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Bliss, John

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The Dynamics of the Professional Self:

Findings from Law School and Early Law Careers

By

John William Bliss

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in

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Committee in Charge:

Professor Calvin Morrill
Professor Jonathan Simon
Professor Marianne Constable
Professor Victoria Plaut

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ABSTRACT

The Dynamics of the Professional Self:
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Professor Calvin Morrill, Chair

The empirical literature on U.S. legal education suggests that learning to "think like a lawyer" requires students to bifurcate personal values and the professional self. Legal scholars perennially debate whether this bifurcation results in an alienated and "bleached out" professionalism or a relatively benign sacrifice of personal preferences in favor of the client-centered principle of "neutral partisanship." This dissertation brings these normative and empirical perspectives into conversation through an exploratory microdynamic study of lawyers' professional identity formation at an elite law school. Drawing on 153 longitudinal interviews, a novel identity mapping method, and ethnographic observations, I examine how law students conceive of their emerging professional selves relative to other roles in their lives, how these conceptions change over the course of legal education, and how this empirical analysis may alter normative debates on professional socialization.

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I wish to thank all of the fellow graduate students who helped me develop this project through workshops and informal discussion. I especially owe gratitude to Nicole Lindahl and Mina Barahimi Martin for joining me in enormously supportive study and writing

CHAPTER 1

INTRODUCTION

How does becoming a professional change you? After taking the standardized tests, soliciting recommendations, writing personal statements that narrate your life and purpose for pursuing your chosen field, perhaps moving to a new city, and finally enrolling in a graduate program at great financial expense, you enter a classroom that may at first look familiar. But you are aware that appearances may be deceptive. This will be unlike prior educational experiences. Here you are to be initiated into a fellowship. You are to become a new sort of person with new privileges and obligations while adhering to a new set of norms. In many respects, you are to embody a professional self. You may feel ready and willing to be molded into a prestigious new role or apprehensive about your loss of freedom as you make a tentative commitment to a career path. You may feel insecure about your ability to succeed. You are likely uncertain about exactly how this will all unfold. What will come of your ideals? Who will you be at the end of this program? This dissertation examines the emergence of professional selves among students at an elite law school. I take a multi-method microdynamic look at how professional socialization alters not only career goals but also the fundamental machinery of self construction—constitutive roles, narratives, and normative commitments.

The prevailing account of law school socialization focuses on the impact of curricular training through the Socratic teaching method. In the famous monologue from the 1973 film *The Paper Chase,* Professor Kingsfield, a fictional Harvard Law Professor who embodies the austere traditional pedagogy, introduces this training as a form of "brain surgery." Kingsfield explains to his students that rather than teaching them the law his aim is to sharpen their minds: "You come in here with a skull full of mush and you leave thinking like a lawyer." For the protagonist, James Hart, an entering law student who is caught unprepared during his first day in Kingsfield's class, the Socratic exchange initially presents itself in its most brutal form—reminiscent of what sociologists term a "status degradation ceremony" or a "mortification of the self" as found in the resocialization processes of total institutions (Goffman 1961). The opening dialogue in the film begins with Professor Kingsfield entering the classroom on the first day of fall semester, followed by a sudden hush in the room. Without any introductory remarks, Professor Kingsfield looks down at his seating chart and picks out James Hart seemingly at random:

> Professor Kingsfield: Mr. Hart, would you recite for us the facts of Hawkins versus McGee? *[looks up]* I do have your name right? You are "Mr. Hart"?
>
> Hart: *[softly]* Yes, my name's Hart.
>
> Professor Kingsfield: You're not speaking loud enough, Mr. Hart. Will you speak up?

Hart: Yes, my name is Hart.

Professor Kingsfield: Mr. Hart, you're still not speaking loud enough. Will you stand? [*Hart stands*] Now that you're on your feet Mr. Hart, maybe the class will be able to understand you. You are on your feet?

Hart: Yes, I'm on my feet.

Professor Kingsfield: Loudly, Mr. Hart! Fill this room with your intelligence. Now give us the facts of the case.

Kingsfield reprimands Hart when he confesses that he was unaware of the reading assignment. After class, Hart returns to the dormitory and promptly vomits. These accounts of transformative boot-camp experiences are what initially drew me to my dissertation topic. After all, the most compelling stories consist of characters who undergo substantial change. However, as I began working on the pilot study for this dissertation, the inquiry took a sharp turn. While existing empirical literature focuses on the implicit lessons of legal pedagogy, this dissertation examines how students internalize those lessons in their backstage identity work. I argue that the transformative impact of first-year pedagogy may be overstated in popular accounts. Instead, I shift attention to the identity effects of the job process, students' peer dynamics, and their evolving views of lawyers. In other words, rather than the scene between Mr. Hart and Professor Kingsfield, this dissertation underscores the importance of the following scene, based on my participant observation at a near-campus hiring program hosted by an elite law school and over 200 large corporate law firms:

> It is a late-summer afternoon. A steady stream of law students passes through an ornate entranceway to an upscale hotel. The carpet, stone engravings, and inscriptions across the walls of the lobby celebrate the hotel's status as a historic landmark, describe its "stucco, stone architecture," and present renderings of famous buildings from the neighboring campus of a prestigious university. More than half of the students who pass through are wearing suits, which for the most part look newly purchased. Other students wear shorts and sandals appropriate to the hot weather, but they will also change into their suits in the hotel bathrooms. The beds have been stowed away so that the rooms can function as offices for the interviews. The full-week hiring program is massive, as students often arrange up to 20 (or more if they want) short interviews with corporate law firms. In the lobby, student-applicants fill all twelve of the tall maroon throne chairs, the backs of which extend well above their heads. They review their handwritten notes and skim through pages of law firm information on their laptops. Upstairs, the law school has reserved a "green room" where students wait between interviews. The

camaraderie in the green room is remarkable, as students non-competitively share information and advice about different interviewers and provide mutual emotional support. One student describes a successful interview experience and tells her peer, "I'll put in a good word for you." There is a consistent use of theater-speak as students complain of "butterflies" and "stage fright," while wishing each other to "break a leg," and discussing their chances of receiving "callbacks," that is, the second stage of the hiring process when students are invited for interviews on site at law firm offices. The hallways are poorly lit. At almost any time during the week of the hiring program, students are dimly visible standing alone in the hallways quietly murmuring to themselves, glancing at note cards, perhaps reviewing some memorized responses to common questions or some details about a particular law firm. They wait in front of closed doors, upon which the law firms have written notes instructing applicants to either knock at the scheduled interview time or a certain number of minutes after the scheduled time or not at all. When the door opens, and the light from within the room galvanizes the face of the waiting student, the performance begins. A law student with a theater background made the dramaturgical analogy explicit: "[The interviews] are like twenty opening nights…It's a different audience but it feels like you're performing the same play over and over. By the third or fourth interview, I felt like I knew my lines pretty well." Although this student reported that he had largely lied to the law firm interviewers, concealing his serious reservations about working in the corporate law sector, he emphasized the need for some measure of authenticity in his interview script. He explained: "The only auditions where you get the part are the times when you find something true in the monologue you're reading."

Sociologist Erving Goffman used similar terms in describing the continual challenge faced by daily role performers to "foster the impression that the routine they are presently performing is their only routine or at least their most essential one" (1959:48). This dissertation draws on Goffman's dramaturgical and role distancing analyses to examine identity dynamics among law students as they navigate career path decisions and continually reconstruct their biographies and role alignments.

The socialization of lawyers has been a longstanding focus in the law and society tradition. Scholars have generally depicted a deleterious first-year curriculum, which causes students to "surrender to a passivizing classroom experience and to a passive attitude toward the content of the legal system" (Kennedy 1982:594). Students adopt a cynical and narrowly legalistic approach to the social world (Calmore 2004; Granfield 1994; Mertz 2007; Sarat 1991) as they transition from a "justice-oriented consciousness" to a "game-oriented consciousness" (Granfield 1992:52) and from "public interest" to "zealous advocacy" in their vocabularies of motive (Schleef 2006:121). This literature has paid particular attention to the fate of students' initial public interest career ambitions. Empirical studies generally suggest that most incoming law students who state a

preference for public-interest-sector careers will change their minds during law school and instead pursue opportunities in private law firms. Contrary to conventional wisdom, researchers have shown only a minor correlation between this "public interest drift" and student debt and income potential (Chambers 1992; Kornhauser and Revesz 1995; McGill 2006). The literature has accordingly shifted attention to acculturation processes as students are initiated into the "perspectivelessness" of legal reasoning (Crenshaw 1989), which privileges legal context over social context and trains lawyers to eschew moral, political, and emotional reactions to cases in favor of doctrinal analysis (Mertz 2007).

This dissertation examines the impact of legal education not only on how students think and behave (including what careers they choose to pursue), but also who they become. Do students tend to locate the lawyer role in a proximate and centrally constitutive position in their evolving role configurations? Or do they present more peripheral accounts of professional identity? How do these conceptions change over the course of legal education? What mechanisms produce salient identity changes? And what are the normative implications of respondents' accounts of professional role distancing?

This inquiry is greatly influenced by Elizabeth Mertz's 2007 book, *The Language of Law School: Learning to "Think Like a Lawyer,"* which systematically reveals how U.S. legal epistemology is transmitted to students through the linguistic and role-playing techniques of first-year legal pedagogy. In the process of this transmission, Mertz suggests that legal education fundamentally disrupts students' identities by requiring the "unmooring of the self from its usual coordinates" and reconstituting students (at least in their professional selves) in alignment with legal epistemology (2007:137). Mertz argues that law school not only causes students to shift to "more strategic, adversarial, and doctrinal approaches" to reading cases, but it alters "how people are categorized and conceived, how selves are constructed" (2007:98). As students learn to master legal discourse, their "central identities" come to be constituted by their "roles as sources of argument and strategy" (2007:101). Mertz details how professors model the ability to split "one's personal opinion" from the "professional response" (2007:122). As students learn to adopt this split, they "move away from emotion, morality, and context, as they create new selves anchored in legal discourse" (2007:135). At the margin of her analysis, Mertz raises a potential connection between these lessons in legal reasoning and the phenomenon of public interest drift. Specifically, she points to "aspects of legal training and epistemology that in themselves might contribute to a shift away from public interest ambitions" (2007:226 n16).

Thus Mertz suggests a new direction for empirical research examining how and to what extent legal epistemology and lawyer professionalism are internalized in students' emerging conceptions of professional identity and in their deliberations over career path decisions. If students adopt a new professional self in the classroom, this dissertation asks how they integrate this lawyer identity into their larger self-concepts. My approach complements Mertz's focus on the front stage of classroom socialization by examining students' backstage identity processes as reflected in their peer interactions, experiences in hiring programs, and their representations of personal identity in narrative interviews

and identity mapping exercises. Furthermore, I extend from Mertz's inquiry by tracing students' experiences beyond the first year.

This dissertation aims to steer the empirical inquiry regarding lawyer socialization closer to the philosophical debates about lawyer identity. Specifically, I examine students' experiences in light of theoretical concerns about the fundamental moral features of the lawyer role. The standard conception of lawyer identity, which requires lawyers to zealously promote clients' ends while holding in abeyance some of their own moral and political values, has been labeled "bleached out professionalism" (Levinson 1993:1578) or "thin professional identity" (Spaulding 2003). Under the standard conception, we might argue that students' adoption of professional detachment reflects their transition to good client-centered professionalism. However, critics of the standard conception contend that professional bifurcation results in a problematically amoral and apolitical lawyer, ill-suited to the public responsibilities of the legal profession and to the discretion and judgment inherent to legal practice. Moreover, critics worry that professional bifurcation carries steep internal costs for lawyers themselves. Some critics raise the concern that the "sharp separation of private and professional morality" required under the standard conception may render the lawyer role fundamentally flawed (Postema 1983:50). These scholars claim to shed doubt on whether a good lawyer can be a good person.

In this debate, scholars have lamented the lack of empirical research on professional role distancing among lawyers. For example, Norman Spaulding qualifies his defense of the standard conception with the caveat that "the particular orientation of the self toward the lawyering role it invites . . . [has] not been systematically examined" (Spaulding 2003:3). The normative debate has produced three hypothesized relationships between one's personal and professional selves, as summarized by Spaulding (2003:9):

1) *Role integration*: "[W]here a person affirmatively identifies with the demands of the role, role and self are proximate…the person is said to embrace the lawyering role…not simply as a script to be played, but as a personally valuable and redeeming end in itself."

2) *Benign distancing*: "[T]he lawyer may maintain distance between self and role] happily, in which case the bifurcation between self and role is benign—a simple separation between client-centered acts required by the role and acts the lawyer regards as expressions of her 'true self.'"

3) *Malignant distancing*: "[I]f a lawyer begins to feel personally implicated in, and morally horrified by, required role acts. Here, bifurcation turns malignant, a source of alienation leading in extreme cases either back to role-identification (if the self caves to the demands of the role) or to a radical fracturing of the self (schizophrenia)."[1]

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[1] It should be noted that the colloquial use of "schizophrenia" as referenced here and in other sections of the dissertation does not align with the clinical use of the term. This

This dissertation is motivated by the invitations from Mertz and Spaulding for further empirical investigation. I also draw on Nelson and Trubek's observation that lawyers experience the "professional self" in heterogeneous and contradicting ways in contrast to the "official account" that assumes "unity and coherence" (1992:183-184). This variation arises from the "multiple arenas in which professionalism is produced and reproduced" (1982:185). The authors critique the official claim that the universal adoption of a professional self guarantees adherence to client-oriented ethical norms. This dissertation extends from Nelson and Trubek's critique to examine not only variation in conceptions of professionalism, but also variation in how lawyers come to integrate the lawyer role with other constitutive roles in their early experiences of the professional self.

This dissertation uses a multi-method research design to trace the development of professional identity among three cohorts of students at an elite law school. The primary analysis arises from longitudinal semi-structured interviews including a novel identity mapping technique that operationalizes Goffman's role theory by providing visual representations of the self. These interviews are supplemented by ethnographic field observations at law-firm hiring programs and other law school settings. By conducting a deep qualitative analysis of students' experiences at a single site, I aim to generate hypotheses about the formation of lawyer identity in the profession at large. I provide a more detailed methodological accounting and a description of the site in Chapter 2.

In Chapter 3, I present my over-time analysis of how students relate to their professional roles in the first and second year of law school. While I suggest implications for our understanding of how professional identity formation may relate to race, gender, class, and market context, I focus on the career path variable, which emerges from this study as a strong and persistent correlate with distinctive experiences of the anticipated lawyer role. My analysis suggests a typology of contingent selves corresponding to three early-stage career paths within my sample. Public-interest-path respondents, that is, those who sustained a commitment to public-interest-sector career ambitions through at least their second year of law school, tended to report a relatively central conception of professional identity, which moved little between the first and second year. For these respondents, the "lawyer" role often overlapped with political, racial, religious, and gender roles. In contrast, respondents who aspired to positions in large corporate law firms from the beginning of law school tended to report psychological distancing from professional identity between the first and second year. The final category consists of students who began law school with a stated preference for public-interest careers but opted to participate in the large firm hiring process at the end of their first-year summers. Students in this "drifting" category tended to report a peripheralization of professional identity in their second year amid accounts of moral and psychological distancing and concerns about fraudulence and deception in their corporate lawyer roles. These respondents generally framed their work in large law firms as a temporary role performance, after which they hoped to return to public-interest practice.

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distinction becomes more important in my Chapter 5 discussion of "divided selves" among corporate-bound law students.

In Chapter 4, I take a closer look at identity shifts in the drifting category. Do these students typically enter law school on set public-interest paths and transition within the first year to set corporate-lawyer paths? How deeply does first-year socialization impact their career choices and their conceptions of professional identity? The prevailing causal account of drift supports the hypothesis that first-year socialization induces the identity shifts discussed in Chapter 3, which subsequently steer students toward their decisions to apply to corporate law firms. However, the evidence presented in this chapter tends to contradict this hypothesis. I find that students' initial public-interest career aspirations are often vague, malleable, and heterogeneous, in contrast to the fictive accounts of unwavering commitment they often present within the first-year public-interest subculture. Analogizing to studies of deviant identity work, I examine how these fictive accounts serve to solidify membership in "outsider" peer cliques and differentiate "public-interest students" from "corporate sellouts" and "gunners," while concealing these students' uncertainty and openness to exploring different career paths. When drifting respondents later decided to upload their resumes to the corporate firm hiring program, they described these decisions as uncertain, tentative, and risk averse, emphasizing theirs concerns about letting a window of opportunity close before they were able to learn about different legal career options. I find that the corporate firm hiring process alters these students' identity work, such that they become more amenable to a stint in the large firm sector. However, I argue that greater changes in professional identity may result simply from students' perceptions of lawyers in their anticipated practice sectors after they have accepted job offers. This claim is supported by exploratory evidence suggesting that when students are forced to change practice settings (due to rescinded job offers) they tend to adopt the professional identity conception typically associated with their new practice setting. Thus I suggest an amendment to our understanding of law school socialization to allow for the flexible nature of early-career professional identity. While legal education and the job process play a powerful role in shaping professional selves, these selves may be quickly modified when students and new lawyers change practice settings.

Chapter 5 contextualizes my empirical analysis within philosophical debates about the lawyer role and contemporary concerns in the profession. I examine the implications of respondents' role distancing internally (with respect to alienation) and externally (with respect to lawyers' clients and other stakeholders). Regarding internal implications, I argue that the predictions summarized by Spaulding roughly correspond to the three characteristic career-path categories I described in Chapter 3: (1) Public-interest path respondents tended to report professional *role integration* (a politicized and personalized vision of professional identity); (2) Corporate-path respondents tended to report *benign distancing* (an instrumental account of professional identity without substantial moral distancing or identity crises); and (3) Drifting-path respondents tended to report relatively *malignant distancing* (an instrumental account of professional identity accompanied by experiences of fraudulence and moral distancing). Regarding external implications of lawyer role distancing, I argue that the extent and nature of peripheralization of the lawyer role (I term this phenomenon "professional identity drift") among students bound for large corporate law firms suggests a problematic personal and

political disinvestment from their roles as attorneys. I conclude the chapter by suggesting that tensions between a view of the lawyer as client-centered technician and as public professional cannot be easily resolved. Nevertheless, I argue that the extent and qualitative nature of professional identity drift is troubling. Consistent with the normative critics of lawyer bifurcation and recent large-scale reports on legal education,[2] I argue that efforts should be made to socialize lawyers in a more integrated view of the professional role on three grounds: to promote morality, public-mindedness, and professional identity and purpose among corporate-sector lawyers; to support commitment to public-interest career paths; and to enhance the habitability of the lawyer role at a time when the legal profession, and legal education in particular, faces immense criticism. While my findings suggest that legal education perhaps does not forcibly shape respondents' experiences of professional role distancing, I argue that the first-year curriculum could and should more proactively cultivate integrated professional identities.

Chapter 6 concludes the dissertation by considering broader implications, suggestions for future research, reflections on identity mapping, and a call for theorizing the self more explicitly in sociolegal studies. As we expand our empirical lens on the legal profession, this dissertation underscores the importance of understanding internal, identity-level microdynamic patterns among law students and new lawyers. I argue that approaching the study of the legal profession in this manner can shed light not only on distinctive features of lawyers' experiences, but also on how we conceive of law and how we conceive of selves.

REFERENCES

Calmore, John O. 2004. "'Chasing the Wind': Pursuing Social Justice, Overcoming Legal Mis-education, and Engaging in Professional Re-Socialization," 37 *Loy. L.A. L. Rev.* 1167.

Chambers, David L. 1992. "The Burden of Educational Loans: The Impact of Debt on Job Choice and Standards of Living for Students at Nine American Law Schools," 42 *J. of Legal Education* 187.

Crenshaw, Kimberle Williams. 1989. *Foreword: Toward a Race-Conscious Pedagogy in Legal Education*, 11 Nat'l Black L.J. 1.

Goffman, Erving. 1961. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Doubleday Anchor.

Granfield, Robert. 1992. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. New York: Routledge.

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[2] The 2007 Carnegie Report (see Sullivan et al. 2007) and the Law School Survey of Student Engagement (see Silver et al. 2011)

——. 1994. "Do Law Students Abandon Their Ideals? The Crisis of Idealism in the Age of Affluence," 18 *Legal Stud. F.* 53.

Kennedy, Duncan. 1982. *Legal Education and the Reproduction of Hierarchy.* 32 J. Legal Educ. 591.

Kornhauser, Lewis A., & Richard L. Revesz. 1995. "Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt," 70 *New York Univ. Law Rev.* 829.

Levinson, Sanford. 1993. "Identifying the Jewish Lawyer: Reflections on the Construction of Professional Identity." *Cardozo Law Review* 14: 1577–1612.

McGill, Christa. 2006. "Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear," 31 *Law and Social Inquiry* 677-708.

Mertz, Elizabeth. 2007. *The Language of Law School: Learning to "Think Like a Lawyer."* New York: Oxford Univ. Press.

Nelson, Robert L. & David M. Trubek. 1992. "Arenas of Professionalism: The Professional Ideologies of Lawyers in Context." in *Lawyers' Ideals/Lawyers' Practices: Transformations in the American Legal Profession.* Edited by Nelson, Robert L., David M. Trubek, and Rayman L. Solomon. Ithaca, New York: Cornell University Press.

Sarat, Austin. 1991. "Lawyers and Clients: Putting Professional Service on the Agenda of Legal Education," 41 *Legal Educ.* 43.

Schleef, Debra. 2006. *Managing Elites: Professional Socialization in Law and Business Schools.* Lanham, MD: Rowman & Littlefield.

Silver, Carole, Amy Garver, and Lindsay Watkins. 2011. "Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement." *Legal Writing* 17: 373–408.

Spaulding, Norman W. 2003. "Reinterpreting Professional Identity." *University of Colorado Law Review* 74 (August): 1.

Sullivan, William M., Anne Colby, Judith Welch Wagner, Lloyd Bond, and Lee S. Shulman. 2007. *Educating Lawyers: Preparation for the Profession of Law.* San Francisco: Jossey-Bass.

Swidler, Ann. 1986. "Culture in Action: Symbols and Strategies." *American Sociological Review* 51, no. 2: 273–286.

The Paper Chase. Dir. James Bridges. Perf. Timothy Bottoms and John Houseman. 1973. *Twentieth Century Fox Film Corporation*.

Chapter 2

Methodology

INTRODUCTION

This dissertation draws on an integrated multi-method longitudinal analysis of three cohorts of students at a single site between 2008 and 2014. The primary data consists of semi-structured interviews, identity mapping, and ethnographic field observations at law-firm interview programs, career-development events, and other law school settings.[3]

SECTION 2: SITE AND SAMPLE

The site is a top-tier law school with a liberal and public-interest-oriented reputation. While observations at this site cannot be generalized to all law schools, the over-representation of public-interest-career ambitions and opportunities in large corporate law firms presents a setting where the relationship between initial legal career path decisions and conceptions of professional identity may be thrown into sharp relief. By examining the dynamics of the early professional self at this site, I aim to generate hypotheses about lawyer socialization more broadly and to complement research in other settings. Furthermore, this site highlights the institutional shock within the legal profession at the onset of the Great Recession, as the school transitioned from a context of entitlement to high-status employment to a context of job scarcity and risk.

Most students at the law school examined begin their post-graduation careers as associates in "Big Law," a relatively well-defined category of large corporate law firms which generally have uniform starting salaries and hiring practices. These large firms have emerged over the past several decades, resulting in a "bifurcated bar" (Abel 1989; Heinz et al. 1998) whereby new lawyers in Big Law earn roughly double what new lawyers earn in small firms and triple what new lawyers generally earn in solo practice, government, public interest, and legal aid (Dinovitzer et al. 2004).

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[3] Field notes were taken at the law school cafe, library, hallways, and courtyards. The most extensive observations were made during the large firm hiring program held at a near-campus hotel. In particular, I spent several days in the "green room," where students rest between interviews, rehearse their responses to common questions, swap information about interviewers, and sometimes change clothes. These observations are supplemented by conversations with students and law firm recruiters in the hallways, lobbies, and "hospitality suites" rented by individual firms for promotional purposes.

By their second year of law school, nearly all of my respondents fall into three job-path categories: (1) students who pursue positions in the public-interest sector,[4] (2) students who pursue positions in the corporate-law sector, and (3) "drifting students," who in their first year of law school state a preference for the public interest sector, but by their second year have accepted internships at large firms and intend to begin their post-graduation careers in the corporate law sector.[5]

These career paths are largely defined by students' decisions regarding the window of opportunity to work for large firms, which generally opens and closes with the law firm hiring process at the end of their first-year summers. This dissertation focuses on changes between the first and second year of law school, before and after students' decisions to participate in the hiring process. The primary analysis examines the "2011 cohort" (n=19) and the "2012 cohort" (n=25), labeled for the year respondents entered the study as first-year law students. The 2011 and 2012 respondents were interviewed twice: in the early spring semester of their first year of law school and the early spring semester of their second year. All 2011 and 2012 interviews included identity mapping. 38 of the 44 respondents in these cohorts returned for their second-year interview. Identity maps from the six respondents who did not return for the second-year interview are used as qualitative data, but are not included in the aggregate map calculations.

The earlier "2008 cohort" (n=22) began as a pilot study and is included here as supplemental data. This cohort was originally interviewed in 2008 during these respondents' second year of law school and later in follow-up interviews in 2010 (n=18), 2012 (n=14), and 2014 (n=17) during their first three years of legal practice. Maps from this cohort are not counted in any aggregate calculations because the identity mapping method was only introduced to the study after these respondents had already graduated from law school. However, the identity maps that these respondents produced in the final round of post-JD follow-up interviews are referenced as qualitative data. The 2008 cohort serves to contextualize the analysis of the primary two cohorts within the Recession timeline. Furthermore, these respondents provide exploratory evidence for future research regarding how experiences of professional role distancing during law school may develop as students transition into practice. The timing of the cohorts is summarized in Table 1.

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[4] The public-interest path includes government, nonprofit, and private public-interest firms. This categorization is rooted in the definitions provided by respondents. By their second year in law school, many students in my sample come to view government careers as public-interest work. This stands in contrast to several of the same students' perceptions at the beginning of law school that government presents an obstacle to social change (see also Granfield 1994).

[5] No students in my sample drifted in the opposite direction—stating a preference for corporate law firm jobs in their first-year but later deciding to not participate in the large-firm hiring process in order to pursue public interest positions. However, three drifting respondents from the 2008 cohort changed to public-interest practice settings after their large-firm offers were deferred or rescinded. Their experiences are discussed in Chapter 4.

Table 1. Data collection timing by cohort

	First year	Second year	Post JD
2008 cohort		Interview	Interview and map
2011 cohort	Interview and map	Interview and map	
2012 cohort	Interview and map	Interview and map	

Most respondents for this study were recruited by requesting their volunteer participation through in-person announcements in large first-year classes. This approach was supplemented by a small amount of snowball and purposive sampling to assure that each career-path category in each cohort had a relatively even gender distribution. Table 2 gives a breakdown of the sample characteristics. The sample is approximately reflective of the law school's demographics and those of new lawyers across the profession (Dinovitzer et al. 2004). However, there may be an oversampling of women and racial minorities within the corporate category and an oversampling of white men within the public interest and drifting categories. This diversity within each career-path category lends nuance and validity to qualitative analyses of students' decision making and identity development, but constrains any analysis of the effects of gender and race independent of career path decisions.

Table 2. Sample characteristics

| Cohort		2008 n=22	2011 n=19	2012 n=25
Gender	Male	11	9	11
	Female	11	10	14
Race/ethnicity	African American	2	1	2
	Asian	4	4	4
	Latino	2	3	3
	Native American	0	0	0
	White	13	10	14
	Did not specify	1	1	2
Initial Career Path	Public Interest	7	5	7
	Corporate	8	6	7
	Drifting	7	4	7
	Other	0	1	1
	Unknown	0	3	3

SECTION 3: THEORETICAL UNDERPINNINGS

The narrative interviewing and identity mapping methods employed in this dissertation draw from theories of self construction, in particular Erving Goffman's analysis of role as the "basic unit of socialization" (1961:87). In Goffman's view, the individual continually rearranges roles on a spectrum, some more proximate, embraced, central constituents of identity, and others more distant and detached from the self-concept (Goffman 1959; 1974). Thus, while "on duty" for "relevant audiences," the individual enacting a role in daily life tends to "to conceal or underplay those activities, facts, and motives which are incompatible with an idealized version of himself" (1959:48). While enacting a role one must "show only the end product to others, and they will be led into judging him on the basis of something that has been finished, polished, and packaged" (1959:44). When roles are "embraced" they contribute powerfully to self definition: "At one extreme, one finds that the performer can be fully taken in by his own act; he can be sincerely convinced that the impression of reality which he stages is the real reality" (1959:17). When a role is not amenable to the individual, one may engage in role distancing, which Goffman defines as an "expressed pointed separateness between the individual and his putative (commonly accepted) role" (1974:103). While navigating role performances, the individual faces complicating "role conflicts" that arise from lapses in "role segregation" or "audience segregation" (1974:137).

This notion of role distancing comports with the prevailing sociological view of the self as an "ineffable source of subjective experience" (Kunda 1992) that is always emergent and in process. Philosophical accounts of identity similarly present an emerging consensus around the notion that the self is a continually evolving product of construction through narrative (Dennett 1989; Ricoeur 1991; Somers 1994), identification (Frankfurt 2006; Mead 1934; Taylor 1989), and "an integrated set of social roles" that we perceive as having a certain "'density' or as forming a 'core'" (Dan-Cohen 1994:1222) that we can take as an approximation of the self's boundaries at any given moment. As Foucault summarized: "From the idea that the self is not given to us, I think there is only one practical consequence: we have to create ourselves as a work of art" (from the interview in Dreyfus and Rabinow 1983:237).

These accounts of (largely internal) self construction emphasize how narrative provides "continuity," such that an individual is "one who has acquired a biography and thereby can tell his or her life story. A person thus is defined as a "self-narrating organism" (Maines 1993:23) or the "center of narrative gravity" (Dennett 1992). Our self-presentation in daily life largely consists of self-narration: "concocting and controlling the story we tell others—and ourselves—about who we are" (Dennett 1989:168). Narrative provides "self-protective strings," but developing a cohesive sense of self also requires electing a "head of mind" as "spokesman" for one's consciousness (Dennett 1989:172). In the "narrative identity" conception, the head of mind is both the cause and result of self narrating processes. Life is accordingly summarized as "an activity and a passion in search of a narrative" (Ricoeur 1991:29). This position is supported by the consistency between narrative processes and the fluid nature of self-definition: "what we call subjectivity is neither an incoherent series of events nor an

immutable substantiality, impervious to evolution. This is precisely the sort of identity which narrative composition alone can create through its dynamism" (Ricoeur 1991:32).

Figure 1. (Internal) mechanisms of self construction

Life Plans/
Defining
Projects

Identification

Narrative

Role
Management

Momentary
Self
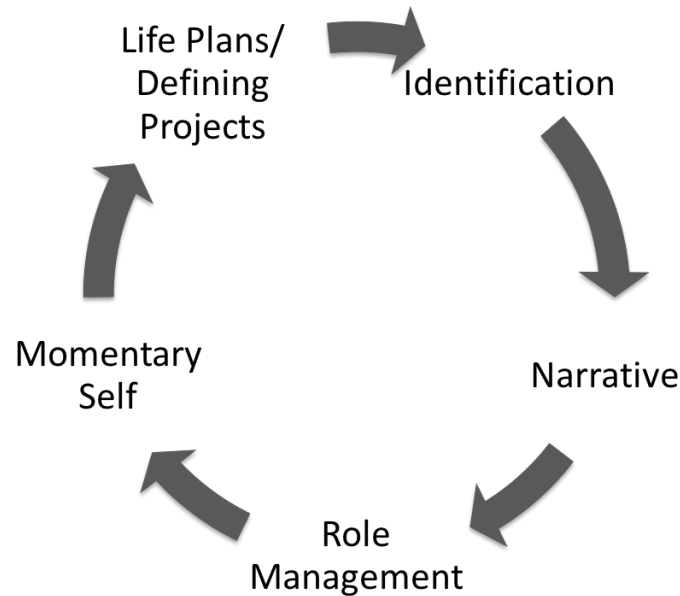
Goffman's role theory brings the prevailing philosophical viewpoints, which tend to focus on internal processes of self integration, into conversation with the sociological focus on roles and social structure. While I cite Goffman primarily for the role perspective, he also emphasized how narration contributes to the self as we craft "a single continuous record of social facts" that are "attached, entangled, like candy floss, becoming then the sticky substance to which still other biographical facts can be attached" (Goffman 1963: 74-75). Meir Dan-Cohen draws this connection in his extension of Goffman's role distancing analysis to the study of law and identity: "Role distance belongs to the vocabulary of the self as well as to the vocabulary of social roles, and serves as a bridge between the two" (2002:13). Dan-Cohen's account of role distancing explicitly rejects a "stable, antecedently given human subject" and instead assumes that as individuals "we determine the composition of the self and draw its boundaries" (2009:152). The self is accordingly constructed as "a more or less unified or integrated narrative or dramaturgical whole" (Dan-Cohen 2008:8). The process of defining this core draws on both internal and external definitions of the boundaries of the self which need not be coextensive. Furthermore, internal definitional work may be constituted largely through external influences as "we come to be who we are (however ephemeral, multiple, and changing) by being located or locating ourselves (usually unconsciously) in social narratives rarely of our own making" (Somers 1994:606). The methods employed in this study aim to elicit the narrative and dramaturgical work done by students as they adapt to professional identity.

SECTION 4: INTERVIEW APPROACH

The interviews, which averaged an hour in length, were based on a semi-structured protocol beginning with the open-ended question, "What brought you to law school?" The ensuing conversation was largely non-directed, encouraging respondents to narrate their own paths to law school and through the job process and beyond. The flow of the interviews was highly adaptive to the directions taken by respondents. This approach draws on narrative sociology (Berrey & Nielsen 2007; Fleury-Steiner 2004; Maines 1993), which examines how narratives reveal norms (Ewick & Silbey 1998), identity (Nielson 2004) and larger social processes (Ewick & Silbey 1998). This is approach is well suited to investigating how students' larger life narratives change during law school as they attempt to reconcile their career choices with previous ambitions, values, and expectations (Stover 1989).

Interview coding and analysis were done with the qualitative data package, TAMS (Text-Analysis Markup System). Codes were created both deductively based on secondary readings and through an iterative process of analytic induction (Glaser and Strauss 1967; Patton 1990) by which codes were identified during successive waves of analysis. While the methods employed here are highly interpretive and culturally inflected, analytic coding makes possible an expansion from fine-grained thick description (Geertz 1973) to broader social processes (Lofland & Lofland 1995).

SECTION 5: IDENTITY MAPPING

The identity mapping method is introduced roughly 30 minutes into the interviews. I present respondents with a large circle representing their identity on an otherwise blank white sheet of paper. I then ask respondents to draw and label small circles that represent the roles they enact in their daily lives and to place those roles in the position that most accurately reflects how strongly each contributes to the respondent's sense of self: closer to the center for roles with which they strongly identify and further from the center for roles they consider more distant. The only role that respondents were specifically asked to include was their anticipated lawyer identity. Precautions were designed through pilot interviews to avoid priming respondents toward particular conceptions of professional identity (in light of the peer judgment dynamics discussed in Chapter 4). Instructions and responses to common follow-up questions were consistent across the interviews.

Figure 2. Identity map structure
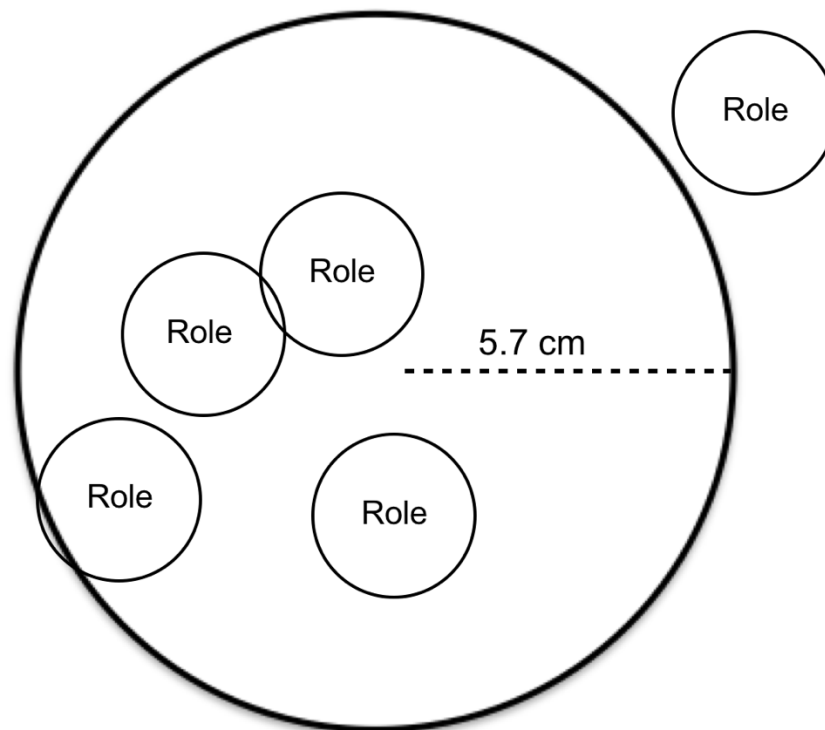
Identity mapping provides a means to discuss abstract questions about the self in a visual and tangible format. In each interview, the mapping exercise was followed by a 15- to 30-minute interpretive dialogue in which respondents explained the placement and labeling of each role category. The richest data from the mapping exercise arises from hearing respondents' interpretations. But the maps also proved amenable to quantitative analysis. In total, 99 identity maps were collected. The 76 maps from respondents who participated in first- and second-year interviews were coded, measured, and aggregated.[6]

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[6] For aggregation purposes, roles were grouped thematically into ten coded categories (additionally, some idiosyncratic role categories are discussed throughout the dissertation). Measurements were made using the exact coordinates of the center of each role and later converted into centimeters. Roles that were placed completely outside the identity circle were counted as though they bordered the outer perimeter to avoid biasing the mean aggregation with extreme outliers. Other than this adjustment, the aggregate maps reflect mean averages from the full data. Using these measurements with vector graphics editing software, I created aggregate identity maps for each career path (see Chapter 3). Aggregate calculations excluded the 17 identity maps provided in post-JD interviews, the six maps provided by respondents who did not return for the second-year interview, and the four maps provided by respondents who did not fit into the main career path categories. However, all of these maps are used in the qualitative analysis.

