’t think girls could be lawyers, so I wanted to be a kindergarten teacher!” Then, however, “a friend suggested I could be a lawyer when I was 12, and I decided that’s what I wanted.”

An insight into why, after having a period of wanting to enter a career other than law, people abandoned those non-law possibilities is available to us from their comments. For some, it was directly experiential. They continued along at least a preliminary path toward an occupation other than law until they learned that those other occupations were not for them. For some, the education in the non-law field chilled interest. Thus one who “thought I should examine other fields” because “the only career I knew was law” found business school “boring,” so she “decided to stick with law.” One pre-med major “became bored with the quality of science professors” and felt “fellow students were not my types.” Another “didn’t want to compete with pre-med students in college, so being a doctor was out of the question.” Education provided other types of evidence that the non-law field was not appropriate for the individual. An “unpleasant experience with Chemistry 101” was enough to change one individual’s mind about engineering. Similar was the situation of a couple of respondents who were planning military careers and who

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19 A reverse twist came from the report by an individual who was preparing for a teaching career: “In my last semester as an undergraduate I heard how difficult it was to get into law school — so I had to try.”

20 This person had “always enjoyed working in hospitals — something I did from first year of college through second year of law school, and then again during the first year of my actual practice.”
had (unspecified) unpleasant experiences during ROTC summer cruises toward the end of college: they completed their military obligations and then turned to law. Another who also had planned to be an engineer—in this case, because of his military training—“unfortunately lacked the math and science skills necessary.” A rather different skill deficit cited by one of our respondents was not discovered as the result of exposure to education. He said he thought “I was going to go save the world as a Christian servant;” however, “I couldn’t be religious enough and I never had the call.”

One other major reason why people gave up was that the opportunities connected with some non-law options changed. For example, a “lull in the Viet Nam war and frequent airline hijackings killed the opportunity” for a career in aviation, which was considered as a result of Navy pilot training. Someone training to become an anthropologist saw no non-university options and “felt that this would tie me to a college campus and teaching,” which apparently did not have sufficient appeal.

More likely, the options simply did not look attractive as people got closer to the situation. Thus “a summer job at a hospital convinced me that I did not especially care to be a doctor.” Someone who had “thought seriously about clinical psychology because of working with people and the opportunity to make a real difference in their lives” nonetheless “found that too often the psychiatrists run the show, while the psychologist administers the test”; he also found “counseling to be emotionally draining.” Another person, in art school for two years, realized that he might end up in advertising which he did not want because he “despised” that field — “so I decided to go to law school.” Others “found the opportunities in teaching were limited, it was low paying, [and had] low prestige.” Of particular concern to one woman was the ability “to juggle personal/family matters” with career; she had considered medical school, but “made the conscious choice that I wanted a less rigorous apprenticeship,” and felt that law allowed a better mix of work and family than did medicine — somewhat ironic given contemporary concern about the “mommy track” in large firms.

Beliefs: Planning, Drift, or Fate?

Many have a picture of lawyers reaching that career through planning. Certainly one might expect that for children of lawyers. That would follow from the Laband-Lentz argument about transfer of human capital: children of lawyers learn early and much about the law, so they become lawyers. Many, but not all, children do learn about law from discussions at the dinner table, but even if that sort of exposure to the parent’s occupation influences child’s career choice, to say it leads children to plan law as their career is another matter: our respondents are far from unanimous in viewing themselves as having entered law solely as a result of planning. (See Table 2).
### Table 2

Agreement With, and Ranking of, Statements About How Respondent Entered Law as Career

<table>
<thead>
<tr>
<th></th>
<th>Of Those Designating it as Applicable</th>
<th>Of the Full Sample:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% Indicating Applicable</td>
<td>% Ranking 1st</td>
</tr>
<tr>
<td>Opportunity #</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>53.5</td>
<td>44.1 (n=163)</td>
</tr>
<tr>
<td>Plan</td>
<td>52.9</td>
<td>84.8 (178)</td>
</tr>
<tr>
<td>Expected</td>
<td>30.5</td>
<td>17.7 (79)</td>
</tr>
<tr>
<td>Drift</td>
<td>27.9</td>
<td>47.1 (87)</td>
</tr>
<tr>
<td>Other Jobs</td>
<td>27.4</td>
<td>54.1 (74)</td>
</tr>
<tr>
<td>Luck</td>
<td>24.8</td>
<td>17.6 (68)</td>
</tr>
</tbody>
</table>

# The statements were:

- "I entered the law as a result of opportunity."
- "I always planned to be a lawyer."
- "I entered the law because I was expected to."
- "I drifted into the law."
- "I chose the law after trying other jobs."
- "I entered the law as a result of luck or fate."

Note: Some who indicated items applicable did not rank the items, so the proportion ranking each item first is understated.

Perhaps not surprisingly, over half said they always planned to be a lawyer but, perhaps a function of the availability of a family firm, a similar proportion indicated that they had entered the law as a result of opportunity.21 The proportion indicating that they entered law because they were expected to was much smaller—less than a third (30.5%),

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21 Respondents were asked to indicate whether certain statements were applicable and, if more than one was applicable, to rank the statements. Anyone who thinks lawyers can follow instructions given pause by the number who checked several statements without supplying any ranking and without indicating the statements were of equal weight. Adding those who failed to provide a ranking for statements they checked does not alter this picture in important ways.
with even smaller proportions saying that drift or luck affected their decision or that they entered law after trying other jobs. That planning was more important than opportunity is seen when we look at the proportions, among those marking an item applicable, who ranked the item first. Of those who said they entered law as a result of opportunity, less than half (44.1%) ranked this as most applicable, but of those who said they had always planned to be a lawyer, 85 percent did so. Even more interesting is that of the smaller proportion indicating they had become lawyers because they were expected to, only roughly one-sixth (17.7%) ranked that item first.

If, instead of looking at the first-rankings of those who indicated an item applicable to them, we examine the proportion of the full sample (thus including those who did not mark an item applicable) who ranked each item first, the predominant importance of planning is quite clear. The next highest proportion, those giving opportunity first-rank, is less than half the proportion ranking first that “I always planned to be a lawyer.” Perhaps most surprising is how small a proportion of the total sample—less than five percent—give first rank to entering the law because they were expected to. Thus for some, expectation was part of the “package” of reasons they entered the law, but it seldom was the predominant reason—a finding that cuts against significant family influence, particularly interesting among these lawyers from multi-generation lawyer families.

GETTING TO A CAREER: PATTERNS IN THE PATH TO THE LAW

For many lawyers, the line to the career was a straight one: from high school to college to law school to practice of law. For others, however, instead of the straight path, the path was crooked or winding, when the child arrived at law as an occupation after undertaking other jobs, with law thus a deferred or delayed career. Even when the path to law practice was straight, the child may have contemplated other occupations as options or given serious consideration to them, so that there was a perceptual, if not an actual, detour. Another way of stating it is that the path from the parent’s occupation to the child adopting that occupation may not be direct but may instead be a series of sideways steps.

