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LAWYERS AND THE LEGAL RIGHTS MOVEMENT
A STUDY OF THE 1967 LEGAL SERVICES PROGRAM COHORT

Howard S. Erlanger

UNIVERSITY OF WISCONSIN - MADISON



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ABSTRACT

This paper analyzes the social background characteristics of lawyers in the OEO Legal Services Program in 1967, in terms of hypotheses drawn from both the LSP literature and the student protest literature. Contrary to expectations, lawyers in the LSP in 1967 were not more likely to come from elite social or educational backgrounds, and did not primarily grow up in liberal families. The lawyers approximated a cross-section of the young bar, except for a marked overrepresentation of blacks, women, and Catholics.

I. Introduction¹

By all reports, before the mid-1960s the number of lawyers representing the poor, or working on social-reform causes such as racial integration, consumer interests, or environmental protection, was very small. A few private groups, most notably the NAACP Legal Defense Fund and the American Civil Liberties Union, worked with low budgets and small staffs (although often with great success); some government agencies were committed to social reform through legal action and employed a relatively small number of lawyers to engage in law-reform litigation. The legal needs of the poor in criminal matters were often neglected; until the Gideon decision in 1963 the right to free legal counsel was not recognized, and the majority of the population remained unserved (National Legal Aid and Defender Association, 1973). When the civil needs of the poor were served, it was through pro bono (free or reduced-fee) efforts of the private bar through Legal Aid Societies (Smith, 1919; Brownell, 1951; Marks, 1972). Although they date back to 1876, Legal Aid Societies have been notoriously weak in both size and services (see, for example, Carlin, Howard, and Messinger, 1966; Pye, 1966). In 1946, when the idea was over seventy years old, there were still only 70 facilities operating. Even these had only a limited clientele and were basically "one-man offices" or only referral services (Brownell, 1951). As recently as 1964, when the program had expanded to include over 250 offices, the total bill was still only \$4 million. The "New Frontier" of the Kennedy administration brought a greatly increased focus not just on the need for providing legal services to underrepresented groups, but also on the idea that

massive social reform and increased justice could be achieved through law-reform activities, including litigation against governmental agencies. Many new private organizations flourished, and this continued to be a major period of successful activity for older organizations like the NAACP. Certain governmental agencies, most notably the Civil Rights Division of the Justice Department, were also very active.

By late 1964 there was widespread agreement that the federal government should take an active part in the sponsorship and funding of legal services for the poor. Sponsors of a reform-oriented program (for example, Cahn and Cahn, 1964) had to make some concessions to existing Legal Aid Societies and to the organized bar in order to gain the support needed for federal legislation to establish a Legal Services Program (LSP) under the auspices of the Office of Economic Opportunity (OEO). Although these concessions allowed the old Legal Aid Societies to apply for LSP status and gave the local bar a certain degree of veto power, the fears of those who opposed these compromises (for example, Pye, 1966; Wright, 1967) proved only partially justified. From the beginning, the LSP directors took a very strong stance in favor of law reform (Stumpf, 1968; Griffin, 1967), and after some early hesitation law reform became the dominant official ideology of the LSP, and more importantly, an explicit part of program evaluation. Finman (1971) reports, for example, that in the late 1960s the national office would intervene in a local program if the program failed to take up law-reform issues.

It is not clear exactly how much the LSP offices as a group engaged in law-reform activity, but there is no doubt that certain programs

were heavily involved and acquired a strong local, if not national, reputation for both their readiness to sue governmental authorities and the quality of their suits (see, for example, Finman, 1971; Miller, 1973). In 1969, for example, conservative Republicans in California tried to block the appropriation for the California Rural Legal Assistance program because of its successful class-action suits. The success of the program can also be gauged by the vigor with which its opponents in the Nixon administration tried, perhaps with partial success, to emasculate it by reducing its ties to its national leadership and creating a "Legal Services Corporation."

Since its formation, the Legal Services Program has been the largest employer of the "new professionals" among lawyers (Moonan and Goldstein, 1972). Although some limited opportunities exist to do law-reform work for underrepresented groups ("legal rights" work) while still holding a traditional position, most lawyers engaged in this work opt for full- or nearly full-time positions outside the traditional realm of private practice (Marks, 1972; Moonan and Goldstein, 1972; Borosage et al., 1970).² The overwhelming majority of these lawyers, in turn, are in LSPs. In 1967, the LSP included about 1200 lawyers in 250 projects with 850 offices and a budget of about \$30 million. By 1974 it included 280 projects and a budget of over \$70 million.