This technique draws on a rich tradition of mapping methodologies in cognitive science and social psychology, which traces its roots to classic studies in "topological psychology" (Lewin 1936). In early applications, researchers elicited children's drawings of people and environments in order to examine relational and spatial cognitive maps (Goodenough 1926; Buck 1948; Winnicott 1989). Milgram and Jodelet's 1976 study of respondents' hand-drawn maps of Paris were an influential example of a spatial cognitive analysis aiming to reveal "the way that reality is mirrored in the minds of its inhabitants" (1976:104). Psychoanalytic applications of identity mapping have examined the relationship between patient and therapist (Hammer 1977). Related methods have been used in geography (Hart and Moore 1973; Katz 2001), environmental psychology (Lynch 1960; Saarinen 1973), and in recent sociolegal research (Morrill and Musheno 2014).

I follow Katsiaficas et al. in extending these methodologies from spatial analyses to the study of representations of the "visual narrative of self" (Katsiaficas et al. 2011:123). In their investigation of how immigrant adolescents experience multiple identities, Katsiaficas et al. employ an identity mapping method in order to "make visible [the adolescents'] selves across place, relations and time" (2011:123). These maps consist of creative sketches produced by children in response to the prompt, "Draw a map of your many selves as a student, a female, a Muslim American, a daughter, an immigrant, etc. that tells us a story about the joys and challenges you experience" (Sirin and Fine 2008:215).

Like Katsiaficas et al., my use of identity mapping aims to access "preverbal, affect-laden, metaphoric, and/or relational" narratives of self (Katsiaficas et al. 2011:123). My approach diverges from Katsiaficas et al. in my use of standardized mapping parameters, such as the consistent size of the circle and the instruction to orient role identities with respect to the center of the circle. This approach is tailored to my inquiry into how respondents conceive of relative distancing among roles. Additionally, standardization allows me to compare role placements across population variables and over time. In Chapter 6, I discuss alternative approaches to identity mapping that were considered in developing the method in this dissertation.

SECTION 6: A COLLABORATIVE PARADIGM

Near the end of the interviews, I often discussed emerging interpretations with respondents. These member checks are a means to reveal competing versions of local meanings and enhance the facticity of the data (Emerson 1981; Hammersley & Atkinson 1983). Furthermore, by engaging in collaborative analytic dialogues I draw on a reflexive social science that acknowledges the interviewer's role as a research instrument and the respondent's role in cogenerating knowledge through the relational activity of the interview. This approach disavows the "concept-free observer" (Pitkin 1993:274) and instead views "both the inquiring subject and the studied object…as mutually interrelated but also mutually constituted" (Gouldner 1971:493). Thus, in addition to enhancing facticity, interpretive dialogues explore what work is being done by the stories respondents tell and the performances they offer.

References

Berrey, Ellen and Laura Beth Nielsen. 2007. "Rights of Inclusion: Integrating Identity at the Bottom of the Dispute Pyramid," 32 *Law and Social Inquiry* 233-260.

Buck, John N. 1948. "The H-T-P Technique: A Qualitative and Quantitative Scoring Manual," *Journal. of Clinical Psychology* 4: 317–396.

Dan-Cohen, Meir. 1994. "Between Selves and Collectivities: Toward a Jurisprudence of Identity," 61 *University of Chicago Law Rev.* 1213–43.
——. 2002. "Law, Community, and Communication." In *Harmful Thoughts: Essays on Law, Self, and Morality*. Princeton, NJ: Princeton University Press.
——. *2008.* "Luck and Identity." *Theoretical Inquiries in Law* 9.1: 1-22.
——. *2009.* "Constructing Selves." *Morality, Ethics, and Gifted Minds*. Springer.

Dennett, Daniel. 1989. "The Origins of Selves," *Cogito*.
——. 1992. "The Self as a Center of Narrative Gravity." in Kessel, Frank, Pamela Cole, and Dale Johnson, eds., *Self and Consciousness: Multiple Perspectives*. Hillsdale, NJ: Lawrence Erlbaum Associates.

Dreyfus, Herbert L., & Paul Rabinow, eds. 1983. *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: University of Chicago Press.

Emerson, Robert M. 1981. "Observational field work," *Annual Review of Sociology*. 351-378.

Ewick, Patricia and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Univ. of Chicago Press.

Fleury-Steiner, Benjamin. 2004. *Jurors' Stories of Death: How America's Death Penalty Invests in Inequality*. Univ. of Michigan Press.

Frankfurt, Harry. 2006. "Taking Ourselves Seriously," in Satz, Debra, ed., *Taking Ourselves Seriously and Getting It Right*. Stanford, CA: Stanford University Press.

Geertz, Clifford. 1973. "Thick Description: Toward an Interpretive Theory of Culture," in *The Interpretation of Cultures: Selected Essays*. New York: Basic Books.

Goffman, Erving. 1959. *The Presentation of Self in Everyday Life*. New York: Anchor Books.
——. 1961. Encounters: *Two Studies in the Sociology of Interaction*. New York: Bobbs-Merrill.

⸺. 1963. *Stigma: Notes on the Management of Spoiled Identity*. New York: Simon & Schuster.

⸺. 1974. *"Role Distance," in Life as Theater: A Dramaturgical Sourcebook, edited by Dennis Brissett and Charles Edgley. New York: Aldine.*

Goodenough, Florence 1926. *Measurement of Intelligence by Drawings*. Oxford, UK: World Book.

Gouldner, Alvin W. 1971. *The Coming Crisis of Western Sociology*. London: Heinemann.

Hammersley, Martyn & Paul Atkinson. 1983. *Ethnography: Principles in Practice*. London: Tavistock.

Kunda, Gideon. 1992. *Engineering Culture: Control and Commitment in a High-Tech Corporation*. Philadelphia: Temple University Press.

Lofland, John, & Lyn H. Lofland. 2006. *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis* (3rd ed). Belmont, Ca: Wadsworth.

Maines, David R. 1993. "Narrative's Moment and Sociology's Phenomena: Toward a Narrative Sociology." *Sociological Quarterly*: 17-38.

Mead, George H. 1934. *Mind, Self, and Society: From the Standpoint of a Social Behaviorist.* London: University of Chicago Press.

Milgram, Stanley, and Denise Jodelet. 1976. "Psychological Maps of Paris," in *Environmental Psychology*, edited by Harold M. Prohansky, William Ittelson, and Leanne Rivlin. New York: Holt, Rinehart & Winston.

Nielsen, Laura Beth. 2004. *License to Harass: Law, Hierarchy, and Offensive Public Speech*. Princeton, NJ: Princeton University Press.

Pitkin, Hanna Fenichel. 1993. *Wittgenstein and Justice: On the Significance of Ludwig Wittgenstein for Social and Political Thought*. Berkeley: University of California Press.

Ricoeur, Paul. 1991. "Narrative Identity," *Philosophy Today* 35:1, 73.

Somers, Margaret R. 1994. "The Narrative Constitution of Identity: A Relational and Network Approach," *Theory and Society* 23.

Stover, Robert V. 1989. *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*. Chicago: University of Illinois Press.

Taylor, Charles. 1989. *Sources of the Self: The Making of Modern Identity*. Cambridge: Cambridge University Press.

Winnicott, Donald W. (1989) "The Squiggle Game," in Winnicott et al., eds., *Psycho-Analytic Explorations*. London: Karmac Press.

Chapter 3

A Typology of Emerging Professional Selves: Role Distancing and Job Paths

INTRODUCTION

> I ran into a friend from college, and I was wearing a suit. And she had
> never seen me in a suit except when I acted in a play. So we were sort of
> laughing about that, and she asked me if I feel like I'm playing a role these
> days. And I think she meant more generally with law school and firms.
> And I do sort of feel like that. But in some ways I don't mind it that much
> if I can think of it in those terms, because that means it's not
> fundamentally changing who I am. Just like a role in a play is something
> you do for a month or two, this is something I feel like I'll do for a year or
> two between the hours of eight and eight, or whatever the hours turn out to
> be.

> —David, second-year law student.[7]

At the time of this research interview, David had recently accepted an offer for a summer internship at a large law firm, which would later lead to a post-graduation position with the firm. Considering that he entered law school with a stated commitment to a career in human rights law, it is not surprising that David views his upcoming role in a large corporate law firm with some distance. It is perhaps surprising that in the above excerpt he seems to so readily accept this protracted experience of role playing that he will perform "between the hours of eight and eight" for two years of his life. Later in the interview, however, he turns to the more plaintive tone common among students in my sample who switch from public-interest to corporate-law job trajectories during law school: "That makes me really sad, to think that I'm [accepting a position in a large firm] because I was scared . . . or I wasn't able to take a leap of faith on something else, or I'm doing this because my practical side won over my romantic side, but the truth is, there is some level of accuracy to that."

As he anticipates his job as a corporate law associate, David draws a sharp distinction between what he labels his "true self," committed to progressive social change, and his upcoming performance of the attorney role. Erving Goffman described such bifurcation strategies as "role distancing"—the process by which individuals create and maintain conceptual distance from the "virtual self implied in the role" (Goffman 1961: 108). This chapter examines professional role distancing within the dissertation sample, focusing on the transition between the first and second year of law school. I address two questions at the intersection of the empirical literature on law school

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[7] Pseudonyms are used for all respondents. Other identifying information is excluded to the greatest extent possible.

socialization and the normative literature on the proper relationship between the lawyer's personal identity and professional role: (1) How do law students conceive of their anticipated professional roles in relation to other roles in their lives? (2) How do students' conceptions of professional identity change from the first to the second year of law school (after they have decided whether to apply to large firms)?

To anticipate the analysis below, I posit a typology of contingent selves corresponding to three early-stage career paths within my sample. (1) Students committed to careers in the public interest sector tend to experience highly integrated professional identities that change little over the course of their legal education. On their identity maps, these respondents tend to place the anticipated professional role in a central and overlapping cluster with political, religious, family, racial, and gender roles, while the law student role is located on the periphery. (2) In contrast, corporate-path students (those who state a preference from the beginning of law school for large firm employment) tend to experience a substantial and increasing bifurcation between personal roles and the lawyer role, which is peripheral and financially instrumentalized. In aggregate, these respondents experience a more proximate law student role. (3) In the third category are students who, as described by a large body of empirical literature, "drift" from the public-interest path to the private-firm path. Between their first and second years of law school, drifting respondents in my sample often experience a pronounced shift from a public-interest identity type to a corporate identity type, as the professional role moves toward the periphery of their self conceptions. This category is marked by feelings of fraudulence as respondents struggle to maintain temporary corporate lawyer role performances, which they describe as morally suspect. This typology is summarized in Appendix, Table 3.

I approach these questions in light of transformations in the market context. The timing of this study, which spans from 2008 to 2014, complements the long-standing sociolegal inquiry into law school socialization by examining new lawyers in the context of the Great Recession, the current crisis in legal education (Rubin 2014; Tamanaha 2012), and recent transformations in the nature of legal practice, particularly increasing specialization and mobility in the careers of new lawyers (Dinovitzer et al. 2014). In the Wave 3 report from the recently completed After the JD Study, which tracks a national sample of lawyers from the JD class of 2000 over the first twelve years of their careers, the authors note that while their respondents largely "weathered the storm" of the Great Recession by drawing on their established "skills, clients, and connections," more recent law graduates likely felt the full brunt of the Recession (Dinovitzer et al. 2014). This chapter takes an initial look at a segment of Recession-era graduates and suggests variation in how the market context influences students' accounts of risk aversion in their job path decisions and instrumentalization, temporariness, and fraudulence in their conceptions of professional identity.

While I suggest implications for our understanding of how professional identity formation may relate to race, gender, and class, I focus here on the career path variable, which emerges from this study as a strong and persistent correlate with distinctive experiences of the anticipated lawyer role.

SECTION 2: FINDINGS

2.1 The Public Interest Path: Professional Role Integration

Figure 1. Second-year public interest identity map (Laura)
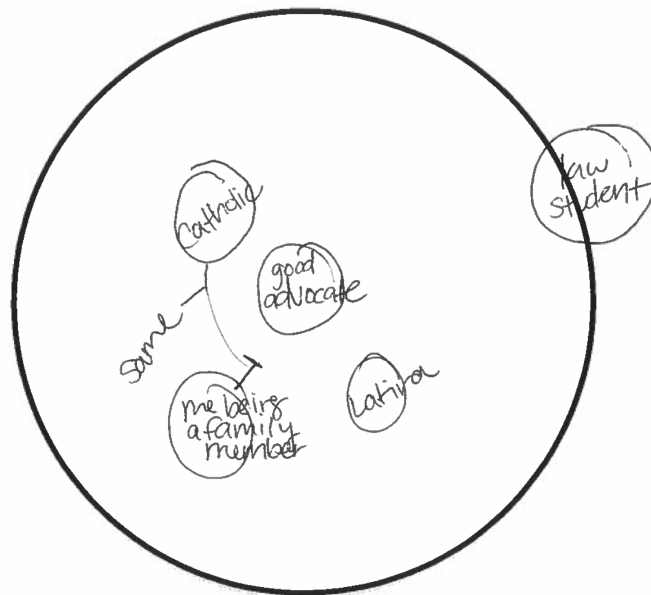
As reflected in her second-year identity map (Figure 1), Laura located her anticipated lawyer identity in a central cluster of personal roles. In this section, I argue that an integrated and central conception of the lawyer role is common among public-interest-path respondents in both their first and second years of law school. That these respondents may experience a proximate relationship with their professional roles is consistent with the literature's claim that cause lawyers aspire to "overcome alienation with belief and to break down the barriers between vocation and commitment" (Scheingold & Sarat 2004:124). At the same time, in her discussion of her second-year identity map, Laura acknowledged a tension between her conception of professional role integration and the lessons she has received in law school regarding the constrained and bifurcated nature of the conventional lawyer:

> Central is 'advocate,' which is not necessarily an attorney. Just like an advocate for the communities that I care about, which includes minority communities, lower-income communities, and maybe particularly people who are in prison or who are part of the criminal justice system in some way. But I also think part of being an advocate will be being a lawyer, but

I think being a lawyer I'll be pissed off…I won't be able to say everything
I want to say in my personal life.

In interpreting her second-year identity map, Laura explained that her reservations about the lawyer role are expressed by her use of the label "advocate" rather than "lawyer." Many public-interest respondents provided similar alternative labels for the professional role, such as "activist" and "public interest career." These respondents report that they recoil from the narrow legal definition of client-centered advocacy, instead conceiving of advocacy more broadly as promotion of a social movement by legal and extralegal means—what we might call "social advocacy" in contrast to "legal advocacy." Several public-interest respondents even included the word "law" as a role identity on their maps and placed it on the far periphery. Although this skepticism regarding the "law" in "lawyer" reflects ambivalence about their capacities in the professional role, it also suggests a highly political sense of professional purpose. This politicization of the professional role, combined with the clustering of other personal roles, may help to explain the persistent centrality of professional identity among public interest respondents. Below I provide an empirical portrait of professional role integration and its limitations and exceptions. While these findings primarily arise from qualitative analysis, they are also illustrated with aggregate map data.

Figure 2. Aggregate identity map: Public-interest path[8]

2L ——— aggregate
1L – – – – aggregate
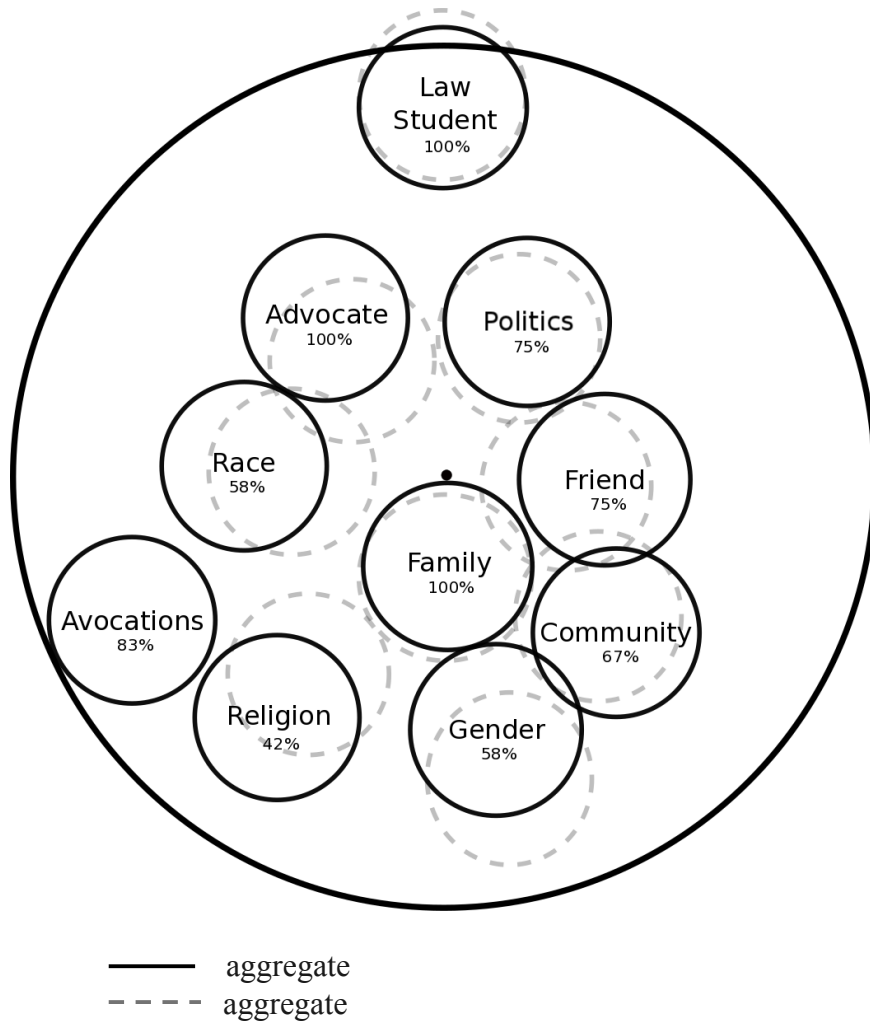
      Figure 2 shows relative consistency between the first and second year across most roles. The lawyer role (labeled "advocate" in the aggregate map to reflect the common substitutions for "lawyer") moves slightly further from the center, but is not ejected to the periphery as in the aggregate corporate- and drifting-path maps. For many public interest respondents, not only are the bulk of their role identities at a similar distance from the

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[8] Percentages indicate the frequency with which public-interest-path respondents included each role category (combining first and second year data).

center, they are physically overlapping.[9] The 2L identity map from Brian, a second-year public-interest student, exhibits this overlap to an extreme (Figure 3).

Figure 3. Second-year public interest identity map (Brian)
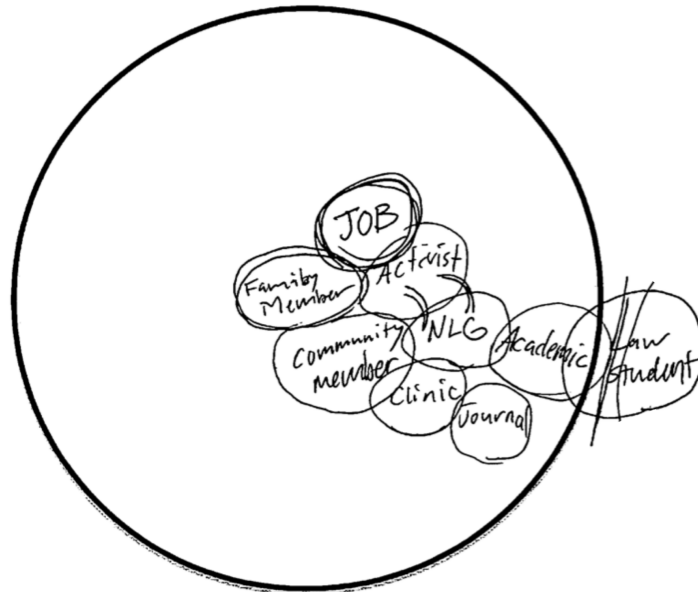
Consistent with this description of overlapping and clustered roles, public interest respondents often report that their professional motivations are rooted in racial, gender, political, religious, community, and family roles. As Brian explained, the integration of his professional identity reflects his family's progressive political orientation: "Everything is definitely tied up with my role as a family member since my family is really defined by being activists and community members." Later in the interview, he extended this concept of family support to his home community: "My friends, the community that I've grown up with, these people are all so proud of me back at home for getting into this law school and for pursuing my dream of being that social-justice advocate."

The political component of Brian's role integration is evident in the overlap of his anticipated lawyer role with "job," "activist," and "NLG" (Figure 3).[10] As we will see, the centrality of political roles among second-year public-interest respondents diverges markedly from the other two career paths. This finding of a politicized professional role is consistent with the prevailing view in the literature that cause lawyers reject the

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[9] Overlapping roles are more common in the maps of public-interest respondents (28% of all roles touch or overlap with other roles) when compared to corporate (15%) and drifting (9%) respondents.

[10] National Lawyer's Guild, a progressive association of public-interest law students and lawyers.

standard conception of lawyering, which requires separation of politics and profession: "Moral and political commitment, the defining attributes of cause lawyers, are, for most of their peers, relegated to the margins of their professional lives" (Scheingold & Sarat 2004:2).

Laura, the public-interest student introduced above, cited her Catholic and Latina identities as sources for commitment to a public-interest career path. In her second-year interview, she describes at length how her summer internship with a death penalty appeals practice was directly inspired by the Catholic lessons she received from an early age in "forgiveness and people having a second chance." Her Latina identity figures prominently in her account of her desire to work on issues that affect women and, as quoted above, "minority communities." This infusion of race, gender, and religion into the professional role is also evidenced in Laura's frustrations with legal pedagogy: "In law school, you don't say, 'As a white male, my perspective is X' or 'As an Asian female'…you're supposed to just state your opinion like it's objective fact, and the professor tells you whether or not it's right, but that's not the way I think."

While race and gender are difficult to analyze in a small-n study, Laura's experience suggests a potential amendment to Costello's claim that non-white-male students experience dissonance with the professional role (2005:119). For students who sustain a public-interest path through law school, race and gender may contribute to experiences of professional role integration in alignment with a cause lawyering conception of one's career.

Even having a working class background may tend to enhance professional role integration among public interest respondents. As commentators have noted, in a context of extreme student loan burdens, working class students may find it difficult to "afford" to pursue public-interest jobs when more lucrative large firm opportunities are available to them (Erlanger et al. 1996). Yet the few working-class public-interest path respondents suggest that a working class background can fuel empathy for disadvantaged clients (in particular workers) and a priority on distributive justice goals, which contributes to their commitment to a politicized, integrated view of professional identity. One working-class student explained: "It never occurred to me [to apply to large firms]. The whole reason I am [in law school] is I feel like working people get treated badly or… disrespectfully."

The conspicuous exception to the aggregate finding of integrated roles is the law student role. Returning to Brian's second-year map (Figure 3), while every role identity overlaps, it is noteworthy that "law student" is the farthest from the center, lying almost entirely outside the identity space. Furthermore, Brian explained that the vertical lines he drew through "law student" signify ambivalence toward legal education. This finding of distancing from the law student role is consistent with previous research. Scholars who have studied American law schools generally claim that public-interest oriented students face "repeated indoctrination in the conventional ethos of client-oriented lawyering" (Scheingold & Sarat 2004:58) requiring them to adopt a "game oriented consciousness" and to distinguish personal views from views expressed within the professional role (Granfield & Koenig 1992:52). For these students, legal education is an "obstacle course," where norms and incentives are heavily structured to value conventional lawyering and, in particular, corporate law careers (Scheingold & Sarat 2004). Brian

explained that he struggled to participate in law school classes, where the norms dictated an apolitical approach to legal cases: "I'm not a person that particularly finds the law to be . . . a fascinating philosophical challenge or a complex puzzle to deal with."

Public-interest-path students in my sample tend to credit the Recession as a significant factor in their commitment to cause lawyering careers and their integrated view of professional identity. For some respondents, the subprime mortgage crisis raised a direct call for legal services dealing with poverty and housing, which helped solidify their public-interest career aspirations. A public-interest path respondent explained: "The [recession] is exposing all kinds of ugly power and inequality…I feel like I need to be a part of a…movement right now to help steer things in a better direction." While these students expressed concerns about dwindling job opportunities in the public-interest sector, the Recession did not generally produce more risk-averse and instrumentalized accounts of professional motivation as found in the corporate and drifting paths; instead, the effect appears to be in the opposite direction, supporting the politicization of students' anticipated professional selves. A public-interest path respondent explained: "I'm not going to sell out [by working in the private sector] now when our work is needed more than ever."

It is important to note that the public interest category is diverse. Some respondents present the paradigmatic integrated cause-lawyering identity both in their first and seconds year of law school. They place the professional role in the very center of their maps (see Laura and Brian above) and emphasize the political and personal significance of their work as lawyers. But other public-interest students, explicitly concerned about work life balance, express reservations about placing the professional role in the center. In fact, work-life balance is, for a few public-interest respondents, a strong motivation for working in this sector under the assumption of shorter work hours.

There is also diversity within "public interest practice." Many respondents whom I classified in the public-interest path pursued what they often called "middle road" public-interest careers, such as positions in government and plaintiff-side firms. These respondents often describe this work as only partially aligned with their political values while providing better income and job security compared to legal-aid or nonprofit organizations. While precisely defining the middle-road category is beyond the scope of the current discussion, I speculate that these respondents may tend to experience a slightly more instrumentalized (and less proximate) professional role than those intending to work in the nonprofit sector.

An interesting subset are the public defenders, who have been a central example in the normative discourse on lawyer professionalism (see Ogletree 1993). Each of the five respondents in my sample who aspire to be public defenders described deep political motivations for their career paths, rooted in concerns about inequality, race, and mass incarceration. At the same time, they anticipated moral distancing in cases where they are required to advocate for a client whose "cause" they might not support. One such respondent noted, "I had a friend who told me her first client as a [public defender] committed rape. That would be really hard. I don't even know if I could do that." The public defender example complicates the notion of politically motivated rejection of neutral partisanship. It also raises the possibility that some students' career paths may be

influenced by the extent to which they can tolerate the discomfort inherent in acting as the client's agent, as required by conventional professionalism.

2.2 The Corporate Law Path: Professional Role Distancing

Figure 4. Second-year corporate identity map (Sam)
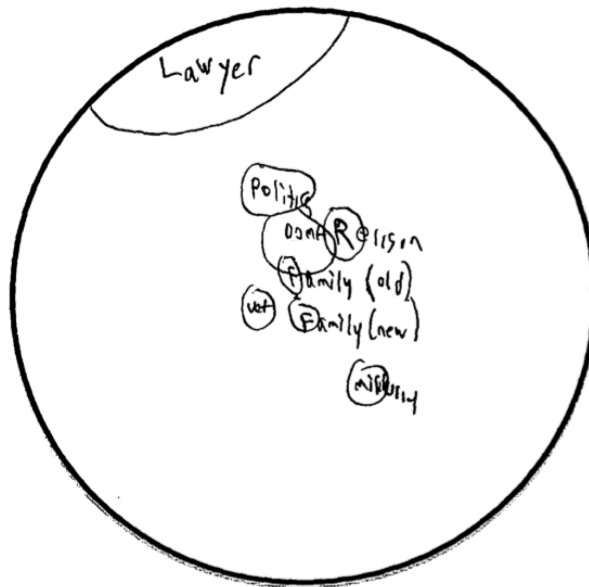
The corporate path consists of respondents who in their first-year interviews stated a preference for large-firms jobs and in their second-year interviews reported continuing on this path and having accepted large-firm internships. Relative to the public interest path, these students tend to view their upcoming legal careers as relatively instrumental and distant from their core identities while expressing few qualms about this compartmentalization. These themes are evident in Sam's 2L identity map (Figure 4). Sam explained that "lawyer" is placed on the far periphery not because he has a moral aversion to the role, but because, as he put it, "I came to law school to get a job." Unlike the public interest path respondents cited above, Sam views the lawyer role as distinct and distant from other constitutive identities, such as religious, political, and familial roles. Family is his most central role, especially his intention to have children in the near future ("family (new)" in Figure 4). He reported that, given the Recession, his financial instrumentalization of the lawyer role is driven by "self-preservation" in a period of widespread financial uncertainty.

In our interview conversation regarding the above identity map, Sam elaborated on his non-integrated view of professional identity by contrasting his anticipated lawyer role with his previous hyper-integrated professional role in the military. As a solider, he experienced near total role embracement: "It becomes your whole identity . . . because part of your identity is obedience to orders, but you just do what you're supposed to do

because that's just central to you. It's an alien concept not to be a Marine... When I'm in military mode, everything else just kind of falls away." Goffman describes this degree of radical role embracement as "disappear[ing] completely into the virtual self available in the situation to be fully seen in terms of the image" (1961:106). When I asked Sam to compare his experience in the military with his expectations about the integration of his role as a lawyer, he commented that the "contrast couldn't be bigger." "While serving overseas, it was pretty much me and my friends versus the world." While we might not expect to find the same degree of radical role embracement among lawyers, it may nevertheless be surprising that the lawyer role is as distant and detached from personal roles as we find in Sam's account and in the aggregate corporate-path map (Figure 5).

Figure 5. Aggregate identity map: Corporate path
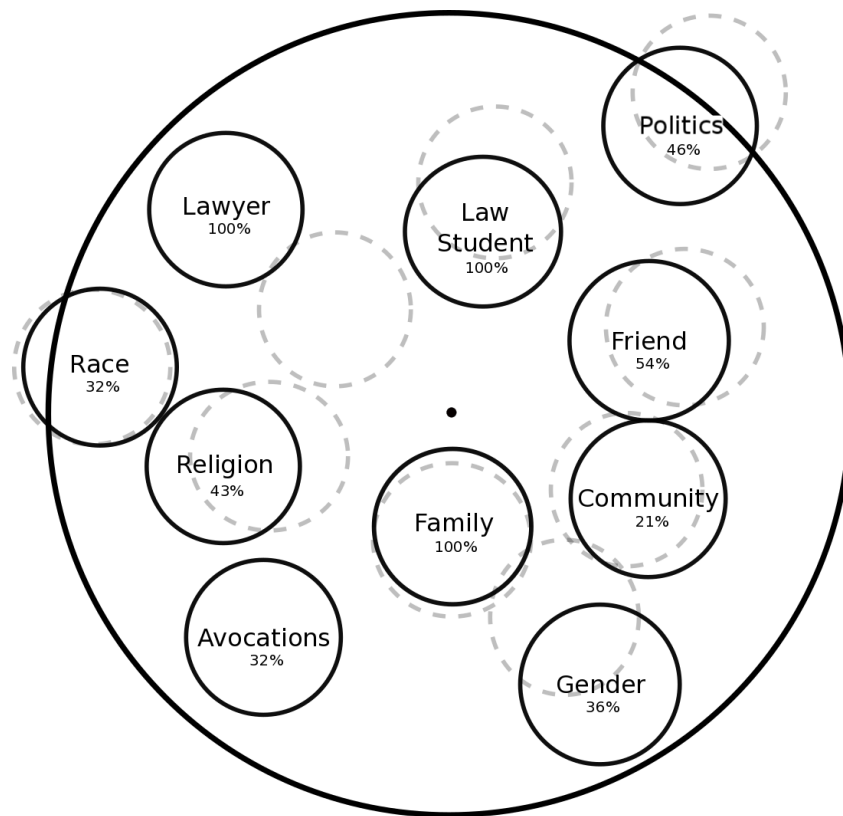
| 2L | ——— | aggregate second-year lawyer role |
| 1L | - - - - | aggregate first-year lawyer role |

Note: Percentages indicate the frequency with which corporate-path respondents included each role-identity category.

We saw earlier that public-interest respondents tend to place the professional role in the center of their identity maps, while placing the law-student role on the periphery.

The aggregate corporate map shows the opposite pattern. Between the first and second year of law school, "lawyer" moves toward the outer edge of the identity space, while the law-student role remains relatively central. The aggregate political, racial, religious, and gender roles are further from the center than found in the public interest path. Consistent with the peripheral placement of these roles, corporate path maps tend to be characterized by greater compartmentalization (fewer overlapping roles) in contrast to the characteristic overlap of roles in many public-interest identity maps. These aggregate map observations are generally supportive of the qualitative analysis below. Corporate path respondents tend to describe a more bifurcated conception of the lawyer role in sharp contrast to the cause-lawyering picture of a personalized and politicized lawyer role. A second-year corporate path respondent explained: "Even things that I'm passionate about in the law are secondary to me. I'm ok with that... [Being a lawyer] is not central to my being at all. I want to be a lawyer just so that I can provide for the things that I want out of life."

While political role identifications tend to be placed on the periphery of corporate-path identity maps, Sam is an exception to this trend. He places "vet" (war veteran), "politics," and "DOMA" (Defense of Marriage Act) in a central cluster; however, he clarifies that these role locations do not suggest a priority on social change or politics in his career. Instead, Sam explained that he generally avoids politics: "[DOMA and veterans' issues are] the only politics that I actually care about...Other than that, I don't care [about] formal politics of Democrat, Republican…I didn't vote this year because there's better things to be doing."

The most salient exception to these apolitical accounts of professional identity is that many corporate path students place importance on pro bono and diversity as factors in choosing among large firms. While for drifting path respondents pro bono programs are emphasized as a means to incorporate students' political ideals into large firm practice, many corporate-path respondents emphasize that diversity and pro bono are important indicators of the culture of a particular law firm. "These firms all pretty much look the same…asking about pro bono is a way to ask about the values of the people there…to get a sense of whether I'd fit in."

The relatively central placement of "law student" in the aggregate corporate map (Figure 5) is unique among the three paths. Although most corporate path respondents describe themselves as politically active, they also tend to be the most amenable to an education that privileges the apolitical application of legal rules and that requires bifurcation of personal values from the craft of lawyering. A corporate path respondent explained: "Despite all my rhetoric about being involved in society and about how that's why I want to a lawyer. I kind of also just want to have a job that's not involved in the big issues. I like to compartmentalize. I would like to be involved in a community group maybe ten hours per week, but not have it be my job."

Unlike the drifting respondents discussed in the next section, corporate-path respondents' peripheralization of the lawyer role is generally not accompanied by accounts of fraudulence, moral compromise, and concerns about the habitability of the lawyer role. The benefits of prestige, salary, and pursuing a practice area based on intellectual interest may support a portrait of relatively benign role distancing in the corporate path. For example, rather than experiences the job interview process as an

identity crisis, many corporate path respondents found the interviews helpful in clarifying their interests: "I had to say what I want to do and who I want to be, and who I want to work with 32 times. And if I can't sell it to myself or to the firms…it doesn't make any sense if you can't talk with a sincere passion about what your interests are. It has been a true litmus test for my interests."

Most corporate path respondents described their jobs at law firms as an intermediate step in a long-term career plan. "The only reason I'm going to a firm is to get that nest egg…and to get the training, to get that line on my resume." Some respondents were more specific about job mobility: "I plan to be a lawyer for however long it takes to do something else. It's more of a launching pad for me. Step 1: Go to law school. Step 2: Pay off massive debt. Step 3: Get out of massive law firm and pursue other opportunities like smaller firms or business." This temporariness to the corporate lawyer role resonates with the drifting path experience of role distancing discussed below, but in the corporate path temporariness is not generally based in moral distancing, but rather a desire to have the greatest possible degree of job mobility throughout their careers:

> I want to learn to do things properly. Firms do high-quality work. The clients pay enough for them to do it right. Given the clients they have, they are very meticulous, very driven. That's where you want to learn. Also you have an exit strategy. It easy to go from a large firm to any number of jobs, but it's not easy to get a big firm job after working somewhere else.

The narrative that these students will pay down their loans and build some savings within a few years of firm practice and then move to different jobs and even different sectors is well supported by the After the JD data on new lawyers' career paths. By the seventh year, half of elite-law-school graduates who began their careers in large firms had moved to other practice settings (Dinovitzer et al. 2009).

