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Do Law School Outcomes Follow the Legal Myth of Thirds?: An Analysis of the After the J.D. Study

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The Legal Myth of Thirds

- Top Tertile of Law School GPA → Theory-Oriented Employment
- Middle Tertile of Law School GPA → Judicial-Oriented Employment
- Bottom Tertile of Law School GPA → Practice-Oriented Employment
A Preliminary Survey

- A short 7-question survey was administered in April 2014 concerning:
  - Sex
  - Age
  - Year of Enrollment
  - Awareness of the Myth
  - Belief in the Myth
  - Area of Legal Specialty
  - Desired Type of Legal Employment

Belief in the Myth

- Strongly Agree: 2%
- Agree: 4%
- Maybe: 25%
- Disagree: 23%
- Strongly Disagree: 46%
**Desired Employment Outcomes**

**Area of Legal Specialty (%):**
- Justice: 18.4%
- Property: 28.7%
- Torts: 4.6%
- Contracts: 25.3%
- Other: 4.6%
- Not Applicable: 4.6%

**Desired Type of Legal Employment (%):**
- Become a Practicing Attorney: 12.6%
- Become a Judge/Work in the Judiciary: 2.3%
- Become a Law Professor: 5.7%
- Other: 4.6%
- Not Applicable: 74.7%
The Legal Myth of Thirds
Re-Formulated
The Theoretical Relevance of the Legal Myth of Thirds to Sociology

Occupations and Occupational Structures (Weber 1947: 250)

The Monopolization of Professions (Abbot 1988; Friedson 1986; Larson 1979)

Intra-Professional Stratification Within the American Legal Profession (Abel 1989)

After the JD Study, Second Wave Results (Dinovitzer 2009)

Mobility Within the Legal Profession
- Bowman 2010; Levine 2013

Research on Law Professors
- Borthwick and Schau 1991; Fossum 1980; Gordley 1993; Mattei and Monateri 1993; Feldman 1993; Weir 1993; Kohler 1993

Critical Race and Feminist Legal Theory
- Research on the Makeup of the Judiciary
- Johnson and Fuentes-Rohwer 2005; Feenan 2008

Research on Practicing Lawyers
- Temporary Lawyering
- Edwards 2006

The Relationship Between Law School Performance and Legal Employment
- Unhappiness of Lawyers
- Spelgman, Verkuil and Kang 2001

Our Study
- Sander and Bambauer (2010, 2012)
The Second Wave of the 
After the J.D. Study
Actual Employment Outcomes

Area of Law Specialty (Valid %)
- Justice: 23.03%
- Property: 22.92%
- Torts: 9.77%
- Contracts: 26.79%
- Other: 17.49%

Type of Legal Employment (Valid %)
- Theory: 20.78%
- Judicial: 2.19%
- Practice: 6.82%
- Other: 70.21%

Distribution of Grade Point Average (Valid %)
- Top Tertile: 23.47%
- Middle Tertile: 51.31%
- Bottom Tertile: 22.38%
- Other: 2.84%
Regression Results
<table>
<thead>
<tr>
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<th>Model I</th>
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<th></th>
<th></th>
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<td></td>
<td>B</td>
<td>SE B</td>
<td>β</td>
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\[ p = .05^* \quad p = .01^{**} \quad p = .001^{***} \]
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<th>Justice</th>
<th>Property</th>
<th>Torts</th>
<th>Contracts</th>
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<td><strong>B</strong></td>
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Table 3. Logistic Regression Coefficients for Variables Predicting the Theory-Judicial-Practice Divide of After the JD, Wave 2 Respondents