Particularly for those who worked for an extended time at another occupation before going to law school, the individual’s career pattern was one where law was but one of those careers. We found this particularly true of women, many of whom did not enter law directly because it was not considered an “appropriate” occupation for them when they had to make initial occupational decisions. For those who did enter a different occupation, law, because of prior exposure through the lawyer-parent, may have provided a “pull” or have been “background noise” so that dissatisfaction with the non-law career may have led to the law or perhaps one should say back to the law. (Some may even have been dissatisfied with that other occupation because of the pull of the law.)
In our examination of the "straight or crooked path," we looked particularly at any interruption between college and law school — at what respondents did and why they say they then went to law school. We also examined whether our respondents would have followed the same path to the law they did follow and, if not, what they would have done differently. Their level of satisfaction with their choice of law as a career and whether they would enter the law if they had to do it over again will also be examined. Another element in the lawyer's movement into the practice of law is whether he or she worked in a law-related job during law school. Just under twenty percent of our respondents did so.

High School to College

Except for a very few who studied abroad for a year, our respondents (96.7%) went from high school directly to college. For several, however, their college careers were interrupted by military service; 4.8 percent indicated they had a break of some sort during college. While the predominant pattern was for our respondents to go directly from college to law school, over one-third (36.8%) did not, and we find those who did not follow the straight path worthy of particular attention, because it may cast light on the growing proportion of "older" law students.

College to Law School

Of particular note is the extent to which there are generational differences in whether people went directly to law school from college. Almost all our law school graduates through 1947 had gone directly to law school. (See Table 3). However, in a direct reflection of World War II service, only 2 of 7 (28.6%) of those graduating from law school in 1948 had done so. The Korean War's effect can likewise be seen in the law school graduating classes of 1957 and 1958. Possible effects of the Vietnam conflict do not appear until the classes of 1974-1975, when less than half (48.3%) of those graduates had taken the direct path. Those who graduated from 1976 through 1986 took the direct path at only a slightly greater rate, evidence that the general pattern of going from college to law school has changed significantly. The inter-cohort differences noted here, in this cross-sectional study, pose the same difficulties noted by Heinz and Laumann, who observed that "the relation between an individual's personal biography and the common experiences over time of his cohort, defined as the time of entry into practice, . . . poses severe analytic problems," which "are especially severe when one is dealing. . . with cross-sectional data. . . because it is difficult to determine whether an observed effect is due to the individual's maturation or to the events encountered by given cohorts of individuals."22

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22 HEINZ & LAUMANN, supra note 12, at 174.
Of those who indicated what they did during this hiatus, the largest proportion (just under half) worked in civilian jobs, with most of those in a business of some sort and another group in teaching; another large group (27.0%) was in the military. Only ten percent were in graduate school and only a few traveled. For most, the time before going to law school was relatively short — three years or less for 56.7 percent and five years or less for almost three-fourths. The relatively short time was particularly true for those who had sought a “break” between college and law school. Some, however, had been in non-law occupations for a long time before coming to the law. Perhaps most obvious was the person, who served 5 years in the military and spent 22 years in farming, who came to law after his “commitment to assist others in farming was terminated by the death of the other persons.”

Most of those who long deferred turning to the law were women. For example, a woman with a Ph.D. in physical education had taught and served as an administrator and

\footnote{For an historical look at occupations held prior to admission to the bar, see Terrence C. Halliday, Formative Professionalism and the Three Revolutions: Legal Careers in the Chicago Bar, 1850-1900 12-12 (1987) (American Bar Foundation Working Paper #8715).}
dean for 21 years; she felt that there were "circumstances indicating it was time for a change." A high school teacher and principal, believing that "whatever I did next would require further education," after 17 years in education chose law "as being the most broad-based degree I could get that would allow me several career options" when she was making a career change. It is not surprising that raising children had something to do with some women's deferred entry into law, as seen in the person who between ages 25 and 38 "practiced nursing and raised children and went to undergraduate school," going to law school when she finally finished her B.S. degree. For another, "the children were old enough to be in school and the time was right."

And Then to Law School. Why did those who did not go directly from college to law school ultimately do so? The largest proportion of reasons (28.9%) was that these lawyers had planned to do so or had made an earlier decision to that effect; to those we should add completion of military service (roughly 10% of reasons given). Both positive views of the law (22.4% of reasons given) and discontent with circumstances or a job (21.2%) were important factors, as were changed circumstances (12.1%). However, only a few said that family tradition or following the parent was the reason for their action at that point; it could, however, have been part of the earlier decision or plan.

Some saw the period after college as a "break." For a few, this "break" was simply a function of having graduated from college in December or January, with law school not beginning until September. Many others, however, wanted some time before continuing their education. Typical were those who felt that law school "was something I planned to do" but simply deferred further education. Speaking somewhat more bluntly, one for whom the break was five years in length said, "I did not want to continue to go to school directly after college — in other words, I was sick of school." Another who had taken the LSAT as a junior in college "couldn't stomach applying" and thus deferred applying, working while he did so. During such breaks, people did a variety of things, not committing themselves to another career. One, for example, combined part-time work with being a part-time graduate student. Another managed rock-and-roll groups for a couple of years.

The "break" could also be used to learn more about the law. The person who couldn't "stomach applying" during college decided to do paralegal work "as a test" during the break before going on, and another lawyer said he had taken a year "off" not only "simply to relax for a while" but also "to see how the practice of law was carried out on a daily basis." Others entered the law after the "break" without a well-crystallized desire to do so, as can be seen in the remark that at the end of the planned two years off, "it was off to law school as nothing better had come along." The lack of crystallization can be seen in the observations of those who, intending to go to graduate school or to professional school, had not chosen law school specifically and did so later when something nudged them in that direction. The father of one woman offered her a job after law school, "so I decided to attend law school rather than graduate school."
Military service, a forced “break,” was, as we have noted, a major reason for a hiatus between college and law school. One lawyer “would have gone directly from college [to law school] if the Army had not called.” Another observed that “Vietnam interrupted” his plans. ROTC obligations explained the “military break” for some. Military service could also provide an opportunity, such as G.I. Bill benefits. One who served as defense counsel in courts-martial became interested in the law while in the military, an example of exposure to the law through another occupation (see below). One lawyer found three years in the Air Force a “good break in a structured environment to finalize the decision” to go to law school. He had always thought he would go, “but it was helpful to have some time to mature and hopefully make sure the decision was the correct one.”

The military was a goad to others to continue directly from college to law school, with the likelihood that someone would otherwise be drafted into the military causing pursuit of the direct path: “It was either go to law school or be drafted in the Korean War.” One lawyer, who obtained a Master of Arts in Teaching degree before the law degree, said he went to graduate school “to dodge the draft,” or, as he put it, “He had a back injury: he had a yellow streak down his back.”

Apart from those for whom the hiatus between college and law school was a planned “break” before continuing, others intentionally embarked on another career only to find that the other job didn’t work out as expected; this dissatisfaction from boredom or unmet expectations led a number of those to turn to law school, perhaps showing a combination of the law’s attraction and a push away from the other job. For some, a non-law job provided exposure to the law, leading them to think that a legal career would provide more of what they wanted to do. Others came to the law as a result of events or opportunities. Although most identified only one factor, or perhaps two, to explain why they came to the law after a post-college period away from it, for some the move resulted from a combination of factors. This is perhaps best seen in the listing of reasons by one lawyer for his having gone to law school after doing other things (which included two years in the Army, six years managing a cattle ranch, and two years in real estate): “New attitudes, a divorce, seeking challenge, reconciliation with father, maturity.”