While corporate-path respondents generally describe their jobs in financially instrumental terms, they are wary of the notion of sacrificing happiness in exchange for salary. Nearly every interview mentioned that long hours are an undeniable aspect of large firm life: "In terms of working the long hours, it's going to happen…But that's what you sign up for to make the money…The downside is you really don't have a personal life…the firm takes over your life, especially when you're beginning as a first year associate." But corporate respondents were roughly split on whether they were concerned about work-life balance. Some respondents tied work-life issues directly to their peripheral placement of the lawyer role: "I don't live to work. I'm not a workaholic in that sense. Like, I would like to work to live…so this [lawyer role] must stay outside [the central cluster in the identity circle] and if it starts creeping in, that's going to be a problem." Most on the corporate path admitted an element of sacrifice in their conception of their anticipated lawyer roles: "[Associates in large firms] make an obscene amount of money to do fairly remedial things in their first couple of years. You're selling your time." But these conceptions of sacrifice generally were not accompanied by the self-

shaming accounts of selling out found among drifting respondents. A corporate path respondent explained: "you should never sell your soul, but you certainly [can] rent it. I'll rent them my soul for you know, a couple hours, or you know, a couple years of my life, if it means that I get to have a good quality of life for the rest of it." The same respondent continued this reflection, asserting that his corporate lawyer role would not affect his core identity: "If they want to pay me that much money to like sit and look at pieces of paper all day and if they want me to work even 80 hours a week…and they want to pay me 160K, go right ahead. I'll do that. Whatever, *I still get to be me*…And just cause I'm doing something dumb doesn't mean I can't have fun doing it" [emphasis added]. Another respondent added that the exchange rate of time for money is only adequate for him because he is interested in the content of his work: "I understand how this works. You're selling your time. And not at a terribly high hourly rate. You really are working two $80,000 a year jobs. So you have to like what you're doing." Work-life balance concerns suggest a limit to the instrumentalization of the anticipated lawyer role.

Race and gender are much less salient in the accounts of corporate path respondents when compared to public interest and drifting respondents. This is not surprising given that research interview questions focused on career paths and professional purpose, while corporate path respondents express some distance between their professional selves and their race and gender identities.

For a few respondents, class played a substantial role in their accounts of the peripheral placement of the lawyer role. Three corporate path respondents from working class backgrounds suggested that the financial instrumentalization of their corporate law jobs may be more extreme but less troubling to them because, relative to students from wealthier backgrounds, they (and their families) consider large firm salaries to be extraordinarily high: "My parents were like, 'How much is the salary? Hundred and sixty…thousand. That's more than the two of us make combined every year and we've been working for combined fifty years.' They brag a lot…They're making retirement plans earlier I think." Another working class corporate path respondent explained: "I'd be stupid not to take the opportunity [to work in a large firm] …It is really weird to make more money than my dad, when I have no real skills…[E]ven though I don't really know what I want to do with my life, the money just kind of makes the decision [to work at a large firm] easy."

Several women and two men (including Sam) from the corporate path explained that the lawyer role was located on the periphery in part because they worried about their work life encroaching on their plans to have children. A corporate path respondent explained:

> I want [being a lawyer] to be a central thing in my life because it's going to probably be where most of my waking hours are, but I don't ever really want to be in a position where my job subsumes me, and I don't think it will. I've wanted to be a parent since I was a very little kid…and I can't really see the job subsuming that and think that's going to be a real tension point for me.

For several female corporate-path respondents, concerns about how having children might affect their career advancement were closely tied to gender: "Women can't have it all. That's how it works. You're not going to have it all if you want to do everything well. You have to decide what your priority is and for me it's my family…So if [the lawyer role] starts moving in towards the middle then that's going to be a problem." Several respondents explained that they would prefer to have a more central lawyer role, because a deep investment in their work would help their chances on the partner track, but they feel that their plans to likely have children are incompatible with a central professional identity: "The truth of the matter is, if I have a kid I'm never going to be as, well successful is the wrong word, but I'm never going to be able to gun as hard as someone who doesn't. And that is a trade-off you make."

When discussing the Great Recession, corporate-path respondents place a great emphasis on job security and student debt. A common refrain is that the decision to work for a large firm was relatively easy because in a tough economic climate "you have to put food on the table." Previous research has shown that corporate-bound students at elite law schools tend to view law school as "little more than a credentialing and sorting mechanism where the goal is to amass certain visible, rankable signals of success" (Wilkins & Gulati 2000, 1252). The Recession seems to intensify to this effect. Within my exploratory data, there is a qualitative differentiation between pre- and post- financial crisis corporate path respondents. Members of the first cohort, who entered law school in 2007, expressed moderate anxiety about the likely imminent impact of the Recession, but were overall optimistic about their opportunities and were mostly successful in securing large firm internships. The later cohorts, who entered law school in 2010 and 2011, were more concerned from the start of their legal education about the economic risk of obtaining a law degree in a context of rising tuition and an oversaturated market for entry-level lawyers. Adding to their financial worries, tuition at the school studied increased by more than 60% between 2007 and 2011. Given these financial pressures, it is perhaps not surprising that corporate path respondents from the later cohorts tended to express particularly instrumental views regarding the professional role and their law school experience.

While the aggregate picture of professional role distancing and instrumentalization is representative of most corporate-path respondents' accounts, it is important to note that the corporate-path experience is not homogeneous. For students who had little or no debt due to merit-based scholarships or financial support from their families, financial instrumentalization of the role was a less relevant concern. Some respondents deemphasized financial reasons for pursuing large-firm positions, instead pointing to their long-standing interests in particular practice settings or in using large law firms as a stepping stone to prominent positions in business and government. Thus while most corporate-path respondents relied primarily on ranking and geography when choosing among law firms, some prioritized practices, specializations, and connections to other sectors.

2.3 The Drifting Path: Instrumentalization and Fraudulence

Figure 6. Second-year drifting identity map (Sara)
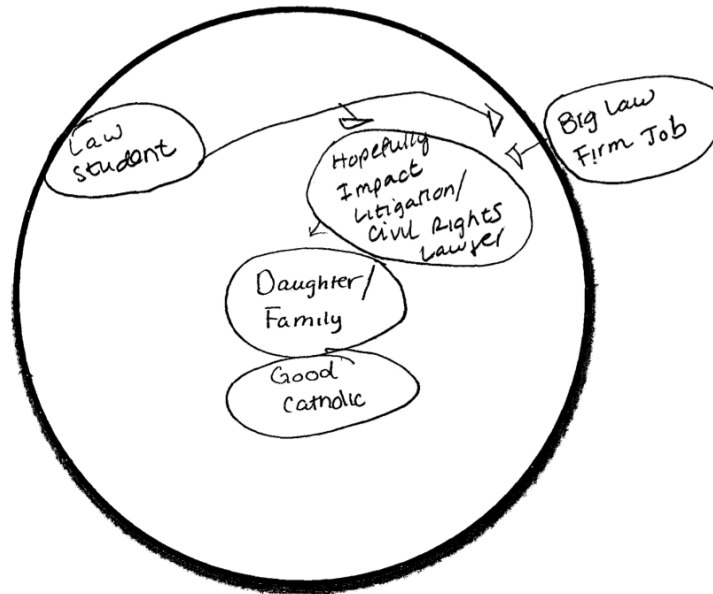
As indicated by the arrows in her second-year identity map (Figure 6), Sara is planning to start her legal career in "Big Law" (at a large law firm), but "hopefully" she will return to the public-interest sector as a civil rights attorney after a few years. Sara explains that her anticipated civil rights job would be a more proximate professional role than her anticipated job at the large firm, which she places entirely outside the identity circle. Sara, who is a member of the cohort who began law school in 2011, describes the opportunity to secure a Big Law position as a necessary sacrifice given the scarcity of job opportunities and her substantial student debt. However, she worries that working in a large firm will lead to becoming "addicted to money." This fear of self-transformation—of actually becoming a "corporate lawyer" rather than just temporarily portraying one—is a predominant theme among students who drift from the public interest to the corporate career path during law school.

Figure 7. Aggregate identity map: Drifting path

Circles labeled:
Law Student 100%
Lawyer 100%
Politics 50%
Race 40%
Friend 40%
Religion 40%
Family 100%
Avocations 35%
Community 45%
Gender 15%
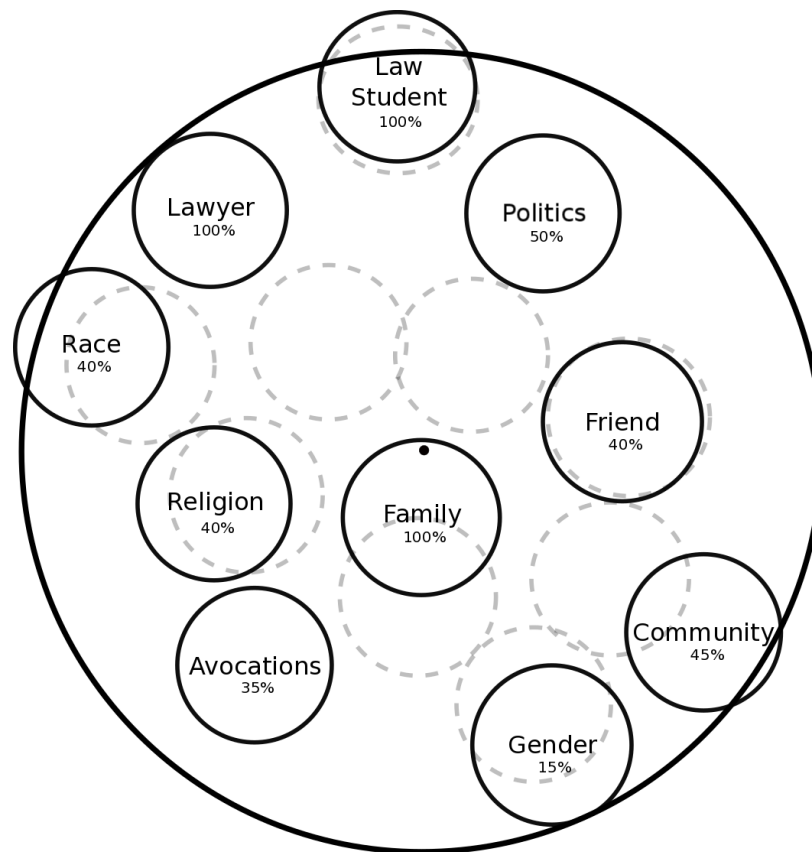
2L ———— aggregate
1L – – – – aggregate

Note: Percentages indicate the frequency with which drifting-path respondents included each role-identity category.

In their first year of law school, drifting respondents tend to place the lawyer role in a central cluster. In their second year, after they have accepted internship offers with large firms, they tend to place the lawyer role on the periphery. The interview responses discussed below suggest that between the first and second year of law school drifting respondents in my sample tend to transition from an integrated cause-lawyering conception of lawyer identity to a financially instrumentalized conception fraught with moral and psychological role distancing and feelings of fraudulence. Similar to public-interest respondents, they tend to place the law student role on the periphery, describing a disjuncture between their initial political motivations for attending law school and the decontextualized, game-oriented nature of lawyering presented in legal education (Granfield 1992; Mertz 2007). Thus, in the aggregate second-year map analysis, the

drifting path is similar to the public-interest path in the law student role and similar to the corporate path in the lawyer role. These path comparisons are summarized in Table 4.

Table 4. Aggregate 2L lawyer and law student roles by career path.

	Central Lawyer Role	Peripheral Lawyer Role
Central Law Student Role		Corporate Path
Peripheral Law Student Role	Public Interest Path	Drifting Path

      Along with the peripheral movement of the lawyer role, politics also moves toward the perimeter in the aggregate second-year drifting path map. Unlike their first-year descriptions of professional purpose, which centered around cause-lawyering programs of political and social change, second-year descriptions portray a less politicized view of their work as lawyers. As second-year students, these respondents were pessimistic about their ability to reconcile their political ideals with large firm practice—in Granfield's terms, to "neutralize the contradiction experienced by accepting [large firm] employment" (1992:166). The bifurcated conception of lawyer identity, which holds that political viewpoints are irrelevant to being a good lawyer, seemed to offer little consolation. One respondent who cited the bifurcated view to defend her choice to work in a large firm admitted: "That's probably just a justification for myself so I don't have to feel like a sellout."

      Nearly every drifting path respondent reported that they intend for their jobs in the large-firm sector to be a temporary stint, after which they hope to return to public interest practice. While temporariness was also prominent in the accounts of corporate path respondents, their concern was primarily for work-life balance and mobility in their career paths. For drifting path respondents, accounts of temporariness are laden with moral distancing and role playing as they worry that they are "selling out" by representing the wealthy clients of large firms. A second-year drifting respondent explained:

> [The firm where I will be working] defends the biggest companies…and they're being sued by the public-interest organizations that I might have worked at…I know it's all part of the legal system and everyone deserve a defense, but I also kind of feel like I switched sides…like I have to actively fight for the wrong side now.

Fraudulence is a particularly salient theme in drifting students' accounts of the on-campus law-firm interview program, which occurs before the start of their second year in law school. In these job interviews, drifting students present themselves in a new light while struggling to conceal a great degree of ambivalence. David, the drifting-path student cited in the introduction, described his struggle to re-narrate his life story for law-firm interviewers: "I have to shape my life experiences into a narrative arc . . . and tell my life as a story with a beginning, middle, and end. And the conclusion has to be 'why I want to be a lawyer,' or 'why I wanted to go to law school,' or 'why I want to work for a firm,' or 'for this firm.' And that seems totally false."

Many drifting respondents share David's view that the self-narratives they present in job interviews are markedly different from their true self-narratives, which retain their public-interest ideals. Goffman's role theory illuminates how these multiple self-conceptions can be maintained through meticulous "audience segregation" and by concealing motives that are incompatible with an "idealized" version of the role (1959: 30). For drifting respondents, cultivating this idealized impression requires going to great lengths to avoid revealing their reservations about the large-firm sector, especially when interviewers interrogate them about the public-interest orientation suggested by their résumés. Most drifting students rehearsed their interview approach with the law school's career-development staff and were coached to spin their public-interest experience as training for a career in a large firm. One drifting student reported that when she was asked about her public-interest background, she would equivocate by answering a different question than the one asked (what she termed, "pulling a Sarah Palin"). Many drifting students resorted to deception, as exemplified by Jesse in his second-year interview: "I bombed every interview until I realized that you have to lie." Jesse credits his use of deception for his eventual success in securing a summer associate position in a large firm:

> When I was talking to [law firm interviewers] I told them I was interested in class actions, which is true…but I told them I was interested in them because I saw it as a legal mechanism that is often stretched beyond its proper scope…If I told them what I believe, I definitely don't think I would have gotten a job. I think [that] before I had just been figuring out ways not to tell [interviewers] what I really thought. And then I shifted to affirmatively telling them lies. So I guess that helps. I guess that's what it takes.

In addition to concerns about impression management in job interviews, drifting respondents worried about their self presentation with law student peers. I examine these

peer dynamics in greater detail in Chapter 4. For present purposes, I simply want to suggest that peer judgment may serve to intensify distancing from the lawyer role by reinforcing students' self-perceptions that they have sold out their values. During their first year of law school, many drifting respondents reported membership in public-interest oriented cliques, in which students tended to be extremely critical of corporate career paths. One first-year drifting respondent described an interaction in which he told a public-interest oriented friend that he felt "tempted" by large-firm job possibilities. His friend responded: "You wouldn't [apply to large firms] …Don't worry about it. You're not that kind of person." Another drifting respondent reported that he was wearing a suit in a law school hallway during the week of the large-firm job interview program when he was approached by two public-interest students who exclaimed, "Oh no! Not you!" They explained that they had placed bets on which classmates would apply to firms and they had lost their bets in his case. These accounts of peer judgment, which weigh heavily on many drifting students as they make their job path decisions, may also influence how drifting respondents experience and describe their professional identities. Giving accounts of a temporary and financially necessary corporate lawyer role, which does not reflect one's "true" public-interest oriented identity, may be an effort to spin one's job choice in a socially acceptable manner for a public-interest peer audience.

Based on limited post-JD follow-up interviews, it appears that drifting respondents' claims that they are only temporarily performing a corporate-lawyer role can become difficult to sustain during the first years of firm practice. Rose, a drifting respondent in her second year as a large firm associate, describes feeling stuck at her job: "The worst thought is that I'm going to work here every day until I'm too old to work." She worries that her daily role performances may be transforming her and causing her to lose touch with public-interest causes: "For the first time since I was in high school, I'm not involved in any sort of public-interest or volunteer or pro bono work. That's actually an adjustment that I don't like at all but there's nothing I can do about it." To alleviate her moral concerns about working in corporate law, Rose, like Sara and many other drifting respondents, chose the "least dirty practice area" within her firm, which in her estimation was intellectual property. Unfortunately, since she has little background in intellectual property law or the technical fields of the firms' clients, she finds herself relegated to the most tedious work:

> I've been doing really menial stuff, like I make binders. I would say about 50% of what I do is making binders. Going through someone's expert report and pulling together everything cited in there into a binder. Stuff that I don't need a law degree for… The other stuff they do, I would say I'm not really qualified for because I don't have a science or technical background.

Rose reported that she considered joining the firm's white-collar criminal-defense practice, which she anticipated would be far more intellectually engaging, but she was deterred by what she perceived to be the moral shortcomings of that practice: "I'm thinking, 'No. You'd feel so bad about yourself if you did that.' I can see myself doing

criminal defense if I were a public defender, but not defending corporate criminals, even though someone has to do it because everyone is entitled to a defense."

My limited drifting path data with respect to race and gender may provide support for Costello's claim that female and minority students experience an elevated dissonance with professional identity due to the normative "upper-middle-class white male" habitus in law school (Costello 2005:57). For women and minorities in Costello's sample, the transition into the profession is "traumatic" and "alienating" as these students "tended to suffer from feelings of inauthenticity, recognizing that they were attempting to play a role rather than doing something that came 'naturally'" (26). My analysis of how drifting path students experience their anticipated professional roles similarly suggests variation by race and gender, although the baseline portrait of fraudulence, moral distancing, and financial instrumentalization is salient in the accounts of drifting path white males in my sample as well. Variation is perhaps most evident in students' experiences of the job interview process. Female and minority drifting respondents often described a particularly steep challenge in convincing interviewers that they are serious about practicing in large firms given the public-interest orientation suggested by their resumes. A white drifting path female respondent explained: "[Before law school] when I worked at a nonprofit, it was mostly women and mostly people of color… Going into these interviews in this white-male dominated corporate world…I kept worrying that they would see me as this radical public-interest girl." Further research is needed to parse the effects of these identity variables within the career path categories. For example, several respondents suggested that peer judgment may be reduced for those drifting students who are perceived to be breaking a glass ceiling by working in the prestigious corporate law sector. At the same time, several minority drifting respondents reported experiencing judgment from peers in student identity groups for having allegedly abandoned their commitment to promoting racial equality through their work as lawyers.

Several drifting respondents who have working class backgrounds reported that the decision to apply to large firms was motivated by immediate family financial needs. These students described extreme financial instrumentalization of the professional role. It is not surprising that their class backgrounds seemed to have contributed to heightened experiences of inauthenticity. At the same time, their accounts of instrumentalization were less fraught with self-shaming (as "sellouts) than many other drifting students' accounts. While they also report deception in interviews, they seemed less worried that the performed corporate lawyer self will become their "true" identities. "I know I'll get out [of the firm] in a couple years. There's not really any way that I would stay long-term. It's really just a means to an end…it's a necessary evil for a couple years."

The recession figures centrally in students' accounts of drift. Drifting students often reported that, given the market conditions, postponing their pursuit of public-interest careers for a few years while they work in large firms is "just being smart financially and thinking long-term." For students at elite law schools, positions at large law firms are both the easiest to obtain and the most lucrative. Combining these pressures from the recession market, many students described the decision to work in corporate law as overdetermined. A drifting path respondent explained: "I just feel lucky to have a job. I can't emphasize that enough." The Recession may exacerbate the instrumental nature of

the corporate lawyer identity in the drifting path. At the same time, the Recession context seems to reduce the self-shaming sellout narrative, as students claim that abstaining from a high-paying job to pursue public-interest opportunities is "unrealistic."

Heterogeneity within the drifting path is explored at length in Chapter 4.

SECTION 3: CONCLUSION

Above I have presented a compendium of evidence suggesting that professional role distancing can vary according to law students' career paths. To summarize, among the students interviewed for this study, public-interest-path respondents tend to experience a relatively central, clustered, and stable conception of professional identity, which integrates political, racial, religious, and gender roles. Corporate-path respondents tend to experience an increasingly peripheral professional identity and are relatively more receptive to legal education's lessons in amoral, client-centered advocacy and a conception of professional identity that peripheralizes racial, gender, and political roles. Drifting-path respondents generally transition from the public-interest to the corporate-lawyer identity type, while struggling with feelings of fraudulence. They view the corporate lawyer role as a temporary identity performance, but worry about losing touch with their public-interest-oriented professional motivations.

The Recession context seems to intensify these dynamics. Students bound for large law firms cite the Recession as a contributing factor in their accounts of financially instrumentalizing the lawyer role, pursuing private law jobs they did not previously desire, and attaching less public importance to the lawyer role. It is not surprising that students' public-interest ideals may decline during a period of field-level institutional shock when "established cultural ends are jettisoned" leading to "new strategies of action" and new "styles of self" (Swidler 1986:278–279). We might predict that the Recession context would flatten law students into a more homogeneous instrumentalized professional identity type. However, public-interest-path respondents cite the Recession as a contributing factor in their accounts of investing the professional role with personal and political values amid a heightened call for social change.

Appendix

Table 3. Summary of general characteristics by job path

	Public Interest path	Corporate path	Drifting path
2L placement of lawyer role	Central	Peripheral	Peripheral
2L relationship between lawyer role and other roles	Overlapping in a central cluster with race, gender, politics, religion, and family, but distant from law student role	Little overlap or clustering between professional and personal roles.	Little overlap or clustering between professional and personal roles.
Change between 1L and 2L	Little change	Lawyer role moves toward periphery	Lawyer role moves toward periphery; several other roles seem to move outward as well
Normative valence of professional role distancing	Personal and political investment in professional identity; skepticism about law	Instrumentalized professional role; emphasis placed on job mobility	Fraudulence, temporariness, moral and psychological role distancing

References

Costello, Carrie Yang. 2005. *Professional Identity Crisis: Race, Class, Gender and Success at Professional Schools*. Nashville, TN: Vanderbilt University Press.

Dinovitzer, Ronit, Brant G. Garth, Richard Sander, Joyce Sterling, and Gita Z. Wilder. 2004. *After the JD: The First Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce Sterling. 2009. *After the JD II: Second Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Bryant G. Garth, Robert Nelson, Gabriele Plickert, Rebecca Sandefur, Joyce Sterling, and David Wilkins. 2014. *After the JD III: Third Results of a National Study of Legal Careers*. Chicago: American Bar Foundation and NALP.

Edelman, Lauren B., Gwendolyn Leachman, and Doug McAdam. 2010. "On Law, Organizations and Social Movements." *Annual Review of Law and Social Science* 6: 653–85.

Edley, Christopher Jr. 2012. "Fiat Flux: Evolving Purposes and Ideals of the Great American Public Law School." *California Law Review* 100, no. 2: 313–330.

Erlanger, Howard S., Mia Cahill, Charles R. Epp, and Kathleen M. Haines. 1996. "Law Student Idealism and Job Choice: Some New Data on an Old Question" *Law & Society Review* 30: 851–864.

Glaser, Barney G., and Anselm Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago: Aldine.

Goffman, Erving. 1959. *The Presentation of Self in Everyday Life*. New York: Anchor Books.
——. 1961. *Encounters: Two Studies in the Sociology of Interaction*. Indianapolis, IN: Bobbs-Merrill.
——. *1974. "Role Distance." In Life as Theater: A Dramaturgical Sourcebook, edited by Dennis Brissett and Charles Edgley. New York: Aldine.*

Granfield, Robert. 1992. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. New York: Routledge.

Granfield, Robert, and Thomas Koenig. 1992. "Learning Collective Eminence: Harvard Law School and the Social Production of Elite Lawyers." *Sociological Quarterly* 33, no. 4: 503–20.

Mertz, Elizabeth. 2007. *The Language of Law School: Learning to "Think Like a Lawyer."* New York: Oxford University Press.

Ogletree Jr, Charles J. 1993. "Beyond justifications: Seeking motivations to sustain public defenders." *Harvard Law Review* 1239-1294.

Rubin, Edward. 2014. "The Future and Legal Education: Are Law Schools Failing and, if So, How?" *Law and Social Inquiry* 39, no. 2: 499–521.

Scheingold, Stuart A., and Austin Sarat. 2004. *Something to Believe in: Politics, Professionalism and Cause Lawyering*. Stanford University Press.

Swidler, Ann. 1986. "Culture in action: Symbols and strategies." *American Sociological Review* 51, no. 2: 273–286.

Tamanaha, Brian. 2012. *Failing Law Schools*. Chicago: University of Chicago Press.

Wilkins, David and G. Mitu Gulati. 2000. "What Law Students Think They Know About Elite Law Firms: Preliminary Results of a Survey of Third Year Law Students." *University of Cincinnati Law Review* 69:1213.

Chapter 4

Defining Drift: An Identity-Work Analysis of "Public Interest Drift" in Law School

INTRODUCTION

It comes down to a single moment, often alone, at a computer. So the popular narrative goes, students of elite law schools who initially intended to pursue NGO, legal aid, public defender, and other public-interest sector employment are offered a singular opportunity to instead upload their resumes for lucrative positions in large corporate law firms through a streamlined hiring process at the end of their first-year summers. Except for perhaps during the worst couple years of the late-2000s financial crisis, a summer internship with a large firm is readily attainable for most elite-school students. These internships generally lead to a post-graduation job offer with the firm. By simply uploading their resumes to a centralized online system, these students can receive a great number of interview offers (exceeding 20 if they want this many) with top law firms through an interview program held near campus. Empirical studies suggest that 50% or more of the incoming students who state a preference for public-interest careers will instead choose to pursue positions in the private sector. What goes into these students' decisions? Does the final decision to upload one's resume involve an identity crisis around the notion of "selling out"? Or do these decisions reflect a year-long identity transformation process in the boot-camp experience of first-year law school socialization? If it is the case that, as some scholars have suggested, first-year legal education strongly reorients students away from cause lawyering ideals and a civic-minded vision of professional purpose, then we may argue that law school presents a problematic case of political demobilization and reproduction of power structures. We may even charge law schools with recruiting students through cause-lawyering rhetoric only to later convert them into corporate lawyers who will help strengthen the schools' ties with the large-firm sector that largely provides for law schools' financial viability.[11] But is the claim of first-year student transformation simply wrong from the start? Do students typically enter law school on set public-interest paths and transition within the first year to set corporate-lawyer paths? How deeply does first-year socialization register at the identity level?

Legal scholars and social scientists have examined U.S. law school socialization in rich empirical and normative detail for decades. This literature has termed students' transition from initial public-interest career commitment to applying to corporate law

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[11] This account may lend credibility to a Marxist view of law and legal education as superstructural mechanisms to preserve the material interests of the prevailing corporate class by inculcating students in an apolitical consciousness, forestalling their ambitions to counteract inequality. In addition to these portrayals of toxic legal education, we may lay the blame on law itself, as students are initiated into a U.S. legal epistemology that de-emphasizes political and social context.

firms, "public interest drift." Leveraging the empirical vantage point of this microdynamic study and a theoretical approach drawing on classic studies of deviant identity work, this chapter serves three purposes: (1) to assess definitional questions surrounding public interest drift; (2) to assess the view that students' decisions to apply to corporate law firms generally result from identity transformations brought on by first-year law school socialization; and (3) to assess whether "drift" is an accurate term to describe the qualitative experiences of students' decision-making. The site examined in this dissertation is arguably well suited to this inquiry as it presents ideal conditions for public interest drift: it has a strong public-interest reputation while also providing easy access to lucrative opportunities in corporate law firms. Thus this site is not representative of all law schools, but may help to bring the dynamics of public interest drift more readily to the surface.

I begin with a hypothesis arising from the Chapter 3 analysis of role distancing among drifting respondents: between the first and second year of law school drifting students tend to peripheralize, de-politicize, and instrumentalize their conceptions of professional identity. The prevailing causal account of drift suggests the hypothesis that these identity shifts are caused by first-year socialization and furthermore that these identity shifts subsequently steer students toward pursuing jobs in corporate law firms. The evidence presented in this chapter tends to contradict this hypothesis. Among the drifting students sampled for this study, I conclude that 1L-2L identity transformations generally do not reflect first-year socialization as much as they reflect the impact of the hiring process, identity work within peer culture, and students' emerging perceptions of lawyers in different sectors. I find that students' initial public-interest career commitments are often vague, malleable, and heterogeneous, in contrast to the fictive accounts of unwavering public-interest commitment many students present within the first-year public-interest subculture of the law school. Analogizing to studies of deviant identity work, I examine how these fictive accounts serve to solidify membership in "outsider" peer cliques and differentiate public-interest students from "corporate sellouts" and "gunners", while at the same time concealing these students' uncertainty and openness to exploring different career paths. When these drifting respondents later make the decision to upload their resumes, I find that they are still uncertain. Rather than being transformed by 1L socialization from a set public-interest path to a set corporate path, many of these students explain that their applications to large firms are tentative and largely based in risk aversion. In other words, they apply to firms because they fear letting a window of opportunity close before they have had an opportunity to learn about different legal career options. I find that the job process alters these students' self narratives and identity work, such that they often tend to moderate their views of corporate lawyers. Nevertheless, I find that greater changes in professional identity result not from any mechanism that precedes the decision to work in corporate law, but rather simply from students' perceptions of lawyers in their anticipated practice sector once they have committed to a job path. I find that these conceptions of professional identity can later change dramatically when students change sectors. Thus I suggest an amendment to our understanding of professional socialization in law school to allow for the flexible nature of early-career professional identity. While legal education and the job process

certainly play a powerful role in shaping lawyer selves, these selves may be quickly modified when students and new lawyers change sectors.

Section 2 of this paper reviews the empirical literature on law school socialization. Section 3 provides theoretical background for my analysis of identity work and deviance. Section 4 presents a four-part empirical analysis of the experiences of drifting path respondents with respect to (1) their 1L identity work surrounding their commitment to public interest careers, (2) their orientation toward working in corporate law when they make their decisions to upload their resumes at the end of the first-year summer, (3) the impact of the job process on their careers plans and professional identity, and (4) the impact of their perceptions of lawyers in their anticipated practice sectors. Section 5 summarizes the empirical contributions of these findings. Section 6 concludes the chapter with a normative discussion of the term "drift" and proposes reform in legal education.

SECTION 2: EMPIRICAL LITERATURE ON PUBLIC INTEREST DRIFT

Duncan Kennedy's self-published essay, *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System,* which accuses legal education of demobilizing progressive law students so as to facilitate their cooptation by corporate law firms, has been widely influential since it was first circulated among legal scholars and law students in 1983.[12] In Kennedy's account, law schools produce corporate lawyers through a sustained program of socialization. While left-leaning students enter their legal education with an image of lawyers on "the front lines of class struggle," Kennedy describes how legal education reorients them in short order to the notion that "the profession is mainly engaged in greasing the wheels of the economy" (Kennedy 1983:34). For Kennedy this transformation results from both the "ideological content of the law-school curriculum" and the "noncurricular practices of law schools that train students to accept and participate in the hierarchical structure of life in the law" (Kennedy 1982:591). Accordingly, students are compelled "to agree to show the appropriate form of deference to those above you and condescension to those below" (1983:31). These power dynamics are evident in the Socratic pedagogy of the law school classroom, which is "hierarchical with a vengeance" (1982:593). As a result of these lessons in hierarchy, Kennedy claims that students "surrender to a passivizing classroom experience and to a passive attitude toward the content of the legal system" (1982:594). For Kennedy this experience of disempowerment leads directly to public interest drift: "Students confronted with the choice of what to do after they graduate experience themselves as largely helpless: they have no 'real' alternative to taking a job in one of the conventional firms that hires from their school" (1983:28). Law schools persuade students that "alternatives are risky" and that they are "barely competent to perform the much more limited roles" available to them as conventional lawyers (1983:31).

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[12] An earlier version of the book that was published in the Journal of Legal Education in 1982 is also cited in this chapter.

While Kennedy's analysis is largely based on his own observations as a professor at Harvard Law School, his findings are echoed in numerous empirical studies of law school socialization over the past three decades. This literature has put legal education under an increasingly critical lens as law professors have become more empirically inclined (Adler & Simon 2014; Revesz 2002; Suchman & Mertz 2010) and as social scientists have shifted some of their focus in the study of professional socialization from the training of medical doctors to the training of lawyers. Whereas early sociological studies of medical education generally concluded that professional socialization was vital to doctors' ethical practice (Merton et al. 1957), legal education has recently come to be viewed as a deleterious process (Calmore 2004; Granfield 1994), which disadvantages female and minority students (Costello 2005; Guinier et al. 1997), reproduces class hierarchies (Bourdieu & Passeron 1977; Dinovitzer 2014; Granfield & Koenig 1992; Kennedy 1982), lacks attention to ethics (Moss 1991; Pipkin 1979; Rhode 1992), subjects students to extreme competition and anxiety (Strum & Guinier 2007), and teaches new generations of lawyers to approach the social world in a cynical and narrowly legalistic fashion (Calmore 2004; Granfield 1994; Mertz 2007; Sarat 1991). This negative socialization literature generally suggests that legal education "cools out"[13] law students so as to facilitate their market cooptation (Foster 1981) and steer them away from altruistic and public-interest career goals (Barry & Connelly 1978; Bok 1983; Desmond-Harris 2007; Erlanger 1996; Erlanger & Klegon 1978; Foster 1981, 1985; Granfield & Koenig 1992; Griswold 1968; Kahlenberg 1992; Kennedy 1982; Kubey 1976; Linowitz & Mayer 1994; Shaffer & Redmount 1977; Stover 1989).

Quantitative researchers have found that at each law school that has been examined public-interest career commitment appears to decline by 50% or more over the course of legal education (Granfield 1992; Erlanger 1996; Kubey 1976; Stover 1989).[14] Perhaps the most intuitive causal account of public interest drift is a simple financial story. During their legal education, students become more cognizant of their debt burden and the salary differential between public interest and private sector employment,

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[13] Foster draws on Goffman's use of "cooling out" in his analysis of how a con artist convinces a mark to accept the loss and injury resulting from being conned (1952).

[14] Measuring the number of students who drift largely depends on how "public interest" is defined. Erlanger (1996) found that over half of the incoming University of Wisconsin law students surveyed were interested in "nontraditional careers," but upon graduation only 13% began their careers in legal aid, as a public defender, or in a nonprofit organization. Stover (1989) found that the number of University of Denver law students who planned to pursue public interest careers declined from 33% to 17% between their first and third years of law school. Kubey (1976) found that the number of UC Davis students who reported that a public interest job would be their first choice declined by 41% between the first and second years of law school. Granfield and Koenig reported on a survey finding that 70% of incoming Harvard Law School students expressed a preference for public-interest careers, but by their third year few students were interested in anything other than working at a large law firm, and of those third-year students on "nontraditional" career paths, only 2% planned to pursue public-interest careers (1992).

particularly when they have access to lucrative positions in large law firms. However, contrary to this conventional wisdom, quantitative studies have not found a significant correlation between drift and either debt or salary potential.[15] These studies are limited in their capacity to isolate debt and salary as variables. For example, a study from NYU Law School concluded that drift was counteracted when students were offered public-interest-based scholarships, which waived students' tuition up front rather than promising loan forgiveness after ten years of qualifying public-interest practice (Field 2006). Their conclusion seems to reassert the importance of debt in students' decision-making, however these findings are limited due to sampling bias. The students who received scholarships may have already been the most committed to public interest careers and therefore the most likely to stick with the public interest path regardless of the loan-repayment structure. Furthermore, in addition to the financial impact of public-interest scholarships, these awards may have reinforced students' commitment to a public-interest-oriented professional identity. Similarly, research into the relationship between salary and drift has yet to provide a definitive explanation for drift. Quantitative evidence suggesting that salary differential has only a slight impact on students' career decisions may be overgeneralized. The starting salary at large law firms is more than triple the average starting salary in public interest practice.[16] Qualitative research (including the present dissertation) suggests that for students with access to large firms, salary is a salient variable in their deliberations over job path decisions.

Given that quantitative research suggests that a simple rational-actor financial account of drift is at best incomplete, the prevailing empirical view emphasizes first-year law school socialization. More specifically, sociologists generally claim that legal pedagogy induces a transition from a "justice-oriented consciousness" to a "game-oriented consciousness" (Granfield & Koenig 1992:52) and a transition in vocabularies of motive from "public interest" to "zealous advocacy" for one's client irrespective of the client's cause (Schleef 2006:121). These transitions are accomplished through legal pedagogy's powerful ability to train students to think in a particular way—to think like a lawyer. The analytic honing that students acquire carries a "rhetoric of impersonality and of neutrality" that conceals a specific juridical consciousness (Bourdieu 1987:810). As the criticism is often stated, legal educators "sharpen the mind [of the law student] by narrowing it."[17] These lessons in legal reasoning may accurately reflect the tendency within U.S. legal epistemology more broadly to "obscure very real social differences that

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[15] Chambers 1992, Kornhauser & Revesz 1995, and McGill 2006 each find that drift is weakly related to debt. But see the ABA report, *The Paper Chase*, finding that 66% of respondents said that law school debt prevented them from considering public interest or government jobs.