This paper is a study of the factors leading to lawyers' participation in the Legal Services Program in 1967. This target year was selected because it was the first year in which a large-scale program was operating. The analysis has a variety of implications. First, participation by some lawyers, especially those in the reform-oriented programs, is thought to

have represented a form of antiestablishment political activity. Many commentators--both supporters and critics (and especially critics in the political arena)--have argued that the programs naturally attracted and even recruited activists who because of their background and ideology were eager to challenge governmental authorities. But even when the programs were not primarily oriented toward law reform, they still represented a sometimes controversial commitment to equal representation for the poor, and participation in the program often meant a substantial cut in salary compared to private practice.

Besides the materials pertaining directly to the LSP, hypotheses from the literature on student politics and protest will also be examined. The LSP emerged at roughly the same time as the student movement, and it could be seen as an alternative for those graduating students and young lawyers who were looking for a viable "nonestablishment" outlet. The LSP involved a different type of commitment and did not become as radical as the student movement did, but the similarities are evident. Thus it is hypothesized that the same types of background factors that were related to student protest activity were related to participation in the LSP, especially for the younger LSP lawyers.

II. Data and Method

The analysis here is based on a subset of over 3000 interviews collected from various national samples of lawyers as part of a compre-

hensive study of the legal profession. The interviews were conducted by telephone by the staff of the Wisconsin Survey Research Laboratory in late 1973.³ The average interview length exceeded one hour. The 1967 LSP sample was stratified by region and city size and by program quality as rated by a panel of three lawyers highly knowledgeable about the 1967 LSP. (The panel included a former national director of LSP and seven regional directors.)⁴ The responses from the LSP strata were weighted to correspond to the estimated true distribution over the strata.⁵ The sample is biased (to an unknown degree) in that it underrepresents persons with short tenure in a program, persons who have dropped out of the legal profession since leaving the LSP, and persons who are too mobile to be located in spite of our extensive inquiries through a variety of sources. Responses of non-LSP lawyers are based on an age-stratified random sample of lawyers listed in the 1972 Martindale-Hubbell Directory of Lawyers, weighted to correspond to census estimates of the age distribution of lawyers in 1972.⁶ Only the responses of lawyers who received their law degrees in 1967 or earlier are analyzed here. The Martindale-Hubbell sample has the bias of that directory, which is to underinclude solo practitioners, lawyers not in private practice, and especially, young lawyers (Ladinsky, 1964). The weighting procedure corrects for the age bias only.

Weighted and unweighted sample sizes are shown in Table 1. Since the weights so grossly inflate cell sizes, all tables will show unweighted Ns. All percentages, however, are computed with the appropriate weights.

Table 1. Sample Sizes: Weighted and Unweighted

Legal Services Program

Rated Quality	Unweighted N	Weighted N	Weighted Percentage
High	101	16054	21
Medium	132	52362	69
Low	<u>62</u>	<u>7900</u>	<u>10</u>
	295	76316	100

Martindale-Hubbell National Sample of the Bar*

Year of Birth	Unweighted N	Weighted N	Weighted Percentage
1900-1928	195	157,365	64
1929-1938	202	65,650	27
1939-1943	121	22,022	9
1944 +	<u>2</u>	<u>742</u>	<u>0</u>
	520	245,779	100

*Persons graduating from law school after 1967 have been dropped from the analysis.

III. Findings

A. Demographic Characteristics

Tables 2 and 3 bring out some of the most striking findings about recruitment into the 1967 LSP; compared to the bar as a whole, participants are markedly younger and much more heterogeneous by race and sex. Table 2 shows the virtual absence of blacks and women in the bar;⁷ the estimates from the Martindale-Hubbell sample are comparable to those of the census, and by many accounts the record on the recruitment of these groups to the legal profession and the structural barriers once they enter is poor (see, for example, Hale, 1952; Smigel, 1964). For a variety of reasons, the LSP would be expected to have much higher percentages of blacks and women than the bar. Most importantly, the structural barriers would be weaker because of the government funding and because of the social-reform nature of the program; in addition, for both women and blacks the financial rewards of private practice are more limited, so the income foregone would on the average be less than for white males. Both blacks and women were also overrepresented in traditional Legal Aid work. Because the factors leading to the participation of these groups are so different than those for white males, black men and white women will be analyzed separately or omitted in all tables that follow. Analysis for these groups will be descriptive only, since the small N for these groups in the national sample of the bar precludes a comparison. The N for black women is so small even in the LSP sample that they will be omitted from the analysis.

Table 2. Distribution by Race and Sex

		Bar	LSP
Whites		99%	88%
Males	96		75
Females	3		13
Blacks		1%	12%
Males	1		12
Females	0		<1
(N)		(521) ¹	(295) ²

¹Sex or race not ascertained for one respondent.