The term “break” in its usual sense cannot really be applied to those who more purposively moved into a non-law field after college. For some of these, the eventual move to the law occurred because their initial occupation led to a realization that they were suited for the law. One woman, a homemaker for 14 years and a teacher for five, served on a school board and as board president and, in so doing, “realized that’s where my abilities lie.” A counselor in a residential treatment center for disturbed children came to the “feeling that I was naturally suited to the practice of law”; moreover, he felt that he “could more effectively contribute to society as a lawyer than as a psychologist.” Likewise, a former probation officer had come to believe “that I could do a better job than most lawyers” and a compliance officer in a bank became interested in the law because
of that work. A woman who had reported on civil rights activities in the South found that reporting "interested me in a career as a public interest lawyer."

Perhaps the most interesting story is told by the former union organizer who came to law after two years of military service, five years of graduate school, five years as a professor, and seven years organizing, who said, "I fought and beat lawyers as a union advocate and learned to like lawyering, and wanted a better mix of thought and action, and wanted to be able to go to court." Somewhat similar in tone, but with an important addition, is the account by the person who had been involved in social work on child abuse and neglect. This person felt "frustration that without being a lawyer, I was dependent upon others (lawyers) to attempt to institute influential changes," something that as a lawyer, he could do directly. There was often a comparison with law—or with what law was believed to be—in which law looked better.

More frequent than a non-law job leading to exposure to law and to a feeling that law was a better occupation to achieve certain goals was a more negative view of one's initial occupation, in which law was considered because that earlier job produced boredom, was frustrating, was thought to lack opportunity, or because it didn't work out. For example, one person, who used an undergraduate degree to take a management job in retailing, found she "hated working just to make money for this company" and "wanted to be doing something to help people—to make a difference in life," which she felt law would allow her to do. One respondent captured this well in the statement he was "not satisfied with the field in which [he] had education and training and believed [he] would be more successful in and satisfied by a legal career."

This combination of dissatisfaction with present position and the pull of perceived advantages in the law can also be seen in the remarks of a former auctioneer, who came to the law from a "desire to do something else; an opportunity to pursue something of quality; and a desire to meet intelligent women," and in the view of a would-be anthropologist who thought it would be futile to continue study in that field but who was drawn to the law by an interest in public housing and planning issues and previous work at Neighborhood Legal Services.

The lack of opportunity in someone's non-law situation also accounted for many decisions to turn to the law. For some, it was simply a matter that what they planned to do didn't work out or other opportunities which "existed for a time then disappeared." For one, a "real estate project didn't do well"; for another, the excursion boat for which

24 In an interesting comment about women's access to other careers, she added, "Ironically, I left journalism shortly before it became fashionable, well-paid, and genuinely open to women."

25 Not all dissatisfaction led people to leave their jobs, however. This is indicated by one person, who, although sufficiently dissatisfied with the career potential of his job to get a law degree, is still in that job after earning the law degree.
he had sought a license was condemned. Some learned that they didn’t want to do what they had thought they wanted to do. A man who was a foreman and management trainee at a chemicals plant for a year found he “hated shift work” and working there. Another woman, who began as a secretary, “hated it” and “could not find a teaching job” (for which she was certified); at that point, her parents offered to pay for law school, so she went.

Boredom was a reason why a number of individuals moved to the law, which they may have “always thought about.” That opportunity could be a way out of boredom, as it was for a teacher who discovered she could go to law school at night and work days and who “thought it would be more intellectually stimulating than elementary teaching.” Another instance of boredom is the former Navy pilot who disliked “the monotony of going to sea every nine months” and thus “decided to make the transition to a civilian occupation while I was young, single, and mobile”; however, he too says he always knew law would be his final occupation.

General lack of satisfaction with job opportunities led some to try law school. As a former congressional staff member put it, “I got sick of a large part of my duties and did not perceive significant opportunities for advancement.” Someone else was “heading off to be a classicist,” but in the mid-1970s he “concluded that there were not many opportunities” and “would end up teaching Western Civ,” which was not appealing. Low pay was part of the lack of opportunity, as was noted by a male who spoke of “low pay for public school teachers” in 1975-1977 as a reason for law school, which he “wanted to give a shot.” Another who worked as a paralegal and at odd jobs observed, “I wasn’t getting enough responsibility, respect, or money in the jobs I found.”

The last of multiple factors leading someone to law school from an indirect path is serendipity. People set out on a quest unrelated to law and were led to the law by an unexpected event or series of events. One example is the person serving in the Navy who had a shipboard roommate who entered law school. One lawyer who had started in business “was unable to do field sales because of an auto accident” and then “recognized the need for attorneys in the real estate field.” Accidents also led others to the law, although without a post-college hiatus. Obtaining money to go to law school could be the event. One person who “needed more interesting work” and was “dissatisfied with

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26 For some, similar events played a part in within-career patterns. One lawyer, like others in his family (few of whom had practiced for more than a brief period), attended law school as a prelude to a career in business and was going to join the family business. However, “this became impossible about half-way through my J.D.,” leading him to pursue an L.L.M. “and eventually to enter practice.”
27 “Poverty” was the simple reason given by another, after two years of travel and work, for turning to the law.
28 One lawyer who was going to be a physical education teacher hurt his hand after one year of college so he couldn’t play basketball. Because he didn’t want to teach physical education if he couldn’t coach “and didn’t like taking orders in the Army,” he completed another year of college and went to law school. For another, a “near-accident” in a chemistry laboratory contributed to a decision not to continue in science, the individual’s original plan, although his interest in patent law came from its “sound[ing] like an area where he could be a lawyer while still involved with science.”
[her] employment situation” had her situation changed significantly when she “received
an inheritance;” living ten minutes from a law school gave her a place to spend that
inheritance. For another person, a night law school opened in his community, providing
an opportunity not previously available.

Most romantic of the serendipity stories is that of the person who traveled some
distance “to woo a girl” and stayed in his quest. Because the business program at the
nearby university didn’t have what he wanted, he got himself admitted to the law pro-
gram. Under those circumstances, “law school seemed a natural thing to do.” (P.S. The
woman agreed to marry him.) Note, however, that law may have seemed a “natural thing
to do” because he had a lawyer parent. Thus for him and for others who started in a career
other than law, there was always the “background” of the parent’s occupation and the
“human capital” about that occupation that had already been transferred (or “loaded
into” the individual’s system). The remark that a person went to law school because “I
got married and my father was a lawyer” captures this. And we can also see it in those
who, explaining why they went to law school after doing something else in the post-
college period, offered as their reasons that they had a “desire to follow father and
grandfather” or that “My father was a lawyer — also his two brothers — also his father,”
or, most explicitly, “I wanted to continue in my father’s footsteps.”

Law School to Practice

Most of these lawyers went directly from law school to either law practice (80.9%) or
to a clerkship for a judge (11.2%); only a very small proportion (7.6%) did not go
directly into practice and half of those indicated a period of a year or less before entering
practice. Law clerks usually served in the clerkship for only one year; they always
intended to enter practice, although one briefing attorney for a court went into practice
because those in his position “do not get paid well.” (Some who worked as prosecutors
or public defenders or for an attorney general’s office did not see themselves as having
entered practice, an indication of the extent to which we equate private practice with the
practice of law.)