[16] The After the JD study finds that the median annual salary for new attorneys in "public interest organizations" was $38,500. For attorneys in large firms, the median salary was $140,000 (Dinovitzer et al. 2004:43). These numbers are from 2004. Large firm salaries have since increased to $160,000 plus bonuses.

[17] Calmore (2003:1170) attributes this quotation to Erwin Griswold during his tenure as dean or Harvard Law School (1947-1967).

are pertinent to making just decisions" and to "create an appearance of neutrality that hides the fact that U.S. law continues to enact social inequities and injustices" (Mertz 2007:140). In the law school classroom, students' concerns with fairness are replaced with positivistic concerns over "what the law says you can or can't do." (Mertz 2007:9) Legal reasoning has been charged with a "perspectivelessness" that privileges legal context over social context and trains students to eschew moral, political, and emotional reactions to cases in favor of doctrinal analysis (Crenshaw 1989; Mertz 2007). By stripping cases of context and reducing case discussion to verbal argumentation centered on sources of textual authority, legal pedagogy de-emphasizes the very aspects of law that attract many social-change oriented students to the legal profession (Mertz 2007). Students who aspire to public-interest careers may oppose these lessons, but find few opportunities for resistance: "The point of the classroom discussion will be that your initial reaction of outrage is naïve, non-legal, irrelevant to what you're supposed to be learning, and maybe substantively wrong…" (Kennedy 1983:7). These students may feel alienated by their immersion in a first-year classroom discourse in which "essential parts of [them] are not represented, or are misrepresented" (Kennedy 1983:64). By divorcing the emotional and political content of legal matters from the analytic work of lawyers, legal education may lead students to lose some faith in the legal profession's capacity to promote social justice causes. This disillusionment may directly contribute to public-interest drift.

Law school socialization may affect not only how students think and what they do (such as their career path decisions), but also who they are. In her 2007 book, *The Language of Law School: Learning to "Think Like a Lawyer,"* Elizabeth Mertz systematically reveals how U.S. legal epistemology is transmitted to students through the linguistic and role-playing techniques of legal pedagogy. In the process of this transmission, legal pedagogy may fundamentally disrupt students' identities by requiring the "unmooring of the self from its usual coordinates" and reconstituting students (at least in their professional selves) in alignment with legal epistemology (2007:137). Mertz argues that law school not only causes students to shift to "more strategic, adversarial, and doctrinal approaches" to reading cases, but it alters "how people are categorized and conceived, how selves are constructed" (2007:98). As students learn to master legal discourse, their "central identities" come to be constituted by their "roles as sources of argument and strategy" (2007:101). Mertz details how, through Socratic classroom exchanges, the professor models the ability to split "one's personal opinion" from the "professional response" (2007:122). As students learn to adopt this split, they "move away from emotion, morality, and context, as they create new selves anchored in legal discourse" (2007:135). At the margin of her analysis, Mertz raises a potential direct connection between these lessons in legal reasoning and public interest drift. Specifically, she points to "aspects of legal training and epistemology that in themselves might contribute to a shift away from public interest ambitions" (2007:226 n16). This suggests a new direction for empirical research examining how legal epistemology is internalized in students' emerging conceptions of professional identity and their deliberations over their career path decisions.

Another potential explanation for why students choose corporate law jobs may be a "drift toward conservatism" during law school (Stover 1989:182). The literature is still unclear regarding the extent of students' shifts in political orientation. Kennedy claimed that progressive students are encouraged to moderate their political views, adopting a "central-liberal program of limited reform of the market economy and pro forma gestures toward racial and sexual equality" (1983:21). Angela Harris and Donna Maeda similarly argue that progressive students "often find their primary antagonist to be the liberal perspective" (2004:175). Harris and Maeda maintain that progressive law students find little support in law school environments, as they are left to choose between "liberal naïveté and radical alienation" (2004:182). Lacking such support, progressive and critical viewpoints may be largely suppressed in law school. Even if students do not undergo substantial changes in political outlook, the literature suggests that by adopting an apolitical form of legal reasoning, students' "moral ideals and political commitments are exiled to the private realm and replaced by ideals that are intrinsic to legal practice" (Scheingold & Sarat 2004:58). Students may thus learn to reject politicized accounts of the lawyer role, instead turning to the hired-gun rationale for lawyer professionalism based in "craft satisfaction" rather than satisfaction rooted in political- or social-change efficacy (Stover 1989).

Variation by race, class, and gender has been a central concern in the drift literature (Costello 2005; Desmond-Harris 2006; Guinier et al. 1997; Mertz 2007). In Kennedy's description, legal education is "only nominally pluralist" as most professors are white, male, and present a middle class tone (1983:62-63). The same charge may be made today, although to a somewhat moderated extent. Research on gender and drift has shown that the competitive and game-oriented nature of legal pedagogy, particularly where instructors are male,[18] generally advantages male students who are more likely to "see this version of the Socratic method as a game, and as in all games, they play to win" (Guinier et al. 1997:13). This gendered competition in the classroom may cause many women to "internalize their failure and begin to question their own abilities" (Guinier et al. 1997:2). Guinier et al. cite these disadvantages to explain their finding that women are more likely than men to experience public interest drift (1997). Working class students may similarly experience alienation during legal education due to "differentness and marginality," "class stigma" and engaging in "management strategies" to hide their class background and "seek to escape the taint associated with their affiliation" (Granfield 1991:348). These students may feel that, although the "social meaning [of going to law school] is success," (Kennedy 1983:3), beginning their careers in corporate law raises concerns that they have "'sold out' their own class and were letting their group down…by representing elite interests" (Granfield 1991:343). Furthermore, students from working class backgrounds may be financially unable to "afford" to take public interest and other nontraditional jobs (Erlanger et al. 1996). Minority students may be more likely to begin law school with an initial commitment to public interest careers, perhaps reflecting "a special attachment to the idea that social change could be achieved through the law" but experience elevated levels of "identity dissonance" and alienation (Costello

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[18] See Mertz 2007:185-201.

2005:219-220). These forms of disempowerment add further barriers to the challenges inherent in sustaining public-interest career commitment against the dominant cultural and market forces in legal education.

While the empirical literature generally suggests that legal education is the principal causal agent that steers students toward private-sector career paths, scholars have generally been careful to avoid a unilateral account of law school socialization. Law school is not a "total institution" and incoming students are already socialized adults (Abel 1989:213; Erlanger & Klegon 1978:31).[19] Furthermore, some aspects of professional socialization are benign and likely non-transformative. In some empirical accounts, adopting an apolitical stance toward one's professional life does not seem to present a difficult identity process for most students, who "will have little trouble separating their true beliefs from their actions as lawyers" as evidenced, for example, by their gratification in moot course exercises (Schleef 1997:645). Benign experiences may be more common among corporate-track students who "expressed the feeling that law school had been positive and enriching," while public-interest-oriented students may find legal education fraught with "traumatic and unsettling experiences" (Granfield 1992:41–42).

In addition to the impact of debt, salary, and legal education, students' career decisions may be influenced by the job market, the bar exam, having lawyers in the family, and the self-selecting attributes of people who choose to attend law school (Abel 1989; Berger 2012; Erlanger et al. 1996). Among these factors, the job market has received the most attention in the literature. The traditional debate, as found between Stover and Erlanger in the 1970s and 1980s, examines "the question of the relative importance of the job market as compared to what happens in the law school" (Erlanger & Klegon 1978; Stover 1989). Scheingold and Sarat's account of drift depicts a transformative legal education but places even greater emphasis on the job market: "the most significant socializing force at work in law school turns out to be the social stratification, and prestige hierarchy, of the bar" (2004:67). If the job market is the primary force behind students' career decisions, legal education is perhaps reduced to the role of an intermediary for private law firms to allocate students to positions within the constraints of the "opportunity structure defined by the job market" (Abel 1989:217). There is some evidence that elite law students who pursue corporate law positions indeed view legal education in these terms, as "little more than a credentialing and sorting mechanism where the goal is to amass certain visible, rankable signals of success" (Wilkins 2000:1252). Furthermore, the decline in the number of students who pursued public-interest careers after the 1970s has been attributed to retrenchment in the public-interest job market, suggesting a link between market conditions and students' job preferences independent of the socializing effects of legal education (Erlanger et al. 1996; Erlanger & Klegon 1978; Stover 1981).

Given that extant research does not yet offer a consensus sufficient causal explanation for why students drift, we might hypothesize that drift is simply not a real

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[19] "Total institution" references Goffman (1961).

phenomenon. Some commentators have suggested that public interest drift is largely an illusion stemming from students' deceptive responses to survey questions about their public-interest career commitment at the start of law school. These skeptics point to a social desirability bias among law school applicants and first-year students in favor of expressing altruistic career motivations. In response to survey questions about their professional motivations, students aim to "cast themselves in the best possible light," which in the generally liberal context of U.S. legal education calls for strategically highlighting public-interest career commitment (Berger 2012:142). This inclination is salient in students' application essays for law school where a "stunningly large proportion" of applicants use their personal statements to describe "an encounter with a person or persons less privileged than themselves (often during their junior year abroad), through which they realized the existence of structural injustice, recognized that this injustice has a legal dimension, and became convinced that legal training would give them the power to right the wrong" (Harris & Maeda 2004:171). Applicants to law school may feel that writing application statements about their public-interest career commitment provides a competitive edge in light of law school recruitment materials which tend to emphasize public-interest clinics and schools' civic- and justice-oriented missions. These norms are often reinforced upon students' arrival to campus by idealistic orientation speeches about defending rights, promoting egalitarianism, and specifically pursuing public-interest careers (Stover 1989).[20] As a result, even students who do not have a strong commitment to public-interest careers may claim such a commitment in the application process and in the beginning of law school because they believe that it is socially desirable.

 The skeptical position can be illustrated by reference to Figure 1, which summarizes the prevailing causal views of public interest drift. While the literature has primarily examined the varying degrees to which different first-year treatment effects impact student transformations, the skeptical position maintains that we should be more concerned with the left circle in Figure 1—students' initial commitment to public-interest careers.

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[20] Stover begins his book on law school socialization by describing a 1977 orientation session at the University of Denver, College of Law, in which a "fiery young public defender" received an enthusiastic ovation after admonishing incoming students to "just once consider and understand the needs of those without the resources needed for adequate legal counsel in the United States today" (1989:1).

Figure 1: Public Interest Drift
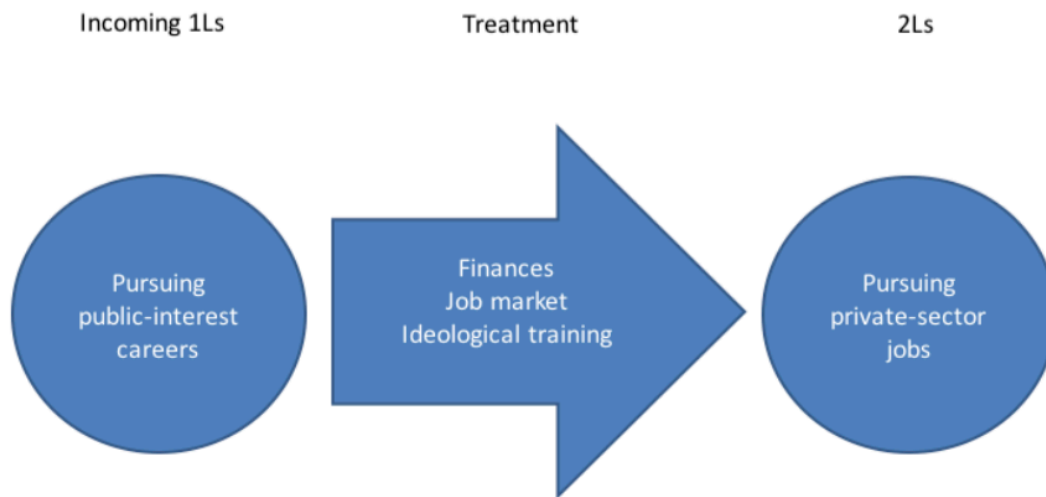
SECTION 3: THEORETICAL BACKGROUND

My analysis of the career decisions and identity processes of public-interest-oriented students draws on an analogy to two studies of deviant identity construction: (1) Snow and Anderson's analysis of fictive storytelling among the homeless (1987; 1993); and (2) Howard Becker's study of "outsider" identity membership within a jazz musician subculture (1963).

3.1 Snow and Anderson

In their 1993 book, *Down on their Luck: A Study of Street Homeless People*, and more explicitly in their 1987 article, "Identity Work among the Homeless: The Verbal Construction and Avowal of Personal Identities," David Snow and Leon Anderson advance a theoretical approach to understanding the identity work of individuals who are often labeled deviant. The authors define identity work as "the range of activities individuals engage in to create, present, and sustain personal identities that are congruent with and supportive of the self-concept" (1987:1348) The self concept here is described as "one's overarching view or image of her- or himself" and as a "working compromise between idealized images and imputed social identities" (1987:1348). In their study of the homeless, Snow and Anderson emphasize two identity work mechanisms: "identity talk" and "selective association with other individuals and groups" (1993:214). The authors claim that identity talk is likely to be salient where members of a group have limited biographical knowledge of each other while maintaining a norm against "probing and questioning of identity claims" (1987:1368). I find that the culture of first-year public-interest oriented law students meets these conditions. Law students in my sample "come from diverse regional and experiential backgrounds" and thus have flexibility in how they describe themselves (1987:1368). Within their identity talk analysis, Snow and

Anderson emphasize the role of fictive storytelling, which homeless individuals use to distance themselves from the deviant role of "the homeless as a general social category" or from "specific groups of homeless individuals" (1993:215). Below I argue that many first-year students similarly use fictive self-portrayals as unwavering public-interest lawyers-in-training, while distancing themselves from mainstream law school culture and from particular groups of students—namely the "sell outs" and "gunners" who pursue corporate law.

3.2 Becker

In *Outsiders: Studies in the Sociology of Deviance*, Howard Becker offers the example of jazz musicians who construct outsider identities by carefully differentiating themselves from "conventional society," in particular those nonmusicians (often audience members) whom they describe as "squares" (1963:98). These musicians self-segregate from squares, while using linguistic cues to signal subcultural membership (1963:100). They emphasize a set of radical personal interests, which Becker claims are designed to "make this differentiation [between musicians and squares] unmistakably clear" and to "intensify the musician's status as an outsider" (1963:90, 95). In spite of the professional ideal of absolute creative freedom, most of these musicians will eventually transition from the purist "jazzmen cliques" to "commercial cliques" which offer "security, mobility, income, and general social prestige" (1963:104, 110). This decision results in a change in "self conception," whereby many musicians in order to maintain integrity adopt an identity as a "craftsman" rather than a free jazz player. As a craftsman, the jazz musician "no longer concerns himself with the *kind* of music he plays. Instead he is only interested in whether it is played *correctly*" (1963:112-113). Becker specifically invites analogies between his analysis of jazz musicians' identity work and the study of other fields where initial outsider idealism may be limited by "the occupation's basic work problems vis-à-vis clients or customers" (1963:114). Becker's analysis of these musicians' outsider identities provides a helpful analogy for understanding how drifting students differentiate themselves from corporate students through clique-based identity work in their first year of law school and later struggle with ambivalence about the transition to more commercial practice and a craft-based view of professionalism.

SECTION 4: FINDINGS

4.1 First-Year Public-Interest Career Commitment

In this section, I examine students' accounts of their first-year career orientations in order to interrogate the skeptical view of drift—that drift is an illusion based in false accounts of initial public-interest career commitment, which cover up students' real "materialist ambitions" (Berger 2012:142). Among respondents in my sample, I posit a spectrum of initial public-interest-career commitment. At one end of the spectrum are students who reported complete dedication to the public-interest sector and never seriously considered working at corporate law firms. At the other end are students who

state a weak preference for public-interest employment. These students freely admit that their preferences may change during law school. Here I focus on respondents who fall between these two extremes (the larger portion of the sample). These first-year students state a commitment to public-interest careers but also admit some degree of doubt. In the research interviews, these students often reported that they hoped to use their legal education to explore career options including the opportunity to apply to large firms at the end of their first-year summers. In spite of these doubts, many of these respondents reported that when speaking with law school peers, professors, and lawyer acquaintances they claimed certainty about public-interest job preferences. This section presents an identity-work analysis of why and how uncertainty about public-interest career commitment is concealed from different audiences.

This middle category consists both of students who in their second-year sustained their stated commitments to public-interest careers and those who participated in the near-campus interview program (hereafter "NCIP") for corporate law firms. These two groups give similar first-year accounts of public-interest commitment, identity work, and peer dynamics. Thus for the purposes of this section, I group together drifting and public-interest path first-year respondents into a category labeled 1L public-interest-oriented students (hereafter "1L PIO" students).

The existing literature suggests that a robust public-interest subculture exists among first-year students at many law schools (Granfield 1992; Stover 1989). Seeking out public-interest oriented classmates can be a vital coping mechanism for 1L PIO students who feel outnumbered and marginalized in a law school environment, which may seem to place greater value on conventional lawyering and corporate law careers. Within my sample, this subculture is visible in student organizations and volunteer clinics, but for many respondents it is far more salient in tightly knit informal cliques of 1L PIO students consisting of three to seven members. These cliques often form quickly at the beginning of the first year as students identify like-minded peers through organized public-interest activities and by identifying progressive students based on their comments in class. A 1L PIO respondent explained:

> You find people…who are similar to you, and you build a community...It's the only way you get to talk about social justice, because most [students] won't really bring it up in class…and the professors will cut you off if you start talking about the implications of the case for the real world and the people involved.

These cliques provide opportunities for students to share common narratives about cause-lawyering ideals, but they also serve to counteract stress and insecurity resulting from the competitive and rigorous nature of the first-year curriculum. For example, a 1L PIO respondent explained: "I feel like you bond really fast…you're in the trenches together and if you want to get through this without going insane…you make this group of friends who could be life-long friends."

Cause lawyering has been described as a "deviant strain within the profession," which poses a threat to conventional professionalism by "destabilizing the dominant

understanding of lawyering as properly wedded to moral neutrality and technical competence" (Scheingold & Sarat 2004:3). This view is visible in 1L PIO respondents' descriptions of the public-interest subculture as a deviant strain within the law school. Accordingly, a respondent explained the importance of belonging to a 1L PIO peer group as follows: "We commiserate together…based on feeling like outsiders."

1L PIO students' accounts of marginalization often lay blame on professors and school administrators, whom students feel provide little support for cause-lawyering career paths. For example, a 1L PIO respondents pointed to disparities in corporate- and public-interest-oriented events at the law school:

> You can compare the lunch provided at those [public-interest speaker] events, which is half a shitty sandwich. When you compare that to the lunches put on by the [business and technology journals], it is just sort of striking where the priorities lie.

1L PIO students place even greater emphasis on their outsider status with respect to the majority of their classmates. Similar to the jazz musicians described by Becker who make disparaging remarks about "squares," "commercial cliques" and "conventional society" in order to define themselves in opposition to these categories and to "make this differentiation…unmistakably clear," 1L PIO students use identity work to differentiate themselves from classmates whom they label "gunners" and "sellouts" (1963:90).[21]

> Respondent: [We public-interest students] can be pretty judgmental…we do kind of feel like it's us versus them.
>
> Interviewer: Can you clarify who are the "us" and who are the "them?"
>
> Respondent: The "them" is…we call them "gunners," people who are just competitive. And there are a lot of them…And then there's the mainstream of law students who are really corporate and don't seem to have their hearts in the right place.

Defining themselves in opposition to corporate-path students to a great extent reflects power struggles in the classroom. 1L PIO students complain that corporate-path peers dominate classroom discussions, reflecting their privileged position in law school: "It just reveals a lot of the entitlements. People don't seem to have an awareness that they're colonizing a space, that their participation necessarily sort of implies…that their opinion is more valued than another's." Specifically, many 1L PIO students complain that the majority of their classmates generally engage with professors on apolitical and

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[21] Granfield found that 1L PIO students at Harvard Law School similarly disparaged their classmates who pursued large firms as "corporate tools" and "drones" who are "conservative, narrow, insular, disaffected, and boring" (1992:150).

economic terms while suppressing perspectives based in legal realism or social context. This view is expressed in the following excerpt from a 1L PIO student:

> The professor seemed to be attempting to persuade the students that siting hazardous waste facilities in low-income and minority neighborhoods was not about race…And it was really frustrating for me because I kept on raising my hand…And I wanted to respond to students' comments that were, I felt, were very easily refutable. Like I just wanted to provide another point of view...that wasn't based on like, oh, economics. And [the professor] called on everybody around me but me. And then, finally, towards the end of the class, when he did, I said—and I don't like being confrontational at all—but I said I've done some research and that there are many studies that show that race is the primary determining factor for the siting and not income…but like less than a minute after I said this, he repeated the same thing he said earlier: "Classism and racism don't have anything to do with this…"

While many 1L PIO students share the above quoted respondent's reluctance to confront their peers and professors, making such interventions in the classroom discussion is a strong signal of membership in public-interest subculture. In other words, 1L PIO students often find the experience of intervening in an apolitical classroom discussion to be constitutive of their differentiation from the mainstream law school culture.

1L PIO respondents were often skeptical of their corporate-bound classmates' claims to progressive political orientations and commitments to public service.

> A lot of [students] here don't really care about working with disadvantaged populations. You'll see them at a [clinic for low-wage workers], but they are just there for a line on their resume. They probably volunteered a little in college because they were told it looks good on your law school application…But you can tell they're here to get rich.

In particular, 1L PIO respondents often rejected their classmates' claims that pro bono service in large firms fulfills their progressive ideals and public service obligations: "When I think about the pro bono justification [for pursuing work in large firms] I think that it is a big load of bullshit…[I]t's great for firms to do pro bono work, but the sense that I have is that the way that the firms focus on pro bono is a way for them to wash their hands of the work that they are really doing, which is really disingenuous."

1L PIO respondents often reinforced this differentiation from corporate bound classmates by limiting most of their social interaction to fellow 1L PIO students. This behavior resonates with Becker's "self segregation" and Snow and Anderson's "selective association" (Becker 1963:100; Snow & Anderson 1993: 214). For example, Becker's account of early-career jazz musicians suggests that they belong to "jazzmen cliques" who reinforce their identities as outsiders by isolating themselves from "commercial

cliques" and audience members (1963:104, 110). A 1L PIO student emphasized this clique-based differentiation when explaining why she does not attend "bar review" (a tradition at many law schools where first-year students meet weekly at a bar to socialize and drink) as follows: "You couldn't pay me enough to spend *more* time with those people. I'd rather go out with the social justice crowd…people I actually like." Some 1L PIO students' accounts of self-segregation highlight the opposition between their future clients' interests and those of corporate-path students. A 1L PIO student who intended to pursue a position in labor law explained: "[Corporate-path classmates] are the people I am going to actually be fighting against. They could literally be on the other side of the courtroom…They're going to have a team of lawyers and all of the money and paralegals…"

It is important to note that while self-segregation is prevalent among 1L PIO respondents it is not a universal pattern. Several students reported belonging to cliques and maintaining friendships that crossed intended-career-path boundaries. Such 1L PIO students often expressed less severe attitudes toward their corporate-bound peers.

For Becker's jazz musicians, the typical audience member is viewed as an "ignorant, intolerant person…" who lacks appreciation for the musician's "mysterious artistic gift" (1963:85). In 1L PIO students' accounts, it is not their special capacities but rather their special commitment to non-profit sector careers in spite of commercial and cultural pressures to apply to corporate law firms that sets them apart as special. Stating this unwavering commitment is often a de facto requirement for membership in 1L PIO cliques. For example, a 1L PIO student described an interaction with a fellow clique member in which he admitted that he was slightly "tempted" by the large-firm job possibility, but worried about losing track of his ideals. His friend responded: "You wouldn't [apply to large firms]… Don't worry about it. You're not that kind of person." The harshest judgment among 1L PIO students is often reserved for those second-year students who wear suits at the beginning of the academic year, indicating that they are taking place in NCIP. One respondent reported encountering the characterization of these student as "sellouts" at the beginning of law school when a second-year student told her: "It'll be amazing next year when you see *your* public interest friends walking around school in suits." A 1L PIO respondent who later applied to corporate law firms described his own experience of receiving moral judgment when he was approached while wearing a suit by two public-interest path classmates who exclaimed, "Oh no! Not you!" They explained that they had placed bets on which classmates would apply to firms and they had lost their bets in his case.

In this context of peer judgment and strong collective public-interest identity within student cliques, many 1L PIO respondents felt it necessary to express a definite commitment to public-interest careers even when they admitted in research interviews that those commitments were not certain. Dedication to public-interest careers serves as the common basis of collective identity in 1L PIO cliques. Given their stark differentiation between the morally good public-interest outsiders and the morally dubious corporate sellout majority, it is not surprising that 1L PIO students may be reluctant to admit doubt about this commitment within their peer cliques. This self-censorship is evident in the following two excerpts from 1L PIO respondents:

It's not that [peers] will call you out on it, but it's still kind of taboo to talk about corporate law jobs…It's hard to really talk with them about [my interest in] firms, because that group [of friends] views me as this social-justice person.

I tell [my friends] I'm looking at non-profits, which is true. I am. But I'm also looking at the law firm option. It would be crazy not too. It's not as black and white as [my 1L PIO peers] seem to think. I don't think it's evil to work at a firm for a couple years.

Even 1L PIO students who do not belong to such cliques reported similar concerns about being judged for their lack of total commitment. One such student described a strategy for forestalling this judgment: "I always make it clear that I come from a poverty background . . . [so] I never have to feel that tension from the public-interest people."

In addition to peer influences, the norms of unwavering commitment are reinforced by attorneys who participate in career development events on public-interest sector employment. I attended twelve such events over the course of the study. Often these attorneys directly implored students to view one's public-interest career orientation as a life mission and a defining characteristic. These presentations often made direct reference to the stark contrast between public-interest lawyer identity and corporate lawyer identity:

Your commitment to social justice has to be central to who you are…We're a rare stream in the legal profession. It's not so rare that people come into law school with high ideals and want to be able to look themselves in the mirror after a day at their job…and not do work that drives us all into the ground. But committed people are rare. And it's very rare that someone goes into firms and comes back to public interest work…Keep to a path that will produce the change that this country needs.

Often the speakers at these events were characterized, either by student introductions or by their own comments, as heroic defenders of social justice causes. One attorney speaker described her workers' rights practice with a non-profit organization in the "poorest county in the country" representing "the workers who produce most of the food you eat." This attorney implored students to prioritize moral considerations in their job-path decisions. In these descriptions of heroism, speakers often stated that being a public-interest lawyer is not just a job, it is a matter of morality, character, identity, and perhaps above all, conviction. This characterization was often contrasted with corporate law careers. An attorney speaker explained: "Everything in law school is going to push you away from [public-interest] work…The antidote to that is you need to get out in the community and connect with people who have real needs, rather than just pushing money from one pile to another...I invite you to join us."

The influence of these lawyers on 1L PIO students draws not only on their ability to provide inspiration and to model future lawyer identities, but also their positions as potential employers in a competitive public-interest job market. Some speakers warned students that interning in a corporate law firm can taint their resumes in the eyes of public-interest organizations who, according to one speaker, "view law school as a weeding out process. And if you go to the firms, that…suggests that you're not very committed to the cause." When these speakers stress that students must be "true believers" and that membership in the public-interest community is an either-or proposition, they may have a profound influence on the norms of 1L PIO peer culture—in particular, the pressures students feel to present certainty about their public-interest career commitment.

In addition to presenting clean accounts of certainty about their future career plans, many 1L PIO students reported that they often presented accounts of their past certainty about public-interest career commitment, that is, their motivations for applying to law school rooted in a longstanding commitment to social justice issues. Accordingly, the common refrain among 1L PIO students, "remember what brought you to law school" is equated with sustaining commitment to public-interest careers.[22] While for many students these narratives are not entirely false, they tend to erase other factors that were also relevant to these students' decisions to attend law school, such as seeking a generalist degree in order to explore unknown career options. A 1L PIO student explained:

> I usually tell people [I came to law school] because I want to help immigrants, and I tell them about the work I was doing with that community before law school…but there are a lot of reasons law school seemed like a smart move…It seems like you can do things with social justice, but it would be presumptuous of me to say that I know exactly what I'm going to do with my career.

For many 1L PIO students, these origin stories for why they applied to law school serve as identity work to clarify their public-interest credentials for relevant audiences while covering up ambiguity and fluidity in their emerging job preferences. For many of these students, applying to law school is a tentative, exploratory step. A 1L PIO respondent explained: "…I took the LSAT just to see how I would do. And then I applied just to see if I could get into a good school or get a scholarship..."

For other 1L PIO students, these social-justice-based origin narratives seem to run a bit deeper. The classic portrait of the aspiring cause lawyer suggests that these students are drawn to lawyering "precisely because it is a deeply moral or political activity" (Scheingold & Sarat 2004:2). Several 1L PIO respondents reported that the decision to

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[22] This exact phrasing frequently recurred in the interviews, but variants were also used. For example, a 1L PIO respondent explained that when she felt alienated by the lack of attention to social justice issues in class discussions, she turned to her public-interest peers to "remind me this is why I'm here."

attend law school was a relatively recent development in their exploration of different altruistic and politically oriented career paths, such as public policy and social work. Laura, a public-interest-path respondent whose identity map is discussed in Chapter 3, reported that before she decided to apply to law school, her career aspirations centered around social-justice goals. As an undergraduate she prepared for a career as a journalist, motivated by a desire to "expose the truth," until she was deterred by her experience in a newspaper internship: "I realized it's just a business like everything else. And it's about selling papers." After college, she interned for a legal-aid organization and grew interested in law school as a means to enhance her ability to help disadvantaged clients: "We'd get calls from people losing their homes and I was always…very upset that…I couldn't be helpful to them…I just had to refer them quickly—you know, refer to legal services—and I was always like, 'I really wish I could have a job where I could help these people.'" Often these respondents resisted the notion of attending law school until they came to believe that lawyers are more capable of producing social change than other professionals.

> [Applying to law school] was always an option and other people would constantly tell me it was an option, even though I tried to fight it for a long time. I thought about going into social work, I did the teaching thing. But then finally, when it came down to it…realizing maybe this is the best, logical career for me.

1L PIO students' accounts of public-interest career commitment were often tied to their class background, race, and gender. The interviews suggest that these identities may cut both ways—as sources of commitment to working with underserved communities and as motivation for working in elite firms where minorities, women, and people from working class backgrounds are underrepresented. For some 1L PIO working-class respondents, the large firm option can function as a means to handle exigent family financial needs. For example, a 1L PIO student cited a tension between his desire to represent low-wage workers and his family obligations: "I need the job security…now that the economy dumped, [my family] lives day to day. My parents used a lot of my money last summer…I feel irresponsible. My parents gave up so much for me to be in law school. They used credit."

1L PIO respondents often reported that it is only with close friends (generally outside of law school), some family, and in (at least some of) the research interviews that they are able to openly discuss theirs doubts about public-interest career commitment. These students commonly described the research interviews as a "therapeutic" opportunity to reflect openly on their identity changes and career path decisions:

> Generally in law school, there's a taboo about talking about your career plans…we don't know what we're doing, as much as we like to say we do…This [interview] is like therapy…this is good practice for the job interviews, because I can actually think through my real answers to these questions.

As discussed in the methodological accounting in Chapter 2, I was careful during the interviews to present the research project and my research questions in a neutral manner with respect to job path choices. Given the context of peer judgment, it was important to not appear to align myself with the public-interest subculture. At the same time, it was important to avoid making 1L PIO students feel that I considered their public-interest sector jobs less prestigious or less valuable. Nevertheless the interviews cannot provide objective insights into students' intentions, but rather are designed to cogenerate knowledge with respondents and to triangulate other sources of data.

By drawing a comparison to Snow and Anderson's analysis of fictive storytelling, I do not mean to imply that 1L PIO students accounts' of certainty are entirely untrue, but that these accounts are often fluid and context-dependent and need to be understood against the backdrop of a highly performative and often intimidating law school environment in which students continually reinvent themselves for multiple audiences. In contrast to the popular view of drift, wherein students begin law school on a set public-interest path, I find that public-interest commitment is often in flux and awaiting further information. Nevertheless, many students who later "drift" expressed strong initial public-interest career commitment as evidenced in their reported identity crises when they face the decision to upload their resumes.[23] For students who experienced this decision in distressing terms, it is safe to assume that their stated public-interest commitments were more than an admissions ploy or a performance for peers in the public-interest subculture.

In addition to the social pressures that I have emphasized arising from the distinctive 1L PIO experience, many students may feel pressure to present accounts of certainty due to the importance placed on speaking with authority in their legal training. For example, while 1L PIO respondents sometimes sought professors' advice about careers, they often reported that they did not share with professors their doubts about public-interest career commitment and about their decision to attend law school in the first place. The following 1L PIO respondent explained his struggle to communicate openly with professors as follows:

> I feel like I need to sound confident…I'm not very good at it, but I try to be clear that I know where I'm going…Admitting that I'm wrestling with these demons…I mean, it really depends on who I'm talking to, or what mood I'm in, and what I've been thinking about lately.

This student's final point, that "it depends" on the audience, captures my central finding with respect to first-year public-interest career commitment. 1L PIO students' multiplicity of accounts of their career intentions (and their certainty regarding these intentions) suggest that these commitments are malleable, inchoate, and largely shaped

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[23] These crises are described in greater detail in following section of this chapter. Nearly 20 percent of Granfield's Harvard Law School respondents reported that "making the decision to practice corporate law involved great personal conflict" (1992).

by identity work embedded in peer culture.

4.2 Views of Corporate Law Careers When Students Upload Their Resumes

Returning to the public-interest drift schematic (Figure 1), I have argued above that students' initial public interest commitments (the left circle in Figure 1) are heterogeneous and often contingent but not entirely false. Here I examine the right circle. I argue that drifting respondents—those 1L PIO students who decide to participate in the corporate law hiring program—generally are not transformed over the course of their first year of legal education into committed applicants to the corporate law sector.[24] Instead, the 1L experience most often appears to produce only a slight alteration from an already uncertain and exploratory preference for public-interest careers in the first year to a very tentative, risk averse, and exploratory decision to apply to large firms at the end of the first-year summer.

Drifting respondents often characterize the decision to upload their resumes as rushed and risk averse. They often claim that these decisions are largely determined by the timing discrepancies in the corporate and public-interest hiring processes. For students at the law school examined in this dissertation, the window of opportunity to apply to large firms generally opens and closes with the near-campus interview program ("NCIP") at the end of the first-year summer.[25] Securing these internships most often leads to offers to return to law firms after graduation. The public-interest job process, in contrast, occurs much later, generally in the third year of law school and beyond. Many non-profit employers require new lawyers to fund themselves through highly competitive external fellowship programs, which generally last one or two years. After these fellowship terms, public-interest organizations generally cannot make full-time offers to all of their new hires, leaving these lawyers to return to the job market.

Furthermore, drifting students often lamented that they had not yet had an opportunity to learn about legal career paths by the time they needed to decide whether to apply to large firms. Regarding the corporate law sector, these respondents reported that they lacked an understanding of different practice areas and struggled to differentiate among firms. They also reported that they had only a vague picture of job paths in the public-interest sector. For example, a drifting respondent explained his decision to apply to large firms as follows: "I don't even know what the options are in public-interest. It takes a lot of research and networking…honestly that seems like a lot of work and there's no guarantee that you get [a job]." Many drifting respondents suggested that the rigors of

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[24] This section draws on second-year interviews focusing on drifting students' decisions to upload their resumes to the corporate law hiring process. For the purposes of this section, 1L PIO students are divided into "drifting respondents" and "public interest respondents" according to whether they participated in the corporate hiring program.

[25] These circumstances are similar at other highly ranked schools. At roughly the top three law schools, first-year students have greater opportunities to apply for first-year summer internships. Even in these instances, the second-year summer internship is generally the key opportunity to secure a post-JD job offer.

first-year coursework left little time to investigate legal careers. Thus lacking information about career paths may augment the role of risk in students' decisions.

Accounts of risk also drew on students' concerns that the public-interest sector job applications may be more competitive than corporate law firm applications. For example, a drifting respondent contrasted the "streamlined" and "surprisingly easy" process of applying to private firms with his perception that, particularly in the Recession context, landing a position with a desirable NGO or public-interest firm is as difficult as "saying you want to be a major league baseball player." This respondent concluded that waiting until his third year of law school to attempt to secure a public-interest position would be too risky: "I'm nervous to take it on faith that one of the nonprofit places is actually going to give me a job."