²Sex not ascertained for one respondent; two others omitted because they were neither white nor black.

Table 3. Year of Graduation from Law School
(Cumulative Percentages)

Year of Graduation	White Males		Black Males	White Females
	Bar	LSP	LSP	LSP
Before 1944	31	9	1	15
1945-54	55	18	28	24
1955-59	73	30	30	43
1960-64	89	54	91	78
1965	92	67	94	83
1966	96	87	96	97
1967	100	100	100	100
(N)	(503)	(237)	(30)	(25)

Table 3 shows that, as suggested in the earlier literature, a majority of 1967 LSP lawyers were new or relatively recent law school graduates; almost half had graduated in 1965 or later. Nonetheless, there was also a substantial percentage of lawyers (30 percent) who had graduated more than five years before the formation of LSP in 1965. Because of the wide difference in the age composition of the LSP and that of the rest of the bar, and because the recruitment processes were different for the older and younger lawyers, all tables that follow will control for year of graduation.

B. Background Characteristics⁸

1. Social Status of Family of Origin

Participants in the Legal Services Program, like college activists, are already an elite in that the college population is quite disproportionately drawn from families in the upper-income and upper-occupational strata, and the law school population is even more so. (Warkov and Zelan, 1965).⁹ Even within this elite, it has commonly been asserted that activists disproportionately come from high-income and professional and managerial families (see, for example, Lipset, 1968). Research findings have, however, been mixed. Although there have been many studies supporting this contention (such as Astin, Panos, and Craeger, 1967; Flacks, 1967; Finney, 1971; Lyonns, 1965; Mankoff, 1970; Watts et al., 1969; Westby and Braungart, 1966), there are almost as many that, comparing activists to college students in general, find either no relationship (Demerath, Marwell, and Aiken, 1971; Dunlap, 1970; Hunter, 1972), a weak or inconsistent relationship (Keniston, 1967; Block et al., 1968; Tygart

and Holt, 1971), or one that is substantially reduced when quality of school is controlled (Kahn and Bowers, 1970).¹⁰

The literature on the Legal Services Program does not contain any strong assertions concerning the socioeconomic-status background of participants, but insofar as the LSP was made up of reform-minded "elites," we would expect SES background to be high. But on the other hand, we would expect that the LSP would be a type of practice in which lawyers of less elite background would be more comfortable, and which for them would be less of a "step down."

For white males, the data indicate no relationship between social status of family of origin and participation in the Legal Services Program. Table 4a shows, for example, that LSP participants are only very slightly less likely than other lawyers to have had professional fathers, or to have had fathers who were managers or proprietors. Much the same finding emerges when mother's occupation, or father's or mother's education, is examined. Differences follow no clear pattern and are slight. Table 4b shows the relationship between parents' income and participation in the LSP. When age is controlled the relationship is slight, although there is some tendency for younger LSP participants to come from less wealthy backgrounds. Note, however, that there is a high rate of non-response on family income. In this table, and in all others presented, further controls for age or year of graduation do not appreciably affect the findings.

The LSP samples of black men and white women have sufficient N for analysis, but there are so few members of these groups in the bar that there are insufficient cases to form a comparison group. Nonetheless, black men and white women in the LSP can be analyzed in their own right.

Table 4. Social Status of Family of Origin

	White Males						White Females	Black Males
	Before 1965		1965-67		All		All	All
Sample group	Bar	LSP	Bar	LSP	Bar	LSP	LSP	LSP
a. Father's job when respondent was sixteen (cumulative percent)								
Professional	25	21	24	17	24	19	55	30
Manager-proprietor	65	61	63	64	65	62	67	40
White collar	75	71	83	76	76	73	69	50
Other	100	100	100	100	100	100	100	100
(N)	(370)	(132)	(111)	(91)	(481)	(223)	(25)	(28)
b. Family income when respondent was sixteen (cumulative percent)								
< 10,000	63	56	36	39	60	48		90
< 15,000	77	75	53	64	74	70		96
< 20,000	84	89	73	81	83	85		96
< 30,000	92	95	87	92	92	94		100
< 40,000	97	97	92	94	97	95		100
40,000 +	100	100	100	100	100	100		100
N	(283)	(101)	(97)	(77)	(380)	(178)	(11)*	(24)
No response	28	30	12	17	24	25	56	20

Note: Percentages are weighted but unweighted Ns are shown.

*Percentages based on such a small N are not stable.

Table 4a shows that both these groups, especially white women, are more likely to have had fathers in the professions than are other LSP lawyers. Although the Ns are small, analysis of post-1960 graduates¹¹ (sixteen white women, twelve black men) shows an even sharper trend. The Ns for reported family income are small, but the findings for these groups present a striking contrast to those for other LSP lawyers. Black men come from families with markedly less income. Less than half of the white women report their family's income, but half of these, compared to only 15 percent of white men, come from families with incomes over \$20,000.