Among the few who did not go directly to practice, most are accounted for by
military obligations to be completed, non-law government employment, or teaching.
The relatively few with law degrees who entered business rather than practice — others
later moved in the other direction — left business for law after varying times and for
varying reasons. One was “bored with the bank” and was offered a Legal Aid job; another,
a trust officer for three and one-half years, cited “economics and limited oppor-
tunities” in that field as the reason for the move to practice. Another stayed much longer
— 31 years — and entered law work when appointed general counsel and secretary of the
bank’s board. Perhaps the most interesting move into regular law practice was that of
the individual who was one of the first batch of non-U.S. lawyers admitted to law practice in the U.S. after *In re Griffiths*.²⁹

Although dissatisfaction with the first position in the law career was not a focus of the present study, several respondents indicated that it had led to a shift within the law. One prosecutor "burned out with the criminal law" after two years and "wanted into a civil practice." Another, finding himself disliking the new political leadership of the government agency for which he worked and having "an interest offer" of a job elsewhere, left for private practice. Another found his first specialty on the civil side of the law insufficiently interesting:

> I initially specialized in tax law and after a couple of years I discovered it was too dry for me. I thought all of law might be like that so I thought of getting out. However, I started doing corporate work (mergers and acquisitions) and fell in love with it.

*Same Path to the Law?*

Having seen the paths to a career in law taken by our respondents, we were interested in whether, if they were to do it over again, they would take the same path to get there. As we explore later, most of our respondents (almost 90%) would indeed enter law as a career if they had to do it over. Of those, slightly less than two-thirds (65.9%) would follow the same path; 28.6 percent would not and the remaining 5.4 percent were unsure.

Some simply felt they could have handled better the path they took: "I wish I had been more serious about attaining goals earlier. I wish I . . . had learned responsibility earlier." Related themes are present in the comments of those who would have taken a different path. As one who liked where he was but "didn’t like how I got there" put it, he would do it "in a less stressful way, without all the ‘shoulds,’ without being as ‘driven;’" this view was echoed by the woman who, by taking time off, "would not feel the hasty need to get there."

Our data provide a mixed picture of the relation between the path taken and that which people might have preferred to take. Some of those who went straight from college to law school would do so again, while some of those who “took time out” would also do so; however, some would take less time, like the lawyer who “might have worked only 1-2 years after college (instead of 4 years) before entering law school,” and some might take more time off. Some of those who went “straight through” would have taken time out and others who took time out would now take the direct path.

²⁹ *In re Griffiths*, 413 U.S. 717 (1973) (holding that admission to bar cannot be denied solely on basis of lack of citizenship).
There is relatively little difference between when our respondents first thought of law as a career and whether they would take the same path. However, those who thought of law for the first time during college were somewhat less likely to take the same path (64.1% compared to 70% or more for those thinking of law for the first time either before or after college). Those who thought of law as a career seriously only after college were also less likely to follow the same path in doing it over; those who thought of law seriously during high school were least likely to wish a different path to the law: they apparently are the ones who “fixed” on law as a career early and are content to have pursued it as they did. We can see this when we compare those who went directly from college to law school with those who took time out. Of those who followed the direct path, 71.4 percent would have taken the same path, but only 56.1 percent of those on the broken path would do so, and slightly more were unsure. Almost 90 percent of our sample would enter the law if they had to do it over. Slightly less than two-thirds of these would follow the same path; feelings were mixed in the remaining one-third. There is some conventional wisdom that taking time out between college and law school is wise, and, as we have noted, younger cohorts are more likely to have done this. Yet our findings indicate that now they are in the law, more than one-fifth of our respondents would decrease the time they took between college and law school; an equal proportion now suggest they would take time off after college.

An example is the lawyer who felt that starting law school right after college “would have given me a two-year head start on where I am now.” Another lawyer “would try harder to earn money to have been able to start sooner — but due to the Depression of the 1930s, I was unable to do so.” One woman, who would now go to law school directly after college because she wanted to do so, “went through law school with a family — 2 children under 5 years old and a husband.” Although the husband was “incredibly supportive, it would have been easier before kids.” However, another said that “women in law school who already had families had more focus” than other students.30 Women were more likely not to take the same path, perhaps because they would likely have moved into law sooner if provided the opportunity: 38.2 percent would not have taken the same path, compared to only 26.2 percent of the men (the relationship is not statistically significant).

Some whose path to law school was interrupted by the military would clearly have preferred the direct path: “I would skip the two years of Army, thank you.” We must remember, however, that the military situation had the opposite effect of making some people go directly to law school instead of waiting. As stated by one lawyer, “I might

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30 Chambers found that “women who have children are significantly more satisfied with their [law] careers than are married or single women without children.” Single men and single women are less satisfied than those who were married or had partners. David L. Chambers, Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family, 14 LAW & SOC. INQUIRY 251, 274 (1989).
have waited 1 or 2 years, but for the Vietnam escalation at the time," and another observed that he would have taken the same path if it were "1962 or 1965," but "if there was no draft and I could have taken time off," he would have taken both a year off after high school and a year or two off after college.

Quite a number of respondents—both those who did take time between college and law school and those who now wished they had—spoke of the benefits of doing so. They gave two principal categories of reasons: time's maturing effects and the development of business experience. The latter—to go into the business world first for experience—was spoken by one lawyer as the "recommended pattern," and there seemed to be a tendency for those in a business-related law practice to advocate this career path. Indeed, those in commercial law were less likely to wish to follow the same path than those in trial practice or general practice (58.1% compared to roughly 70%); those in real estate and probate work were only slightly more willing to follow the same path (61% plus for each). Those least likely to follow the same path were those in family or matrimonial law, although the numbers are very small. There was no difference between those in general practice and those who were specialized. Those who held a law-related public position were somewhat more likely to take the same path to the law than those who had not.

One lawyer put it this way, "If I were directed toward business law, I would have spent two years in business and then obtained an MBA." Several stated the reasons for such experience in broader, more philosophical terms. One argued that it is "not good to start people in law or business school too young," because "it is seen as rote." Instead, "practical life experience is needed to provide appreciation of legal concepts or aspects of business," something "wasted on a 23-year-old." Another lawyer said that those who got their feet wet a little in business and "went back [to law school] older and a little wiser performed better and had better concentration [as well as] a better understanding of the business environment."

The "different perspective" provided by work experience could also be beneficial in dealing with law school itself: "Students with prior careers do not hold law professors in such awe," said one who noted that "night students are not as intimidated." That some think work prior to law school is important not merely for the business experience is seen further in the remark, made in connection with the general observation that it is "good to experience something else first," that "psychology is extremely helpful in the everyday practice of law," and in the comment that a one-year "stint as a teacher helped me in my law career in writing, speaking, and explaining."

Time off between college and law school, in addition to providing an "opportunity to pause and survey what your options were," was said to allow one "to mature and get

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31 He added, "Nor do profs [professors] try as hard to intimidate night students, who usually have other careers."
more world experience.” A woman who was only 20 years old when she went to law school and “should have probably waited to go” because she “did not adjust well” thought being older would have assisted her adjustment and “also made me more aware of career choices.” The interruption in schooling, said one Air Force veteran, was a “good break in a structured environment” in which one could complete one’s decision about career, giving “some time to mature and... make sure the decision was the correct one.” A potential drawback, however, was having to readjust to academia or to refocus after being away, coupled with the difficulty of getting one’s momentum back.

Same Path Within the Law? Some of our respondents, instead of addressing their following the same path to the law, provided comments on whether they would have taken the same path within the law. One-sixth spoke of taking different courses in law school, while smaller proportions talked of seeking higher achievement within law school by “submit[ing] a work to the law review to attain that special status” (5.5%) or of attending different law schools (8.6%). Some realized they should have gone further afield geographically, “possibly attending a school outside [my home state] or in the Northeast,” or in Washington, D.C., “as many patent lawyers do.” Not surprisingly, for some a different law school meant a more prestigious one: there was a lawyer who would “consider going to a national ‘name’ law school which makes it easier to (1) practice in large cities like New York City and Boston [and] (2) change careers to, e.g., teaching or business” or one who “would go to the best law school I could get into and would then go to the best law firm that would take me.”

