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SOCIALIZATION EFFECTS OF PROFESSIONAL SCHOOL:
THE LAW SCHOOL EXPERIENCE AND STUDENT
ORIENTATION TO PUBLIC INTEREST CONCERNS

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ABSTRACT

While undergoing training in professional school, future practitioners are assumed to experience attitude change, internalizing the norms of their future profession. In law school this change is thought to be particularly conservative, reflecting a business orientation and a minimal concern with pro bono and social reform work. This paper examines these possibilities by presenting data from a panel study of students at the University of Wisconsin-Madison Law School. Although some changes in attitudes are found, they are much smaller than suggested by recent critical literature on legal education. In light of these findings, a research agenda is proposed, stressing job market factors as well as socialization factors in the fostering of a traditional orientation toward the role of lawyers and the law.

Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns

THE PROFESSIONAL SCHOOL AND ADULT SOCIALIZATION

Throughout the life cycle individuals are confronted with many situations in which they must assume a new status and learn a new role (Brim, 1968). The entry into an occupation is a major shift of this type. Although occupations differ in the method they customarily use for the socialization of novices (Becker, 1970), for professionals in particular an extended period of formal training is relied on both for teaching of techniques and for the implicit and explicit transmission of values and attitudes deemed appropriate to their special tasks or mission. This training is thought to be particularly important for professionals since part of the justification for their special prerogatives is their presumed commitment to "higher values," such as public service (see, for example, the discussion in Kiegon, 1975).

This paper seeks to determine the effect, if any, of the law school experience on student orientations to what have come to be termed public interest concerns--that is, concern with broadening the representation of groups and individuals that have been historically underrepresented in the legal system.[1] We include under the public interest heading both work directed toward case by case adjudication and social or legal change that would affect underrepresented interests.

Although most of the major sociological statements on the socialization process in professional school pertain to medical rather than legal education, this inquiry addresses the central issue in that literature. Our study departs from prior sociological work, however, in studying a different set of attitudes. This change results as much from the change in time as from the change in place.

The major works in medical education were researched in the late 1950s, at a time when it was assumed that change in student orientations was desirable and would indicate the adoption of an appropriate "professional" stance (see especially, Merton et al., 1957). The concern of that period was with the development of individual doctor-patient relationships (Bloom, 1965; Funkenstein, 1971); consequently, important features of medical education were overlooked. As Fox (1974) has argued, "economic and political dimensions [of medical education] and their potential impact on the educational and socialization process were hardly considered [p. 209]."[2] Today, however, both law and medicine are in what might be called the "community era" (Funkenstein, 1971), in which there is a high emphasis on social responsibility and delivery of services to segments of the population that were previously underrepresented (Borosage et al., 1970; Moonan and Goldstein, 1972; Marks, 1972; Handler, Hollingsworth, and Erlanger, 1978; Geiger, 1972). Concomitantly, there has been an increase in both professional and sociological interest in the role of professional education in furthering the public interest.

Our inquiry, therefore, shares the concern with the effects of professional school on attitudes, but departs from previous sociological literature in terms of the specific attitudes examined. The inquiry

is framed by two general issues: (1) Is there a strong socialization effect? and (2) What is the direction of any effect on students' orientations to public interest concerns? Before presenting the methods and results of our inquiry, we wish to briefly discuss these two issues.

Is There A Strong Socialization Effect of Legal Education?

Although many writers, generally following the tradition of Merton, have assumed that professional school is a significant source of socialization to professional values, there has also been an undercurrent in the literature suggesting that professional school (and perhaps schooling in general) has little effect. For example, one might expect smaller changes in attitudes to occur during professional school if the orientations of the students and faculty were in substantial agreement than if they were not (see, e.g., Funkenstein, 1971). More significantly, the work of Becker and his colleagues (1961) sees the professional school as distinct from future practice. It argues that the future medical practitioner must first learn to be a student; learning to be a professional will follow graduation. Students may see themselves as atypical compared to practitioners, since even at advanced stages of training they are still students, adopting strategies and values appropriate for getting through school or for justifying participation in what may be an unattractive phase of becoming a professional practitioner.

The distinctiveness of the student culture may be even greater in law school than in medical school. Law professors are less apt to be appropriate role models for the future legal practitioner than are medical professors for the future physician (Riesman, 1962). Therefore, to the extent that

opportunities for observing and internalizing models of future work activities are important (Bucher et al., 1969), law students get less exposure, and the cues they receive may be inconsistent with what they know about practice. Lortie's study (1959), which found that law graduates were quite unprepared for practice and underwent "reality shock" after graduation, is consistent with this conclusion.

Of course, even if the conclusions of this undercurrent in the sociological literature were entirely correct, this would not necessarily mean that there are no socialization effects of law school; only that they are likely to be rather limited in both scope and degree. But what this literature suggests is that socialization effects cannot be taken for granted.

How Might Orientations Toward Work in the Public Interest Be Affected?

Various critics have argued that both the substance and form of legal education can operate to thwart public interest orientations held by many entering students and encourage or reinforce a detached, and perhaps cynical, business orientation instead (for an overview of the arguments, see Scheingold, 1974, Chapter 10). Until recently, most law school courses had a business orientation, and most of the required courses pertained to business matters or were taught from a business point of view (Griswold, 1968; Van Loon, 1970; Nader, 1970; Rockwell, 1971).