These employment fears are intensified by students' concerns about debt. A drifting path 2L explained: "I'm not sure I really want to work in a firm but I didn't want to close any doors, considering the crushing debt." These risk assessments need to be understood within the context of the ten-year public-interest loan repayment assistance program offered at the site for this study and at many other law schools. The federal government also offers complete loan forgiveness after ten years of income-based repayment while employed in a non-profit organization or government.[26] Drifting students often reported that committing to ten years of public-interest employment seemed risky, particularly given that they felt uncertain and uninformed about career path.

Also at risk for students who do not participate in NCIP is their perception of their own career success. Taking a position in a large-firm provides students validation early in law school that they have secured a prestigious future. A drifting path second-year student explained: "When I think about success...I mean working at a firm is not perfect, but it is not the worst outcome." Drifting students often tied their views of success to finances: "There is also a money aspect to it. The money aspect says something about external validation. If I make money, my parents would be like, "Wow! My child is successful." As some drifting respondents reported, the relatively easy application to large firms provides a "short cut" to financial success, whereby students obtain well-paying positions without much work experience or training. Finances and success become conflated in many of these accounts. It should also be noted that while most respondents were aware of the salary range for new lawyers before they began law school, some drifting respondents were shocked to learn how much large-firm attorneys make. One such drifting respondent lightheartedly observed: "The sticker value of a private sector job is awesome. I can't believe that anyone would actually pay me 160,000 a year, other than [as] a high-class prostitute." While variation in debt and salary has not been shown to strongly predict public interest drift, it nevertheless may be the case that these financial factors makes some contribution to accounts of risk aversion.

Drifting-path students from working-class family backgrounds often reported elevated concerns about the risk of abstaining from the corporate-firm hiring process.

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[26] The "Public Service Loan Forgiveness" program associated with the College Cost Reduction and Access Act of 2007.

These concerns were framed not only with respect to their own future finances, but also current spouses, children, parents, and other family members. A second-year drifting path respondent explained: "If it was just me that I felt responsible for, maybe I could just take a chance. But when you're thinking about your parents and their mortgage and everything else, those options get shut off."

While drifting respondents often reported that these risk factors made the decision to upload their resumes feel overdetermined, these decisions were often framed as only a tentative step. Many drifting respondents reported that they did not expect to necessarily accept any corporate firm offers through the hiring program, but simply wanted to participate in the job process in order to learn about the large firm option and avoid closing the door on an opportunity.

> I thought to myself, "There's a chance the firms are not as bad as I thought" … and when I talked to my parents about it, I realized I just didn't know enough about the firms to close off that option before I even go and talk with them…It's so easy to apply.

As reflected in the above quotation, many drifting respondents reported that at the end of their first-year summers they continued to view firms in a harsh light. These negative views are discussed in the below analysis of how the job process affect students' perceptions of corporate lawyers. Here I want to emphasize that this finding suggests that first-year legal education causes little change in drifting students' attitudes toward working in law firms. First-year socialization effects do not entirely convert these students into aspiring corporate lawyers. Instead, these students are still uncertain and skeptical when they enter the job process.

The tentativeness of the decision to upload resumes to the corporate hiring program was also visible in the accounts of several drifting respondents who reported that they entered the corporate job process hoping to arrange a split-summer internship between a law firm and a public-interest organization. One such second-year respondent explained:

> I know that [seeking a split summer] shows that I don't really want to be at a firm…I worry that [the law firm interviewers] are going to pick up on that…It would be more strategic for me to say that I wanted to be [at the firm] for the full summer, but I just don't think I'm ready to commit to that.

4.3 The Impact of the Hiring Process on Students' Career Plans and Conceptions of Professional Identity

While drifting students may be tentative when they enter NCIP, nearly all accepted the internship offers they received through the program. To return to the hypothesis that I referenced at the outset of this chapter, are students decisions to apply to

large firms caused by first-year transformation in professional identity? Above I suggest that there is not a great shift in orientation toward corporate law careers among drifting respondents by the time they decide to participate in the corporate hiring program. Here I examine the extent to which NCIP induces identity shifts. I find that during the two-week NCIP and the call-back interviews on-site at firm offices around the country, some drifting path students come to view law firm attorneys as "less evil" than they expected. Other respondents continue to hold negative views of law firms and their attorneys but carefully script their interview interactions in order to conceal their reservations (here I elaborate on accounts of concealment among drifting path respondents from the Chapter 3 analysis). I argue that this identity work associated with the job process suggests that students have generally not been profoundly transformed before they upload their resumes, but that the job process can have some constitutive effects.

The majority of drifting respondents reported (often glowingly) that their law firm interviewers were "nice," "chill," "laid back," "more normal than I thought," "down to earth," "cool, amazingly enough," "funny," and "surprisingly easy to talk to." Students reported feeling astonished by these likable characteristics, as they expected firm attorneys to be "conservative," "sexist," "evil," and "soulless."

One key refrain in these accounts is that students realized that firm attorneys are similar to themselves. Several drifting respondents even reported that they came to view their law-firm interviewers as role models. A drifting respondent explained: "It was kinda like, 'Ok. There are people at the firm that are like me. They have my interests and they are doing the work I want to do. They are engaged intellectually and they just want a better quality of life [than what a public interest career offers].'"[27]

The decision to work for corporate law firms is often made easier by the interviewers' emphasis on pro bono practice, which leads many of these students to the conclusion: "some firms do have a soul." Another drifting respondent reported that after meeting a "smart" young law firm interviewer who sits on the board of a well-respected non-profit organization: "You can see how the change [from public interest career ambitions to corporate firm career ambitions] happens."

While pro bono was cited as a key factor in many drifting students' decisions to work for firms, these students were often wary of pro bono discussions with interviewers. A second-year drifting path respondent explained: "I don't bring up pro bono in the interviews if they don't bring it up because it may be a trap." Many students felt that they had to meticulously shape new narratives to explain their public-interest background for law firm audiences.

> They ask me about my public interest background, because my resume is entirely public interest. Places I really liked paired me with associates who are either really committed to public interest or at least socially conscious.

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[27] Granfield makes a similar observation regarding Harvard Law School students' changed perceptions of firm attorneys after their internships: "The realization that corporate lawyers are 'just like them' is often startling to students who had negative impressions of law firms and corporate attorneys" (1992:157).

So I didn't really have to bring up pro bono. They bring it up. One place has all the public interest people interview with this associate who worked for legal aid. So I'm going to have a coffee with her…They say things like, "I see that your resume has a lot of public interest work." Then they'll either say, "Are you interested in our pro bono program?", which is code for if you say yes I'm actually looking exclusively at firms' pro bono programs. Or they'll ask, "Have you considered working for a non-profit or legal aid after graduation?" I do a Sarah Palin. "I'm not going to answer your question." I say, which is true, that I've worked for a spectrum of non-profits and some of them…are incredibly functional, but I've also worked for a lot of dysfunctional non-profits. Not productive. No one's happy. It's really important to work for a place where I feel productive…Then we talk about how corporations are so great. Look at how efficient they are.

This excerpts suggests the dual attitudes that law firms express in their interactions with student applicants regarding public-interest career orientations. The interviewers appear eager to recruit students with civic-minded commitments. At the same time, drifting respondents often felt that they were being interrogated or "confronted" about their commitment to working in a large private law firm given their public-interest oriented resumes. A drifting path respondent explained:

Respondent: I hated when [interviewers] confronted me about my resume.

Interviewer: Confronted?

Respondent: Yeah! Confronted…I hated when I had to defend my resume…I worked at [a pro-choice organization]. It's not a quiet thing. Everything I've done has been kind of outspoken I guess. Not very firmy.

When asked what she meant by "firmy," this respondent explained: "I thought they'd be conservative." This concern about the conservative nature of firms provides further evidence that students have not been entirely reoriented by their first year experience. Upon entering the job process, drifting respondents generally still view themselves as progressive and firm attorneys as conservative. A second-year drifting path respondent described her approach to discussing political orientation in the corporate firm interviews as follows:

I felt obligated to explain that I come from a very small town in one of the most conservative parts of California and that I appreciate a diversity of opinion... [and that] many of the people who were conservative were very respectful, welcoming and friendly and that they treated me very nicely and I liked them too. I felt obligated to launch into this big explanation to reassure [the interviewer] that I am not inexperienced in a conservative

environment and that I in fact don't hate conservatives and will have no problem getting along with them. He said they are very supportive of a wide range of public interest activities as long as they don't want to overthrow the U.S. government or support terrorism.

In their preparation for NCIP interviews, many drifting respondents reported that they were coached not to hide their public-interest and political backgrounds, but to be sure to spin that experience as training rather than a political agenda. A drifting path respondent explained:

> I worked at a pro choice women's campaign, and some high profile Democratic candidates' campaigns…I had preconceptions that firms were going to be really conservative…I'm pretty far left and I was nervous that going to a firm I'd have to hide it. I asked the [career development advisor], "Should I tone this down?" The [advisor] said those are the good things I've done, and if I take them out I don't really have anything. A lot of the interviewers wanted to talk about politics. One guy asked me who I voted for: Obama or Clinton. There was one terrible interview, because of something in my resume about [a prominent democratic politician] and the interviewer said, "I always wanted him gone." …And I said, "Oh really. Ok." And then I sort of lied. I was like, "I appreciate anyone who serves our country in government office." Which isn't true. I don't really appreciate everyone who serves in government.

These accounts of hiding or strategically spinning one's progressive politics or one's view of non-profit organizations suggest that drifting respondents did not always develop a perfect affinity with interviewers. Some drifting respondents even continued to hold extreme negative views of law firm attorneys after NCIP. The following two respondents provide the least sympathetic portraits of interviewers offered by drifting students in my sample:

> …a lot of the [interviewers] are grade-A assholes. And you can just tell...the only reason they're doing this is so they can make money, which is really hypocritical since that's one of the reasons I'd be doing it. But like this lady attorney, who did toxic torts practice. It was amazing just sitting there to talk to her, like seeing the evil. Like, you could see it. It's like this lady, like if you watch Erin Brockovich, she would be the corporate attorney.

> [NCIP] is an awful awful process. Everything [the interviewers] describe is so boring. Come talk to more boring people about defending toxic dumpers. I don't even want to be a lawyer anymore. Everything these lawyers do sounds unappealing. They are boring people.

A larger portion of drifting respondents reported that they found the interviewers personable but continued to hold negative views of the law firms' practices. A drifting path respondent explained:

> …people who are at firms might not be the worst people, but they're enabling things to happen by like...stepping on the little guy…they're allowing themselves to be the facilitators. This thing couldn't happen without lawyers…I'm interested in tax now. And I don't see how you can really be a big law tax attorney without compromising your ethics or doing things that are detrimental to society as a whole, because you're just helping people free ride...helping corporations free ride.

Several respondents who distinguished between their positive views of firm attorneys and their negative views of law firms' practices worried that they had been "charmed" during the interview process by the "really nice, attractive…liberal, open-minded" interviewers, while failing to gain genuine insights into law firm practice.

These highly performative interview experiences affect not only students' images of law firm attorneys, but also their identity work processes. Students' sense of being on stage and in character is even more intense when they visit firms for call-back interviews, which generally involve a lunch and several meetings with firm attorneys. While NCIP interviews are limited to 20 minutes, the callback interviews require students to offer more than a few scripted lines about their career intentions. A drifting respondent described her discomfort in her role performance during the lunch portion of a callback interview:

> You also can't really eat, because you don't want to be shoving food in your face …There was…a seafood place where I had to pretend I wasn't vegetarian because I didn't want to cause trouble. If I'm traveling in a foreign country, or if someone makes food for you, you can't reject it because that's rude. I personally just don't like making any fuss.

Drifting students' unease during the callbacks was often exacerbated by their lack of knowledge about law firm careers. These respondents felt that they needed to state an interest in a particular practice within the firm, even when they had only at best a vague understanding of different practice areas. For example, the following drifting respondent reported that he "defaulted" to claiming an interest in litigation:

> I thought that I could sell myself as better for litigation because I was an English major, I'm good at writing, and I externed for a judge. I thought I would just say that because it's what they'd want to hear. But because I was saying it so much I started to believe it.

As drifting respondents craft their "interview answers" to questions about their career motivations, they are simultaneously forming what they conceive as their real

motivations. Like their experiences in 1L PIO cliques, the interview process offers drifting students few opportunities to openly reflect on their uncertainties. During the interview and callback process, these students engage in fictive storytelling regarding their certainty about pursuing work in the large firm sector. In Chapter 3, I discussed drifting respondents' accounts of feeling that they had to deceive interviewers in order to secure an internship offer. Several drifting respondents reported that this re-narration of their future plans also altered their accounts of what brought them to law school. The refrain, "Why I came to law school," had implied pure public-interest commitment and functioned as a signal of membership among 1L PIO "true believer" cliques. Many drifting respondents struggled to reconcile their previous origin narratives for attending law school with the new versions they had created for the job interviews:

> …the weird thing about this whole interview process is that there isn't really room in the conversations that you have with the employers for any kind of doubt…I feel like I have to rewrite why I came [to law school], and how confident I feel about whether it was the right choice. I find myself saying things in these interviews that make me sound unambiguous, like, "It's the greatest thing that I'm in law school. And I love it so much." And some things I really do like about law school, and there are reservations, but I've had to obscure those.

Drifting respondents often expressed concerns that their interview answers about their career motivations had affected their "real answers."[28] Several drifting respondents compared the experience of reciting their interview answers to a repeated acting performances of the same script.[29] Often the interview answers became more appealing over the course of the application process, leading students to claim a genuine identity change.

> When [I am] interviewing I find myself kind of lying. They ask, "You had the opportunity to work on [a high-profile political campaign]. Why would you want to work here?" And I say, "Those would always be outside interests of mine. I don't think I'll lose those passions. But I'm really

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[28] A drifting respondent explained the distinction between her interview answer and her real answer by describing a conversation with a law school administrator who remembered that in her application essay to law school she had stated a strong intention to work in a public-interest advocacy setting: "I told him I'm going to work for a firm and he asked why I'm not doing public policy work. It was really awkward because a lot of the alums were there to help me get firm jobs…So I felt like I couldn't tell him that I was just doing it for the money…I had to sort of lie and give him my interview answer."

[29] This analogy was described in a quotation from a drifting respondent cited in Chapter 3: "[The interviews] are like twenty opening nights…It's a different audience but it feels like you're performing the same play over and over. By the third or fourth interview, I felt like I knew my lines pretty well."

interested in commercial litigation." I don't know if I grew to believe it. I mean, who knows? I could end up being a partner in ten years. *You create a new person when you tell someone this is what I am.* I think you become open to other things too. When they were talking about one of the big cases they did, it sounded awesome to work on a team and win even though it's not a subject matter I would be excited about it. But maybe. It's all very intellectually stimulating even if it's not about how to protect civil rights; it's about how to beat these people's claim about a patent. I just don't know how long I'll be able to keep it up. It might be fun or interesting for a few years. [emphasis added]

In the previous chapter, I cited these accounts of "lying" to corporate firm interviewers in my analysis of moral and psychological role distancing. Here I emphasize that these accounts of "lying" may come to influence students' identity processes. At the same time, it should be noted that some drifting respondents (and many more corporate path respondents) described the firm interviews as relatively casual and unchallenging. A drifting path respondent explained:

> I was a little surprised…what a large portion of [the interviews] were just small talk and non-law related…I had on my resume that I was a [college football team] fan, and I think I answered a question about that in every single interview.

As firms are not allowed to ask for students' transcripts before NCIP, some students felt that the primary purpose of the interviews was to inform firms of their first-year grades.[30]

As discussed in Chapter 3, drifting respondents nearly all claimed that their work in the large-firm sector would be temporary—that is, they would return to the public interest sector after paying down their debt. Thus, even as the interview program moderates many students' negative views of firms, these students generally continue to express a tentative attitude toward their decision to work at these firms even after they have accepted summer internship offers.

While the focus of this dissertation (and this chapter) is on identity changes between the first and second year, more research is needed to examine identity changes associated with students' experiences of the second year internship. My limited data extending beyond the second year of law school (from the 2008 cohort) accords with Granfield's observation that corporate firm internships tend to successfully promote positive images of law firms and their attorneys. As Granfield noted, "Summer internships communicate to students that the corporate world is not an evil world but, instead, one that needs to be understood and sympathized with" (1992:156). Drifting

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[30] To repeat a quotation from a drifting path respondent cited in Chapter 3: "[The interviewers] just want to see if you're awkward…if you trip over everything…They want to make sure you can put on a suit and you aren't a maniac."

respondents were well aware that these summer internships are designed to recruit them to return to firms after graduation. A drifting respondent explained:

> I know that it's a bait and switch. When you actually work at a firm [after graduation], the hours are crazy and…it's going to be hell…But the summer is pretty great. They basically wine and dine you. They show you what your lifestyle could be like. There is always stuff to do…I golfed. I went kayaking…They took me out to dinner...the workload was really light. I was done around 5:00 every day…and they pay you a lot…so you have money for the first time ever.

This summer experience can disorient students who sustained a negative view of large firms through the law firm hiring process. A drifting path respondent explained:

> It was a humbling experience working for the firm, because as a 1L I was probably the loudest anti-firm person…The people [who work at the firm] were more normal than I had thought. And I realized that you can do a lot of pro bono work through the firms and that public interest organizations use the firms for resources. And I think you can transition from a firm to public interest after a few years…People I talked to who have worked at firms say that basically it was absolutely horrible being in the firm, but if you're lucky you can do a lot of pro bono work there.

4.4 The Impact of Students' Perceptions of Lawyers in Their Anticipated Practice Sectors

As a starting place for the analysis in this chapter I hypothesized that first-year legal pedagogy shapes students' identities, which in turn, influences their decisions to apply to corporate law positions. The findings presented above have tended to counter this hypothesis. I have argued that, within my sample, 1L identity shifts are relatively slight, while the hiring process at the end of the first year may have a greater impact on students' identities. Here I take the argument against the claim that students' identity transformations precede career decision even further by highlighting the converse effect: students identity changes appear to largely follow their tentative career decisions. In other words, students' perceptions of lawyers in their anticipated practice sectors may strongly shape how they conceive of professional identity. I support this claim through two segments of the research interviews: (1) the identity transitions of three drifting respondents from the 2008 cohort whose post-JD law firm offers were rescinded; and (2) second-year students' accounts of their evolving perceptions of work in different sectors.

When the Recession hit the large firm sector, many firms deferred (often indefinitely) post-JD job offers and encouraged students to work in the public-interest sector, often with the firm's financial support. Three drifting respondents in my sample experienced these deferrals. When these students changed sectors, even though it was not by their own choice, they experienced a shift to the professional identity type associated

with their new sector. In other words, while these respondents reported a more distant and instrumental view of the lawyer role when they were anticipating jobs in corporate law firms, they changed to a more proximate and politicized professional role identification when they began working in public interest practice. One of these respondents, Amanda, described returning to public interest work as a "blessing in disguise" in spite of the reduction in salary:

> I'm only making 29k. I'm not able to help out my family. And that's really frustrating that I would have been making 160k and I could have helped save [my parents'] house but I really didn't like what I was doing. And I really like what I'm doing now…I think my parents are happy because they felt really guilty that I was working somewhere I really didn't want to work just so I could help them financially.

When Amanda anticipated working in a large firm, she reported a peripheral lawyer role. While working in a public-interest practice setting, Amanda presents the distinctive characteristics of integrated cause-lawyering identity: she locates the professional role in a central cluster of personal and political roles. While the three drifting respondents whose offers were deferred do not constitute a representative sample, they suggest support for a theme that has been emphasized throughout this chapter: students' career decisions are tentative and their conceptions of professional identity are highly adaptable. If it is the case that anticipating working in a practice setting can have an immediate impact on one's professional self concept, these early tentative career decisions are both more important than they at first appear to many students (because they shape identities) but also less important (because these identities can change when students later change sectors).

Above I have argued that 1L PIO students' identity work relies on extremely negative imagery around "corporate sellouts" and that these views are often moderated among students who later go through the corporate firm hiring process (those who become "drifting path" students). Given the importance of the public-interest subculture to students' first-year perceptions of lawyers, here I examine how the norms of this subculture change during the second year of law school.

I begin with accounts from second-year public interest path students. Many public-interest respondents reported that, like drifting respondents, they experienced some crisis around the decision whether to upload their resumes for large-firm positions. They also characterize these decisions as rushed and uninformed. Many reported that their decision to "abstain" from NCIP was a close call; some even regretted the decision. A second-year public-interest path respondent explained:

> …second year comes around and everyone starts going to [NCIP] and everyone else is doing it. And I wonder if I'm giving up an opportunity. Giving up money, prestige, frankly. It's stupid thinking about that, but my friends [who applied to large firm positions] were. It makes me feel not so

good about myself. I feel jealous of the fact that my friends are being pursued by these firms, taken out to dinners, told how wonderful they are.

It may be the case that such regrets are a temporary effect. The second year of law school (and often much of the third year) is a particularly anxious period for many public-interest path students as they continue to await their job application process while the majority of their classmates have already secured prestigious and high-salary positions in large firms.

Around the time of the corporate hiring process, many 1L PIO cliques experience at least temporary fractures. Respondents who belong to 1L PIO cliques reported that half or more of the clique's members took part in NCIP. Public interest path students often struggled to reconcile their feelings of intense judgment toward "sell outs" with their desire to maintain friendships with peers who applied to firms. In most instances in my data, these friendships and cliques were preserved as public-interest path students tended to reduce their judgment toward corporate law careers. In other words, public-interest path students often relaxed their public-interest-commitment criteria for membership in peer circles, in stark contrast to their "selective association" and "self segregation" practices in the first year. In some cases, the change in these students' views was striking. The following public-interest respondent used the term "sell out" several times in her first-year interview, but in her second-year interview she took a far more permissive stance toward corporate law:

> I was worried [that the choice of three of my friends to work in corporate law] would cause a major division in our group. That hasn't happened because they all have very good legitimate reasons for going to firms. I don't have less respect for them. They still have good values and want to do good things in a couple of years. I can't judge their situation. There might be a problem that doesn't seem real and important to you but does seem real and important to that person.

Not every second-year public-interest respondent adopted this relativistic view. As reflected in the following excerpt from a pilot interview with two public-interest path second-year respondents, some of these students continued to conceive of a sharp differentiation between public-interest lawyer identity and corporate lawyer identity.[31] To contextualize this excerpt, "Respondent 1" had mentioned a "tense" social situation in which she made a controversial comment regarding two peer group members who had taken corporate law jobs. I asked her to elaborate on the nature of the comment.

> Respondent 1: [I told a] joke about how much money they'd be making compared to how much money we'd be making.

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[31] This interview preceded the identity mapping technique and is not included in any aggregate data analysis.

Interviewer: Was the tension immediate?

Respondent 1: It was immediate. They were pretty hurt, which is understandable.

Respondent 2: It hasn't been a constant issue and there's no tension now. But I don't agree completely with [Respondent 1]. I think the choices are within their control. I don't think it's impossible for anyone to not work at a firm. I wouldn't agree that it's the only option for some people.

Respondent 1: How is that not judgmental? My problem with the way that you and [another member of the public-interest peer group] talk about it is that you guys make it sound like everyone's situation is the same. The way you feel about their situation is something different from the way they feel about their situation.

Respondent 2: But I think they have agency. It's not out of their choice.

Respondent 1: I agree, but I think they're making conscious, reasonable choices. If I was going to have kids in a few years, I would probably be applying to firms.

Respondent 2: Even if I was going to have kids, I wouldn't go work at a firm. It's ok to make different choices, but my personal choice would still be the same. It might be tough, and there might be times when I wish I had more money.

After this interview, Respondent 2 stayed an extra minute to explain that her opinion was less permissive than it appeared in the interview: "I didn't want to say it in front of [Respondent 1], but I feel like I am still more judgmental. I think people make choices and they need to be accountable for those choices." While Respondent 2 clearly indicates that she continues to hold a negative view of the corporate law path, by choosing to making this private comment she also highlights her priority on maintaining these friendships. While deriding corporate lawyers was a foundation of 1L PIO peer clique membership, these students' second year discourse tends to be more relativistic, even among respondents who do not entirely internalize the relativistic view.

In the second-year interviews with drifting respondents, they often expressed continued concerns about receiving moral judgment from their public-interest peers. Here my data parallel Granfield's analysis of drifting students' rationalizations for their job paths, in which they insist that "they had not, to appropriate a phrase from law student culture, 'sold out'" (1992: 91). More specifically, these students in Granfield's account argue that they had not "simply been depoliticized, they had additionally become 'professionalized'" (1992:91). The "professionalized" rationale resonates with Schleef's claim that students adopt "zealous advocacy" as their primary vocabulary of motive

(Schleef 2006). It also resonates with Becker's account of jazz musicians who adopt a craftsman rationale as they turn to more commercial pursuits following an initial period of idealism (1963:112).

In their interactions with public-interest peers, second-year drifting path respondents reported that they were eager to clarify that working for a large firm was not an act of "soul selling" but rather was a temporary staging ground to pay off debt and gain training before they return to the public interest sector. For Granfield, these accounts serve to protect drifting students from being judged as materialistic (1992:149).

While the above dialogue between Respondent 1 and Respondent 2 presents an example where peer tensions rose to the surface, other respondents described conversations where drifting path students' accounts for their career decisions met no vocal resistance among their public-interest peers. Nevertheless, even when some public-interest respondents did not voice their judgments, they admitted during the research interviews that they were at times highly skeptical of their peers' accounts of drift.

To further contextualize these findings, I will briefly expand on the job application experiences of public-interest path students. While the public-interest job process is more decentralized and occurs much later in law school, my limited data on students' experiences of these job applications suggests that the process influences their conceptions of professional identity, but likely to a smaller degree than found among students who participate in NCIP. Like drifting respondents, public interest respondents reported that presenting certainty in their commitment to their intended job sector was an important signal in job interviews. In the public interest sphere, presenting certainty may be even more important, as these students perceived that commitment to an organization's political goals is valued more than grades or other qualifications. Public interest interviews are far less performative than the rapid fire corporate firm hiring process. Nevertheless, these students prepared their "interview answers" for a multitude of issues including covering up any doubts that they had about working in the public-interest sector in the past or about their long-term commitment to the sector in the future.

As described above, second-year public-interest respondents are split on the extent to which they moderate their harsh views toward corporate lawyers. Their views of public-interest lawyers generally become more valorized in the second year as students come to view working in the public-interest sector as a material sacrifice in light of the lucrative positions secured by the majority of their classmates (including many of their 1L PIO peers). When asked what image she has of public-interest and large-firm attorneys, a second-year public interest respondent offered the following descriptions.

The corporate lawyer:	"Slick, gelled hair, white man with fancy car, nice suit, well-tailored, sunglasses, only cares about money, defending evil corporations."
The public-interest lawyer:	"…scrappy, crazy public defender with wild hair, sitting in a car eating McDonalds…a fat man or a disheveled woman in a pantsuit from the 80s with shoulder pads. An ineffective person."

While this respondent characterized these views as "stereotypes," her comments throughout the interview seemed to draw on this imagery. This respondent sustained a quite negative view of corporate lawyers beyond the first year, although she did emphasize their relative prestige in the eyes of conventional society. Perhaps more surprising is her negative image of public-interest lawyers. In contrast to the idealized views common among 1L PIO students, negative images of public-interest were more common in second year interviews. I speculate that the corporate hiring process that their peers undergo seems to have a dual impact on public interest path students: it reconstitutes their decisions to work in public-interest as both more heroic (due to the sense of sacrifice) but perhaps less prestigious in comparison to their peers who secure positions at elite law firms.

These negative views of public-interest attorneys may also reflect respondents' fears that they will fail to secure a prestigious public-interest position. A second-year public-interest respondent explained: "It's easy to get a bad nonprofit job that doesn't pay anything…on a shoestring budget…that's probably not a well-run organization…The good public-interest jobs are competitive." In other words, as these students learn more about the practice realm and begin to disaggregate their understanding of the public-interest bar, their images of the heroic, effective, and satisfied public-interest lawyer may become increasingly contingent on their evaluations of particular practice settings (see the Chapter 3 discussion of the prevalence of "middle-road" public-interest paths).

SECTION 5: EMPIRICAL CONCLUSIONS

As discussed throughout this dissertation, the generalizability of this analysis to other law school settings is limited. However, this site may serve to magnify dynamics that are present in other law school settings. As the law school studied has a strong public-interest reputation and offers students easy access to large firms, it may render more visible the subtle workings of public-interest drift processes and the public-interest subculture. Below I summarize this chapter's findings and discuss larger implications for our empirical understanding of public interest drift.

To summarize the empirical argument in this chapter, I began by presenting evidence that 1L PIO students (both those who later drift and those who continue with public interest job aspirations) often admitted that they are still exploring career options including corporate law firms, but felt pressure within the public-interest subculture of the law school to present certainty about their commitment to non-profit, legal aid, public defender and other public-interest sector employment. This pressure is particularly acute within 1L PIO peer cliques. Membership in these cliques is largely based in identifying as outsiders to conventional law school culture and differentiating oneself from the majority of one's classmates who are characterized as "corporate sellouts." Through selective association and fictive identity talk, these students reinforce clean self-images of unwavering commitment to the public-interest sector. These exaggerated accounts of certainty may lend support to skeptics of the public-interest drift phenomenon. But while

most 1L PIO students admit that they lack sufficient information to be certain about any particular career path, I conclude that they nevertheless generally present a genuine if vague and malleable preference for public-interest careers. These students struggle to find opportunities to reflect on their emerging career orientations amid continual processes of self presentation across the social terrain of the first-year law school environment.

For 1L PIO students who decide to enter NCIP at the end of the first-year summer, this decision is often described as rushed, uninformed, tentative and based in risk aversion. In many cases, these students do not expect to necessarily accept any internship offers, but feel that it would be too risky to close the door on these career opportunities before learning anything about the corporate law field. The fact that the corporate firm jobs are available much earlier in law school helps to explain why many students fear that it would be too risky to wait for a competitive public-interest job process later in law school. Thus the strong hypothesis that 1L-socialization induces identity changes that explain public interest drift does not closely accord with my data. Most drifting respondents do not appear to transition from set public-interest paths at the beginning of law school to set corporate paths at the end of their first year.

In Chapter 3, I argued that drifting students between the first and second year of law school experience a peripheralization of professional identity. The empirical literature on law school socialization tends to raise the hypothesis that first-year pedagogy may generate these identity shifts, which in turn may influence students' career path decisions: "In law school, much like prisons, boarding schools, and army training camps, students undergo an identity transformation process in which they develop new understandings of themselves and the world around them" (Granfield 1992:84). However, my findings tend to accord with those scholars who have de-emphasized the role of legal education in students' career choices and professional identity formation (Abel 1989; Erlanger & Klegon 1978; Scheingold & Sarat 2004). By the end of their first year, even students who participate in NCIP remain uncertain about this decision. Some continue to hold negative views of corporate lawyers. Many of these students resist the apolitical, amoral, and game-oriented nature of first-year legal discourse. This resistance is reflected in their distancing from the law student role (Chapter 3) and their identification as outsiders to the mainstream discourses and student culture of the law school. Rather than the strong hypothesis that students internalize wholesale lessons in legal epistemology and are reconstituted as apolitical zealous advocates for corporate causes, I find that 1L at most seems to provide a nudge toward corporate careers, which is enough for many students to take the first tentative step by uploading their resumes for the law firm interview program. The larger identity shifts seem to occur later.

I find that the corporate firm hiring process can significantly contribute to 1L-2L shifts in professional identity. During NCIP and the callback interviews, many drifting respondents moderate their negative views of corporate lawyers. Other drifting respondents sustain but suppress these negative views in interactions with interviewers. In either case, drifting respondents' narrative work and self presentations during the highly performative interview process seem to alter their outlook toward their careers. They become more amenable to temporary stints in corporate law under an instrumental account of professional identity.

While first-year pedagogy may provide a socialization nudge and the job process may change students' career orientations a bit more, I argue that students' shifts in professional identity may be most powerfully shaped simply by their perceptions of lawyers in their anticipated practice sectors after they have decided where they intend to begin their legal careers. This claim is supported by the accounts of second-year drifting students and drifting lawyers (from the 2008 cohort) who began their careers in the public-interest sector due to rescinded corporate firm job offers. I find that professional identity experiences can change dramatically following changes in practice sector. A more flexible portrait of professional identity emerges from this analysis. Rather than being transformed into "corporate tools" during the first year of law school, drifting students in my sample seem to emerge from the first year as career entrepreneurs, hungry for information about the practice world while adjusting their self presentations to suit their expectations of work in different sector. Their often rigid first-year views of professional identity, relying on a bright-line distinction between corporate and public-interest practice, give way to a more mobile view of their careers. Thus these respondents often claim that they will return to the public-interest sector in order to realign their work life with their "true" identities. The After the JD Study reveals that lawyers indeed change jobs and even sectors frequently in their first years of practice, although few who begin in large firms return to public interest practice (Dinovitzer et al. 2004; Dinovitzer et al. 2009; Dinovitzer et al. 2014). In the After the JD Wave III data, 0% of lawyers who worked in the largest firms during Wave 1 (two to three years into their careers) were working in "public-interest" practice settings in their twelfth year of practice; 2.2% were working in "legal services or public defender" (Dinovitzer et al. 2014, 61).[32] My analysis suggests that if these students do later return to the public-interest sector, they may indeed be able to return to an integrated cause-lawyering conception of professional identity.

Perhaps students' flexible approach to professional identity is itself a lesson drawn from first-year pedagogy. Mertz observes that in their classroom training law students adopt a "new chameleon professional 'I'" (2007:135). More specifically, the role playing requirements of legal instruction require students to develop a theatrical ability to represent multiple views of any issues through a versatile professional identity. As students learn to enact "an ongoing multiplicity of perspectives and voices" and to "speak in an 'I' that is not their own self, to adapt their position to exigencies of legal language," perhaps they begin to adapt to the notion of a flexible professional self and a more mobile career path that crosses sectoral boundaries (Mertz 2007:135).

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[32] These figures describe lawyers who in Wave 1 worked at firms of 251+ lawyers. Of those who worked in firms of 101-250 lawyers during Wave 1, 0% were found in both "public interest" and "legal services or public defender" in Wave 3 (Dinovitzer et al. 2014, 61). Lawyers who worked in smaller firms were much more likely to be found in public-interest practice settings. Of those who worked in firms of 21-100 lawyers in Wave 1, 5.9% were found in "public interest" and 3.3% in "legal services or public defender" in Wave 3 (Dinovitzer et al. 2014, 61).

In sum, my data challenge multiple aspects of the causal hypothesis I stated as a starting place for this chapter:

> Strong initial public interest career commitment →
> 1L socialization →
> Instrumentalized craft-oriented lawyer identity →
> Choice to work in corporate law

Instead I argue based on the findings presented in this chapter that we should consider the converse relationship between identity and career choice as follows:

> Uncertain initial public interest career commitment →
> 1L socialization and identity work →
> Rushed, uninformed, risk averse, and tentative application to law firms →
> Identity work during the job process that solidifies the decision →
> Perceptions of lawyers in anticipated sector →
> Temporary corporate lawyer identities

This analysis does not offer a strong new mechanism to explain why some students "drift," but rather suggests that whatever occurs during the first-year has less impact than the job process and students' emerging perceptions of lawyers in their chosen sectors. Furthermore, many "drifting" path students' decisions to attend law school appear to be as uninformed and risk averse as their decisions to apply to corporate law. Rather than conceiving of drift as straying from a clear path—from a wholehearted commitment to a public-interest career to a wholehearted commitment to a corporate law career—we might suggest that students drift before, during, and after law school. This conclusion finds some support in the existing literature. Schleef argues that students generally do not "carefully, or even consciously" choose to attend law school; rather these decisions tend to be "full of uncertainty and a large dash of default" (2006:44). In Schleef's analysis, most students entered law school in order to invest in "human, cultural, and social capital, not long-term occupational decisions" (2006:44). Desmond-Harris's memoir portrays a mixture of default and social justice commitment:

> I had no specific career in mind, but felt pleasantly seduced by stories of all the "doors" that [Harvard Law School] would open…I was excited that the education I was about to begin would lead effortlessly to a career working to solve the issues of racism and inequality that had preoccupied me for as long as I could remember. But suddenly, as a 2L, I found myself turning away from all of those open doors, questioning whether meaningful change could be made through the law, and tormented by the idea that the justice that I had always associated with the law seemed to fade in the face of politics, power, and economic analysis (2007:337).

By titling this chapter "Defining Drift," I intend to reference the definitional issues addressed in this chapter, the connotations of drift discussed in the implications below, but also the notion that the decision to upload one's resumes for the corporate hiring process, as tentative as it may be, can be a defining decision. Identity changes largely follow from this decision rather than precede it.

Further research is needed to test these exploratory empirical findings. In particular, the risk-aversion analysis emerges as a central mechanism to explain students' decisions to participate in NCIP. It would be helpful to examine students' risk aversion more directly. Is it the case that law students are inherently more risk averse than the general population? Does variation in risk aversion among law students predict who will drift and who will continue on public-interest career paths? To what extent does the Recession context explain my respondents' emphasis on risk aversion? It may be the case that the effects of law school socialization override market and risk concerns in non-recession conditions. These questions are largely outside the purview of this dissertation. Based on my sample, I can only say that risk aversion is a salient theme for students in each cohort—irrespective of their different timing regarding the Recession market conditions.