Perhaps the most general statement among those who talked about whether they would pursue different paths in the law was that of the lawyer who spoke of the “desire to more completely use my law degree.” Others, however, were more specific: they “might have chosen a more public-oriented career than my present private practice” or desired to “take advantage of public interest programs” such as those at Yale or sponsored by Skadden Arps. A few had well-developed alternative paths they would have pursued, for example, going to a big law firm before becoming corporate counsel or “entering solo practice immediately.” Some presented elaborate scenarios. One lawyer, after “getting into one of the top ten law schools,” would have taken a position in a large corporate firm, worked up to the status of partner in the area of tax law,” or would have worked for a district attorney for a few years to get trial experience and then worked for a small firm in tax law”; to be a judge, he would have been sure to get the district attorney experience first. Another lawyer, a solo practitioner dealing with creditors’ rights and business litigation, said:

I might seek to become an associate at a major firm and pursue partnership; if I decided to enter practice on my own, I would do all possible to do so with at least a few others similarly situated; also, I would have begun with a specialty other than the one I began with, as it has been preempted over the years by the large firm.
That well-developed view comes, however, after an extended career. For any young lawyers, particularly a recent law graduate, uncertainty may be considerable, independent of the economic situation of the time. To quote a 1987 law school graduate, "I am not certain yet how I will use my law education or how I will ultimately shape it as a career."

Although all our respondents came from law families, some (less than 10%) spoke of wanting to "learn more about the profession before starting"; that would allow pursuit of "a more direct path to the kind of practice I am now engaged in." Such a perceived need suggests that, even for those who follow in the parent's occupation, the transfer of human capital, at least beyond what is transferred about the parent's practice, may be incomplete. This can be seen in the remark that the "lack of formal training by a firm" makes entry into a firm "not an easy way to learn how to do things."

PARALLELS IN CAREERS

Law Schools

The first parallel in the careers of lawyer parents and their lawyer children is whether they attended the same law school. Almost forty percent did so. Somewhat more than one-third of respondents (36.1%) reported that their choice of law school was affected by the one the parent attended, although in a few cases that was a negative influence—they wanted to go somewhere else—or led to a desire to attend a better school. Of those who did go to the same law school as the parent, not surprisingly 70 percent said their choice was affected by the law school the parent had attended, while only 14.4 percent of those who attended a different law school said so. Only a fifth of those responding (21.3%) said the parent had exerted pressure on the child to go to the parent's law school, and of those whose choice had been influenced by their father's law school, roughly one-fourth reported parental pressure. However, there was no relation between the parent exerting pressure and the child attending the same school.

Our data do not allow us to learn whether the practice of some law schools of reserving spaces for "alumni legacies" affected either children's choice of law school or even their choice of career. The latter might have resulted from children's knowledge that one of the hurdles to advanced training necessary for a profession might be lower for law—at the parent's law school—than for other professions.

Type of Practice

As we noted earlier, somewhat over half our respondents were in general practice, and 47.5 percent were in specialized practice, a larger proportion than among parents. Perhaps because the parent's opportunities were less differentiated, only somewhat over one-third (35.5%) were in specialized practice; almost three-fifths (59.8%) were in
general practice and another 4.7 percent were in general practice with a specialization. Comparing whether a parent was in general practice, general with specialization, or specialized with their children's practice, we find that parents with general practice are quite likely (52.7%) to have children in general practice, while those whose practice was specialized are even more likely (69.4%) to have children whose practice is specialized. The parents' specific specialties had an overall pattern not unlike that of the children — 12 percent in trial work, one-sixth (16.3%) in commercial law and another 6.5 percent in tax, ten percent in real estate and 15.2 percent in probate; family and matrimonial law made up another five percent. Despite the parallel distribution, if we count "general practice" as a specialty, only one-third (34.5%) of the children had the same specialty as the parent.

Almost half of the parents held law-related public jobs; one-fifth (18.0%) had such a position as their primary job and another one-fourth as a non-primary. Thus a higher proportion had such a position than was true of the lawyer-children, roughly two-thirds of whom had not yet done so. Closer inspection shows that 40.9 percent of the parents who held a law-related public position had a lawyer child with such a position, whereas when the parent did not have such a position, only 24.5 percent of the children did so, a significant relationship.

Family Firm

Of particular interest in a look at "in the parents' footsteps" is whether the child practices law in the same firm as the parent. This is especially likely to occur in small firms — the "family firm" — and less so in large firms, which are more likely to have adopted "anti-nepotism" rules. When reading law was the means of access to the practice of law, the availability of a father's (or other relative's) law office may have attracted some children to the profession, indicating the effect of opportunities. Likewise the availability of the family law firm not only affects where the child practices, but may also have affected career decision: knowing the law office is there may tilt the balance toward undertaking a law career and away from some other field where job opportunities are less well known and less certain. Although Granfors and Halliday have argued that "the modern occupational selection system is characterized by a host of specialized structures mediating the transition from the home to the occupational world," nonetheless "the availability of a family firm into which a prospective lawyer can move can play a large role." As one respondent put it, "I felt I could ease into this practice when I really wasn't feeling up to the task."

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32 At least one respondent who intended to practice with the parent found that by the time he was ready to do so, the parent was with a firm with just such a rule.

33 Granfors & Halliday, supra note 15, at 5.
Someone discussing the subject with us called the large numbers of multi-genera-
tion lawyer families “nepotism rampant.” Nepotism may account for some instances of
cchild following parent into an occupation, where the child knows before undergoing the
training for the occupation that there will be a place in the parent’s business (law firm).
However, more than nepotism is involved. Even where lawyer parents practice in a
setting where they are able to hire their children, thus providing the child a job oppor-
tunity which may affect the children’s occupational choice, that opportunity requires a
relatively will ing person to fill the position and so requires that the child must have been
attracted in some measure to the parent’s occupation.

Moreover, many lawyer parents are not in a situation in which they can hire their
children, and they may not even be able to provide them with “contacts.” Indeed, shifts
in the structure of the legal profession make it less likely that lawyer parents will be able
to do so. The small “family firm” is hardly the core of the profession, although it may
retain its importance in small county-seat towns. But even if the parents cannot provide
a job for their child in the same occupation, they have provided exposure to the law; they
have transferred human capital to their children. Thus whether the lawyer-child prac-
tices with the lawyer-parent, particularly in the family firm, is of especial importance in
terms of the idea that occupational transmission within the family is a process of human
capital transfer. Like passing on the family farm to one’s children, making a position
available in the family firm provides transfer of particular information — firm-specific
human capital as distinguished from more general information about the occupation.