Public interest concerns, it has been argued, are also thwarted by the case method of study and the Socratic approach taken by most law

teachers, especially in the first year courses. Critics have held that this method can lead to the exaltation of rationality over other values that are of great importance to society; that the Socratic approach avoids questioning values underlying both the choice of cases for study and the decision making process in these cases, and thus latently supports the dominant interests in society; that the approach defines a very narrow subject matter as being important; and that it overemphasizes interests of the individual client rather than broader social interests (see, for example, discussions in Griswold, 1968; Kennedy, 1970; Nader, 1970; Savoy, 1970; Stone, 1971; Watson, 1965; or Rockwell, 1971).[3]

These various criticisms of legal education share two core assumptions: (1) that law schools present a view of the law that emphasizes the perspective of business and specific client interests over broader public interests; and (2) that during the course of their education, law students tend to relinquish more public oriented views in favor of those put forth by the law school.

However, neither of these assumptions can be taken as certain for the contemporary law school. Largely in response to pressure and protest from law school students and young faculty in the late 1960s, the curricula at many law schools have broadened considerably (see, for example, discussion in Michelman, 1968; Nader, 1970; Riesman, 1968; Van Loon, 1970; and especially the vigorous defense by Auerbach, 1970). Many schools offer a variety of courses and seminars on discrimination against minorities and women, environmental protection, poverty law, and welfare administration.[4] The faculty teaching these courses most often teach a traditional course as well (even such traditionally business oriented courses

as taxation and property), and thus are also in a position to present a broader range of views on these subjects to their students. It could be argued that today, in the mid-1970s, law school faculties are not any less oriented to public interest concerns than the students.[5] In addition, over the past decade many schools have greatly reduced the number of required courses, so that often the student has a good deal of flexibility in planning a program of study.

Summary

Overall, while the bulk of recent literature on the public interest aspects of legal education is critical and assumes substantial socialization effects, these effects have not been empirically demonstrated. The rather extensive commentary is based either on impressionistic evidence or on cross sectional data (see, especially, the comprehensive study of Stevens, 1973), and to our knowledge no panel study on this issue has been previously reported. Moreover, while many of the critical arguments have obvious merit, there is a competing body of information and sociological perspective that suggests legal education would not have a strong effect on the public interest orientations of students. Hence, both the extent and content of attitudinal change during legal education must be seen as open questions.

DESIGN OF THE PRESENT RESEARCH

This paper reports a panel study of the class of 1976 at the University of Wisconsin-Madison Law School, a law school of substantial

regional and national reputation. The study is exploratory, in that the Law School at Madison is unique in many respects and cannot be considered representative of a large number of similar schools, and in that there is no control group of nonlaw students or of law students in other classes. It is also limited in that it only examines stability and change on a relatively small number of quantified indicators; it does not examine the subtle process of the development of a professional identity--a process that could be quite important in the young lawyer's approach to clients and cases.[6] On the other hand, two similar exploratory studies, run for roughly the same period at law schools quite different from that at Madison, yield findings remarkably similar to those reported here (Hedegard, forthcoming; Levine, forthcoming).

Method

All students in the class of 1976 who had not previously attended a law school were sent a 10 page questionnaire by mail in the early part of summer 1973, before they had any formal instruction at the Law School. Non-respondents were contacted by telephone or sent an additional letter. Of the approximately 290 students who eventually enrolled in the fall, 204 (about 70%) completed questionnaires. During the spring semester of the second year of study (March 1975), all students still enrolled were mailed a new questionnaire, irrespective of whether they had previously participated. The questionnaire was substantially the same as before, with additional questions about activities during the two years, financing of schooling, and job market expectations being included for all students.

Of the approximately 260 students still enrolled, 205 responded to the second wave questionnaire after a series of follow-up procedures. Although about 10% of the class was nonwhite, the response rate for nonwhites was very low on both waves, and the analysis here will be restricted to whites. In addition, students who had not been continuously enrolled in the Law School were dropped from the analysis. The study is thus confined to whites who attended no other law school and were continuously enrolled from fall (or, in some cases summer) 1973 through spring 1975. Complete records exist for 136, or about 63%, of this group, which we believe to be a favorable response rate for a panel study. Only the responses of this latter group will be analyzed in the present paper; however the responses of whites who responded to only one wave of the study were similar to those of students who responded to both.

In addition to the quantitative materials, 15 students were individually interviewed in February 1976, during what was for most their final semester of law school. These informal interviews were used both to gain an impressionistic estimate of any effects since the T_2 questionnaire and as a check on the validity of the statistical results. To insure confidentiality, material from these interviews was not paired with that on any questionnaires previously completed, but each student was asked to indicate the general nature of his or her questionnaire responses.

Characteristics of Respondents

The Law School is attended primarily, but not exclusively, by students who plan to practice in the state. Admission to the Law School is highly

competitive, and for the students in the study, 86% reported an undergraduate grade point average of 3.0 or better, 51% of 3.5 or better. For students responding, 18% reported an LSAT score of over 700, 37% of 651-700, 29% of 601-650, and 16% of 600 or less. In comparison to data available on law students in the class of 1972, this distribution is between that of Michigan and Stanford (Stevens, 1973, p. 603).

Law students are disproportionately drawn from families with high socioeconomic status and the students in this study, attending a major law school and required to enroll for a full load of daytime classes, are no exception. Of the 130 students who reported their father's occupation at the time they were in high school, 9% of the fathers were in professions (mostly lawyers), another 62% were in white collar jobs, 9% were farmers, and only 20% were in blue collar jobs. Similarly, 56% of 119 students who estimated their family's income reported that in the middle sixties it was $15,000 or more, equivalent to well over $20,000 today. These income data are roughly similar to those reported for law students at elite law schools in the late sixties (Stevens, 1973, p. 603), although the occupational data are different.[7]

Other demographic characteristics include the following: 27% of the respondents were women (a slight overrepresentation compared to enrollment); just over half the students had interrupted their education since high school, but nonetheless three-fourths were under 25 when they entered and almost all were under 28; about a third of the students were married when they entered law school, an additional 6% were married after filling out the first

questionnaire, and 2% were divorced. Reflecting the character of Wisconsin, 41% of the students grew up in towns with a population of 35,000 or less, and an additional 13% grew up in cities of 150,000 or less. The rest were from cities larger than 150,000 and suburbs of such cities, but only a few students were from major urban areas outside the state. A rather large percentage of students (38%) had no religious preference, whereas 29% were Protestant, 18% Catholic, 8% Jewish, and 6% other.