SECTION 6: IMPLICATIONS

Below I briefly examine the connotations of the term "drift" and assess which of these connotations is most consistent with this Chapter's empirical findings. I conclude with recommendations for reforming legal education.

6.1 "Drift" as a Characterization of Students' Experiences

"Drift" within sociology can largely be traced to criminological studies of the "drift into delinquency" (Matza 1964:98). Within this genealogy, drift bears family resemblances to deviance in both its connotations as individual moral failing and as a structurally determined behavior. In David Matza's analysis of the careers of juvenile delinquents, drift is an "episodic release from moral constraint" whereby youths slip into criminal behavior in a "gradual movement, unperceived by the actor" (1964:69,29). While this drift results, in part, from uncurbed internal drives, Matza places a greater emphasis on forces beyond the individual's control which result in a fatalistic attitude: "the negation of the sense of active mastery over one's environment" (1964:189). Drift is thus "a motion guided by gently underlying influences" which diminishes agency, leaving the individual "midway between freedom and control" (1964:28).

Studies of public interest drift in law school have specifically referenced deviance. For example, corporate-bound students are often judged as morally deviant by public-interest oriented students: "overzealous commitment to large firm work, corporate values, and financial reward was viewed negatively, if not as deviant by many [public-interest oriented] students" (Granfield 1992:148). This view is internalized by many drifting students who subsequently present accounts to justify their decisions in order to

"neutralize the discomfort of being implicated in potentially deviant activity" (Granfield & Koenig 1992:315).

While the view that working in corporate law is a deviant path may prevail among public interest law students, particularly in their first year of law school, this view is not universally held; the mainstream of the legal profession generally celebrates the high-powered and highly paid lawyer. Furthermore, corporate-bound students often view aspiring cause lawyers as a "deviant strain" who threaten the unity of the profession and the lawyer's fundamental commitment to a client-centered vision of adversarial advocacy (Scheingold and Sarat 2004:3). These opposing accounts of deviance are predicted by the criminological literature's analysis of "ambiguities that arise in deciding which rules are taken as the yardstick against which behavior is measured and judged deviant" (Becker 1963:8). For example, 1L PIO students experience both sides of these opposing charges of deviance. They view "corporate sellouts" as deviants for their self-centered materialism, but also identity themselves as deviant outsiders to the conventional stream of the profession, the law school, and their corporate-bound classmates. As I have argued in this chapter, this outsider identity serves as a source of community within a 1L PIO subculture. Eager to maintain membership in 1L PIO cliques, these students often feel compelled to hide the extent to which they privately deliberate on the decision to join the corporate-bound majority. This "secret deviance" is examined in the classic criminological literature. For example, drug addicts may feel the need to "hide their addiction from the nonusers they associate with" (Becker 1963:20). Similarly, "homosexuals," as described through the lens of 1950s-60s sociologists, may feel the need to present cover stories and to pass as straight in order to "keep their deviance secret from their nondeviant associates" (Becker 1963:21).

While first-year students' competing charges of deviance emphasize their classmates' individual choice and moral failings, the empirical literature on drift tends to present a more structural portrait as students are guided toward corporate law firms by forces largely endogenous to the law school environment. Rather than blaming students for a moral failing—suggesting that if students had stronger morals they would sustain public-interest careers—the law school socialization literature highlights the "intense and transformative impact of legal education on students' understandings of what it means to be a lawyer" (Scheingold & Sarat 2004:57). For Kennedy, legal education renders students "helpless," "incapacitated," and "ambivalent" (1983: 3, 28-32).

The findings presented in this chapter de-emphasize the impact of 1L law school socialization. Nevertheless Kennedy's portrait of an increasingly passive student experience comports with my drifting respondents' accounts of feeling rushed, uninformed, risk averse, and even fatalistic when they approach their job path decisions (1983:594). After a year of legal education, which places immense demands on their time but offers little insight into legal career paths, drifting respondents often reported that going into corporate law was not so much a decision as it was an avoidance of unknown risks. A drifting respondent explained her choice to apply to large firms as follows: "The concern for me is if I want to get where I'm going I feel like if I don't jump on one of these trains that are coming by I'm going to be left behind." Thus, positions in corporate law firms appear to many elite students as "jobs of least resistance" in a context where

"alternatives are risky" (Schleef 2006:150; Kennedy 1982:31). Rather than charging legal education with an excessively transformative socialization, the findings presented in this chapter suggest that it may be more accurate to charge legal education with failing to socialize students enough—that is, failing to prepare them to make informed choice regarding legal career paths.

Furthermore an account of public interest drift as individual deviance may overemphasize moral choice and overgeneralize from the experiences of students with privileged identities and backgrounds. The individual choice narrative assumes power, connections, and information that are not equally available to all students. In addition to experiences of alienation and identity dissonance, which have been shown to vary by race, class, and, gender, there are also immediate financial needs that bear directly on job path decisions for students from working-class backgrounds.

Thus, while the term "drift" has problematic connotations as individual deviance, the term is more accurate as a multivalent description of students' diminished agency, lack of information, and disempowerment as they make decisions regarding corporate law applications.

6.2 Recommendations for Legal Education

This chapter suggests that legal education is not directly responsible for all of the dynamics of peer interactions, the job process, and perceptions of lawyers in different sectors which affect students' career decisions and conceptions of professional identity. I have argued that within my sample, first-year legal education provides only a slight alteration of students' career orientations. But perhaps the first-year should have a larger impact. Specifically, if the first-year curriculum were to pay greater attention to legal career paths, students might form less extreme judgments about corporate law and a less rigid distinction between public-interest and corporate sector practice. 1L PIO students' accounts of their classmates' "soul-selling" as a metaphor for "abandonment of ideals, beliefs, and commitments" and "the conscious exchange of one's personal and political ideals for monetary gain" may bolster their membership in counter-cultural peer cliques, but may also limit their opportunities to carefully and openly deliberate on their curiosity about the corporate law option (Granfield 1992:147). Similarly teaching students about public-interest career paths might help 1L PIO students gain a more detailed and specific picture of practice in the public-interest sector, in contrast to their often vague preference for social-justice or social-movement careers. Furthermore, this education might lend understanding and unity across the corporate/public-interest divide, mitigating the moralistic differentiation and competing accounts of deviance among first-year students.[33] The importance of providing students with more informed images of lawyers'

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[33] Reducing these competing accounts of deviance may promote a more unified image of the profession. Specifically, a division between "corporate" and "public interest" practice may suggest a compartmentalization within the profession whereby "public-interest" lawyers fulfill the civic commitments of the profession, while corporate lawyers are merely facilitating capitalism. In the following chapter, I discuss these implications in

careers is underscored by my finding that students' perceptions of lawyers in their anticipated practice settings can have a great effect on their experiences of professional identity.

While critiques of legal education have traditionally focused on the classroom instruction's excessively theoretical nature and its disconnect from practice skills, a third critique has recently emerged emphasizing law schools' "ethical obligation to study and to teach about the profession" (Wilkins 1999:77). "Students are hungry for information about their future careers. The regular curriculum offers them almost nothing to satisfy their hunger. As a result, students typically learn about potential careers from three sources: legal recruiters, the legal press, and each other" (Wilkins 1999:80). When students learn about the corporate law sector from law firm interviewers, they may overcorrect realizing that the firms are not as evil as they thought (Stover 1989). Educating students about legal careers would empower them to evaluate the claims of law firm recruiters and ultimately make more informed decisions. For example, while large firms are indeed contributing more pro bono hours than ever before, they may exaggerate the place of pro bono in firm attorneys' daily work in order to attract top students whom they know to be generally civic-minded (Boutcher 2012).

An education in legal career paths could be provided by adding a first-year course on the legal profession. At the site examined for this dissertation, students participated in a loose collection of career development events and first-year volunteer clinics where they had occasional access to lawyers. Fostering these activities may improve students' awareness of legal career paths. However, given students' intense and anxious focus on the classroom, it may be far more effective to build a course on the legal profession into the first-year curriculum. Upper-level course offerings on the legal profession have recently been expanded at several law schools amid a wave of research on lawyers' careers. The findings presented in this chapter suggest that until law schools offer a first-year education on legal career paths, any moral failing can more accurately be said to be with legal education rather than with individual students.

REFERENCES

Abel, Richard L. 1989. *American lawyers*. New York: Oxford University Press.

Adler, Michael, & Jonathan Simon. 2014. "Stepwise Progression: The Past, Present, and Possible Future of Empirical Research on Law in the United States and the United Kingdom," 41 (2) *J. of Law and Society*.

Barry, Kenneth H., & Patricia A. Connelly. 1978. "Research on Law Students: An Annotated Bibliography," 1978 *American Bar Foundation Research J.* 751.

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light of the instrumentalized identity maps of 2L drifting- and corporate-path respondents.

Becker, Howard. 1963. *Outsiders; Studies in the Sociology of Deviance*. Toronto: The Free Press of Glencoe.

Berger, Todd A. 2012. "Jimmy Carter's Malaise Speech, Social Desirability Bias, and the Yuppie Nuremberg Defense: The Real Reason Why Law Students Say They Want to Practice Public Interest Law, Yet So Few Actually Do." *Kansas Journal of Law & Public Policy* 22: 139-164.

Bok, Derek C. 1983. "A Flawed System of Law Practice and Training," *33 J. of Legal Education* 570

Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field," translated by Richard Terdiman, *38 Hastings Law J.* 805–813.

Bourdieu, Pierre, & Jean-Claude Passeron. 1977. *Reproduction in Education, Society and Culture*. Thousand Oaks, CA: Sage.

Boutcher, Steven. 2012. "Rethinking Culture: Organized Pro Bono and the External Sources of Law Firm Culture." *University of St. Thomas Law Journal* 8.2: 1.

Calmore, John O. 2003. "'Chasing the Wind': Pursuing Social Justice, Overcoming Legal Mis-education, and Engaging in Professional Re-Socialization," 37 *Loyola of Los Angeles Law Rev.* 1167–1208.

Chambers, David L. 1992. "The Burden of Educational Loans: The Impact of Debt on Job Choice and Standards of Living for Students at Nine American Law Schools." *Journal of Legal Education* 42: 187–231.

Costello, Carrie Yang. 2005. *Professional Identity Crisis: Race, Class, Gender and Success at Professional Schools*. Nashville, TN: Vanderbilt University Press.

Crenshaw, Kimberle Williams. 1989. *Foreword: Toward a Race-Conscious Pedagogy in Legal Education*, 11 Nat'l Black L.J. 1.

Desmond-Harris, Jenee. 2007. "Public Interest Drift Revisited: *Tracing the Sources of Social Change Commitment Among Black Harvard Law Students*," 4 *Hastings Race and Poverty Law J.* 335–93.

Dinovitzer, Ronit, Brant G. Garth, Richard Sander, Joyce Sterling, and Gita Z. Wilder. 2004. *After the JD: The First Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce Sterling. 2009. *After the JD II: Second Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Bryant G. Garth, Robert Nelson, Gabriele Plickert, Rebecca Sandefur, Joyce Sterling, and David Wilkins. 2014. *After the JD III: Third Results of a National Study of Legal Careers*. Chicago: American Bar Foundation and NALP.

Erlanger, Howard S. 1978. "Young Lawyers and Work in the Public Interest," *American Bar Foundation Research Journal* 83-104.

Erlanger, Howard S. & Douglas A. Klegon. 1978. "Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns." *Law & Society Review* 13: 11–35.

Erlanger, Howard S., Mia Cahill, Charles R. Epp, and Kathleen M. Haines. 1996. "Law Student Idealism and Job Choice: Some New Data on an Old Question" *Law & Society Review* 30: 851–864.

Field, Erica. 2006. *Educational Debt Burden and Career Choice: Evidence from a Financial Aid Experiment at NYU Law School*. No. w12282. National Bureau of Economic Research.

Foster, James. 1981. "The Cooling Out of Law Students: Facilitating Marker Cooptation of Future Lawyers." *Law and Policy Quarterly* 3: 243–56.
——. 1985. "Legal Education and the (Re)Production of Lawyers," *Legal Studies Forum* 9.

Granfield, Robert. 1992. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. New York: Routledge.
——. 1994. "Do Law Students Abandon Their Ideals? The Crisis of Idealism in the Age of Affluence," 18 *Legal Studies Forum* 53–74.

Granfield, Robert & Thomas Koenig. 1992. "Learning Collective Eminence: Harvard Law School and the Social Production of Elite Lawyers." *Sociological Quarterly* 33, no. 4: 503–20.

——. 1992. "The fate of elite idealism: Accommodation and ideological work at Harvard Law School." *SOCIAL PROBLEMS*. NEW YORK. 39: 315-315.

Griswold, Erwin. 1968. "Intellect and Sprit" 81 Harvard Law Rev. 292–307.

Guinier, Lani, et al. 1997. *Becoming Gentlemen: Women, Law School, and Institutional Change*. Boston: Beacon Press.

Harris, Angela & Donna Maeda. 2004. "Power and Resistance in Contemporary Legal Education," in Duncan Kennedy, ed., *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System*. New York: NYU Press.

Kahlenberg. 1992. *Broken Contract: A Memoir of Harvard Law School*. New York: Hill and Wang.

Kennedy, Duncan. 1983, *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System.* Cambridge, MA: AFAR.

Kennedy, Duncan. 1982. *Legal Education and the Reproduction of Hierarchy.* 32 J. Legal Educ. 591 (1982).

Kornhauser, Lewis A. & Richard L. Revesz. 1995. "Legal Education and Entry into the Legal Profession: The Role of Race, Gender, and Educational Debt." *New York University Law Review* 30: 829–964.

Kubey, Craig. 1976. "Three Years of Adjustment: Where Your Ideals Go." *Juris Doctor* 6, no. 11 (1976): 34–39.

Linowitz, Sol M. & Martin Mayer. 1994. *The Betrayed Profession: Lawyering at the End of the Twentieth Century*. New York: Charles Scribner's Sons.

Matza, David. 1964. *Delinquency and drift*. Transaction Publishers.

McGill, Christa. 2006. "Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear." *Law and Social Inquiry* 31: 677–708.

Merton, Robert K., et al., eds. 1957. *The Student Physician: Introductory Studies in the Sociology of Medical Education*. Oxford, UK: Harvard University Press.

Mertz, Elizabeth. 2007. *The Language of Law School: Learning to "Think Like a Lawyer."* New York: Oxford University Press.

Moss, Dale. 1991. "Out of Balance: Why Can't Law Schools Teach Ethics?" *Student Lawyer* (October).

Pipkin, Ronald. 1979. "Law School Instruction in Professional Responsibility: A Curricular Paradox," 7 *American Bar Foundation Journal* 247–75.

Revesz, Richard. 2002. "A Defense of Empirical Legal Scholarship," 69 *University of Chicago Law Rev.* 169–89.

Rhode, Deborah. 1992. "Ethics by the Pervasive Method," 42 *Journal of Legal Education* 31–56 (March).

Sarat, Austin. 1991. "Lawyers and Clients: Putting Professional Service on the Agenda of Legal Education," 41 *Legal Education* 43–53.

Scheingold, Stuart A. & Austin Sarat. 2004. *Something to Believe in: Politics, Professionalism and Cause Lawyering*. Stanford University Press.

Shaffer, Thomas L. & Robert S. Redmount. 1977. "Legal Education: The Classroom Experience," 52 Notre Dame L. Rev. 190.

Schleef, Debra. 2006. *Managing Elites: Professional Socialization in Law and Business Schools*. Lanham, MD: Rowman & Littlefield.
——. 1997. "Empty ethics and reasonable responsibility: Vocabularies of motive among law and business students." *Law & Social Inquiry* 22.3: 619-650.

Snow, David & Leon Anderson. 1993. *Down on their luck: A study of street homeless people.*
——. 1987. "Identity Work among the Homeless: The Verbal Construction and Avowal of Personal Identities." *American Journal of Sociology* 1336-1371.

Stover, Robert V. 1981. "The Importance of Economic Supply in Determining the Size and Quality of the Public Interest Bar." *Law and Society Review* 16: 455-480.
——. 1989. *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*. Chicago: University of Illinois Press.

Strum, Susan, & Lani Guinier. 2007. "The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity," 60 (2) *Vanderbilt Law R.* 515–54.

Suchman, Mark C. & Elizabeth Mertz. 2010. "Toward a New Legal Empiricism: Empirical Legal Studies and New Legal Realism," 6 *Annual Rev. of Law and Social Science* 555–79.

Wilkins, David B. 1999. "The Professional Responsibility of Professional Schools to Study and Teach about the Profession." *J. Legal Educ.* 49: 76.

Wilkins, David B., and G. Mitu Gulati. 2000. "What Law Students Think They Know About Elite Law Firms: Preliminary Results of a Survey of Third Year Law Students." *U. Cin. L. Rev.* 69:1213.

Chapter 5

Professional Identity Drift in Law School: Normative Dimensions of Role Distancing

INTRODUCTION

In this chapter, I contextualize the empirical findings from Chapters 3 and 4 within philosophical debates about the lawyer role and contemporary concerns in the legal profession. I examine the implications of respondents' role distancing internally (with respect to lawyer alienation) and externally (with respect to clients and other stakeholders). Should new lawyers be trained in a more integrated conception of professional identity? Or is role distancing a relatively benign experience for lawyers, which enhances their ability to adhere to the client-centered principles of neutrality, partisanship, and zealous advocacy? To the extent that lawyer role distancing is harmful, how do the findings from this dissertation suggest that we might reduce these harms?

I begin this inquiry by reviewing normative debates surrounding bifurcated lawyer identity. This literature has paid great attention to how lawyers *should* relate to the lawyer role, while speculating about how lawyers actually *do* relate to the lawyer role. Empirical studies of law school socialization tend to suggest that students are effectively socialized in the standard conception of lawyer professionalism—requiring bifurcation of personal views and professional behavior—leading to widespread alienation among law students.

Regarding internal experiences of professional role distancing, I find support for all three of the empirical predictions made in the normative literature: benign distancing, malignant distancing, and role integration. I argue that these experiences of distancing vary by job paths: benign distancing is most common corporate path respondents, malignant distancing is most common among drift respondents, and role integration is most common among public interest respondents.

I argue that legal education does not forcibly induce moral distancing and alienation among drifting respondents. Adopting the standard conception of lawyer bifurcation during law school does not necessarily produce alienation among the respondents in my sample. This is evidenced by those corporate path respondents who adopt the bifurcation norm and experience psychological distancing from the professional role, but are relatively untroubled in their accounts of moral integrity and satisfaction with their positions in large law firms. I argue that drifting respondents' decisions to apply to corporate law firms subsequently shape their experiences of bifurcation and alienation.

My analysis of external implications of lawyers' role distancing draws on a central finding from Chapter 3: when students in my sample choose to begin their careers in large firms, they tend to experience a concomitant drift from professional identity, whereby they identify less strongly with their emerging professional roles. As discussed in Chapter 3, this disconnect is evidenced to a great degree through identity mapping, in which students bound for large law firms place the lawyer progressively further from the

center of their maps between the first and second years of law school. I argue that the extent and nature of this "professional identity drift" among both corporate- and drifting-path students suggests a problematic personal and political disinvestment from their roles as corporate attorneys.

It is important to note that extending this analysis beyond my sample is speculative. Students at other law schools may have different experience of professional identity formation and job path decisions. My data focuses on students who begin their careers in either the largest law firms or the public-interest sector. Most law schools are less likely to send their graduates to these sectors. Lawyers who begin their careers as solo practitioners, in small firms, or in business may not fit within the typology I present here. Furthermore, my analysis is limited to early career and training. In the previous chapter, I discussed accounts of flexible professional identity and career mobility. How experiences of professional role distancing may change as lawyers proceed in their careers is beyond the present scope.

I conclude by arguing that tensions between a view of the lawyer as client-centered technician and as public professional cannot be easily resolved. I do not propose the deprofessionalziation of the field, such that all lawyers adopt entirely personalized and politicized approaches to their work. Nevertheless, consistent with the normative critics of lawyer bifurcation and recent large-scale reports on legal education,[34] I argue that efforts should be made to socialize lawyers in a more integrated view of the professional role on three grounds: to promote morality, public-mindedness, and professional identity and purpose among corporate-sector lawyers; to support public-interest career paths; and to enhance the habitability of the lawyer role at a time when the legal profession, and legal education in particular, faces immense criticism. While my findings suggest a diminished role for legal education in shaping respondents' experiences of role distancing, I argue that legal education could and should proactively work to foster more integrated professional identities.

SECTION 2: PHILOSOPHICAL CONCERNS REGARDING BIFURCATED PROFESSIONALISM

Introduction

As a first step in assessing the normative implications of professional role distancing, I begin by discussing the possibility that this distancing represents a fundamental moral defect with the lawyer role. Legal scholars perennially debate the extent to which lawyers should identify with their professional roles. While strong personal identification with one's role at work has a positive resonance in a culture where entering a profession is often viewed as pursuing one's calling, the standard conception of lawyer identity requires a bright-line division between personal roles and the

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[34] The 2007 Carnegie Report (see Sullivan et al. 2007) and the Law School Survey of Student Engagement (see Silver et al. 2011)

professional self in order to limit paternalism toward clients, role confusion, and the delegation of legislative and policing authority to individual lawyers (Spaulding 2003). Thus lawyers (in particular lawyers *qua* advocates) are required to zealously promote clients' ends, while holding in abeyance their own moral and political values. This standard conception of the lawyer role has been labeled "bleached out professionalism" (Levinson 1993:1578) or "thin professional identity" (Spaulding 2003) in accordance with lawyers' fundamental principle of "neutral partisanship" (Simon 1978). The standard conception draws support from theories of legal ethics and adversarial advocacy (see Gordon 1988; Rhode & Luban 1995) and from the ABA Model Rules of Professional Conduct.[35] Under the standard conception, we might argue that any peripheralization of lawyer identity found among my respondents simply reflects students' transition to good client-centered professionalism. However, critics of the standard conception contend that professional bifurcation results in a problematically amoral and apolitical lawyer, ill-suited to the public responsibilities of the legal profession and to the discretion and judgment inherent to legal practice. Moreover, critics worry that lawyer bifurcation carries steep internal costs for lawyers' themselves. Below I summarize these normative positions regarding the fundamental internal and external implications of lawyer role distancing.

2.1 Normative Perspectives on Internal Implications of Professional Bifurcation

Commentators on professional bifurcation generally agree that lawyers will find some clients' ends morally abhorrent; however, the literature is divided on whether these moral incongruities lead to psychological role distancing and alienation or merely a benign discomfort inherent in the professional project. For critics of the standard bifurcated conception, the lawyer seeking to preserve moral integrity must undergo a Goffmanesque process of role distancing, resulting in both a moral distance from clients'

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[35] "As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system" (preamble, paragraph 2). Model Rule 1.2 separates the lawyer from the ends of representation: "A lawyer's representation of a client…does not constitute an endorsement of the client's political, economic, social or moral views or activities." In contrast, Rule 2.1 reasserts the value of lawyers' extra-legal judgment: "In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors that may be relevant to the client's situation." Comment 2 to Rule 2.1 specifically cites the lawyers' duty to provide moral guidance to clients: "Advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. Purely technical legal advice, therefore, can sometimes be inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied."

ends and a "psychological distance between oneself, or one's moral personality, and one's role" (Postema 1980:75). For legal philosopher Gerald Postema (1980:77), psychological role distancing is an inescapable feature of lawyer identity:

> First, the lawyer distances himself or herself from the argument: it is not one's own argument, but that of the client…Second, after becoming thus detached from the argument, the lawyer is increasingly tempted to identify with this stance of detachment. What first offers itself as a device for distancing oneself from personally unacceptable positions becomes a defining feature of one's professional self-concept… [leading to] a deep moral skepticism. When such detachment is defined as a professional ideal, as it is by the standard conception, the lawyer is even more apt to adopt these attitudes.

In the extreme, lawyers may adopt a "schizophrenic" strategy, severing the professional self entirely from how one conceives of their true identity (Postema 1984:296). Under this approach the lawyer seeks to "detach the *self* from the role, to *define* the *self* in such a way that the morally problematic aspects of [the] role do reflect on it" (Emphasis in original. Postema 1984:292).

Thus critics call for a more integrated professional identity for the sake of lawyers' moral autonomy. As Richard Wasserstrom wrote in a highly influential 1975 essay, lawyers under the standard conception live in a "simplified moral world," whereby their "words, thoughts, and convictions are, apparently, for sale and at the service of the client" (1975:14). Wasserstrom problematizes the role-differentiated morality implied by the standard conception, particularly the lawyer's "required indifference to a wide variety of ends and consequences that in other contexts would be of undeniable moral significance" (1975:5). His conclusion is ambivalent, stating that he is "at best uncertain that it is a good thing for lawyers to be so professional—for them to embrace so completely this role-differentiated way of approaching matters" (1975:8). Wasserstrom's essay ignited a robust debate about whether a good lawyer can be a good person (Luban 1984). Postema frames this question more specifically as "whether a good person can fill the [lawyer] role and live an integrated life without shame" (Postema 1984:288).

For critics following in the Wasserstrom tradition, the standard lawyer role requires "moral prostitution," leading to the atrophy of one's moral faculties (Postema 1980:79). Critics suggest that requiring lawyers to enact amorality diminishes the habitability of the standard lawyer role. Thus critics call for a more integrated professional identity in order to prevent the "moral damage to character that lawyers in time tend to sustain in executing their important professional tasks" (Eshete 1984:275). The bifurcated lawyer avoids responsibility for, as it has classically been described, "knavery" required by the professional role. By avoiding responsibility, the lawyer's scope of autonomy in their professional lives is accordingly reduced.

David Wilkins similarly criticizes an instrumental defense of a strictly bifurcated conception that requires lawyers to "surrender their moral autonomy simply by becoming lawyers" (1998:1574). For Wilkins, even if the standard conception benefits society, this

tradeoff would itself be immoral: "Forfeiting this independence, however, requires too much of lawyers. Given our society's commitment to both individual autonomy and moral pluralism, it would be wrong for the state (or the profession) to require an individual to commit a moral wrong for the sake of the greater good" (1998:1574).

Defenders of the standard conception counter that enacting bifurcation need not lead to alienation and moral sacrifice, but instead can be a source of identity. Although lawyers may prioritize clients' ends over their own personal judgment, they may yet pursue the professional role as a calling by taking pride in the "satisfaction of meeting another's needs" (Spaulding 2003:103). Under this view, lawyers are morally permitted to identify strongly with the professional role as long as they avoid identifying with the client or the client's cause—what Spaulding characterizes as lawyering "within a framework of vigilant thin identity" (2003:103).

By sacrificing some moral autonomy, the client-centered lawyer can, according to defenders of the standard conception, be a good person by virtue of providing access to law "without moral screening" (Pepper 1986:634). Pepper thus concludes that "the good lawyer can be a good person; not comfortable, but good" (1986:635). Spaulding employs similar terms: "perhaps no one can or should be entirely comfortable in the [lawyer] role" (2003:99). Thus minor moral discomfort serves as a defining characteristic of mature professionalism. Furthermore, this discomfort is relatively benign as lawyers need not feel morally accountable for their clients' ends: "If the lawyer has properly counseled the client on the full range of consequences and the client persists, it is at that point unmistakably the client's decision and act" (Spaulding 2003:69). Thus, according to defenders of the standard conception, lawyers are exempt from the moral problem of "dirty hands" required in one's professional capacity that has concerned legal philosophers (Dan-Cohen 2002:257; Kronman 1995:101).[36] In other words, conflicts between the lawyer's personal views and clients' ends are a design feature, not a bug: "[The lawyer role] may be played (may in fact be designed to be played) irrespective of the player's sincerity—irrespective of any congruence between the required role acts and the actor's personal approval or endorsement of those acts" (Spaulding 2003:11).

2.2 Normative Perspectives on External Implications of Professional Bifurcation for Lawyers' Stakeholders

Some defenses of the standard conception concede that thin professional identity may require diminished autonomy, but argue that the lawyer may "regard the loss of one's moral integrity as a worthy sacrifice" (Postema 1984:289). Supporters of the standard conception underscore how bifurcation protects clients from the lawyer's self-interest and supports the legal profession's commitment to providing fair and zealous representation to all clients. For example, Spaulding raises the concern that investing the

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[36] These analyses of lawyers' "dirty hands" draw on an analogy to the role-differentiated morality of politicians. See Walzer 1973; Sartre 1989.

professional role with personal morality may lead to "role confusion, to a blurring of the clients' interests with the lawyer's, and thus to breaches in the duty of competent client-centered representation" (2003:23). For Spaulding, lawyers' must be wary of "role deviance," whereby one is tempted to "shape the role according to her own interests" (2003:10). Stephen Pepper similarly suggests that an integrated professional role would subject those in need of legal services to the individualistic moral "screening" of lawyers, leading to "rule by an oligarchy of lawyers" (1986:617). The lawyer, Pepper claims, is a vehicle for the "first-class citizenship" of the client (1986:617). Like Spaulding, Pepper prefers the service-ideal to the identification-ideal for lawyers: "The professional must remember that the raison d'etre for his role is service to the client" (1986:634).

Critics of the standard conception argue that lawyers' moral judgment is required to fulfill professional obligations to the legal system as "officers of the court" and to the public as "lawyer-statesmen" (Kronman 1995). According to this view, the lawyer's role is not limited to technical legal analysis but rather consists of discretion, judgment, and wise counseling of clients toward good business and morality (Wilkins 1998:1528). Thus lawyers should view their contribution to society as "moral activism," in which they seek to "influence the client for the better" (Luban 1988:160).[37]

Some critics charge the bifurcated lawyer with incompetence in serving clients' needs. "The lawyer who must detach professional judgment from his own moral judgment is deprived of the resources from which arguments regarding his client's legal rights and duties can be fashioned" (Postema 1980:79). The lawyer is thus encouraged to ignore the client's "moral personality" (Postema 1980) and treat oneself as a "a mere instrument of the client's interests" (Luban 1988:13).

2.3 Cause Lawyering and Professional Bifurcation

Cause lawyering, as a "tradition defined by its rejection of thin identity," takes the critique of bifurcation to its extreme by explicitly investing the professional role with moral and political commitments (Spaulding 2003:7). While cause lawyering is not a unified category, but rather a "protean and heterogeneous enterprise that continues to reinvent itself," it is generally defined by the lawyer's pursuit of his or her vision of the good society rather than serving only as an instrument of the client (Scheingold & Sarat 2004:5).[38] Cause lawyering takes seriously the notion that the lawyer is accountable for professional role acts. Unlike conventional lawyering, the cause lawyer "shares and aims to share with her client responsibility for the ends she is promoting in her representation" (Luban 1988: 133).

On the internal level, cause lawyers pursue an integrated professional identity, seeking to "find in their practice an opportunity to lead an unalienated professional life,

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[37] For Luban, the standard conception is only justified in the most adversarial settings, such as criminal defense (1988:129).

[38] While cause lawyering is generally defined by placing cause ahead of individual client representation, public-interest lawyering more broadly may include more conventional approaches to client relations (Chen and Cummings 2012).

to find something to believe in" (Scheingold & Sarat 2004:51). Rather than bifurcating between personal and professional stances, cause lawyer "bring their beliefs to bear in their work lives. In this sense, they are neither alienated from their work nor anxious about the separation of role from person" (Scheingold & Sarat 2004:4).

While defenders of the standard conception concede that the cause lawyering approach may alleviate experiences of professional alienation (or professional discomfort), their critique of cause lawyering focuses on the external effects of enacting a politicized professional role. In particular, these scholars charge cause lawyers with placing their own interests above those of their clients: "Cause lawyering orients the role almost entirely around the person of the lawyer and the conditions deemed necessary for her self-realization through law—for vindication of her moral, intellectual, cultural or ideological vision of the world" (Spaulding 2003:50). By prioritizing their own political goals, cause lawyers may adopt a paternalistic and subordinating attitude toward clients (Lopez 1992). This attitude can imply a utilitarian sacrifice of individual client needs for larger policy purposes as cause lawyers are charged with "recruiting clients and manipulating them in the name of a cause" (Luban 1988:317).

Cause lawyering threatens the conventional legal profession by "destabilizing the dominant understanding of lawyering as properly wedded to moral neutrality and technical competence" (Scheingold & Sarat 1998:3). At the same time, cause lawyering is often viewed as a boon to lawyers' standing in society as it "elevates the moral posture of the legal profession beyond a crude instrumentalism," "puts a humane face on lawyering," and serves to "reconnect law and morality and make tangible the idea that lawyering is a 'public profession,' one whose contribution to society goes beyond the aggregation, assembling, and deployment of technical skills" (Scheingold & Sarat 2004:23).[39] Thus the legal profession has made a "conditional and precarious" place for a small number of cause lawyers (Scheingold & Sarat 2004:69). "Cause lawyering is tolerated, not encouraged" (Scheingold & Sarat 2004:69).

Defenders of cause lawyering generally admit a conflict between their view of the lawyer role and the principle of professional neutrality. At the same time, the cause lawyering perspective serves to "denaturalize and politicize" our understanding of the neutral lawyer role, while raising the "political question of whose interest the dominant understanding serves" (Scheingold & Sarat 1998:3-4). In other words, cause lawyering rests on a claim that professional bifurcation is not undesirable, but also unrealistic.

Regarding the external impact on lawyers' stakeholders, defenders of cause lawyering cite the democratic merits of public-interest litigation as a form of direct political participation (Zemans 1983) and as a remedy for systematic failures in the provision of access to justice (Albiston 2014:560).

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[39] Here Scheingold and Sarat cite Brandeis 1933 and Gordon 1984.

SECTION 3: PREDICTIONS FROM THE LITERATURE REGARDING THE EXTENT AND INTERNAL IMPLICATIONS OF PROFESSIONAL ROLE DISTANCING

3.1 Normative Literature

Scholars in this debate have lamented the lack of empirical research on professional role distancing among lawyers. For example, Spaulding qualifies his defense of the standard conception by pointing out that "the particular orientation of the self toward the lawyering role it invites . . . [has] not been systematically examined" (2003:3). Proponents of the standard conception generally assert that the prevailing forces of professional socialization compel lawyers to integrate their professional and personal roles—in alignment with the cause lawyering model, but in violation of the requirements of neutral partisanship. Accordingly, Spaulding describes the typical lawyer as "fundamentally self-centered—the result of seeking thick identity in the role" (2003:66). Spaulding concedes, however, that this claim is only an assumption: "Without direct evidence of how lawyers view their role, we cannot be sure whether lawyers are animated by the ideology of neutral partisanship" (2003:64). Critics of the standard conception often make the opposite empirical predication, suggesting that lawyers are pushed toward excessively thin professional identities.

The normative debate centers around three hypothesized relationships between the self and professional role. Spaulding summarizes these positions as follows (2003:9):

1) *Role integration*: "[W]here a person affirmatively identifies with the demands of the role, role and self are proximate…the person is said to embrace the lawyering role…not simply as a script to be played, but as a personally valuable and redeeming end in itself."

2) *Benign distancing*: "[T]he lawyer may maintain distance between self and role] happily, in which case the bifurcation between self and role is benign—a simple separation between client-centered acts required by the role and acts the lawyer regards as expressions of her 'true self.'"

3) *Malignant distancing*: "[I]f a lawyer begins to feel personally implicated in, and morally horrified by, required role acts. Here, bifurcation turns malignant, a source of alienation leading in extreme cases either back to role-identification (if the self caves to the demands of the role) or to a radical fracturing of the self (schizophrenia)."

3.2 Empirical Literature on Law School Socialization

While the traditional debate on lawyer identity has been primarily normative, the empirical literature on law school socialization provides a rich source of related evidence on how lawyers are initiated into the professional role. Under the prevailing empirical

view, bifurcation features centrally in the implicit lessons of law school: "legal education is the domain in which the conventional, client-centered ethos of lawyering is perhaps most fully and regularly expressed" (Scheingold & Sarat 2004:51). This literature tends to side with the critics of the standard conception of the lawyer role—in other words these studies tend to support a "malignant bifurcation" picture—as students learn to "renounce idealism, conform to standard professional aspirations, and, in so doing, separate one's professional life from one's personal commitments" (Scheingold & Sarat 2004:52).

A minority of empirical studies highlight benign forms of role distancing. Granfield finds that despite the "traumatic and unsettling experiences" among public-interest-oriented students who undergo ideological distancing, the "overwhelming majority expressed the feeling that law school had been positive and enriching" (1992:41–42). Schleef suggests that many law students welcome their lessons in bifurcation, as evidenced by their gratification in moot court exercises. Schleef concludes that generally students "will have little trouble separating their true beliefs from their actions as lawyers" (1997:645).

This literature unpacks the ideological content of legal pedagogy and reveals classroom socialization processes by which legal reasoning and epistemology are transmitted to new lawyers (Mertz 2007; Granfield 1992). These studies place less attention on the question of uptake. How deeply do students internalize lessons about the bifurcated professional self? Are they morally and psychologically bifurcated in their emerging professional identities? Is this distancing generally benign or malignant? Or do students sustain an integrated conception of professional identity (as found in theories of cause lawyering)? Below I examine these questions by revisiting the findings presented in Chapters 3 and 4.