In speaking of the family firm, one observer commented that it has “clients who
come to a location — the firm’s office”; this makes it “an entity that can be passed on”
— like the family firm, something the lawyer child will know well. Of course, more than
human capital transfer is involved in a child’s joining a parent’s law practice; there are
also family emotions and the parental desire to practice with a child may be very great.
Among our respondents, a father and uncle “started the firm with the hope that some of
their children would practice with them.” Barrow and Walker cite the example of
Richard Rives, who left the law firm with which he had been associated “and set up in
practice alone” in anticipation of practicing with his son, although his plans were tragi-
cally thwarted when his son was killed in an automobile accident. Had this not happened,
“he probably would have been content to live out his dream of practicing law with his
son,” but instead joined the U.S. Court of Appeals for the Fifth Circuit. 34

Whether a child joins the lawyer-parent in the practice of law may also be related
to past family history; specifically, it may have been a function of whether the parent had
practiced with the parent’s lawyer parent and done so successfully, providing a positive

34 DEBORAH J. BARROW & THOMAS J. WALKER, A COURT DIVIDED: THE FIFTH CIRCUIT COURT OF APPEALS
model; however, if the parent had been forced to practice with his parent or the relationship had been a sour one, our respondents may have shied away from joining the family firm. In an instance reported by a respondent, the choice was left up to the child because the lawyer parent had himself had no choice in the matter. (One can, of course, have the situation, recounted by one respondent, where the child joined the parent's firm precisely because the parent's experience had been a poor one; the child, without pressure to join the firm, wanted to do so).

We might note that if the principal places in a county seat town's law firms are for all practical purposes reserved for children of their lawyers, the profession, instead of being open and meritocratic, is relatively closed, at least in those areas. Others can, of course, become lawyers, but they will either have to compete with established family firms in small towns, which may not be able to support such competition, or go elsewhere. This is but one instance in which law practice has been significantly affected by the context of that practice, with the effect of that context increasing in recent decades.

The early 1990s is a period of turmoil in the legal profession. Growth of the largest firms has continued apace, so that the largest firms in major cities are all well over one hundred lawyers — where once we could speak of New York City as being the only city with law firms of that size. As part of this process of growth, firms that lasted for many years have been incorporated in other firms, while others have dissolved. Lawyers have, instead of remaining with one firm for many years, moved from one firm to another, even after becoming partner in the first; “Lateral Moves” seems to be the largest category in the National Law Journal’s listing of occupational changes. The old general-purpose firms, if they do not adopt new specialties to serve their clients, find themselves running out of steam — and clients, and perhaps being terminated. Economic competition among law firms and the weak economy have led in some firms to layoffs and terminations of associates, and even of partners. In short, life in the law firm does not remain stable.

This may mean that the continuity and stability of law firms that facilitated children of lawyers joining that firm has now diminished, so that children of lawyers lose the option of joining the “family firm,” and, to the extent a child considered becoming a lawyer in order to join the family firm, or to the extent the parents’ expectation to that effect influenced the child, we would expect to find a different dynamic in the child’s selection of the parent’s occupation. There would be part of the possibility that economic constraints will decrease the likelihood that lawyers’ children will become lawyers, offsetting the advantages provided by the relative ease of acquiring information about an occupation to which lawyers’ children have already been exposed, when compared with the difficulties of learning about other occupations.

We found that 44.8 percent of our respondents were practicing in the same firm with their lawyer parent or had done so. Three-fourths (75.8%) of those who have practiced
with the lawyer parent are still there; for four-fifths of those who have practiced with a parent, it was their first practice. It is interesting that a much smaller proportion report pressure to be in the parent’s firm (21.4%) than have practiced there. We hear comments like “Father never exerted pressure to return to his practice although he was thrilled when I did.” For another, the position was offered by the parent and “I could accept or refuse the offer with no hard feelings,” and for still another attorney, “I knew there would always be a place for me in the firm should I so choose, but absolutely no pressure to make such a choice;” indeed, this person did not join the family firm. Interestingly, 14.2 percent of those for whom practicing with the parent was possible reported pressure not to be in the family firm.

The usual situation was that the lawyer parent asked the child to join the firm. However, there were times when other lawyers in the firm made the request, and sometimes the child worked not with the father but with the other lawyers. The child could also join the family firm after the lawyer parent died: “I joined his old firm; the partners had known me all my life and were receptive to my joining the firm.” There were also instances when the parent joined the child’s firm, particularly after the parent left another position, such as a judgeship, or after reaching retirement age as corporate counsel.

For a number of lawyers, there was an expectation or understanding, perhaps left unstated, that the child would join the firm. For example, one lawyer “never applied anywhere else” because “it was understood that’s where I was going.” For another, whose brother was already at the family firm, “there was no question that I would join them.” At times, however, expectations were quite explicit. The clarity of expectation was perhaps best communicated by the woman who said, “It was absolutely expected of me.” She had several job offers after law school, “but I know my father would feel hurt if I worked for another firm.” In another situation, it was the lawyer’s mother, not the lawyer father who exerted “some pressure” because “father needed an associate.”

Assuming the usual situation in which the lawyer child was asked to join the firm or knew he or she could do so, what do they say led them to this decision? Most wished to do so, even expressing this when the situation had not been possible, as when the lawyer parent had joined a government agency by the time the child became a lawyer. Some decisions were clearly based on intrafamilial personal factors, such as desire to work with the parent or to continue family tradition, the parent’s influence, or the parent’s wanting or needing to have the child join the firm (24.9% of reasons given). Closely related was a desire to enter the parent’s type of practice, the one about which the child

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35 Of all those responding to the question, in addition to those reporting pressure, 68.3 percent said there was no pressure; the remainder said the question was not applicable because the parent was deceased, retired, or not working for a law firm when they could have joined the parent in practice. Of those for whom there was a possibility, 23.9 percent reported pressure.

36 146 respondents gave 193 reasons.
would know most through the human capital transfer about which Laband and Lentz speak, or to return to their hometown community. Another set of reasons encompassed the opportunity provided by the family firm, with its accompanying security (30.1%). Related to opportunity was convenience, in that the family firm allowed the child to ease into the law; for a number of others, the reason was geographic—a desire to be in the area or to return to one’s hometown.

Perhaps the foremost intrafamilial factor for practicing in the parent’s firm was to be with the lawyer parent as a *person*. We can see this in the comments, “I wanted to work with my father in order to better understand him. I couldn’t think of a better mentor,” “I thoroughly enjoyed my father not only in law but in all things,” and “I liked the idea of maintaining a close relationship.” Drawing the line between father-as-person and father-as-lawyer is not easy, however, as we see in comments like “I wanted to learn some of the knowledge of law my father had” and that a person wanted to practice with his father because “he is an excellent lawyer as was his father.” This suggests another intrafamilial factor present, particularly in multi-generation families—“an element of family pride” or carrying on the tradition. This factor can be seen clearly in the remark, “I am a fourth-generation lawyer, so keeping up tradition was important.” For another, for whom “tradition played a part in my direction,” it was “more from the standpoint of pride than pressure.” Another lawyer saw in it “a tremendous opportunity to continue the [family] name in law practice,” important to him because his father had practiced with the respondent’s grandfather, who started with an uncle.

In addition to the pull of pride and tradition was parent’s *need*, for example, when the lawyer parent or the parent’s senior partner was retiring, or another lawyer was leaving the family firm. Typical of these situations was one in which “another partner died and the firm perceived a need for another lawyer to enter.” Here need was joined with opportunity, and both could be coupled with the child’s desire to be with the firm—in one instance because of a “desire to finish cases started while clerking” at the firm—or with pressure: one attorney noted he joined the family firm “only because he [the parent] needed to expand—he needed a commitment or would have hired anyway.”