A Note on the Use of Tests of Significance

For a variety of reasons, the authors have misgivings about the use of tests of statistical significance for an analysis such as that presented here. The law school was not picked at random, and within the law school not a sample, but the population of a nonrandomly selected class was studied. Most other presumptions of significance tests are also violated.

Nonetheless, many readers will argue that there is, in some sense, a sample. For example it can be argued that even if an individual's "true" attitudes do not change, self-reports of these attitudes will vary with fluctuations in moods; the T_1 and T_2 responses can then each be seen as samples of these responses, and the significance test would test the null hypothesis that observed differences resulted from these random fluctuations. Other readers, who have come to rely on significance level as a rough measure of whether differences are substantively meaningful, would be uncomfortable if they were omitted. Significance levels are included, therefore, for reference by interested readers. Since most of

the differences to be discussed are expressed in means, students' t tests on difference of means (Blalock, 1972) are used, and an asterisk is used to denote differences that are significant at the .05 level. We caution, however, that with a sample the size of ours, rather small substantive differences can be statistically significant, and hence in our view a reliance on statistical significance will lead to an exaggerated view of the amount of change from T_1 to T_2. In sum, then, we see statistical significance as a lenient standard of substantively important change.

THE ATTITUDES OF LAW STUDENTS OVER TIME

Politics and Concern with the Public Interest

In contrast to the bar as a whole, entering law students in the Wisconsin Class of 1976 were decidedly left of center politically. Of the 122 students reporting their political orientation, over 80% identified themselves as "liberals," "left liberals," or "radicals" (Table 1). This liberal orientation is also reflected in the reasons students gave for attending law school; half the students state some social service or social reform motivation. However, we find, as did Stevens (1973), that these activist motivations are generally mixed with other more traditional ones, such as versatility ("I didn't know what I wanted to do; law would leave me a lot of options"), financial security, prestige, a better opportunity than other alternatives ("I didn't see much future in being a high school teacher"), or the subtle influence of background ("I just always thought I'd be a lawyer"). Overall, 50% gave only traditional reasons, 28% gave both types, 21% gave only activist reasons, and 1% did not answer.

Table 1

General Political Orientation of Students

	Time 2								
	(1) Conserv	(2) Mod Cons	(3) Mid	(4) Lib	(5) Left Lib	(6) Rad	Oth/NR	Total N	%
Time 1									
(1) Conservative	1	0	0	0	0	0	0	1	1%
(2) Moderate Conservative	0	7	1	1	0	0	1	10	7%
(3) Middle of Road	0	3	5	3	0	0	0	11	8%
(4) Liberal	0	2	14	31	3	0	6	56	41%
(5) Left-Liberal	0	0	0	10	20	1	2	33	25%
(6) Radical	0	0	0	1	4	5	1	11	8%
Other/No Response	1	0	2	3	2	1	5	14	10%
Total N	2	12	22	49	29	7	15	136	
%	1%	9%	16%	37%	21%	5%	11%		100%

Note: $\bar{X}_{T1} = 4.17$, $\bar{X}_{T2} = 3.93$. Difference in means = $.24^{*}$.

The students' tendency toward a liberal orientation also is seen in their evaluation of items dealing with the importance of work for social reform, social service, and business interests. The students were asked to rate, on a scale ranging from strong agreement (coded as 5) through strong disagreement (coded as 1), three items dealing with social service and social reform work: "lawyers should be trend setters in working toward social change"; "in noncriminal cases lawyers have wrongly neglected to make law more readily available as an instrument of justice to common people"; and "giving free or reduced cost legal work to persons or groups that cannot afford to pay the regular fee is part of a lawyer's professional obligation." The mean score on each of these items was between 3.8 and 4.1, indicating "agreement" with the items. There was wide variation in responses, and the respondents' political orientation explained a significant amount of the variance in an index combining the three items.[8]

Given the content of the items, and especially the importance of pro bono work to the ideology of professionalism, these observed scores may not initially seem remarkably high; nonetheless, they contrast with the evaluation of two items regarding the importance of corporate work. Using the same scale, the students were asked to rate two items: (1) "It is the complexities of the corporate structure that create the most important work for the lawyer"; and (2) "one of the most important functions a lawyer can have is to contribute to the development and refinement of the techniques of business organization and commercial enterprise." These items also had wide variation in response, but the mean scores were between 2.1 and 2.4, indicating "disagreement." In sum, the entering class seems to have been politically liberal, moderately oriented toward reform and pro bono work, and moderately disinclined to work for major corporations.

What was the fate of these orientations during the first two years of school? Table 1 is a turnover table, showing political orientation at T_1 and T_2. One striking finding is that although almost half the students change their self designation, most of the change is slight.[9] This is characteristic of turnover tables for all T_2-T_1 comparisons discussed in this paper; sometimes as many as 70% of the students give different answers at the different times.[10] However, since examination of the tables reveals no patterns that would significantly alter the conclusions drawn from the analysis of gross changes, and since the small amount of change may be accounted for by random errors, subsequent turnover tables will generally not be presented in the text.