2. Political-Religious Orientation of Parents

In contrast to the generational conflict hypothesis (Feuer, 1968) many studies of the antiestablishment political activism of college students have indicated that the parents of activists are more liberal than those of nonactivists. (References include virtually all of the activism studies cited above, as well as Lipset and Altbach, 1966. However, there is wide variation in the strength of the relationship found.) Various studies have also linked political activism of college students to earlier activism of their parents (Lyonns, 1965; Mankoff, 1970). We might expect, then, that lawyers whose parents were liberal and/or were active in social-reform activities would be more likely than other lawyers to join the LSP.

In addition, political socialization has been found to be related to religious socialization. Activists (and students with liberal or radical attitudes) have consistently been found to be more likely to come from non-Protestant or nonaffiliated homes. As Block et al. (1968) have

pointed out, the historically determined identification with the oppressed, combined with an emphasis on intellectual values, makes persons raised in the Jewish faith especially likely to be liberals and activists.

Again, the data show only a slight relationship at best between political-socialization variables and participation in the Legal Services Program. For white males, LSP lawyers are clearly more likely than other lawyers to report that, when they were growing up, their fathers were liberal or moderate rather than conservative (Table 5a). Nevertheless, only a quarter of LSP participants report a liberal upbringing. Differences by father's political party (not shown) are less pronounced than differences by political stance, although there is a tendency for LSP fathers to have been either Democrats, Independents, or supporters of third parties. Findings for mother's political preferences are similar. When parents' involvement in social-reform activities is considered, an unexpected finding emerges; parents of LSP participants are actually somewhat less likely than parents of other lawyers to have been involved. All in all, then, the data provide little evidence that the "red diaper baby syndrome" (Keniston, 1968) holds for LSP participants.

The non-Protestant background of LSP lawyers as contrasted to other lawyers is as expected; in 1967, 59 percent of members of the bar came from Protestant backgrounds, as compared to 42 percent of older LSP lawyers and only 27 percent of younger LSP lawyers (Table 5b). However, for younger lawyers, Catholic rather than Jewish lawyers were heavily over-represented. Forty-five percent of the 1967 LSP lawyers who had graduated after 1964 were Catholics, as compared to only 21 percent of members of the bar; for Jews the comparable figures are 28 percent and 20 percent.

Table 5. Political-Religious Orientation of Parents

	White Males						White	Black
	Before 1965 ¹		1965-67		All		Females	Males
Year of law degree							All	All
Sample group	Bar	LSP	Bar	LSP	Bar	LSP	LSP	LSP
a. Father's political stance (cumulative percent)								
Liberal	15	22	15	28	15	25	42	37
Moderate	57	74	62	77	57	76	67	100
Conservative	100	100	100	100	100	100	100	100
(N)	(364)	(133)	(110)	(89)	(474)	(222)	(23)	(25)
b. Mother's religion								
Protestant	59	42	59	27	59	35	39	98
Catholic	21	25	21	45	21	34	20	2
Jew	20	32	20	28	20	30	41	0
(N)	(378)	(140)	(112)	(90)	(489)	(230)	(25)	(30)

Note: Percentages are weighted but unweighted Ns are shown.

The political socialization of the white women and black men in the LSP in 1967 was generally more liberal than that of the white men in the program. This was especially true for the white women, 42 percent of whom report that their fathers were liberal (Table 5a). For women who graduated after 1960 (N=12) the figure rises to 54 percent. Of the black men, 37 percent report that their fathers were liberal and none reports that his father was conservative (Table 5a). Both groups show anomalous findings for father's political party; LSP black men are as likely as non-LSP white men to report that their fathers were Republicans, while white women in the program quite disproportionately report that their fathers were Independents or favored a third party. White women are much more likely than white men in or out of LSP to report that their parents were very active in social-reform movements (32 percent to about 14 percent), while black men in LSP are less likely to report this (6 percent).

Table 5b shows that white women are more likely than white men to report their mother's religion as Jewish, and less likely to report it as Catholic. However, analysis of post-1960 graduates (N=13) shows an increase from 3 percent to 35 percent Catholic and a decrease from 57 percent to 24 percent Protestant. Virtually all black men in the LSP report their mother's religion as Protestant.