For many lawyers the principal determinant of the choice was the pull provided by the parent’s practice—the type of practice, which was one they wanted—and by the community in which it was located, their hometown. For one lawyer who “wanted to go back to my hometown” the parent’s law firm provided “the opportunity to help some of the same people” his father had helped. It is interesting to note that the desire to return to the hometown almost *forced* some attorneys to join the parent’s firm because to do otherwise would put them in competition with the parent: “I couldn’t come back to [the hometown, a sizable city] and practice anywhere else—I would have been competing with my father,” although he said that was a matter of his “perception more than anything else.” This problem was more stark in smaller towns, as when “the size of the town makes
it impractical for father and son to be in different offices" or, "since it is a small town, a separate practice would not be feasible." (There was at least one situation, however, in which the father's presence made return impossible: "He's one of two district judges in seven counties so it is not practical for me to practice there.").

Some spoke of the appeal of the parent's type of practice. For example, a lawyer "interested in an area of law that was a major portion of their practice" found the opportunity to join the parent's firm attractive. For some, being a sole practitioner, like the parent, "appealed because of its freedom from long hours and tedious assignments by law firms"; an arrangement in which parent and child shared offices and hired each other for some cases allowed them to work together and to maintain solo practice. A small firm allowed "even a new attorney to have major responsibilities on cases." As one lawyer stated it, "I knew I would have more control over the type of work I would do and the direction of the firm." Another attorney who "wanted a small firm, good quality clients, and highly-respected attorneys" found all that in his father's firm, where he would be working not with the father but under different partners. Although he had thought he "could work there two years and go elsewhere if I didn't like it," he liked it and stayed, indicating another element, what we might call comfort. One woman for whom "it was not my plan all along to enter the same practice" found when she was applying for jobs that the parent's practice "was the only one I was comfortable with." For another, the comfort was with the firm's outlook: "My goal as an attorney is to help people avoid legal problems and I think that's been the basic philosophy of the firm."

For a large proportion of lawyers, the possibility of practicing in the same firm with the parent was a career opportunity. That meant several things: it was a job, perhaps when others were not available, it was a definite position, providing security, both economic and psychological; and, as we have just seen, it gave entry—quicker than through other firms—to responsibility within a firm.

A positive attraction of the family firm is the opportunity provided by the known practice of the parent. Not only could one "continue an established practice," but one would know it and the community in which it was located. Thus there were "opportunities to get ahead faster" because "I knew the territory." Economic security was certainly also important: the family firm meant "a job was available in a good established firm; other options were available but without the security of the known job or support." The parent's firm could also provide a job situation for women when women lawyers were not widely accepted: "I was a woman lawyer seeking employment in 1963—there were few other opportunities available." As Epstein has argued, limits on women's access to law jobs meant that "the family law firm often provided the only opportunity

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37 This lawyer had started in the State's Attorney's office, which he considered a "great place to get excellent legal experience but the pay is poor relative to private practice potential" and one couldn't "aspire to the very top positions without being political."
for women lawyers to practice.” But the availability of a job in the family firm was important for some men as well; the security it provided was particularly important when someone was “not employable otherwise” or when “jobs weren’t plentiful when I graduated.” And we find, whatever the reason, that, counter to Epstein, a smaller proportion of women (26.9%) than of men (49.2%) worked in the same firm with the lawyer parent.

Relatively few who had practiced with a parent had left the parent’s firm; among those, the basic reason was that the parent had died, leading to the dissolution or restructuring of the firm. Most moves happened well before that time — indeed, some quite soon, when the intention was that the stay be only temporary, as in the case of the woman whose father wanted her to take the bar in his state, so she worked for him while awaiting bar results. For some, however, the “break” didn’t happen until quite late, as we can see in the remark of a lawyer that he “went out on his own when he reached age 60.” For at least one, the move was within the family: an uncle wanted to retire because of age and health, and the respondent’s brother had already joined the father’s firm “and had become seasoned,” so respondent joined the uncle’s firm. For others the family-related reason involved the spouse: the physician-wife of one lawyer “needed to do a residency in another city,” and so he moved, and a woman lawyer “married and moved to my husband’s firm in another community.”

For another group (about a third of those leaving), opportunity — which had brought so many to the family firm — led them to leave; this included greater opportunities in other locations and opportunities to pursue different practice areas. For some this was a matter of economics — being underemployed in the parent’s firm, leading to insufficient income, because of a recession — while for others it was the greater possibilities in a larger city. One lawyer, for example, talked of his father being “one of five lawyers in a small rural community. He and I felt I would have greater opportunities if I moved 20 miles to Louisville” with its population then close to 300,000. For most, the greater opportunity for which they left was a change in practice field. Lawyers left the parent’s law firm “to branch into different areas of the law,” or because there was a “greater opportunity for preferred practice” elsewhere. For one, it was the desire to specialize in civil litigation, a desire that began five years into practice with the parent; for another, it was the “opportunity to specialize further.”

A few left the parent’s firm because they disliked aspects of the firm, that is, the firm was viewed negatively because of, for example, conflict with a partner or low pay, but a desire for independence affected more. People wanted to “show I could make it on my own” or “decided it was better to be on my own and make all decisions.” In a small community, a lawyer felt that “it was important as a third generation lawyer to establish my own reputation in the community.” That efforts at independence by moving out of

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the parent’s firm were sometimes a failure is shown by the case of the woman who obtained government law employment “hoping that my father would view me more as a lawyer and less as his secretary”; having found herself in the worst of situations from the perspective of child and woman lawyer, her move away before moving back did not accomplish its purpose.

SATISFACTION AND REPEATING THE CAREER

To conclude this exploration of some aspects of children following in the footsteps of lawyer parents, we looked at whether they would do it over again, at their satisfaction with career, and at the relationship between satisfaction and some elements of career. There is little doubt that these respondents, if they had to do it over again, would enter law as a career. Fully 87 percent said they would; only 9.6 percent said they would not, with the remaining 3.4 percent unsure. As we have seen, some would not follow the same path to get there, but the place they were going would not change. However, some others seem to have a longstanding disaffection with the law. We can see this in remarks by a lawyer who, if he could earn as much as a teacher, social worker, or government employee as he earns now, “would change careers.” Another, who found his work as an administrative law judge “very unsatisfactory,” quit that position to change careers and is “still trying to find a satisfactory solution.”

We should also note distinctions made by some between whether they would have again entered the law “at the time” and now; some said “Yes” to the former but “No” to the latter. As one observed, “I don’t know if I would in this day and age because of changes in the profession and the ways it’s looked upon.” Younger lawyers, in a more highly competitive, meaner environment are less likely to pass on a “good word” to their children. Put differently, many in our sample are from a calmer, more “gentlemanly,” more civil time in the profession — or at least their parents were. Although there was no particular relationship between either age or year of graduation from law school and whether these lawyers would again enter law as a career, more recent graduates evinced a decreased level of satisfaction. That is, although almost all continue to indicate that they are satisfied with law as a career, smaller proportions of more recent graduates indicate they are quite satisfied rather than somewhat satisfied. While, among those who are satisfied, 96.9 percent of those who graduated through 1952 are quite satisfied, the proportion drops to 83.6 percent for the next decade and to 72.4 percent for the 1964-1973 graduates, falling into the low to mid-60 percent range from those who graduated from 1974 to the present.39

39 A study of University of Michigan Law School graduates, using a seven-point scale, found that 69 percent of those graduating in 1966 and 1967 were very satisfied, while the level of satisfaction for more recent graduates (years of 1976-1977) was much lower — only 46 percent; only one percent of each group said they were very dissatisfied. Adams & Chambers, supra note 12, at 48, table 55.
Not only would most seek to attain the same career, they are quite satisfied with their choice of career: over 90 percent are satisfied with that choice, with almost two-thirds (64.2%) quite satisfied and another one-fourth (26.9%) somewhat satisfied. By contrast, less than one percent are quite dissatisfied and 3.6 percent are somewhat dissatisfied; the remaining 4.6 percent are neutral. In evaluating those figures, we must keep in mind not only that "when asked about satisfaction, a person may well report the feelings of the moment" but that the degree of satisfaction with an occupation "is in large part a subjective measure of the difference between...aspirations (or expectations) and...achievements," so that those "with low expectations may report a higher degree of satisfaction than someone who has achieved more but also expected much more."\textsuperscript{40} It would be better to ask about components of an occupation\textsuperscript{41} than to use a general satisfaction measure, but our question, coupled with reasons stated for satisfaction and dissatisfaction (not reported here), suffices for a "first cut."