In the analysis of political orientation (Table 1) was in a conservative direction, but overall the students remained decidedly left of center, with 70% of those selecting a category identifying themselves as liberals to radicals. Similarly, Table 2 shows remarkably little change in the scoring on the items related to social reform, social service, and business interests. While the mean score on each of the items was the same or lower at T_2, only one change, that of the importance of pro bono work, is statistically significant, and substantively that change was not large. Thus, although Tables 1 and 2 do suggest some change over time, the extent of that change appears to be markedly less than what many critics would have expected.

The Expertise of Different Law Jobs

A more subtle way in which law school might serve as a conservative influence on recruits is by providing boundaries delineating those tasks that

Table 2

Public Interest and Business Orientations

	Mean Score (Range 1-5)			Standard Deviation	
	T_1	T_2	T_1-T_2	T_1	T_2
Lawyers should be trend setters in working toward social change.	4.22	4.11	-.11	.95	.89
In noncriminal cases, lawyers have wrongly neglected to make law more readily available as an instrument of justice to common people.	3.84	3.84	.00	1.08	1.22
Giving free or reduced cost legal work to persons or groups that cannot afford to pay the regular fee (i.e., pro bono work) is part of a lawyer's professional obligation.	4.18	3.95	-.23*	.93	1.17
It is the complexities of the corporate structure that create the most important work for the lawyer.	2.13	2.04	-.09	1.05	1.03
One of the most important functions a lawyer can have is to contribute to the development and refinement of the techniques of business organization and commerical enterprise.	2.38	2.33	-.05	1.20	1.09

Note: Non-response negligible.

involve the special skills of lawyers. Certainly in any occupation one important part of the socialization of novices is the transmitting of cues about the types of work central to that occupation and the types that are peripheral. For professional occupations this is especially true, as those occupations claim to have a specialized set of skills not accessible to the lay person. We thus expected to find that during law school the students would come to develop more narrow and clear definitions of those tasks that involve the particular expertise of lawyers.

Entering students may be expected to identify legal work as primarily that of the publicly visible lawyer, and thus to place a particularly high value on litigation. As Riesman (1951) has noted, "[M]ost lawyers today recognize that their most important work is done in the office, not in the courtroom; the elaborate masked ritual of the courtroom holds attraction only for the neophyte and the layman [p. 122]." Alternatively, they may see legal work as "anything a lawyer does," whether it receives public attention or not. However, as the student proceeds through law school, one might expect a more focused understanding of law work to emerge. The student will recognize that the quality of a law job ultimately depends on the performance of the particular lawyer performing it, but will also learn that the everyday work of different law roles varies greatly and that some of these roles are generally understood to involve more of the basic expertise of lawyers than are others.

In the present inquiry we were especially concerned with the extent to which perceptions of the degree of lawyerly expertise involved in a task would vary, not just with the particular skill utilized (e.g., litigation, drafting of documents, etc.), but also with the type of client or interest served. Thus, for example, we were interested in ascertaining whether complex litigation

for prestigious traditional clients would be considered to require more expertise than complex litigation for less prestigious clients or for social reform interests. If this were the case, then the law students would in effect have been socialized to define social reform as outside the bounds of appropriate activity for lawyers.

Students in the study were asked to rate, on a nine point scale, each of 24 law jobs on the extent to which they thought the job utilized "the special skills of a lawyer." The results are presented in Table 3, which shows for each job the mean score at T_1, the change in mean score, the rank of the mean score, and the standard deviation at T_1 and T_2.

A list such as this one is very difficult to analyze. Factor analysis is technically not appropriate,[11] and exploratory work using both orthogonal and oblique techniques (Rummel, 1970) did not yield a set of substantively meaningful factors. Despite these difficulties, some inferences can be made from visual inspection of the table. First, there is no evidence that judgments about the degree of expertise involved in various law jobs coalesce during the first two years of law school. The mean percentage of nonresponse drops only slightly, from between 8 and 9% to just over 7%, an inconsequential difference. More importantly, for the tasks as a whole, the standard deviation fails to show the marked reduction that we had anticipated: The mean of the 24 standard deviations is virtually identical (1.46 versus 1.45) at T_1 and T_2.

Turning to analysis of the ratings of the individual jobs, the clearest finding is that students enter law school with the idea that jobs involving litigation make the most use of a lawyer's expertise. Of the first twelve ranks at T_1, only two include jobs (negotiating complicated business deals,

Table 3

Ratings of Jobs on the Extent to Which They Utilize the Special Skills of a Lawyer (N=136)