SECTION 4: INTERNAL ANALYSIS OF PROFESSIONAL ROLE DISTANCING FINDINGS

With respect to lawyers' internal experiences, I find support for all three branches of Spaulding's empirical predictions. Furthermore, I argue that Spaulding's typology roughly corresponds to the three characteristic career-path experiences I described in Chapter 3, as follows: (1) Public-interest path respondents tend to report professional *role integration* (a politicized and personalized vision of professional identity); (2) Corporate-path respondents tend to report *benign distancing* (an instrumental account of professional identity without substantial moral distancing or identity crises); and (3) Drifting-path respondents tend to report relatively *malignant distancing* (an instrumental account of professional identity accompanied by experiences of fraudulence and moral distancing in their emerging professional roles). In this section, I take a closer look at the normative valence of these characterizations in light of philosophical concerns surrounding the professional role and contemporary issues in the legal profession.

4.1 Malignant Distancing

Distancing from an occupational role may at first glance carry a presumption of malignance. Much of the normative literature reviewed above supports this presumption by suggesting that lawyer bifurcation by its fundamental nature inflicts a "very high personal cost" (Postema 1984:289). However, if we take Goffman's role analysis as a starting place (as I do in the methodological approach for this dissertation) professional role distancing is not a priori harmful. Instead it is a continual constitutive practice by which we arrange roles on a spectrum of identification in order to produce a cohesive sense of self (Goffman 1974). Conceiving of roles as relatively distant can theoretically yield benefits as well as harms. For example, role distancing may function as a "device to alleviate the moral burden" of behavior required within a particular role (Dan-Cohen 2002:259). Given that many lawyers leave large law firms within the first several years of practice (Dinovitzer et al. 2004; Dinovitzer et al. 2009), professional role distancing may provide an effective mechanism for enduring a temporary experience of what many respondents describe as a necessary moral compromise.

Nevertheless, those drifting respondents who experience extreme and protracted moral and psychological distancing at a job where they work long hours can be expected to face substantial internal conflicts. In the constructive view of personal identity, how can this role distancing be maintained? Legal philosopher Meir Dan-Cohen discusses this problem with respect to "official roles" (2002). He cautions us that while role distancing may be beneficial in some cases, "the more roles are kept at a protective distance, the less there is to protect…At the limit, we face the specter of the impersonal self: insubstantial, desolate, empty" (2002:154). Fortunately, my respondents do not express this degree of desolation. I do not mean to suggest that lawyers generally approach this limit, although popular accounts of lawyers' dissatisfaction may characterize them as such.[40] Rather than the "impersonal self," I suggest that we consider the implications of the conventional lawyer as a "divided self," acculturated into a norm of professional role distancing which can be either harmful or benign.

These experiences of self division among drifting respondents may contribute to their accounts of relatively low job satisfaction, as they anticipate few internal rewards from their work as corporate lawyers. For example, concerns about work-life balance (as discussed in Chapter 3) vary between drifting and corporate path respondents. While corporate path respondents emphasize concerns about long work hours, for many drifting respondents these concerns are often compounded by a stark conceptual separation between "life" and "work." Taking on a more instrumentalized and apolitical view of professional identity radically diverges from drifting respondents' initial expectations, leading them to view corporate lawyering as merely a temporary acting performance—as such, they can attribute morally questionable professional behavior to the role rather than the person (themselves). To recall the discussion in Chapter 3, drifting students often seek the "least dirty practice area" within a law firm, while insisting that they will leave

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[40] Empirical research suggests that accounts of lawyer dissatisfaction are often exaggerated (Dinovitzer & Garth 2007; Hagan & Kay 2007, but see Chambers 2014).

the firm as soon as financially feasible. These low expectations for internal job satisfaction may persist beyond law school. A drifting path respondent in her second year of practice at a large law firm explained:

> It's weird to have an office, but now I like it because I see the value of just shutting my door…It's weird to have interactions [with work colleagues] where you and I would be friends if we didn't work together. All we want to do is finish work and leave. *People don't become part of your real life*. The goal is to go into the office and bill as much time as you can and then leave and go have your real life…occasionally the people that work on a case together but it's very minimal social interaction.

In this respondent's description, the office door serves as an instantiation of her conceptual barrier between "real" and "work" life. This separation is reflected in the Chapter 3 finding that second-year drifting-path law respondents often worried that working in a large-firm would change them—that their plan to return to public-interest practice would be superseded by the adoption of new materialistic values. By emphasizing distancing from the professional role, the quotation above resonates with Postema's claim that the conventional lawyer must "detach the *self* from the role" in order to deal with moral conflicts in one's professional capacity (Emphasis in original. Postema 1983:292). For Postema and other normative critics of the standard conception, professional bifurcation induces experience of shame as lawyers are unable to live up to their conceptions of being a good person (Postema 1984:288). Concerns that one has chosen salary over principles are indeed a salient theme among drifting path second-year respondents. Given that the long hours required in the large firm sector leave little room for non-work activities, sustaining a partition between "work" and "life" diminishes the realm that many of these respondents consider their real lives—the realm in which they perceive themselves to exercise autonomy. A drifting path lawyer working for a large firm explained:

> I used to take art classes and be a real human being, but then it's good to [have a job at a large firm] where I can, even if I don't have time, I can donate money. Like that's nice, because otherwise I would feel really horrible.

This respondent's characterization of herself as something other than a "real human being" echoes the extreme views found among first-year law students in the public-interest subculture toward "corporate sellouts." In Chapter 4, I argued that drifting respondents are split on the extent to which they moderate these negative views toward corporate lawyers during the large-firm interview process. Those drifting respondents who sustained a negative perception of "corporate sellouts," may turn these harsh attitudes back on themselves when they begin working in the large-firm sector.

Some drifting respondents were less self-critical, but nevertheless viewed their un-integrated professional roles as grounds for lowering expectations for job satisfaction. A drifting respondent explained:

> Maybe it's time to suck it up and do a job. When did we decide as people that we get to like our jobs? That's really new. People in the 50s didn't like their jobs. People in the 1750s sure as hell didn't like their jobs.

This respondent's account for switching from a public-interest path to a large-firm path during law school emphasized the job market. Given the Recession context and the timing of the job process, she felt that it would be too risky (and "unrealistic") to wait for a public-interest job opportunity. Thus, what appears to be malignant distancing and job dissatisfaction, may also be interpreted as a pragmatic assessment of risk factors in the hiring process (as discussed in Chapter 4).

To summarize these findings, drifting respondents report both psychological distancing (separating their "real lives" from their "work lives" while experiencing fraudulence in the professional capacity) and moral distancing (claiming that their professional acts are mere role performances that do not reflect their own values).

4.2 Benign Distancing

Some accounts of role distancing in my sample may reflect temporary struggles associated with the transition to work life. Respondents' accounts of this transition often resonate with theories of late adolescent identity formation in developmental psychology. In Erik Erikson's account, adult identity formation largely occurs around the age of eighteen after a period of "identity crisis" and "role confusion" (Erikson 1968). James Marcia similarly suggests that in late adolescence, a well adjusted person will reach "identity achievement" largely on the basis of an occupational commitment (Marcia 1966). While my respondents tend to be significantly older than eighteen, these analyses of late adolescence have recently been extended to young adults (age 18-35) as the period of career exploration has become increasingly protracted (Hardy and Kisling 2006). The application of this developmental perspective to new lawyers is supported by respondents' descriptions of their adjustment to "playing grown up" in their first post-graduation positions. A drifting path lawyer explained:

> …you look around and say "I am a lawyer now with an office and I do important things that matter to the clients?" I guess that I can do that. At [a public interest organization where I worked before law school] I had clients and my work was really important but not anything that anybody would pay me $350 an hour for. That's what they're billing you out at as soon as you pass the bar. It's strange for my time to be considered valuable...I don't know if you've ever had the experience where you say this is the year that you're going to feel like an adult. I've been living on my own for a decade and paying my bills and accomplishing life without

the aid of my parents but without an institutional shelter why do I not feel like a grown up? Having an office is a little like playing a grown up…Playing grown up and wondering when actually I'll be a grown up.

Even for drifting respondents, professional role distancing can reflect not only moral reservations about corporate practice but also an initial lack of confidence in one's new work role. To the extent that this lack of confidence is temporary, these accounts suggest a benign dimension of professional role distancing.

Accounts of benign distancing are more common among corporate path respondents. While critics of the standard conception often claim that lessons in lawyer bifurcation lead to alienated, insincere, and morally detached professional experiences, corporate respondents tend to express pride in their adoption of the standard bifurcated lawyer role. As discussed in Chapter 3, rather than the antagonistic relationship with legal epistemology found among public-interest-oriented respondents, corporate path respondents tended to more readily accept lessons in holding personal values in abeyance.[41] When asked about professional purpose, corporate path respondents tended to emphasize their duty as zealous advocates for clients within a system of adversarial advocacy. From this viewpoint, to represent clients with whom one disagrees demonstrates that one is a good professional. Thus enacting the hired-gun role can function as a source of pride.

4.3 Role Integration

The public-interest path generally instantiates role integration. Over the course of their legal education, public-interest respondents tended to sustain their personal and political investment in professional identity. In aggregate, their identity maps in both the first and second year were characterized by overlapping roles in a central cluster, except for the law student role. The peripheralization of the law student role was often explained by these respondents as a rejection of the apolitical and amoral nature of legal reasoning—in other words, these respondents often directly opposed the bifurcated conception of lawyer identity.

Public interest respondents reported some relatively benign forms of distancing from the professional role. For example, the following quotation from a public-interest path lawyer describes the need to "pretend to be someone else" as she adjusts to her work role:

> I pretend to be someone else [in some work situations]. Because the real me would just hide in the bathroom or not be there in the first place…I

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[41] This finding is further supported in Chapter 3's discussion of the proximate law student role among corporate path respondents. While these respondents, in the aggregate second-year experience, placed the lawyer role near the periphery of their identity maps, this distancing was not accompanied by resistance to legal reasoning as found among many drifting respondents.

pretend to be someone else so that it doesn't feel so forced and painful to do it. I don't feel natural. But I'm less afraid to put myself out there. [In the past,] I would never email someone and ask them to lunch so I can pick their brain about XYZ or attend a conference where I didn't know anyone. Now I'm willing to go out there and do it. Now I know it's not going to kill me…I'm just not going to like it. A lot of it is I think I come off as incredibly awkward. I get nervous and I talk too much. I get all sweaty and just want to get out of there…I stop and I think, "I don't have to be here. I'm here because I chose to come."

Hopefully these anxieties tend to be alleviated as new lawyers gain confidence within their professional capacity. It is important to note that this respondent's account of professional role distancing is not based in a norm of bifurcation between personal and professional views. It does not reflect moral distancing form behavior required by the professional role nor psychological distancing from the role in its entirety.

In some respects (as discussed in Chapters 3 and 4), second-year public-interest respondents take even greater pride in their career choices after their peers secure positions in large law firms. Given the salary differential between their anticipated jobs and those in the corporate law sector, many public-interest respondents subsequently come to view their career decisions as a material sacrifices. These respondents may also come to view cause lawyering as a less deviant strain in the profession as they build bridges with conventional lawyers (those drifting students with whom they maintain friendships that began in the first year of law school). At the same time, their peers' successes in the corporate law hiring process cause some public-interest path respondents anxiety about the job market and even regret about passing on the large-firm option. Some public-interest respondents come to see their paths as less prestigious in light of their peers' lucrative job offers. My respondents cite these concerns in their decisions to pursue "middle-road" public-interest options (see Chapter 3). Furthermore, their integration of political views into the lawyer role is limited by their growing perception that law has a weak ability to promote social change. These factors diminish role integration, but do not suggest substantial moral or psychological distancing or alienation in the lawyer role.

4.4 Race, Class, and Gender

My data on race, class, and gender is thin and ambiguous. In Chapters 3 and 4, I suggest that these variables can lead to both greater and lesser degrees of professional role distancing. The empirical literature generally suggests that non-white-male law students are more likely to turn to a radical bifurcation strategy, by which they "attempt to segregate personal and professional identities" (Costello 2005:27). This strategy is damaging as it "requires the constant management of values and conflicting elements of the self, which puts the student in the difficult position of living with a split personality" (2005:27). This coping mechanism is similar to what legal philosopher Gerald Postema described as the schizophrenic (or Montaigne) strategy (1984:291). While my data do not

contradict this mechanism, identity mapping findings in Chapter 3 suggest that for some respondents race, class, and gender can also serve as sources of professional role integration.

4.5 Conclusion to Internal Analysis

Table 1 summarizes my analysis of respondents' internal experiences of bifurcated lawyer professionalism, psychological and moral distancing, and alienation from professional identity.

Table 1. Aggregate Analysis of the Internal Dimension of Professional Role Distancing

	Adopted bifurcated professionalism?	Psychological distancing from lawyer role?	Moral distancing in lawyer role?	Alienation in lawyer role?		
Public-interest path	No	No	No	No	➡	Role integration
Corporate path	Yes	Yes	No	No	➡	Benign distancing
Drifting path	Yes	Yes	Yes	Yes	➡	Malignant distancing

This table shows how different experiences of distancing may predict (or fail to predict) malignant experiences of the lawyer role among drifting path respondents. My characterization of malignant distancing among drifting respondents draws on their accounts of reduced job satisfaction, loss of moral autonomy, fraudulent role performances, and an emphasis on "exit strategies" to leave the large firm sector as soon as finically feasible.

Starting with the left side of Table 1, this analysis supports the findings presented in Chapter 4 by de-emphasizing the role of legal education in shaping students' professional identities. Adopting bifurcated professionalism (a separation between personal values and professional behavior) during legal education is shared in the corporate and drifting paths. This bifurcated view seems to exacerbate experiences of alienation and identity crises among drifting path respondents. However, in the corporate path sample, lawyer bifurcation can function as a source of pride and satisfaction (as predicted by normative supporters of the standard conception).

Similarly, psychological distancing from the lawyer role, as reflected in the peripheral placement of "lawyer" and instrumental accounts of professional purpose, is shared to a similar extent in both the corporate and drifting path. Thus psychological distancing, on its own, does not appear to predict experiences of alienation.

In contrast, the moral component of role distancing differs markedly between the corporate and drifting paths. Drifting respondents tend to emphasize a sharp work-life differentiation, a desire to find the "least dirty practice area," and often harsh views toward corporate law practice and corporate lawyers (including themselves). Thus moral distancing appears to be the added ingredient that correlates with malignant experiences of the professional role.

Within this model, I find no mechanism to predict moral distancing among drifting respondents except for their initial public-interest career orientations. While these initial orientations may be tentative and uncertain and may fail to predict whether students will sustain public-interest career commitments (as discussed in Chapter 4), they may tend to predict alienation in the lawyer experience for students who choose to work in the corporate law sector.

Turning to the converse of this analysis, what variables predict unalienated professional role experiences? More specifically, does rejecting the standard bifurcated conception of the lawyer role help respondents avoid alienation? While the public-interest and drifting rows of Table 1 may tend to corroborate this proposition, the drifting row tends to refute it. Drifting respondents, in spite of their initial resistance to lessons in conventional lawyer bifurcation, generally come to accept the conventional view after they have decided to work for large firms. As discussed in Chapter 3, many drifting respondents use the standard bifurcated conception of professionalism (and the related notion that everyone deserves a zealous defense) as a justification for accepting employment in large firms. At the same time, many of these respondents admitted that they are not convinced that this account fully justifies their job path decisions (see Chapter 3). Thus these respondents often grudgingly accepted lawyer bifurcation in order to sustain corporate lawyer role performances, while claiming that they hoped to return to public-interest sector employment where they would adopt a non-bifurcated view of professional identity. In Chapter 4, I suggest that when students and new lawyers change sectors, they may indeed change to the professional identity experience associated with their new sector. Thus I conclude that views of lawyer bifurcation may be contingent on one's work sector. Like my conclusion in Chapter 4, this analysis suggests a diminished role for legal pedagogy in shaping students' initial job paths. Instead, students' job path decisions (such as their tentative decisions to participate in a large-firm hiring program at the end of their first-year summers) may tend to shape their accounts of lawyer bifurcation.

SECTION 5: EXTERNAL ANALYSIS OF PROFESSIONAL ROLE DISTANCING FINDINGS

5.1 Professional Identity Drift

How might respondents' experiences of professional role distancing affect clients, the profession, and society? My analysis here draws on a central finding from Chapter 3: drifting- and corporate-path respondents tend to experience a peripheralization of

professional identity between the first and second years of law school, in contrast to the stable and central conceptions of the lawyer role found among public-interest path respondents. These observations are visible in the side-by-side comparison of aggregate identity maps by job path (Figure 1). [42]
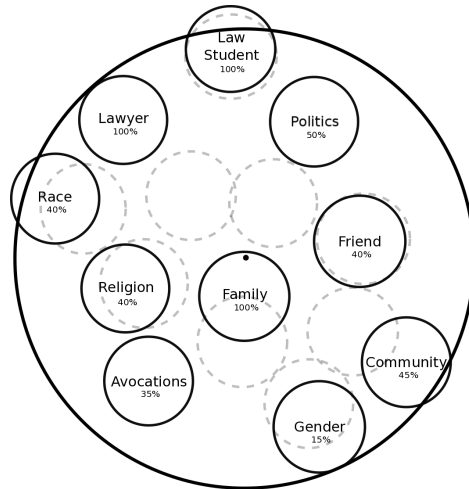
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[42] The lawyer role is labeled "advocate" in the aggregate public-interest path map to reflect the common word substitutions among public-interest respondents discussed in Chapter 3.

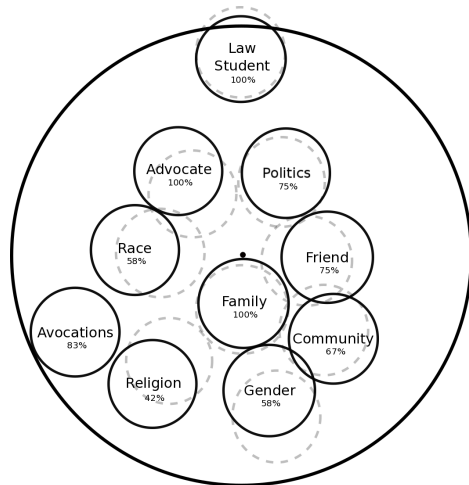Figure 1. Aggregate 1L-2L Identity Maps by Job Path

Corporate path:
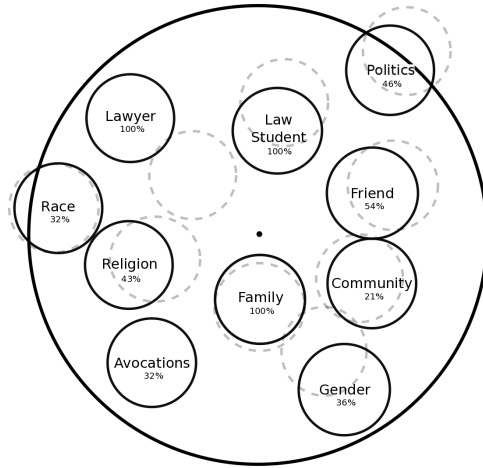
Drifting path:

Public interest path:

In both the corporate- and drifting-path aggregate maps, the 2L lawyer role is ejected toward the periphery. This effect is only slightly greater in the aggregate drifting map than in the aggregate corporate path map.[43] Although in the previous section I have highlighted variation between corporate- and drifting-path respondents in their internal experiences of moral distancing and alienation, here I emphasize the psychological distancing from the lawyer role common to both paths. I term this shared experience "professional identity drift."

Figure 2 illustrates the empirical basis of professional identity drift by isolating the placement of the lawyer role in the aggregate public-interest path and a combined corporate-bound category that merges drifting and corporate path respondents. While in the below discussion I continue to reference some normatively significant differences between drifting path and corporate path respondents, I will primarily emphasize the shared distancing from professional identity among respondents who enter the corporate law field irrespective of whether they stated public-interest career commitments in their first year of law school.

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[43] Specifically, the lawyer role in the aggregate corporate map moves from 2.2 cm to 4.2 cm; in the aggregate drifting path map, the lawyer role moves from 2 cm to 4.5 cm. In terms of the radius of the circle (5.7 cm), the corporate lawyer role moves from 39% of the distance from the center to 75%. The drifting lawyer role moves from 35% of the distance from the center to 79%.

Figure 2. Aggregate 1L-2L professional identity drift: public-interest and combined corporate

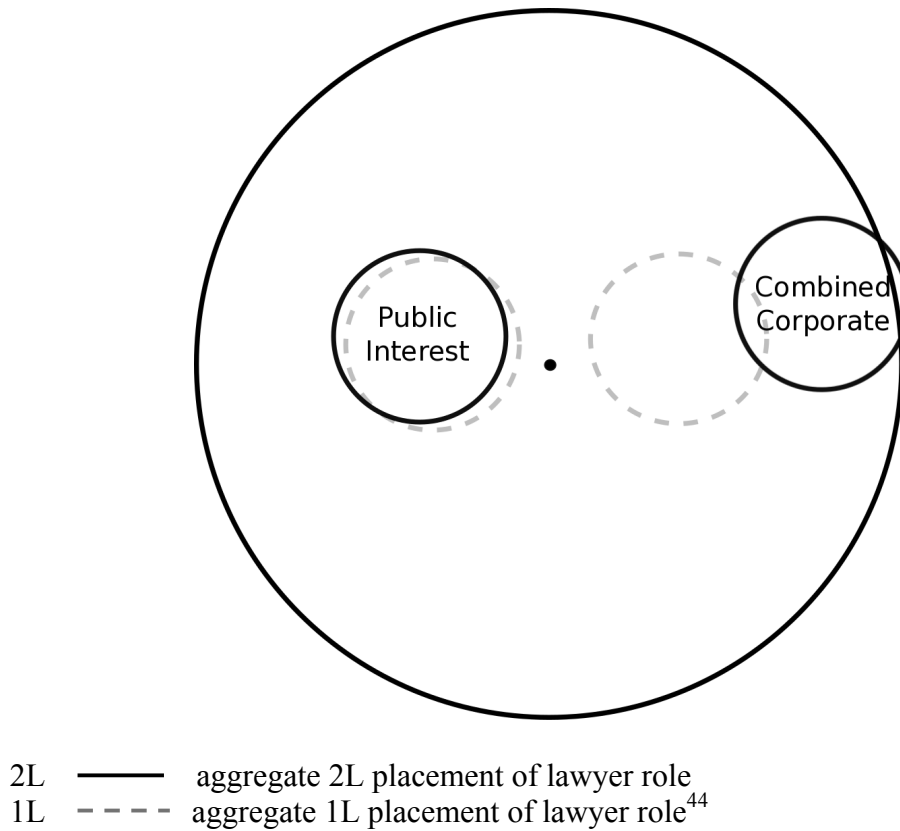| 2L | ——— | aggregate 2L placement of lawyer role |
| 1L | – – – – | aggregate 1L placement of lawyer role[44] |

Figure 3 illustrates professional identity drift in graph form and contextualizes the 1L-2L analysis by including post-JD data. Post-JD identity maps were excluded from my analysis in Chapter 3 due to the smaller sample size and the different timing of the interviews.[45] In a limited small-n capacity, the post-JD maps suggest that for respondents who began their careers in large firms the professional role tends to stay on the periphery into the first years of practice.

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[44] Note that in Figure 2, the role identity circles are larger relative to the full identity circle when compared to Figure 1. However, these circle placements are determined—in the same manner as all identity maps in this dissertation—by the distance from the center of the role identity circles to the center of the full identity circle.

[45] 17 post-JD identity maps were collected in follow-up interviews with members of the 2008 cohort two to three years after they graduated from law school. The 2008 cohort did not complete identity maps during their law student interviews. These identity maps provide supplementary evidence to my main analysis from the 2011 and 2012 cohorts who completed maps in their first and second years of law school.

Figure 3. Aggregate 1L-2L-post JD professional identity drift
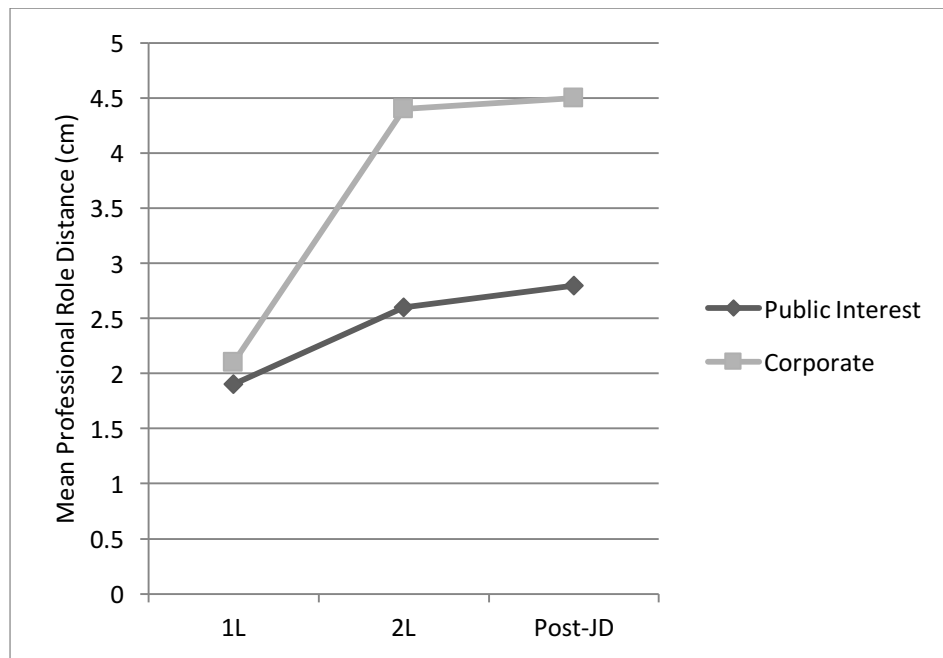
5.2 Producing Effective Corporate Lawyers

A recent essay written in collaboration by a former general counsel of a global corporation, a former managing partner of an elite law firm, and a leading scholar of lawyer professionalism argues that lawyers in the current "period of stress and transition" need both "core legal competencies but also complementary competencies involving broad vision, knowledge, and organizational skills" (Heineman, Lee, & Wilkins 2014:5–6). The authors suggest that today's corporate lawyers serve three fundamental roles as "expert technicians, wise counselors, and effective leaders" (5). Accordingly, these lawyers must "use their influence . . . to encourage law firms to join with companies in addressing vital issues like provision of pro bono services, diversity, and needed reforms in the legal system" (6). The authors point to corporate lawyers' public obligations as officers of the court who are depended on to steer powerful clients toward morally good and legal behavior—to "ask first 'is it legal' but ask last 'is it right'" (6).[46] Furthermore the rise of pro bono and corporate social responsibility in the large-firm sector suggests that these firms seek public-minded attorneys to fulfill their missions and to attract clients (Boutcher 2010). More generally, these expectations coming from within the corporate practice sector suggest that corporate lawyers should be personally and politically invested in the outcome of their work. The extent of psychological distancing and

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[46] Empirical literature on corporate lawyers has charged them with excessive deference to clients' corporate management (Nelson 1984; Nelson and Nielsen 2000).

instrumentalization of professional identity found among my corporate-bound respondents may not be an ideal fit with these expectations.

At the same time, it may be the case that law firms welcome new associates' accounts of temporariness. Attrition is built into large firms' business models. All associates cannot advance to partnership. However, if firms want to encourage a merit-based tournament of lawyers, perhaps they would prefer for most of their associates to begin their careers with an interest in competing for partnership. If it is the case that a great many elite-school students choose to apply to large firms based in risk aversion, financial instrumentalization, and a temporary "renting" of their souls, perhaps large firms should reconsider their hiring criteria. By hiring great numbers of students from elite law schools, firms may benefit from the prestige associated with these schools. And firms may feel that admission to an elite school serves as a proxy for legal aptitude. But if a great number of these students lack a genuine commitment to working in the corporate sector—if they view working as a corporate lawyer with a great extent of professional role distancing—then perhaps these are not the best applicants for the large-firm sector. Exploring this implication further would require a more generalizable analysis of multiple law schools.

5.3 Lawyers as Leaders

Furthermore, given the moral and political disinvestment associated with professional identity drift, corporate-bound respondents may be ill-prepared to assume leadership roles in the profession and in society. Deborah Rhode has recently underscored a problematic lack of leadership skills among new lawyers (2013). The legal profession is the "occupation most responsible for producing America's leaders," yet "rarely have these lawyers received training for leadership responsibilities" (Rhode 2013:1). This deficit may have implications not only for governance but also for the survival of the corporate law sector as Rhode cites evidence that "leadership deficiencies have contributed to law firm dissolutions" (Rhode 2013:155).

5.4 The Provision of Public-Interest Legal Services within the Large-Firm Sector

The legal profession's commitment to providing public-interest services increasingly rests on corporate lawyers, as large firms have dramatically expanded pro bono practice and financial support for public-interest law organizations (Boutcher 2009; Cummings & Rhode 2010). Conceptions of professional identity that separate one's work role from political, racial, family, and gender roles are unlikely to encourage enthusiasm for public service. This is not to say that all law students should be trained in the politicized cause lawyering tradition (although, as argued below, a legal pedagogy that places greater emphasis on the integration of personal and professional roles may encourage some students to sustain commitments to careers in the public-interest sector) or that lawyers should be "deprofessionalized," such that legal ethics dissolve into personal morality (Wasserstrom 1975). Yet, it may be necessary to challenge the distinction between public-interest and corporate practice. Specifically, bringing

corporate lawyers closer to the integrated conception may better prepare them for the public obligations that attach to their work as lawyers. Here I follow Catherine Albiston's argument that "we do a disservice to our students by portraying public interest lawyering as separate and different from traditional private practice. This portrayal risks relieving private practitioners from any sense of personal responsibility for the public interest, and too often relegates public interest lawyering to the less prestigious margins of the profession" (Albiston 2014:557).[47] Aside from the recent pro bono wave in large firms, empirical research on the profession generally charges the private sector with falling short of its public-interest responsibilities: "For most private practitioners, social obligations are increasingly removed from daily practice; they are accommodated instead in separate public interest career paths or in minimal pro bono contributions" (Rhode 2003:51). Encouraging corporate-bound law students to integrate their professional and political identities—to act slightly more like cause lawyers—may promote the continued expansion of pro bono in large firms.

5.5 The Progressive Capacity of Law and Lawyers

Many public-interest respondents reported that during law school they lost some of their faith in law's capacity to promote social change. One interpretation of socialization in bifurcated professional identity is that students transition from an initial natural law orientation (based in moral precepts and social facts, under a belief that universal morality precedes law) to the positive law orientation of legal practice (emphasizing human-made law that lawyers must follow in a narrowly technical fashion). Leftist students may enter law school "with a deep belief that in its essence law is a progressive force, however much it may be distorted by the actual arrangements of capitalism" (Kennedy 1983:1). Or students may take the "radical" view that, in Duncan Kennedy's terms, "Law is a tool of established interests…it is in its essence superstructural, but… it is a tool a coldly effective professional can sometimes turn against the dominators" (Kennedy 1983:1). In contrast to their initial views, students are taught in law school to adopt a more moderate view of lawyering that places greater trust in the legal system to promote justice. As Kennedy framed this view, students adopt a "central-liberal program of limited reform of the market economy and pro forma gestures

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[47] Empirical research over the past four decades has shown an enduring split in the profession between large-firm attorneys and the rest of the bar (Heinz and Laumann 1982; Sandefur, Laumann, & Heinz 1999). This division into hemispheres is reflected in the type of clients that lawyer serve and the profession's bimodal income distribution. My analysis raises the possibility of adding another layer to the hemisphere thesis—lawyers in corporate law firms may take a more instrumental and psychologically detached approach to their work than other lawyers. This claim is speculative as my data only show the contrast between lawyers who begin their careers in large firms and those who begin in the public-interest sector.

toward racial and sexual equality" (1983:21). If lawyers tend to view themselves as amoral technicians within a well-functioning system of justice, they may seek to promote the public-interest by providing access to justice but they are less likely to lead in movements for legal and social change.

5.6 External Benefits of Corporate Lawyer Role Distancing

Professional identity drift raises questions about the deeper psychosocial nature of the profession. The popular stereotype of the corporatization of law students suggests that they are trained to be worker bees, de-emotionalized, de-politicized, and stripped of autonomy. In this view, law school replaces idealistic pre-law identities with a new flattened corporate lawyer self that is stable and unified. In Chapters 3 and 4, I presented evidence that corporate-bound respondents portray their identities as instrumentalized but also flexible and self-contradictory. Professional identity drift does not preclude moral action in one's capacity as a lawyer. Corporate-bound respondents continue to navigate and construct a fluid professional self through identity work and evolving perceptions of lawyers. Thus, while I conclude that corporate lawyers should be encouraged to adopt a more integrated view of professional identity, this position is not based in a claim that they are rigidly unintegrated.

As a counter-argument to the position that professional identity drift should be reduced, it may be the case that role distancing can enable drifting respondents, at least in the early stages of their careers, to experience a tenuous public-interest identity even while they work long hours at large firms. These respondents may divorce their public-interest aspirations from the corporate lawyer role as a whole (as reflected in the peripheralization of "lawyer"), but find outlets within their practice to express their "true" public-interest-oriented professional purpose and identity. Thus role distancing could support these lawyers' commitments to pro bono service, as an opportunity to effectively work as a part-time cause lawyer. This point can be supported by a counterfactual: arguably, corporate-bound students' civic commitments might be in a worse state if we found that they placed the professional role in the center of their identity maps while describing their professional identity in primarily financial terms. If this were the case, we might conclude that these lawyers had come to view their work in entirely instrumental terms.

5.7 Integrated Professional Identity and Ethics

If the stereotype of corporate lawyers is that they are amoral hired-guns, the contrasting stereotype of public-interest lawyers is that they are self-centered—that they put their own political projects ahead of providing good representation to individual clients. In this respect, infusing the professional role with political and moral values raises the concern that cause lawyering threatens the profession's foundational principle of client-centered neutral partisanship. As discussed in the literature review above, critics worry that cause lawyers screen clients' needs through the filters of their individual values. Supporters of cause lawyering counter that lawyers should be "lawyer-statesman"

and "moral activists" who humanize the law. In either case, lawyers are trained in the ethical obligations of zealously advocating for clients, while maintaining independence from client influence and "playing the law straight."[48] Based in my data, I cannot definitively claim that integrated professional identity leads to more or less ethical practice than instrumentalized professional identity. I find evidence that public-interest respondents struggle against the limitations imposed by standard lawyer professionalism, but these respondents do not suggest that they entirely discard the principle of neutral partisanship in representation. The example of public defenders discussed in Chapter 3 exemplifies the tension that aspiring cause lawyers experience when they contemplate representing clients whose causes they do not support (such as criminal defendants whom the lawyer believes deserve a heavy sentence). Professional motivations among these respondents often draw on both a political goal to counter mass incarceration and a client-centered professional ideal to provide representation to those in need. More generally, public-interest respondents describe a tension between client-centered service to individuals and a desire to have a larger policy impact. This tension can be seen in students' deliberations between joining organizations that promote access to justice and those that focus on impact litigation and broader legislative and judicial advocacy. Often these respondents expressed the concern that working in direct services provides only "Band-Aids" for social problems, which can serve to perpetuate undesirable policies. Thus, within my sample, public-interest respondents' accounts of hired-gun client representation appear to be heterogeneous, complex, and not entirely self centered.

5.8 External Analysis Conclusion

These findings contribute exploratory evidence to the debate between calls for lawyer bifurcation in order to protect clients from lawyers' individual screening and calls for integration to promote morally and politically cognizant legal practice. This debate has long persisted within the profession. Holmes in 1897 famously exhorted law students to question "the worth of the rules" and to adopt an "enlightened skepticism" (Holmes 2009:24). The tension between lawyers as rule technicians or as more autonomous leaders in society continues to be found in the mainstream of the profession. For example, the Model Rules of Professional Conduct emphasize client-centered professionalism but also the lawyer's civic and moral responsibilities. The opening line to the preamble declares: "A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice." Lawyers, according to the preamble, may experience conflicts between "the lawyer's responsibilities to clients, to the legal system and to the lawyer's

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[48] This phrase is taken from legal ethicist David Luban's 2008 testimony before the House Judiciary Committee hearing on the Office of Legal Counsel torture memos: "We should be confident that the lawyer is describing the law as it really is, not the law according to the lawyer's own pet theories, and not the law as the client would like it to be, no matter who the client is. Playing the law straight is the lawyer's basic ethical obligation." http://judiciary.house.gov/_files/hearings/pdf/Luban080506.pdf

own interest in remaining an ethical person while earning a satisfactory living." My claim here is not that these tensions should be resolved entirely in favor of integrated identity, but rather that the extent of role distancing found among respondents who begin their careers in corporate law is externally troubling—both for these new lawyers' ability to effectively serve clients and for their ability to fulfill the civic dimension of professionalism.