3. Prior Political Activity

If participation in the Legal Services Program were a form of political activity, we would expect participants to have a history of prior activity, especially in reform-oriented activities. This was the case, for example, with college activists (Block et al., 1968; Solomon and

Fishman, 1964; Demerath, Marwell, and Aiken, 1971). The data show, however, a remarkable absence of reported political activity in college or law school for all white male lawyers. Only about 20 percent of all lawyers (25 percent of younger lawyers) report any political activity--including such traditional activities as voter registration or distributing of campaign material--prior to graduation from law school. As Table 6 shows, LSP lawyers are more likely than other lawyers to have engaged in both reform-oriented activity (such as civil rights marches, boycotting, antiwar activities, ACLU work, community organizing) and in traditional activity. Note, however, that the differences are not great, and that prior participation in reform-oriented politics by white male LSP lawyers is still quite low. White women and especially black men are much more likely to have participated in reform-oriented politics; the trend for younger graduates is even more pronounced. Thirty-six percent of white women and 30 percent of black men who graduated after 1960 had previously participated in reform-oriented politics.

4. Law School Quality and Performance in Law School

Indicators of law school quality and of individual performance are those stressed most in the literature on the Legal Services Program to date. There seems to be widespread agreement that, especially in the early years, the LSP was primarily peopled by lawyers from elite backgrounds. This was certainly the belief at the national office, which, however, kept very scant records on the matter. Burt Griffin, an early national director of the LSP, believed that this (supposed) overrepresentation of elites was bad policy, and argued strongly for increased

Table 6. Prior Political Activity:
Respondent's Political Activity during College and Law School
(Cumulative Percent)

Year of law degree Sample group	White Males						White Females	Black Males
	Before 1965		1965-67		All		All	All
	Bar	LSP	Bar	LSP	Bar	LSP	LSP	LSP
Reform	1	1	7	11	2	6	19	27
Other	17	21	25	33	18	26	25	39
None	100	100	100	100	100	100	100	100
(N)	(386)	(143)	(116)	(92)	(503)	(235)	(25)	(29)

Note: Percentages are weighted but unweighted Ns are shown.

recruitment from the night schools--that traditionally disparaged source of talent (Griffin, 1967). But leaving the policy issue aside, the important point here is that in the early years everyone seems to have agreed that the LSP was dominated by graduates from elite schools.

Finman (1971), who studied five Legal Services Programs with various commitments to law reform, found more variation in recruitment. The program with the clearest commitment to law reform drew about half of its staff from national law schools, while other programs tended to draw heavily from local schools, which Finman judged to be of lower quality.

Findings from studies of student activism are mixed. Several studies support the hypothesis that students with higher grades (Flacks, 1967; Keniston, 1967; Heist, 1965) or higher IQ (Watts et al., 1969) are more likely to be activist. Often, however, the relationship is slight, and contrary evidence exists (Watts and Whittaker, 1966; Baird, 1970; Kerpelman, 1972; Hunter, 1972). In addition, since the curriculum, grading, and "quality" of law schools are so different from those of undergraduate programs, it is not clear that the findings for college activists are generalizable. However, if the prevailing belief that the best students were joining the LSP is correct, then we would expect LSP lawyers to have had better law school records than other lawyers.

For white males, Tables 7a and 7b dispute the hypothesis that 1967 LSP participants were elite in terms of law school training and performance. Table 7a indicates a slight overall tendency for LSP lawyers not to come from the major national law schools.¹² The younger LSP lawyers are somewhat more likely to come from the major regional law schools, but the main finding is that 1967 LSP lawyers were drawn from

Table 7. Law School Quality and Performance

Year of law degree	White Males						White Females	Black Males
	Before 1965		1965-67		All		All	All
Sample group	Bar	LSP	Bar	LSP	Bar	LSP	LSP	LSP
a. Quality of law school attended (cumulative percent)								
High	20	17	12	11	19	14	21	12
2	39	40	42	50	39	44	49	13
3	55	53	54	57	55	55	65	21
4	74	78	85	85	75	82	83	58
5	85	82	87	91	86	86	84	75
Low	100	100	100	100	100	100	100	100
(N)	(383)	(141)	(116)	(93)	(499)	(234)	(24)	(30)
b. Reported class standing (cumulative percent)								
1st quarter	53	45	55	35	53	40	49	32
2nd quarter	83	72	89	80	84	76	82	68
3rd, 4th quarter	100	100	100	100	100	100	100	100
(N)	(337)	(123)	(109)	(88)	(446)	(211)	(23)	(29)

Note: Percentages are weighted but unweighted Ns are shown.

the full spectrum of law schools, and in proportions roughly equal to the representation of those schools in the bar.