Item	Rank T_1	Rank T_2	Mean T_1	Change T_2-T_1	Standard Deviation T_1	Standard Deviation T_2
Criminal defense in big cases, such as done by Edward Bennett Williams.	1	6	7.89	-.46*	1.17	1.47
Handling major civil liberties suits for the ACLU.	2	3	7.81	-.17	1.15	1.24
Chief litigating lawyer in a very large firm.	3	1	7.63	+.27*	1.21	1.21
Handling major environmental impact suits for the plaintiff.	4	2	7.61	+.06	1.15	1.23
Handling major desegregation suits for the NAACP.	5	5	7.51	+.05	1.26	1.08
Handling major class actions seeking benefits for the poor.	6	4	7.45	+.16	1.24	1.07
Solo practitioner in general practice, primarily dealing with poor clients.	7	12	7.24	-.39*	1.49	1.65
Negotiating complicated business deals for very large corporations.	8	12	7.13	-.28*	1.75	1.61
Solo practitioner, handling mostly criminal defense and personal injury suits.	9	9	7.09	+.01	1.31	1.41
Attorney on the staff of the District Attorney's Office.	10	16	7.07	-.44*	1.25	1.50
Attorney on the staff of the Public Defender's Office.	11	14	7.02	-.23*	1.38	1.50
Representing professionals, such as doctors, in criminal negligence cases.	12	10	6.98	+.05	1.37	1.40
Solo practitioner in general practice, usually dealing with the affairs of middle income clients.	13	11	6.96	-.03	1.33	1.55
Doing Ralph Nader-type investigations of government agencies to determine their fulfillment of legal obligations.	14	20	6.87	-.67*	2.00	1.75
Handling popularized political cases, such as W. Kunstler.	15	21	6.86	-.82*	1.71	2.21
Specializing in tax matters in a very large firm.	16	7	6.72	+.63*	1.81	1.54
Member of the legal staff of a federal government regulatory agency.	17	19	6.68	-.34*	1.53	1.43
Handling litigation and drafting contracts for a large labor union.	18	15	6.64	+.04	1.46	1.58
Self-employed lawyer specializing in the affairs of small independent businesses.	19	17	6.50	+.07	1.43	1.25
Estate planning for very large estates.	20	8	6.38	+.77*	1.59	1.44
Member of a firm that handles primarily the affairs of small corporations and partnerships.	21	17	6.22	+.34*	1.51	1.18
Member of the legal staff for a medium size local or regional company.	22	21	6.13	-.10	1.52	1.38
Working on the legal staff of a charitable foundation.	23	21	5.92	-.13	1.54	1.38
Negotiating leases for major office buildings in downtown area of major city.	24	24	4.90	+.44*	1.97	1.82

Note: On each item, missing data are omitted. Range of each item is 1-9.

solo practitioner with poor clients) that do not mention litigation; while of the second twelve, only two of the jobs (handling popularized political cases and working for a large labor union) mention or imply litigation. At T_2, litigation jobs are not quite as dominant, but the general pattern remains. The very highest ratings still go to jobs involving trial work, as do eight of the top ten ranks. In addition, this high regard for litigation essentially exists independently of client served. Although there is some upgrading of "chief litigating lawyer in a very large firm," who would be handling primarily corporate matters, and a relative downgrading of the elite practice of criminal law, the mean score for elite criminal practice remains high. The four jobs involving complex litigation for liberal social reform purposes maintain their high ratings.

Analysis of jobs showing sharp increases or decreases in the ratings must be cautious because large changes at the extremes of the distribution could be artifacts of regression toward the mean and because the jobs that show large changes generally include more than one dimension (e.g., type of client, type of work setting, type of substantive law), and one must be attentive to other jobs with these characteristics that did not change.

With these caveats in mind, there are still some tendencies that are worthy of note. Most striking, the jobs showing the largest increases in ratings are oriented to businesses and wealthy individuals.[12] This may be the result of the emphasis on these matters in the law school curriculum. The two jobs for which the rating increased the most involve complicated tax matters and complicated estate planning, a variation of tax work. Although students generally enter law school with the view that tax law is dry and unexciting, the informal interviews indicate that they leave with the view that

it is dry, boring, and critically important. Tax matters are seen as being basic to all civil transactions, and tax is seen as one of the few specialties that is so complex that the true specialist needs an advanced degree beyond the J.D. Although the tax course is not required, the cues are such that students feel that it would be a mistake to leave law school without having taken it.

The two jobs with the largest drop in mean evaluation of expertise are those related to the use of law to challenge existing institutional arrangements by going outside the bounds of traditional litigation. The largest decrease comes in the evaluation of work by lawyers like William Kunstler, who although heavily engaged in criminal litigation, attempt to use that litigation for political ends. The other large drop was for "doing Nader-type investigations of government agencies to determine their fulfillment of legal obligations." There seems to be agreement among the law students interviewed that most of the Law School faculty, although somewhat sympathetic to the causes represented by Kunstler and quite sympathetic to the issues put forth by Nader, do not see either Kunstler or Nader as being engaged in careful legal analysis. In the informal interviews students also reported that Nader failed to fit the image of a lawyer that was put forth by the law school or that they saw in their clinical experiences. Nader "doesn't have a client" and symbolically violates the profession's canons of ethics because he seeks out problems instead of waiting for aggrieved parties to come to him.[13] In addition, Nader generally doesn't use the courts, but tries to affect legislation and to educate the public. As several students put it, in spite of Nader's belief that he is fulfilling a lawyerly role, "he doesn't need a law

degree to do what he's doing," or "he got a law degree but decided not to practice." Thus for Nader, and probably for Kunstler too, the decrease in rating of the lawyerly expertise involved in their work seems to be more a result of the type, amount, or quality of legal skills they use, rather than the political interests they represent. The dominant image of lawyers that students hold seems to be one of a lawyer knowledgeable about complex areas of law and engaging in litigation. But although there was some evidence that students conceived of legal forums in traditional terms, their conception of the tasks that use the skills of a lawyer tended to remain variable and rather broad. Contrary to our expectations, roles involving less prestigious clients and social reform interests were not systematically downgraded.

EXPECTATIONS OF JOB BEHAVIOR AS A LAWYER

In an earlier section, we examined changes during the first two years of law school in the students' attitude toward the importance of public interest work. In this section, we shift focus to examine the students' expectations of actually doing such work. First we consider two items dealing with pro bono work, then we look at the types of jobs the students expect to hold.

Students were asked what percentage of their working time they personally wanted to spend doing pro bono work, and how important the opportunity to do pro bono work would be in their job choices. The latter question was of special interest because of the widespread belief that, at least in the late 1960s and early 1970s, students were demanding pro bono opportunities as a condition of employment.[14] For example, in Marks' study (1972) of public interest activity by

major firms, "most respondents cited the students as the single or final factor which led their firms to formally address the problem of public interest response [pp. 204-5]." Similar observations have been made on several occasions in the Wall Street Journal.