Table 4

<table>
<thead>
<tr>
<th>Satisfaction and Contemplation of Different Career</th>
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Table 4A

<table>
<thead>
<tr>
<th>Satisfaction and Having Period When Did Not Want to be Lawyer</th>
<th>Quite Satisfied</th>
<th>Somewhat Satisfied</th>
<th>Neutral</th>
<th>Somewhat Dissatisfied</th>
<th>Quite Dissatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did have such a period</td>
<td>50.5%</td>
<td>38.9</td>
<td>3.8</td>
<td>6.1</td>
<td>.6</td>
</tr>
<tr>
<td>Did not have such a period</td>
<td>74.2%</td>
<td>17.7</td>
<td>5.3</td>
<td>1.8</td>
<td>.9</td>
</tr>
</tbody>
</table>

Table 4B

<table>
<thead>
<tr>
<th>Satisfaction and Having Period Wanted to or Planned to Enter Different Career</th>
<th>Quite Satisfied</th>
<th>Somewhat Satisfied</th>
<th>Neutral</th>
<th>Somewhat Dissatisfied</th>
<th>Quite Dissatisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did have such a period</td>
<td>53.6%</td>
<td>35.0</td>
<td>5.9</td>
<td>5.0</td>
<td>4.5</td>
</tr>
<tr>
<td>Did not have such a period</td>
<td>75.4%</td>
<td>17.9</td>
<td>3.4</td>
<td>2.2</td>
<td>1.1</td>
</tr>
</tbody>
</table>

\textsuperscript{40} Chambers, supra note 30, at 255.

\textsuperscript{41} Id. at 274.
What factors might be related to wanting to do it over and to satisfaction? The high proportion of those who would again go into a law career and the extremely high level of satisfaction provide little variance. An examination of legal specialization shows no particular differences from one specialty, or type of specialty, to another in the proportion willing to enter law as a career again, nor does there appear to be any particular relationship between specialty and satisfaction — although for both “doing it over” and satisfaction, those in general practice seem to have marginally lower scores.

A look at the relationship between satisfaction and the process by which people entered the law career also shows little variation. Those who first thought of law as a career after college are somewhat less likely than others to be quite satisfied, and those who thought of law first before high school somewhat more likely to have that level of satisfaction, but the overall proportion of those satisfied differs little from one period of first thought of a law career to another. The pattern for serious thought of a law career is somewhat different: those who thought of law as a career seriously in college are somewhat less likely to be quite satisfied than those who thought of the law career either earlier or later. Of particular note is the relation between satisfaction, on the one hand, and whether our lawyers had had a period of not wanting to be a lawyer and whether they had contemplated other careers. For those who did have a period of not wanting to be a lawyer, the proportion satisfied is only slightly less than for those who did not have such a period; however, the proportion of those who are quite satisfied is quite a bit lower among those who did have such a period than those who had always thought of law as their career (50.5% against 74.2%); roughly the same pattern appears when we look at whether people thought of a different career, with those who had not done so having a higher level of satisfaction. (See Table 4). These relations are statistically significant.

A comparison of those who took time off between college and law school with those who took the direct path also shows only marginal differences in satisfaction: slightly more among the “direct path” are quite satisfied. Those whose job at the time of the survey was their initial position were only slightly more likely to “do it over” than those who had had a previous position or positions. Overall satisfaction also does not differ on this dimension, although those with previous positions are slightly less likely to be quite satisfied than those without such positions. For those with public positions (present or past, primary or part-time), overall satisfaction (as against dissatisfaction) is virtually identical, although those who did not have law-related public positions had a smaller proportion of those who were quite satisfied.

Of some interest is the effect of someone working the same firm as the lawyer parent. Although there is no difference in whether the lawyer child would again adopt law as a career, those who have worked in that situation were definitely more likely to be quite satisfied than those who had not (69.9% compared to 59.9%); combining those quite
satisfied with those somewhat satisfied, one still finds a six percentage point difference, with those who work or worked in the family firm more satisfied.

CONCLUSION

What can this information tell us about lawyer children following in their parents’ occupational footsteps? The data may have raised more questions than it may have provided answers about the transmission of law as an occupation from one generation to the next, but the findings presented here are important because insufficient attention has been paid to this subject.

What do we learn from our respondents? For one thing, these lawyers from multi-generation lawyer families start thinking early about law as a career, although even for this group the principal period of serious thinking about law as a career does not come until college, with a significant proportion not engaging in such serious thinking until after college. Moreover, many think of other careers, and some start down the road toward those careers; one reason is the negatives that they have seen about the law through their parents’ experience. If those negatives constitute one aspect of the human capital transferred from parent to child, other, more positive aspects are also transferred and, even for those who start in another occupation, law exercises a pull and provides a known place to return when other occupations are seen negatively. Likewise, while the larger proportion say they had planned to be lawyers, many others believe opportunity brought them to the law, and others arrive there through drift, with few saying (or admitting) to reaching the law because they were expected to do so.

The path to a law career for these lawyers was one of direct movement from high school to college and, for many, of like direct movement from college to law school, although an increasing proportion have a hiatus between college and law school, a hiatus planned by some but which occurs for others as a result of external factors, particularly military service. Some of these lawyers would have taken time between college and law school, while others argue against it. About two-thirds would follow the same path they followed, and somewhat fewer who followed a “broken” path would do it. Women are more likely to have experienced a hiatus between college and law school, just as they are more likely to have started thinking seriously about law later than men — a result of women being channeled into other occupations and away from the law, at least for all but the most recent generations of women lawyers.

There are some noticeable parallels between the lawyer parents and their lawyer children. A significant proportion (somewhat under 40%) attended the same law school, with roughly the same proportion saying they were affected by the parent’s law school in their own choice, but few report parental pressure to go there. As to type of practice, a smaller proportion of children than parents are in general practice, perhaps a function...
of changes in the legal profession itself, with its growing internal differentiation and specialization. Although, perhaps a function of age, a smaller proportion of children than of parents have had law-related public positions, those whose parents held such a position are significantly more likely to do so than those whose parents held no such position.

Human capital transfer is perhaps best illustrated by the situation in which a lawyer child joins the family law firm, despite a small percentage reporting pressure to do so. Almost half of our sample practice with the lawyer parent; it is especially important that for most it was their first job and most are still there. Reasons given for joining their lawyer-parents in practice suggest the influence of two major factors. Pride, tradition, and the desire to follow in a parent's footsteps indicate the successful transfer of the profession's and the family's values and expectations. The opportunity to join a parent and the passing down of the family law firm from one generation to the next are evidence of the transfer of human capital within the present opportunity structure. Whether or not a lawyer-child joins the lawyer-parent in the latter's law practice, there is strong evidence of human capital transfer in the very fact the child has followed "in the parent's footsteps."