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<thead>
<tr>
<th>Variable</th>
<th>Theory</th>
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<th></th>
<th>Judicial</th>
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<th></th>
<th>Practice</th>
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<th>Other</th>
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<td>Exp(B)</td>
<td>B</td>
<td>SE</td>
<td>Exp(B)</td>
<td>B</td>
<td>SE</td>
<td>Exp(B)</td>
<td>B</td>
<td>SE</td>
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<tr>
<td>Top Tertile</td>
<td>15.794</td>
<td>5687.127</td>
<td>7230247.264</td>
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<td>0.738</td>
<td>0.986</td>
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<td>0.425</td>
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<tr>
<td>Middle Tertile</td>
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<td>5687.127</td>
<td>1544925.577</td>
<td>0.458</td>
<td>0.704</td>
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<td>0.383</td>
<td>1.451</td>
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<tr>
<td>Bottom Tertile</td>
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<td>5687.127</td>
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<td>1.512</td>
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<td>55.710</td>
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<td>0.173</td>
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<td>1.231</td>
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<td>0.610</td>
<td>0.991</td>
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<td>0.192</td>
<td>1.763</td>
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<td>Torts</td>
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<td>-4.711***</td>
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<td>Nagelkerke $R^2$</td>
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<td>0.047</td>
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</table>

$p = .05^* \ p = .01^{**} \ p = .001^{***}$
Discussion: Law School G.P.A and Employment

- Candidates may not work on other key aspects of their professional development, erroneously assuming that a high law school GPA is going to cancel out all other contributing factors in getting a job.
- Lower achieving students may take themselves out of the running for jobs they may have actually had a chance at getting simply because of the assumptions they place on themselves regarding academic achievement.
- Both mindsets are essentially self-defeating.
- Our research proves that good grades in law school are not always a necessary condition for getting certain types of employment in the legal profession.
Relevant Compelling Trends in the *Study*

**Our Society**

- All of the independent variables had a statistically significant relationship with law school GPA:
  - a) Whites and females had lower law school GPAs;
  - b) Older students and those with higher incomes tended to graduate with lower GPAs
  - c) Combining age and income into an interaction term, labeled continuous effects, revealed a positive effect on law school GPA.
  - d) The combination of race, gender, political views, and marital status into an interaction term, labeled categorical effects, also had a positive effect on law school GPA.

**Conditions of Meritocracy**

- In this kind ideal-type:
  - (a) and (b) should be negated
  - (c) and (d) would still be irrelevant
Meritocracy & Intra-Professional Stratification

Our Society

a) Whites were more likely than non-Whites to be employed in property and contract-related areas of law.
b) Non-whites were more likely to be employed in justice, tort, and other areas of law.
c) Males are more likely to be employed in justice, tort, and contract-related law.
d) Females gravitate toward property and other areas of law.
e) As age increases, respondents are more likely to be employed in property and tort law.
f) Younger respondents are more likely to work in justice, contract, and other areas of law.
g) As respondents’ income increases, they are less likely to be employed in justice and contract law.
h) An increase in income predicts likely employment in property, tort, and other areas of law.

Conditions of Meritocracy

• The findings of (a) through (h) should not be affected by such socio-demographics since choice of law is suspected to be far more likely a function of specific grades rather than a respondent’s overall GPA.
The Mythic Status of the Divide

Our Society

• Reviewing 7 findings, the results indicate that the theory-judicial-practice divide is *not* predicated on law school GPA.

Conditions of Meritocracy

• These findings would be very different since the divide would actually exist and the American Dream would be feasible.
Conclusions and Prospects

• What we found is confirmation that the theory-judicial-practice divide to be an outright myth for the time being.

• This means that intra-professional stratification in the legal profession is structured according to law students with high grade point averages favoring career outcomes as lawyers more so than careers in academia or work in the judiciary.

• However, we do recognize that this mythic status could, in fact, be correct, pending a fourth, fifth or even eighth wave of the *After the JD* study.
Questions and Comments?

Thanks For Listening!

Please feel free to inquire further at mraphael@gradcenter.cuny.edu!

If you are interested in finding out more about my work, follow me on Academia.edu at http://gc-cuny.academia.edu/MichaelWRaphael

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