Entering students in the class of 1976 seemed to have a relatively strong commitment to actually doing pro bono work. As indicated in Table 4, at T_1 only 28% of the students said that opportunity to do pro bono work would definitely not be an important consideration in their choice of job. True, only 26% thought it would definitely be very important, but this figure is not as relevant because traditionally opportunity to do pro bono work has not been a factor at all in the job decision. The entering students also intended to devote a fairly large percentage of their time to pro bono work. Given that the average for lawyers in private practice is about 6% (Handler et al., 1975), the figures for T_1 in Table 5 are striking: Over 50% of the students, and over 85% of those students stating a specific percent, plan to spend at least 10% of their time on pro bono work.

As the students end their second year of study, their expectations are rather different. At T_2, over half the students report that the opportunity to do pro bono work will be irrelevant to their job choice (Table 4). The percentage of time they expect to devote is also down considerably (Table 5), but it is still substantially higher than that in the bar as a whole. It is quite possible, of course, that it will decrease further once they go into practice.

Table 4

Importance of the Opportunity To Do Pro Bono Work in Choosing a Job

	T_1	T_2
(1) Definitely not important	28	56
(2) Not (1) or (3)	46	28
(3) Definitely very important	26	16
	100%	100%
$(N)^2$	(131)	(132)

Note: $\bar{X}_{T1} = .98$, $\bar{X}_{T2} = .60$. Difference in means = $.37^*$.

Nonrespondents omitted from table.

Table 5

Percentage of Working Time Desired for Pro Bono Legal Work

		T_1	T_2
(1)	None	1	5
(2)	1-9%	7	12
(3)	10-19%	18	30
(4)	20-29%	21	15
(5)	30-39%	5	3
(6)	40% or more	10	4
	D.K. or uncertain	17	10
	Other (nonpercentage) answer	20	21
		99%	100%
	$(N)^2$	(130)	(134)

Note: For respondents stating a percentage (rows 1-6), $\bar{X}_{T1} = 3.81$, $\bar{X}_{T2} = 3.15$. Difference in means = .66*.

Nonrespondents omitted from table.

What types of jobs do the students expect to have? Table 6 summarizes the open-ended responses given to several questions dealing with "the job you would like to have five years after graduating from law school," at T_1 and T_2.[15] At T_1, about half the students (49%) explicitly mention a job or field of law with an explicit social reform character, such as poverty law, consumer protection, environmental protection, affirmative action, etc; but as shown in the table, these types of jobs were most often mentioned along with other, more traditional possibilities. Between T_1 and T_2, 43% of the students sufficiently changed their plans to be coded in a different category, the large majority of them shifting away from social reform or activist type jobs. Nonetheless, more than a third (36%) of the students maintain some interest in reform-type jobs.

In addition to the open-ended questions, students were asked whether each of a variety of work settings would be desirable (coded 2), acceptable (coded 1), or unacceptable (coded 0) to them five years after graduating. These data, summarized in Table 7, indicate that the students enter with relatively modest ambitions, seeming to prefer practice on a relatively small scale. This preference is appropriate given that the large majority plan to practice in the state, which has few firms comparable to major firms in Chicago, New York, or Washington. By the end of their second year, these tendencies are even more pronounced. Work with a very large firm, which would generally entail a substantial involvement with the legal affairs of major business enterprises, is the least acceptable work setting at T_1, and is even less popular at T_2. The dominant preferences at T_1 and T_2 are the small firm or partnership. Thus, there is no evidence that law school encourages an orientation toward complex corporate law. However, these data must be interpreted with caution; there is no evidence that law school

Table 6

Type of Job Desired Five Years After Graduation

		Time 2					
		(0) Trad	(1) Trad/Ref	(2) Ref/Trad	(3) Reform	Total N	%
Time 1							
(0)	Traditional	55	5	5	4	69	51%
(1)	Traditional, maybe social reform	10	4	1	0	15	11%
(2)	Social reform, maybe traditional	17	3	4	2	26	19%
(3)	Social reform	6	0	6	14	26	19%
	Total N	88	12	16	20	136	
	%	64%	9%	12%	15%		100%

Note: $\bar{X}_{T1} = 1.07$, $\bar{X}_{T2} = 0.75$. Difference in means = 0.31^{*}.
Nonresponse negligible.

Table 7

Acceptability of Various Job Settings

(Range 0-2)

	Rank T_1	Mean T_1	Change T_2-T_1
Solo practice	8	1.12	-.09
Small partnership	2	1.53	+.06
Small firm	1	1.55	+.05
Medium firm (10-40 members)	6	1.14	-.08
Large firm (over 40 members)	13	0.65	-.20*
Staff of public defender's office	3	1.25	-.32*
Staff of district attorney's office	9	1.03	-.19*
Direct employee of business firm	12	0.71	-.14
Lawyer for municipal agency	10	1.02	-.15
Lawyer for state agency	6	1.14	-.07
Lawyer for federal agency	5	1.18	.00
Teaching	4	1.20	-.40*
Job in which you do not primarily practice law	11	0.77	+.11

discourages a corporate practice either. The decrease in interest in major firms may simply reflect academic performance and job market expectations.[16]