The assessment of class standing is difficult because of problems of knowledge and recall, and because of a tendency to exaggerate achievement. Even though it is true that lawyers in the bottom quarter of their classes are less likely to practice law, it is still highly unlikely that over 40 percent of practicing lawyers graduated in the top quarter of their classes while less than 25 percent graduated in the bottom half, as our respondents report. Nonetheless, if we assume that the tendency to exaggerate is evenly distributed, we can use the reported class standing as a rough indicator of performance. Table 7b shows that LSP participants are less likely to report having graduated in the top portion of their classes. This is especially true for lawyers who graduated after 1964; for this younger cohort (which includes about half the 1967 LSP lawyers) 35 percent of LSP lawyers, as compared to 55 percent of the members of the bar, report having graduated in the top quarter. Similar findings hold for reported opportunity to be on law review; 29 percent of young members of the bar, versus 21 percent of young LSP lawyers, report having had this opportunity. The 1967 LSP lawyers are also slightly less likely to have clerked for a judge. In general, the white women in the LSP came from law schools with higher rankings and placed higher in their classes than the men. For younger (post-1960) graduates (N=13), this is especially true for quality of law school but not for class standing (N=12). The black men in the program tended to have less elite law school backgrounds than the white men. As noted earlier, there are too few blacks and women in the bar sample to permit a comparison.

5. Multivariate Analysis

The cross-tabular analysis above suggests that background characteristics are not a strong discriminator between lawyers who were in the Legal Services Program in 1967 and those who were not. This conclusion still holds when the cumulative effects of background variables are analyzed. Since fewer than 1 percent of members of the bar were in the LSP in 1967, there is virtually no variance to explain, and correlation or regression analysis would yield minuscule coefficients. In order to find which variables best discriminate between participants in the LSP in 1967 and nonparticipants, the LSP responses were weighted to make their number equal to that of the nonparticipants. This equal division maximizes the variance to be explained. However, this procedure also means that the correlation or regression coefficient for any variable, as well as the contribution to variance explained, can only be understood in comparison with the coefficients for other variables. In addition, since the dependent variable is dichotomous, the analysis here is properly understood as that of a discriminate function rather than as regression analysis in its usual sense. However, the procedures for the two forms of analysis (which are both derived from the general linear model) are identical.

Regression analysis indicates that the most important predictor of LSP participation is year of graduation from law school (which in turn is correlated .92 with age). Year of graduation has a correlation of .39 with being in the LSP in 1967, and alone explains 15 percent of the variance (corrected R^2) created by the procedure described above.

Race and sex together have a multiple R of .30 and explain 9 percent of the variance; age, race, and sex together have a multiple R of .48 and explain 22 percent of the variance. All the other background variables discussed (except family income, which was omitted because of missing data) have an R of .32 and an R^2 of 9 percent. Together they add only 3 percent to the corrected R^2 . Zero order correlation coefficients and standardized regression (discriminate function) coefficients are shown in Table 8.

6. Choosing Legal Services as a First Job

One plausible explanation for the absence of strong correlation between background characteristics and participation in the Legal Services Program in 1967 is the intervention of career factors. Even though the 1967 LSP lawyers tended to be young, a large proportion of them--56 percent--had held a previous job. It seems reasonable to hypothesize that experiences at the previous job were the critical factors in the decision to join the LSP, and that background factors were more important for lawyers who joined the LSP right after graduation.

To test this hypothesis, LSP lawyers who graduated after 1964 and took their first jobs in the LSP were compared to other lawyers who graduated during the same period (1965-1967) but did not join the LSP. In general, the trends noted for the background characteristics are accentuated; the background variables relating to family socialization and prior political activity have an R of .44 and a corrected R^2 of 16 percent. Race and sex are not strong discriminators ($R = .18$, $R^2 =$

Table 8. Correlations and Standardized Regression Coefficients for
Discriminating Between LSP and Non-LSP Practice in 1967

	Correlation with LSP	Standardized Regression Coefficient
Father's job (high score=professional)	-.04	-.04
Father's political stance (high score=liberal)	.21	.10
Father's political party (1=independent, 0=other)	.12	.06
Mother's religion (1=Catholic, 0=other)	.08	.11
Mother's religion (1=Jewish, 0=other)	.09	.11
Parents active in social reform	-.03	-.06
Political activity in college or law school	.16	.04
Quality of law school attended	-.01	.02
Reported class standing	-.11	-.03
Reported opportunity to be on law review	-.04	-.06
Race (1=black, 0=other)	.23	.20
Sex (1=female, 0=other)	.19	.16
Year of graduation from law school	.39	.33

Note: Responses have been weighted so that 50 percent will be from the bar and 50 percent from LSP. Dependent variable is dichotomous, so that analysis is properly understood as that of a discriminate function.

2 percent); neither are variables indicating law school quality and performance ($R = .19$, $R^2 = 2$ percent). Because of the narrow time period, age also has only a very small effect.