CONCLUSION

Comparison of student attitudes in the University of Wisconsin Law School Class of 1976 in 1973 and 1975 shows a number of changes, and by and large these changes are in the direction of a more conventional, although not necessarily more business oriented, perspective. Predispositions toward seeing litigation as the most highly skilled work of lawyers and emphasis on traditional legal forums seem to be reinforced, at the expense of other, less traditional modes of practice. Interest in small firms, where the bulk of everyday legal work is done, increases, while interest in pro bono or social reform work decreases. And perhaps most fundamentally, modes of thinking appear to be changed. All of the students who were informally interviewed felt that the biggest change they had undergone was in learning to "think like a lawyer," i.e., to distinguish a legal issue from a nonlegal one, to see the various sides of a problem, to reason formally and logically, and to express oneself clearly, concisely, and unemotionally. When measured quantitatively, these changes are statistically significant, although, as we have noted, fewer seem to us to be substantively significant, and the changes are smaller than recent critical literature on legal education would lead one to expect. Moreover, in several areas of our inquiry, we find contrary evidence. Substantive change in political attitudes is slight, there is no evidence of a coalescence of attitudes, and representation of less prestigious clients or of social reform interests is not systematically downgraded.

The absence of a decisive trend to the data means, of course, that they are open to a variety of interpretations, and various readers may reach different conclusions than we have on the substantive significance of the findings. In making these judgments, it is well to keep in mind the characteristics of the study that work either to accentuate or attenuate the observed changes and their apparent relationship to the process of professional socialization. Observed changes may be attentuated by our having distributed the second questionnaire in the second year rather than the third, or by our having studied a law school whose student body has a sizable subgroup with a steadfast commitment to public interest concerns. But it is generally agreed that it is in the first year that the socialization experience is most intense, and, as noted earlier, similar exploratory studies at other law schools, with much more conservative student bodies, yield much the same results as those reported here.

More compelling to us than the argument for attenuation is the argument that the analysis here may <u>exaggerate</u> the true influence of legal education on orientation to public interest concerns. Since the study lacks a control group, we can not determine the extent to which what appears to be a conservative influence of legal education is actually a product of a changed political climate, of a tendency of people to become less radical as they take on more responsibilities, or of a tendency for people with deep seated public interest commitments to avoid law school.[17] And most important, we can not directly determine the extent to which information about the job market, rather than cues from the educational process, acts to shape student orientations.

As an exploratory study, we raise as many questions as we answer. It seems to us that two of these questions are particularly important. The first of these relates to the precise nature of whatever changes occur during law school. If the changes we document represent the upper bound of those that take place, then it seems to us that the perspective of Becker et al. (1961), which stresses the insulation of students from the socialization process in medical education, would be supported. But to the extent that the changes we find are instead underestimated, then they may be the imperfectly measured evidence of basic change. Thus the research question centers on whether students are simply undergoing subtle changes in orientations, or whether more profound ideological and value changes are taking place.

The second critical issue for future research concerns the relative importance of the job market as compared to legal education in explaining changes that do occur. Although the study reported here does not follow the respondents beyond graduation, it is reasonable to conclude that if such a follow-up were made, the largest observed change would be from job expectations in 1974 to job actually held a few years after graduation. Whether or not legal education itself leads to a traditional orientation towards the law, a conventional orientation may make sense to the students in terms of the jobs and clients available in the market for legal services. Students seem increasingly to sense this, both as they get closer to graduation and as the market tightens. The predominant concern of all students informally interviewed, even those with outstanding records, was getting a job. As one student with a strong record and a professed social reform orientation put it, "I've told you what I'd <u>like</u> to do; the fact is,

I'll take whatever job I can get!" Similarly, the informal interviews suggest that the change in the amount of time students plan to spend doing pro bono work to a great extent results from the feeling, gained from stories about students who have recently graduated, that young lawyers work very long hours already, and that pro bono work will take up too much additional time. More generally, the largest quantitative changes observed in the data regard expectations of job behavior as a lawyer, the area of inquiry most subject to job market influences.

All in all, contrary to the stated interests of students, it is extremely unlikely that more than 5 to 15% of the class will be in public interest jobs five years after graduation. Assuming this is correct, the research question is to what extent this shift (or others) is a function of the lack of availability of public interest jobs (Erlanger, 1977). A detailed study focusing as much on events outside the law school as those within, will be necessary to answer this question.

NOTES

[1]Use of the term "public interest law" to describe this work is controversial because it implies other meanings. As many writers have noted, it is incorrect to assume that all concerned have one interest in common, or that their interest is the same as the interest of the broader public (see, for example, Mayhew, 1975). Many lawyers also object to the use of "public interest law" or "work in the public interest" because they believe that any lawyer who conscientiously represents the interests of his or her client is operating in the public interest. (For an example of the traditional view, see Auerbach, 1970; for examples of the reformist view, see Marks, 1972.) For a detailed discussion of the variety of meanings attached to the term "public interest" and for an attempt to generate an economic definition consonant with the usage here, see Weisbrod, Handler, and Komesar (forthcoming).

[2]Although there is a substantial literature on legal education (besides materials already cited, see the citations in Boyer and Cramton, 1974; Stevens, 1973; Laswell and McDougal, 1943), little of it is empirical, and almost all empirical studies have been based on small samples. Except for the work of Stevens (1973) and Little (1968), the empirical studies have generally ignored political dimensions of the law school experience. Instead, they have focused on such matters as factors related to success by first year students (see, e.g., Loftman, 1975; Lunneborg and Lunneborg, 1966; Miller, 1967; Patton, 1969; Silver, 1968) and the possible negative personality consequences of the stress assumed to be

built into the law school program (see the citations in Taylor, 1975). The only panel study reported in the literature is the work of Thielens (1969), which deals with socialization to ethical standards.

[3]The Socratic approach has also been bitterly criticized for its potentially devastating effect on personal interaction (see, for example, Kennedy, 1970, and especially Savoy, 1970) and for the stress and anxiety it may generate (see, for example, Silver, 1968, or Taylor, 1975). For a sophisticated psychiatrically oriented response, see Stone (1971).

[4]However, these changes are seen by some as basically "window dressing." See, for example, Rockwell (1971), and Van Loon (1970).

[5]Today, law schools experience little, if any, of the protest that was relatively frequent in the late 1960s. Law students also seem to be much more oriented to bread-and-butter (although not necessarily business) courses than to public interest or interdisciplinary courses; for example, students at the University of Wisconsin Law School seem generally unsympathetic to the hiring of more faculty with a social science orientation and instead favor faculty with extensive practical experience.

[6]Katz (1976) shows how lawyers who are objectively in the same job may in fact be quite different types of lawyers, both in the way they view themselves and in the way in which they deal with their clients and cases. See also Casper (1972).

[7]At Stanford, Michigan, and Yale, over 90% of the students came from white collar (including professional) families (Stevens, 1973, p. 605).

[8]We also collected data on 20 other background variables, but despite extensive exploratory analysis, we found very few substantively or statistically significant relationships. Less than 5% of over 800 correlations between background variables and the various T_1 attitudes reported on in this and the next section were significant at the .05 level. In most of these significant correlations, being female, having a father who was liberal politically, or being left-oriented oneself was associated with the more "liberal" T_1 response. Respondents' political orientation was the most strongly correlated, explaining 16% of the variance in the index reported in the text, 13% of the variance in an index made up of the business items discussed in the next paragraph, 15% in the "importance of pro bono opportunities in job choice," and 20% in "interest in a social reform type job."

[9]Some readers may be concerned about the T_2 scores of the respondents who were in the middle categories of this or other T_1 variables analyzed. These respondents, it can be argued, are less subject to "floor" or "ceiling" effects and will show less regression toward the mean; substantively, it can be argued that they enter with less extreme opinions, which may be more subject to change. On most items, the net change for respondents in the middle categories at T_1 was greater than that for all respondents together, sometimes markedly so. However, separate analysis of these respondents does not change the thrust of the findings presented in the text. In addition, if the law school were giving consistent cues, then the variance for the entire group on a given item would be lower at T_2 than at T_1; analysis indicates, however, that the variances at the two points in time are similar.

[10]An exploratory analysis was undertaken of sources of the difference between T_2 and T_1 scores for this, as well as other attitudes. The $T_2 - T_1$ difference was the dependent variable in a regression equation, and the T_1 score was forced first in a stepwise regression. Then each background variable was considered one at a time, and the increment to R^2 was examined. Besides the background variables, also included in the analysis as independent variables were variables indicating differences in law school experience (such as clerking for a firm, working with one of the "public interest" organizations associated with the law school, etc.) and perceptions about the job market. However, this extensive exploration indicated that there were only a few dependent variables for which a substantial amount of change between T_1 and T_2 scores could be explained by any of the independent variables analyzed, or any group of them. The small size of the increments to R^2, even in those cases in which there was a statistically significant relationship, perhaps reflects the fact that in many cases there was little change, and therefore, a minimum of variance to be explained. Consequently, we are faced with a similar situation as in our attempt to explain the sources of T_1 attitudes. The lack of systematic findings from the exploratory analysis has led us to forgo a presentation of influences on change scores.

[11]Technically, factor analysis is a technique for grouping "objects" across "raters." In the analysis here we are concerned with the relationship between objects and certain a priori variables such as public versus private practice, criminal versus corporate law, etc. (On the relationship between raters, objects, and variables, see Catell, 1966.) In addition, factor analysis is a technique for situations in which people

systematically differ in their ratings of different objects. In the empirical situation here, there is substantial agreement on lawyerly expertise, and all items load relatively high in the first factor.

[12]See note 10.

[13]On this point, see Tapp and Levine (1974), or Casper (1972).

[14]Some might question whether this is a good indicator of commitment to public interest work, since historically lawyers have done pro bono work on their own time (see, e.g., the discussion in Auerbach, 1970). The student response would probably be that the critical issue is having sufficient time available to do pro bono work, rather than who pays for it. Unfortunately the questionnaire item does not make this distinction.

[15]The items included "What are the most important things to you about the job you would like to have five years from now?" "What types of law would you like to be practicing?" "What type would you not like to be practicing?" "How important would type of clients be, and what types would you like (not) to have?" and "What do you expect your income to be in this job?"

The coding was done conservatively, to underinclude reform oriented jobs. For example criminal law, which some writers see as reform oriented, was coded "traditional" unless the student also mentioned some reform or activist component, such as "working to help indigent people get adequate representation in criminal matters." Similarly a general reference to government service was considered traditional. Because of the ambiguities involved in coding these open-ended responses, primary emphasis was placed on reliability; extensive cross checks were made to insure that similar responses were coded alike.

[16]In fact, one of the few instances of a significant finding to emerge from our analysis of T_2-T_1 scores was the relationship between job preferences and making the Dean's list. Students who frequently made the Dean's list became less interested in solo practice, a small partnership, or a small firm (R^2 = .04, .03, .03, respectively), and much more interested than others in their class in a job with a large firm (R^2 = .08). Controlling for T_1 preference, the mean score on interest in a job with a large firm dropped .24 for students who did not make the Dean's list during the first two years at the law school, whereas it increased .34 for students who made the list three or four times. These are substantial changes from the T_1 mean of only .65.

[17]Even if legal education has no socialization effects, the nature of the law school program could be critical in determining which undergraduates apply for admission, and thus could profoundly, but indirectly, influence the public interest orientations of practicing lawyers.

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