C. Distribution of Participants by Program Quality

Although only 21 percent of LSP lawyers worked in programs judged by our panel to be "high quality," these programs were by far the most visible and involved the highest degree of law-reform effort. It is possible, therefore, that hypotheses about the type of personnel recruited into LSP are really about those recruited into the high-quality programs.

Table 9 indicates that, except for parents' social-reform activity and the respondent's own social-reform activity prior to graduation from law school, all background variables have a correlation of less than 0.1 with quality of LSP program.¹³ Taken together, these variables have a multiple correlation coefficient of .25 and explain only 4 percent of the variance in quality of program joined. The correlations for variables associated with law school quality and performance are in the expected direction, but hardly support the prevailing view that members of the high-quality programs were an elite in terms of training. Together these variables have a multiple R of .24 and a corrected R^2 of 5 percent. Finally, the correlation between quality and age opposes, and the correlation between quality and being on one's first job agrees with, the statements of Finman (1971) and others, who reported that the high-quality programs had somewhat older lawyers with high-quality

Table 9. Correlations and Standardized Regression Coefficients
of Selected Variables with Quality of LSP Office

	Correlation Coefficient	Standardized Regression Coefficient
Father's job (high score=professional)	-.06	-.10
Father's political stance (high score=liberal)	-.08	-.14
Parents active in social reform	.11	.11
Race (1=black)	-.06	-.04
Sex (1=female)	-.04	-.05
Reform activity in college or law school	.15	.17
Mother's religion (1=Catholic, 0=other)	.04	-.03
Mother's religion (1=Jewish, 0=other)	-.04	-.02
Quality of law school attended	.18	.22
Reported class standing	.10	.14
Reported opportunity to be on law review	.14	.11
Age (high=old)	-.20	-.21
LSP as first job	-.04	-.13

previous experience. These variables have a multiple R of .23 and a corrected R^2 of 4 percent. Together all the variables¹⁴ explain only 14 percent of the variance in quality of program joined.

Since only a small percentage of LSP lawyers were in high-quality programs, the strength of these correlations is attenuated. In cross-tabular analysis the most striking differences are in quality of law school, class standing, and reform activity in college or law school. Thirty-two percent of the lawyers in the high-quality programs graduated from the top national law schools, as compared to 11 percent of those in the programs of "medium" quality and 5 percent in the programs of "low" quality. Similarly, 54 percent of lawyers in the elite programs report having graduated in the first quarter of their classes, as compared to 36 percent of other LSP lawyers. These differences narrow as one moves down the scale of law school quality or class standing. Lawyers in elite programs are both more likely than other LSP lawyers to have been active in any form of politics before law school graduation (48 percent, compared to 22 percent of lawyers in medium-quality programs and 25 percent of those in low-quality programs) and more likely to have been in reform-oriented politics (20 percent to 9 percent to 7 percent):

D. Staying and Leaving

Although the Legal Services Program offers permanent employment, in fact only a minority of lawyers who were in the program in 1967 remained longer than five years. Thirty-five percent left after two years or less, another 39 percent left after three to five years and another 5 percent after more than five years. When the data were collected in 1973,

21 percent of the lawyers present in 1967 were still there, with years of service ranging from six to eight years. This section will explore the effects of the previously discussed variables on the decision to leave the LSP.

Table 10 shows that race and sex are uncorrelated with length of service, while all other background indicators of liberal orientation or reform activity are negatively (some only slightly) correlated with length of service. Tenure is also uncorrelated or somewhat negatively correlated with indicators of law school quality and reported law school performance. Thus it seems that the lawyers who stay are not the stereotypic elite, educated, social-reform-oriented lawyers, but rather tend to be older lawyers ($r=.43$), those in the lower-quality programs ($r=.22$) and those in administrative positions ($r=.20$). For the older lawyers, the LSP may be offering security and escape from a marginal practice. Preliminary analysis indicates that lawyers who remain tend to come from solo practice ($r=.33$), which in many cases would not vary substantially from the clients and types of cases encountered in the LSP. However, the finding for age may also simply mean that since older lawyers entered the program with more previous experience, they had a better idea of what LSP practice would be like.

Regression analysis shows the background variables to have a multiple R of .26 and a corrected R^2 of 4 percent. Law school quality and performance explain no variance. Quality of program (negatively) and being in an administrative position together have a multiple R of .31 and explain 9 percent of the variance in length of service, while age explains 18 percent. Together these last three variables explain

Table 10. Correlations and Standardized Regression Coefficients
of Selected Variables with Length of Service in LSP

	Correlation Coefficient	Standardized Regression Coefficient
Father's job (high score=professional)	-.12	-.09
Father's political stance (high score=liberal)	-.10	-.06
Parents active in social reform	-.13	-.05
Race (1=black; 0=other)	.04	.01
Sex (1=female; 0=other)	.02	.03
Reform activity in college or law school	-.15	-.05
Mother's religion (1=Catholic; 0=other)	-.07	.02
Mother's religion (1=Jewish; 0=other)	-.01	.05
Quality of law school attended	-.08	-.01
Reported class standing	.00	-.03
Reported opportunity to be on law review	-.03	-.01
Age (high=old)	.43	.38
LSP as first job	-.12	-.03
Quality of office	-.22	-.18
Director or assistant director of local program (1=yes)	.20	.15

22 percent of the variance. Addition of a dummy variable for being in solo practice before joining the LSP increases the corrected R^2 to 24 percent.

IV. Conclusion

In summary, the analysis presented here shows that the 1967 OEO Legal Services Program was not a hotbed of activist lawyers of liberal background and elite social status and education. Rather, the lawyers approximated a cross-section of the young bar, although with a marked overrepresentation of blacks, women, and Catholics. This suggests that, in the early years at least, the perceived antigovernment orientation of the LSP was probably not the result of agitation by lawyers with a previous antigovernment orientation, but rather the result of the poor having adequate legal representation to make their grievances known.

The analysis also speaks to the more general question of the extent to which educational elites can be counted on to take action for social change. These groups are not markedly less likely to act for reform, but, in contrast to what many previous writers have suggested, neither are they necessarily more likely. Within the legal profession, certainly, there is no evidence that the "best graduates" with the "best backgrounds" are more reform oriented. Analysis of the pro bono work of lawyers shows that it is solos--lawyers with the most marginal practice--who are most likely to do free or reduced-fee work (Handler et al., 1974). Studies of recent law school graduates fail to indicate a special propensity of graduates of elite institutions or graduates with high class.

standing to do public-service or "legal rights" work (Simon, Koziol, and Joslyn, 1973; Green, 1972). To the extent that Griffin (1967) is correct in arguing that lawyers with less elite education are better able to serve the poor, the findings do not present a problem. But to the extent that there is a need for an infusion of the type of skills taught at the reputedly top schools, there may be a need to increase the rewards associated with legal services work.

NOTES

¹An elaboration of many points discussed in this section may be found in another report from this project (Handler and Hollingsworth, 1974).

²The careers of such lawyers will be analyzed in detail in a forthcoming monograph from this project.

³We are grateful to the members of the WSRL staff for their diligence and especially to Charles Palit for his invaluable assistance in designing the sample and weighting procedures. Betsy Ginsberg also rendered very capable assistance during the data-gathering stages of this project.

⁴Analogous samples exist for persons in LSP in 1970 and 1972; these data will be reported in a future publication.

⁵No complete records on lawyers employed in the Legal Services Program exist at the national, regional, or even local levels. A list of names was compiled by searching through LSP files in Washington and by extensive consultation with current and past program directors. Since there is no accurate count of how many lawyers were actually employed in programs in that year, we do not know how complete the list is. However, we estimate that the list is over 80 percent complete.

⁶The 1970 census figures were adjusted for the large influx of new graduates in 1970 and 1971.

Lawyers who were picked up in the 1972 Martindale-Hubbell sample but whose 1967 job turned out to have been in the LSP were dropped from this analysis.

⁷For white males, entry to the legal profession is heavily dependent on class or origin, especially as measured by father's occupation (Erlanger, 1974).

⁸The discussion of research on college activists relies on a background paper prepared by Tonee Brinkman.

⁹Since 1960 almost all practicing lawyers have graduated from law school.

¹⁰A similar situation holds for studies of political attitudes. Contrast Finney (1971), Selvin and Hagstrom (1960), and Mankoff (1970), with Braungart (1971), Hunter (1972), and Somers (1965).

¹¹For black men and white women, 1961 rather than 1965 had to be used as the lower bound for the young bar because of the small Ns.

(Notes continued)

¹²Law schools were graded by a panel of five law professors knowledgeable about the reputed quality of schools. "Major national law schools" were scored 1, proprietary law schools and others of marginal quality were scored 6, and others ranked in between. Although this rating system was rough, there was high agreement among the raters and unanimity about the top group.

¹³In this and subsequent analysis of LSP participants the caveats attached to the earlier correlation and regression analysis do not apply. The data are weighted only to correct for sampling strata, and the dependent variables are continuous, not dichotomous.

¹⁴Father's political party was inadvertently left out of the analysis, and family income was not included because of the high rate of nonresponse. The exclusion of these variables could not materially affect the findings reported.

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