SECTION 6: RECOMMENDATIONS FOR LEGAL EDUCATION REFORM

While my findings suggest that first-year legal education may have a limited impact on professional identity formation, this does not necessarily imply that legal education lacks the capacity to influence identity norms, inform students about legal career paths, and encourage the civic dimension of professionalism. Legal education is perhaps simply negligent in these respects. Professional identity drift arguably represents a fundamental disconnect with law schools' commonly stated goals to produce "effective societal problem solvers" (Edley 2012) and to support public-mindedness among their graduates. In the conversations reevaluating the course of legal education (Rubin 2014; Tamanaha 2012), it is important to take a close look at what is imprinted in law students. If students emerge from legal education with conceptions of their professional roles that are distant from what they describe as their core identities and fundamental normative commitments, how can we expect lawyers to emerge as leaders who advance the values of "justice, fairness, and helping people" that attract many students to law school in the first place (Mertz 2007)? The current crisis in legal education presents a rare opportunity to re-evaluate and reform a legal pedagogy which has been resistant to change for over a century.[49]

I argue that respondents generally do not internalize wholesale the standard conception of the lawyer role. Nevertheless, a first-year curriculum that almost entirely stresses doctrinal education may miss an opportunity to instill the importance of civic professionalism in new lawyers. The argument that law schools should foster relatively greater integration of personal and professional identities is supported by recent large-scale reports on legal education. The 2007 Carnegie Report suggests that law schools provide an effective training in cognitive and practical skills, but neglect the third

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[49] Edward Rubin has recently emphasized this opportunity for reform: "Law schools are among the most static and rigid institutions in the United States. Over the course of what was probably humankind's most eventful century, they chose not to change their basic structure, their pedagogic approach, or the content of their first-year curriculum in any significant way" (2014:500). While law schools "continue to cling" to Langdellian pedagogy in spite of past critiques and challenges, Rubin suggests that the current crisis may be different: "Perhaps events in the law firm market that affect the law schools' financial viability will finally penetrate their self-contained, self-satisfied cocoon." (2014:500).

apprenticeship in "professional identity and purpose" (Sullivan et al. 2007:132–133).[50] Inculcating professional identity would help students "situate themselves within the profession…to work in society with integrity and a sense of loyalty to clients and to the public good" (Silver et al. 2011:376). Lacking this apprenticeship, the Carnegie report charges legal education with failing to cultivate students' moral development: "law schools do not contribute to the greater sophistication in the moral judgment of most students" (Sullivan et al. 2007:134).

The findings from the Law School Survey of Student Engagement (LSSSE) similarly suggest that students, over the course of their legal education, come to view law school as decreasingly helpful in preparing them to "handle the stress of law practice and in strengthening their commitment to the public good" (Silver 2011:402).[51] Putting these findings in conversation with the empirical literature on law school socialization we might somewhat bluntly conclude that students appear to enter law school with a sense of purpose (an often vague public-mindedness and pursuit of a calling) and leave law school with less purpose. Stover's study of law school socialization puts the responsibility for the lack of an apprenticeship in civic commitments directly on legal education: "It seems reasonable to ask law schools to act affirmatively to attempt to ensure that their graduates begin their careers with an enthusiasm for public interest practice equal to the enthusiasm they had when they began their law school careers" (1989:4). The proposed "pervasive method" of legal education which would incorporate ethical and moral lessons into the doctrinal curriculum similarly underscores the need for more integrated conceptions of professional identity (Rhode 1998; Sullivan et al. 2007).

One potential effect of a curriculum that directly supports integration of civic commitments could be a reduction in the drift away from public-interest sector careers. However, any such reduction would be limited by the realities of the job market. Furthermore, the question of whether we should encourage more students to pursue careers in the public-interest practice sector is not uncomplicated. It may be the case that the public-interest job market is generally saturated (McGill 2006). On the other hand, increasing the demand for positions in public-interest law could create pressure to increase the supply (Stover 1981). Expanding the public-interest arguably should be an

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[50] According to the 2007 Carnegie Report, professional identity and purpose consists of "the individual's answer to questions such as, Who am I as a member of this profession? What am I like, and what do I want to be like in my professional role? and What place do ethical-social values have in my core sense of professional identity?" (Sullivan et al. 2007:135) An apprenticeship in professional identity and purpose "helps students situate themselves within the profession, to develop the self-awareness and social skills that lawyers need to work in society with integrity and a sense of loyalty both to clients and to the public good" (Silver 2011:376 interpreting the Carnegie Report (Sullivan et al. 2007:28)).

[51] The apprenticeship in professional identity and purpose is defined in the LSSEE as: "Acting with integrity, being able to develop positive relationships with future clients, handling the stress of law practice, developing a capacity for moral reasoning, and strengthening a commitment to serving the public good" (Silver 2011:385-86).

elevated priority amid reductions in federal funding for legal aid and constraints on public interest practices backed by the Legal Services Corporation (Rhode 2008).

One may argue that the pedagogical, market, and cultural forces working against public-interest career commitment in law school provide a useful screening process for scarce opportunities in the public-interest sector. In other words, students who have the most enduring commitment to public service will be identified by their decision to abstain from the law firm path. However, this filtering could only function properly if students were able to make informed career decisions. Arguably the filter is ineffective when students lack information about legal career paths and base their career decisions on uneducated guesses about the risks and rewards of work in different sectors (as in Chapter 4 I suggest is often the case). Furthermore, a curricular training in doctrine and lawyer bifurcation may benefit aspiring cause lawyers in preparation for some conventional aspects of their lawyering careers, but this training may fail to prepare these students for those aspects of their practice which are highly sensitive to social and political context.

If law schools want to intervene in the drift to private-sector careers, empirical research suggests that debt relief may not be enough (McGill 2006). Addressing this issue will require a more nuanced understanding of the accounts offered by students, including more studies of race, gender, and class. The findings presented in this dissertation lead me to suggest that we-conceptualize the normative problem with public interest drift—rather than focusing on the drift to the corporate practice sector, we might pay more attention to the drift away from professional identity and civic responsibilities associated with entry into the corporate sector ("professional identity drift).

Law schools have recently acknowledged a crisis of both fiscal and intellectual dimensions, as lawyers are perceived to be overproduced and law school applications are in steep decline (Rubin 2014; Tamanaha 2012). For legal educators and administrators, promoting an integrated professional role may be a means of rehabilitating the image of legal education in a time of crisis and steeply declining enrollment. Accounts of lawyers' disappointment with their decision to attend law school are common in popular press and book-length treatments of the value of legal education, [52] although the After the JD Study suggests that most lawyers feel that going to law school was a good investment (Dinovitzer, Garth & Sterling 2013). As law schools are placed under this microscope, they may increasingly be held accountable for the contradiction between the public-interest expectations of incoming law students and the bleached-out version of lawyer professionalism that is offered during legal education. Through law school promotion materials, the legal profession appears to promise a proximate and civic-minded relationship to one's professional role. My data suggest that this promise often goes unfulfilled among students bound for large law firms. In public displays, such as the orientation and commencement of legal education, law schools seem to emphasize the

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[52] See for example Tamanaha 2012, Campos 2012, David Segal's *New York Times* articles "For Law School, a Price to Play the ABA's Way" (December 17, 2011) and "Law School Economics: Ka Ching!" (July 16, 2011), as well as a response from Lawrence E. Mitchell, "Law School Is Worth the Money" (November 28, 2012).

public aspirations of the profession. For Stover, the contrast between the de-politicized content of legal education and these staged events at the beginning and end of law school is likened to "bookends without books" (1989:1).

William Simon, a prominent normative critic of professional role bifurcation, notes that "no social role encourages such ambitious moral aspirations as the lawyer's, and no social role so consistently disappoints the aspirations it encourages" (1998:1). Fostering a more integrated conception of professional identity may help to bring the profession in line with its aspirations.

REFERENCES

Albiston, Catherine. 2014. "Book Review of Public Interest Lawyering: A Contemporary Perspective, by Alan K. Chen and Scott Cummings." *Journal of Legal Education* 63.3: 554.

Boutcher, Steven. 2009. "The Institutionalization of Pro Bono in Large Law Firms: Trends and Variation across the AmLaw200." In *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather, 135–154. New York: Oxford University Press.

Boutcher, Steven A. "Rethinking Culture: Organized Pro Bono and the External Sources of Law Firm Culture." *U. St. Thomas LJ* 8 (2010): 108.

Brandeis, Louis. 1933. "The Opportunity in Law." In *Business—A Profession*. Boston: Hale, Cushman, and Flint.

Campos, Paul. "Don't Go to Law School (Unless)." *Amazon Electronic Books, Seattle, Washington* (2012).

Chambers, David L. 2014. "Overstating the Satisfaction of Lawyers." *Law & Social Inquiry* 39.2: 313-333.

Chen, Alan K. & Scott Cummings. 2012. *Public Interest Lawyering: A Contemporary Perspective*. New York: Aspen Pub.

Costello, Carrie Yang (2005) *Professional Identity Crisis: Race, Class, Gender and Success at Professional Schools*. Nashville, TN:Vanderbilt University Press.

Cummings, Scott L. & Deborah Rhode. 2010. "Managing Pro Bono: Doing Well by Doing Better." *Fordham Law Review* 78: 2357–2422.

Dan-Cohen, Meir. 2002. "Interpreting Official Speech." In *Harmful Thoughts: Essays on Law, Self, and Morality*. Princeton, NJ: Princeton University Press.

Dinovitzer, Ronit & Bryant G. Garth. 2007. "Lawyer Satisfaction in the Process of Structuring Legal Careers," 41 *Law & Society Rev*. 1–50.

Dinovitzer, Ronit, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce Sterling. 2009. *After the JD II: Second Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Brant G. Garth, Richard Sander, Joyce Sterling, and Gita Z. Wilder. 2004. *After the JD: The First Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Bryant G. Garth, and Joyce S. Sterling. 2013. "Buyers' Remorse? An Empirical Assessment of the Desirability of a Lawyer Career." *Journal of Legal Education* 63, no. 2: 211–234.

Edley, Christopher Jr. 2012. "Fiat Flux: Evolving Purposes and Ideals of the Great American Public Law School." *California Law Review* 100, no. 2: 313–330.

Erikson, Erik (1968) *Identity: Youth and Crisis*. New York: Norton.

Eshete, Andreas. 1983. "Does a Lawyer's Character Matter?" *The Good Lawyer: Lawyers' Roles and Lawyers' Ethics*, edited by David Luban. Totowa, N.J.: Rowman & Allanheld.

Goffman, Erving. 1974. "Role Distance" in Life as Theater: A Dramaturgical Sourcebook. Brissett, Dennis and Charles Edgley eds. New York: Aldine.

Goodrich, Chris. 1991. *Anarchy and Elegance: Confessions of a Journalist at Yale Law School*. Boston: Little, Brown, and Co.

Gordon, Robert W. 1984. "'The Ideal and the Actual in the Law': Fantasies and Practices of New York City Lawyers, 1870-1910." *The New High Priests: Lawyers in Post-Civil War America* 51.
——. 1988. "Independence of Lawyers, The." *BUL Rev.* 68: 1.

Granfield, Robert. 1992. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. New York: Routledge.

Hagan, John, & Fiona Kay. 2007. "Even Lawyers Get the Blues: Gender, Depression, and Job Satisfaction in Legal Practice," 41 *Law & Society Rev.* 51–78.

Hardy, Sam A., & Jason W. Kisling (2006) "Identity Statuses and Prosocial Behaviors in Young Adulthood: A Brief Report, 6 (4) *Identity: An International J. of Theory and Research* 363–9.

Heineman, Ben W., William F. Lee, and David B. Wilkins. 2014. "Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century." Cambridge, MA: Center on the Legal Profession at Harvard Law School. https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf.

Heinz, John P., and Edward O. Laumann. 1982. *Chicago lawyers: The social structure of the bar*. Russell Sage Foundation.

Holmes Jr, Oliver Wendell. 2009. *The path of the law*. The Floating Press.

Kronman, Anthony. 1995. *The Lost Lawyer: Failing Ideals of the Legal Profession*. New York: Oxford University Press.

Levinson, Sanford. 1993. "Identifying the Jewish Lawyer: Reflections on the Construction of Professional Identity." *Cardozo Law Review* 14: 1577–1612.

Lopez, Gerald P. 1992. *Rebellious Lawyering: one Chicano's vision of progressive law practice*. Westview Press.

Luban, David, ed. 1984. *The Good Lawyer: Lawyers' Roles and Lawyers' Ethics*. Totowa, NJ: Rowman & Allanheld.

Luban, David, ed. 1*988. Lawyers and Justice: An Ethical Study*. Princeton, NJ: Princeton University Press.

Marcia, James E. (1966) "Development and Validation of Ego Identity Status," 3 *J. of Personality and Social Psychology* 551–8.

McGill, Christa. "Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear." *Law & Social Inquiry* 31.3 (2006): 677-708.

Mertz, Elizabeth. 2007. *The Language of Law School: Learning to "Think Like a Lawyer."* New York: Oxford University Press.

Nelson, Robert L. 1984. "Ideology, Practice, and Professional Autonomy: Social Values and Client Relationships in the Large Law Firm." *Stanford Law Review* 37: 503–551.

Nelson, Robert L. & Laura Beth Nielsen. 2000. "Cops, Counsel, and Entrepreneurs: Constructing the Role of Inside Counsel in Large Corporations." *Law and Society Review* 4: 457–494.

Pepper, Stephen. 1986. "The Lawyer's Amoral Ethical Role: A Defense, A Problem, and Some Possibilities." *Law and Social Inquiry* 11: 613–634.

Postema, Gerald. 1980. "Moral Responsibility in Professional Ethics." *New York University Law Review* 55:63–89.
——. 1984. "Self-Image, Integrity, and Professional Responsibility." in *The Good Lawyer: Lawyers' Roles and Lawyers' Ethics*, edited by David Luban. Totowa, N.J.: Rowman & Allanheld.

Rhode, Deborah L. 1998. *Professional Responsibility: Ethics by the Pervasive Method* Aspen Publishers.
——. 2003. *In the interests of justice: Reforming the legal profession*. Oxford University Press.
——. 2008. "Public Interest Law: The Movement at Midlife." *Stanford Law Review* 2027-2084.
——. 2013. *Lawyers as Leaders*. Oxford University Press.

Rhode, Deborah L. & D. Luban. 1995. "The Advocates Role in the Adversary System." *In the Interests of Justice: Reforming the Legal Profession*. Oxford University Press, 2003.

Rubin, Edward. 2014. "The Future and Legal Education: Are Law Schools Failing and, if So, How?" *Law and Social Inquiry* 39, no. 2: 499–521.

Sandefur, Rebecca L., Edward O. Laumann, and John P. Heinz. 1999. *The changing value of social capital in an expanding social system: lawyers in the Chicago Bar, 1975 and 1995*. Springer US.

Sartre, Jean-Paul, Stuart Gilbert, and Lionel Abel. 1989. "Dirty Hands." in *No Exit, and Three Other Plays*. New York, NY: Vintage International.

Sarat, Austin & Stuart A. Scheingold. 1998. *Cause Lawyering: Political Commitments and Professional Responsibilities*. Oxford University Press.

Scheingold, Stuart A. & Austin Sarat. 2004. *Something to Believe In: Politics, Professionalism and Cause Lawyering*. Stanford University Press.

Schleef, Debra. 1997. "Empty Ethics and Reasonable Responsibility: Vocabularies of Motive Among Law and Business Students." *Law & Social Inquiry* 22.3: 619-650.

Silver, Carole, Amy Garver, and Lindsay Watkins. 2011. "Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement." *Legal Writing* 17: 373–408.

Simon, William. 1978. "The Ideology of Advocacy: Procedural Justice and Professional Ethics." *Wisconsin Law Review* 1: 29–144.
——. 2009. *The practice of justice: a theory of lawyers' ethics*. Harvard University Press.

Spaulding, Norman W. 2003. "Reinterpreting Professional Identity." *University of Colorado Law Review* 74 (August): 1.

Stover, Robert V. 1981. "The Importance of Economic Supply in Determining the Size and Quality of the Public Interest Bar." *Law and Society Review* 16: 455-480.
——. 1989. *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*. Chicago: University of Illinois Press.

Sullivan, William M., Anne Colby, Judith Welch Wagner, Lloyd Bond, and Lee S. Shulman. 2007. *Educating Lawyers: Preparation for the Profession of Law*. San Francisco: Jossey-Bass.

Tamanaha, Brian. 2012. *Failing Law Schools*. Chicago: University of Chicago Press.

Taylor, Charles. 1989. *Sources of the Self: The Making of Modern Identity*. Cambridge, UK: Cambridge University Press.

Walzer, Michael. "Political action: The problem of dirty hands." *Philosophy & public affairs* (1973): 160-180.

Wasserstrom, Richard. 1975. "Lawyers as Professionals: Some Moral Issues." *Human Rights Quarterly* 5, no. 1: 105–128.

Wilkins, David B., and G. Mitu Gulati. 2000. "What Law Students Think They Know About Elite Law Firms: Preliminary Results of a Survey of Third Year Law Students." *University of Cincinnati Law Review* 69: 1213–1256.

Wilkins, David B. 1998. "Identities and Roles: Race, Recognition, and Professional Responsibility." *Maryland Law Review* 57: 1502–1594.

Zemans, Frances Kahn. 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." *American Political Science Review* 77.03: 690-703.

Chapter 6

Conclusion

INTRODUCTION

In this concluding chapter, I consider broader implications of this dissertation's findings, suggest directions for future research, reflect on identity mapping, and raise a call for theorizing the self more explicitly in sociolegal studies. As we expand our empirical lens on the legal profession, this dissertation underscores the importance of examining internal, identity-level microdynamic patterns among law students and new lawyers. Approaching the study of lawyers in this manner can shed light not only on distinctive features of the legal profession, but also on how we conceive of law and how we conceive of selves.

SECTION 2: BROADER IMPLICATIONS

2.1 Completing the Critique of Legal Education?

The recent financial critique of legal education suggests that given the dramatic rise in tuition and student debt it is only financially advisable to attend law school if one gains admission to an elite school where students have easy access to high-paying positions in large corporate law firms (Campos 2012; Tamanaha 2012). This "new critical orthodoxy about the value of a law degree" has likely contributed to the steep decline in law school applications amounting to a crisis for American legal education (Dinovitzer et al. 2013). However, recent empirical research suggests that those lawyers who begin their careers outside large law firms are neither unable to pay down their loans nor generally dissatisfied with their decisions to attend law school (Rubin 2014; Dinovitzer et al. 2013). By examining microdynamic socialization processes in an elite school context and the distinctive psychological orientations to the professional role among students who begin their careers in large firms, this dissertation may further complicate the financial critique. My analysis suggests that elite-school students who secure jobs in the largest class of firms generally express a substantial and often harmful distancing from professional identity. Thus one might conclude that my analysis completes the recent critique of legal education by suggesting that not even students who gain access to lucrative firm positions should attend law school. But this conclusion would overlook the distinction I have posited between drifting respondents who experience relatively malignant distancing and corporate-path respondents whose detachment from lawyer identity is often internally benign. Thus, perhaps students who state a public-interest career preference at the beginning of law school should be the most cautioned about their entrance into the profession. At the same time, students who sustain a commitment to public-interest sector careers, may find that experiences of professional role integration yield benefits that offset financial hardships.

Furthermore, while the consensus critique focuses on the ratio of student debt to salary potential, this literature underestimates the value of loan repayment programs for lawyers who work in the public-interest sector. With the advent of federal public service loan forgiveness (PSLF) and income-based repayment (IBR) under the 2007 College Cost Reduction and Access Act, lawyers who work for the government or non-profit organizations need only make moderate income-based payments[53] for ten years after which the remaining balance on their loans is forgiven (and this debt forgiveness is tax-free). In his financial critique of legal education, Campos (2012) emphasizes risk factors associated with PSLF. In the worst case scenario, Campos notes that the legislature could remove the program before lawyers complete their ten years. This risk is difficult to assess. Based on precedent, any new legislation is unlikely to enact retroactive changes or to affect people who are proceeding under financial reliance. Past changes to student loan repayment rules have generally affected only new borrowers. Nevertheless, incoming students may be at risk of legislative changes that may go into effect before they accumulate all of their student loans. Campos also emphasizes the risk arising from PSLF's requirement that lawyers complete ten years (120 months) of qualifying payments in order to receive loan forgiveness. Lawyers who do not complete the 120 months can instead continue to make income-based payments for 20 years,[54] after which their remaining balance will be forgiven, but this loan forgiveness will be taxed as income. The tax bills for loan forgiveness can be in the six-figures for people who left law school with a large amount of student loans and make relatively small income-based monthly payments. Campos concludes: "The truth is that people who are likely to end up on in IBR and PSLF if they go to law school should not go at all" (2012:48). At the same time, Campos gives PSLF credit for creating a strong incentive for public-interest practice, which has generated greater competition in the public-interest practice sector (2012:49-50). For many students, obtaining a PSLF-qualifying position may require geographic flexibility and working in less prestigious and lower-paying practice settings. For these students, the largest risk they face regarding PSLF may be their own lack of commitment to working in government or non-profit sectors for a ten-year period.

I have argued in this dissertation that risk aversion and uncertainty are major forces in students' socialization with respect to the job market. The consensus critique, as framed by Campos, serves to amplify risk among prospective students.[55] This dissertation suggests that rather than directing our critique of legal education purely at accentuating financial risks, we might redirect some attention toward informing incoming and first-year law students about legal careers and fostering integrated conceptions of professional identity. Among other benefits, I speculate that these reforms could support lawyers' abilities to sustain the 10-year commitment required to receive loan forgiveness under PSLF.

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[53] 10% of discretionary income for new borrowers as of 2014. 15% for pre-2014 borrowers.

[54] 25 years for pre-2014 borrowers.

[55] As suggested by the subtitle to his 2012 book, Campos aims to assist prospective law students in "minimizing risk."

As my data only directly pertain to students at an elite law school, I cannot rebut the consensus critique's emphasis on lower tier schools where the risk of unemployment is elevated, bar passage rates are lower, while tuition is similar to what students pay at higher-ranked schools. An emphasis on risk in these settings may be more appropriate.

2.2 How Does Law Matter?

What implications might this dissertation have for the sociolegal inquiry into the instrumental and constitutive effects of law? As the question has been most broadly framed: How does law matter? The common experiences of public-interest oriented law students may be seen as a reenactment of the problems of jurisprudence, in particular the vexed conceptions of law as a body of rules and lawyers as rule administrators. Jurisprudential thought has increasingly problematized traditional debates between natural law and legal positivist perspectives by re-examining the relationships among moral reasoning, sovereignty, and law. While some public-interest oriented respondents began their law school careers with faith in law as a reflection of universal command based in religious authority or moral consensus, these views are often moderated during legal education (and the hiring process). In their second year, public-interest path students often continue to moralize the lawyer role while also viewing a conventional approach to legal practice as a strategic tool for social movement activities within a contested sphere of legal meaning. Furthermore, these students often recognize a great disconnect between the law on the books and the law in action. Some public-interest oriented students even draw on jurisprudential terms in their interview comments, as they reject "legal formalism" and praise professors who engage in "legal realism." A second-year public-interest path respondent explained:

> …the professor that I really like that's teaching [criminal law] right now, he is a legal realist. So he's not caught up in the kind of, "What does the rule say? What is the outcome of the case? Da da da." He's like, "Well, what's really going on here? What do you think really happened? What's the real motivating driving force behind this case?"

By rebelling against the constraints of legal positivism, these public-interest oriented students often echo concerns raised by sociolegal scholars who question liberal instrumental accounts of law's ability to promote progressive social movements (Edelman et al. 2010; Rosenberg 1991; Scheingold 1974). These students also provide counter-evidence against a heavily structural view of the constitutive effects of law. Instead of fully internalizing the norms of legal epistemology, these lawyers often aspire to fuse their personal and political goals with the professional role. But these respondents rarely seemed to embrace the position, as described in some critical legal studies scholarship, that rights are mere myths. Instead public-interest respondents tended to characterize litigation as a compatible strategy with legislative reform advocacy and broader consciousness raising activities. In short, these respondents expressed concerns about the limits of law and the rule technician conception of the lawyer's professional

scope, yet they continued to conceive of lawyers as having an important role in social movements. This faith in their ability as lawyers to advance their political goals is reflected in their central, politicized, and personalized relationships to professional identity.

These reactions against law may be more specifically characterized as reactions against the formalist perspective offered in the dominant approach to first-year pedagogy. Public-interest respondents' concerns about legal education often echo Ralph Nader's enduring critique of the Socratic method of instruction, which he describes as a "a form of intellectual arrogance that was turned into a pedagogical tool."[56] Nader worries that Socratic instruction presents a simplified account of law as an inexorable force belonging only to the powerful: "Is the law a lie when you study it as it is on the statute books, but you don't study it as it plays out in the corridors and arenas of raw power? The law's mission is obviously to restrain, direct, channel, or eliminate raw, cruel, vicious power. And if the law has meaning it has to connect with justice and fairness. I know the complexity of the law stretches out the sequence of that flow and sometimes you never get to talk about it."

These respondents, particularly in the first-year public-interest subculture, often targeted the rising hegemony of the law and economics perspective in legal education. This critique resonates with Kronman's claim that law and economics undermines the "lawyer-statesman ideal" by "equat[ing] judgment with calculation" and eschewing "the notions of character and prudence that lie at the ideal's heart" (1995:167). For Kronman, law students are thus "blinded to the value of practical wisdom and to the conditions of moral life that make the need for it imperative" (1995:167).

Drifting respondents often reported that they did not expect to pursue social-change goals during their time at large corporate law firms. Furthermore, corporate-bound respondents more generally expressed an instrumental conception of professional identity. If lawyers, who are tasked with many important aspects of the implementation and development of law, come to disinvest politically and personally from their professional roles, does law come to matter less in instrumental and constitutive terms? Does the law in action move closer to legal formalism?

2.3 Legitimating Privilege

Looking to broader concerns within social theory regarding how power self-legitimates and reproduces, this dissertation may lend insights into our understanding of the narratives that economically privileged people draw upon to defend the legitimacy of their privilege. These narratives are perhaps rendered visible upon initiation into prestigious professions.

Incoming law students' moralistic attitudes toward inequality and idealistic hopes to "save the world" are often ridiculed when contrasted with their decisions after a short

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[56] I cite here Nader's recent lecture at Harvard Law School titled, "How the Mighty Harvard Law School Can Leverage the Great Systems of Justice in America" (9/10/15). https://www.youtube.com/watch?v=kPC_lv9XEPo

period in law school to work in corporate law firms. However, we could instead credit these pre-law students with taking a more impartial view of capitalism—as undergraduates, they have less personal stake in the current financial system. When these students enter law school and begin to accumulate substantial student debt while facing decisions regarding their future earnings and prestige, they acquire a more immediate financial stake. I have argued that identity transformations largely follow from students' participation in the law firm hiring process as they adopt new perceptions of large-firm attorneys and rewrite their narratives of professional purpose. Thus the corporate law sector exerts a direct influence on students' adoption of legitimating narratives through the recruitment and hiring process. These students often come to describe their pre-law-school political views as "idealistic." In contrast, they describe their decisions to work at corporate firms as "being realistic" and "growing up." Often these students present a dual justification for drift—with respect to working on behalf of powerful clients and becoming economically privileged themselves. Granfield suggests that during law school students come to view their "own idealism as being sophomoric and quixotic" (1992:85). For Granfield this transformation is largely the product of narratives of professionalism: "For many students, it was not that their ideology has changed. Rather, their conception of what constitutes justice, social activism, and public interest had changed. A student's nascent moralistic definition of justice, social activism, and public interest was washed aside by a definition that was based exclusively on professionalism" (Granfield 1992:89). Granfield concludes that students are so preoccupied with justifying drift, that it becomes a source of community: "students are drawn together by the activity of account-giving" (1992:163).

Granfield lists the following categories of accounts offered by drifting students to justify their decisions to work in large corporate law firms: "appeals to autonomy, personal conflict, loan debt, professional development, affinity [with large-firm attorneys], good firms, effectiveness, and even resistance" (1992:150-151). These accounts are found in my sample as well, although I emphasize risk aversion, future job mobility, and lack of information about other career options.

Students largely use justifying narratives to downplay the role of financial benefits in their job-path decisions. Some claimed financial necessity due to immediate family needs. Others discussed salary considerations with qualifiers as reflected in the following quotations from drifting respondents:

> *Honestly*, money is a big part of it.
>
> It would be disingenuous to pretend money is not a factor. We all gotta eat.
>
> Part of [the reason I want to work in a large firm] is because I want to make a lot of money…the other reason is I want to have options…to keep my options open.

Unless you have strong political beliefs, it's hard not to want to work in the firms. You can be part of the top 5% income of the country. You get trained really well. So you have to have something extra to not work at a big firm.

These narratives frame working in corporate law as a practical decision given financial risks. A few drifting respondents openly embraced the financial rewards of working in corporate law: "I think the lifestyle [working for a large firm] is terrific. We've all worked so hard to [gain admission to this law school] and to get through the first year of law school. I think we deserve a reward." In sum, these accounts reflect the subtle and deep influences that narratives of capitalism have on our identities—beyond a rational actor view of law students who simply weigh financial risks and rewards. Legitimation narratives may even become "hegemonic tales" within law student culture that "go without saying, because, being axiomatic, they come without saying" (Ewick and Silbey 1995; Fleury-Steiner 2002:50).

I hypothesize that respondents' justifying accounts for drift are not only a function of the legal job process, but also reveal a broader need to legitimate privilege among economically privileged people. As Boltanski and Thévenot (2006) argue, justifications reveal competing conceptions of the common good and polities that underlie claims of worth. Accordingly, drifting respondents struggle to redefine worth as they seek to reconcile their career decisions with their public-interest values. The bifurcated conception of lawyer professionalism seems to offer them only a slight comfort. I have argued that drifting respondents are generally unconvinced by their own justifications. They almost all reported that they hope to exit the corporate law sector as soon as possible. This analysis suggests that justifying narratives, as vital tools in the construction of selves, may provide accounts of legitimate professional identity but also reveal experiences of ambivalence and role distancing.

SECTION 3: DIRECTIONS FOR FUTURE RESEARCH

3.1 Beyond Elite Law Schools

The scope conditions of this dissertation's approach and findings could be further tested along several comparative axes. In order to expand to a broader commentary on American legal education, we need to investigate the career path variable through a comparison between national and regional law schools. Empirical studies of lawyer socialization have tended to focus on elite law schools (but see Stover 1989 and Mertz 2007). At non-elite schools, only top-ranked students have opportunities to obtain positions at large law firms. Students at non-elite schools may experience more intense grade competition among their classmates in contrast to the anti-competitive norms of

"collective eminence" among elite school students (Granfield & Koenig 1992).[57] The findings reported in this dissertation may be most directly reflective of the extreme contrast between corporate-law and non-profit employment. Looking beyond an elite school setting would complicate this job typology. For example, we might expand the public-interest category to include solo practitioners, who likely share some characteristics with the public-interest respondents in my sample. Solo practitioners often represent underserved clients at a lower cost than charged by law firms, but may be less likely to adopt the cause lawyering conception of professional identity that prioritizes social change goals over individual representation. Furthermore, lawyers in smaller firms—where salaries are generally lower and clients tend to be smaller entities—may have different identity experiences than those in the large firm sector.

3.2 Cross-National Comparisons

Cross-national comparisons of professional identity formation are needed in order to shed light on the extent to which lawyer role distancing is distinctly American. Amid global rights revolutions and the spread of legal infrastructure, the public interest potential of the legal profession has gained traction internationally (Epp 1998; Scheingold & Sarat 2001). In developing countries, lawyers may be instrumental in both promoting the rule of law and helping to construct liberal regimes (Halliday et al. 2007). The approach taken in this dissertation raises the international question of how and to what extent lawyers infuse their professional roles with personal and political significance? How are lawyers influenced by the possibility of an integrated cause lawyering view of professional identity?

A host of new variables become salient in the global context. In different systems, lawyers are divided into barristers, solicitors, legal executives, advocates, notaries, and other terms with varying definitions and varying scopes of legal services. In many developing countries, paraprofessionals provide a great deal of legal advice and representation. In civil law jurisdictions, lawyers often function as public servants with a more limited role in court proceedings and in promoting legal change.

All of these variables are further complicated by the globalization of the profession. As lawyers participate in an increasingly global legal services market and as legal services are unbundled through an international legal supply chain, they confront new dilemmas of legal ethics and legal pluralism while attempting to defend the traditional independence of the profession. How does the globalization of the profession register at the level of professional identity? In systems where lawyers have greater autonomy as political agents, are they more likely to offer integrated accounts of professional identity?

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[57] Several elite law schools (including Yale, Harvard, Stanford, Columbia, NYU, and Berkeley) discourage competition by offering variations of a pass/fail or honors/pass grading scale or allowing students to conceal their class ranking from some potential employers.

More specifically, this dissertation raises the need to expand our comparative lens on legal education in order to better understand the role of legal pedagogy and other variables in shaping students' early career paths and views of professional identity. While U.S. legal education has been largely resistant to pedagogical reform, many countries are currently experimenting with a wide variety of approaches to legal education. While most of the world primarily educates lawyers at the undergraduate level, the American post-graduate professional school model has recently proliferated. In most systems legal education is primarily academic and statutory, while skills training is provided after one obtains a law degree—often as an articling requirement before bar admission. How does professional identity formation differ in the undergraduate and post-graduate models of lawyer education?

Socialization in many countries may center around academic performance. American legal education has long been associated with the trope, supposedly presented by law school deans to incoming students: "Look to your left, look to your right—one of you won't be here next year." If this was true at one time, it certainly is not today. ABA data suggests that while attrition rates fluctuated between 24% and 46% between 1966 and 1975, these rates have fallen to roughly 10% in recent years.[58] Attrition is much higher in many countries. Often the legal curriculum serves as a filter for commitment and academic skills among students who were admitted to the law major directly from secondary education.

I have argued that, within my sample, contact with the job market can be a greater socializing force than first-year pedagogy. Job market variables may vary widely in the cross-national context. For example, students' experiences may be strongly shaped by country-specific valuations of the prestige of different legal practice sectors. Unlike the US, many countries offer a competitive judicial track within law school. Furthermore, we should consider variations in the availability of positions in high-paying corporate law firms, federally funded legal aid offices, and government lawyer appointments. What does public-interest idealism look like among incoming law students in different countries? What country-specific variables predict variation in this idealism?

Examining these questions can contribute to our understanding of the emergence of a globalized legal profession, while also better contextualizing trends in individual countries. For our understanding of US law school socialization, a comparative lens can help clarify our picture of the transition from undergraduate studies (where many students perhaps develop a distinctive American brand of progressive idealism) to law school and later into one's legal career. Furthermore, this inquiry can provide useful empirical

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[58] In the earlier period of American legal education (before 1966), many law schools offered relatively open admissions and sorted out meritorious candidates through a highly demanding first-year curriculum. With the advent of the LSAT, which rose to prominence in the early 1960s, attrition seems to have been reduced by pre-screening law students for aptitude. Recently, as student debt has dramatically increased, law schools (and students themselves) may feel pressure to prevent attrition due to sunk costs from tuition paid.

information for the movement to promote globalized legal education in US law schools (Silver 2013).

3.3 Expanding the Timeline

Expanding the timeline of this inquiry before law school and forward to the more advanced stages of lawyers' careers could improve our understanding of how self division among lawyers varies over the life course. My relatively small sample of post-JD interviews and identity maps (n=17) suggests that second-year students' accounts of professional role distancing remain relatively constant through their first years of practice (two to three years after graduation). The exceptions to this pattern were those respondents who changed practice sectors either by choice or due to necessity. These respondents subsequently adopted the conception of professional identity associated with their new practice sector. While this finding arises from a small sample and only covers the beginning of lawyers' careers, it suggests a direction for future research on the identity effects of sectoral mobility. The After the JD Study shows that lawyers change jobs and sectors frequently. Do these job changes lead to transformations in professional identity as suggested in my sample of law students and early-career lawyers? Or do conceptions of professional identity among more experienced lawyers solidify and become more resistant to sectoral-based effects?

How does professional identity develop among lawyers who do not experience mobility in their careers? For drifting respondents working in corporate law firms who fear that the "golden handcuffs" of their increasing salaries will interfere with their plans to leave the sector after a few years, do these lawyers continue to present instrumental and bifurcated views of their professional roles further into their large firm careers? Do they tend to express civic professionalism to a greater extent than their peers who did not drift during law school? How do these lawyers' views of professional identity develop as they gain greater professional confidence?

For lawyers who stay in the public-interest sector further into their careers, how do their accounts of integrated professional identities change over the course of their careers? Are these lawyers able to transition from their alienated accounts of law student identity to integrated accounts of professional identity as lawyers? During law school, public-interest respondents often expressed tensions surrounding the dominant bifurcated view of lawyering presented in the law school curriculum and their hope to enact an integrated cause lawyering role after graduation. A second-year public-interest path law student explained:

> …the law school method goes completely against my character. But I also care a lot about it, so it's one of the most central parts of my life…and I imbue it with so much meaning…I feel like it represents my future.

In follow-up interviews, lawyers working in public-interest practice settings often reported that they were given more substantial responsibilities over conventional lawyering tasks from the beginning of their legal careers. These lawyers explained: "it's

your case," "it's stressful to be responsible for everything," "it is good training…but [it is] sink or swim." In many settings, public-interest lawyers may be initiated into adversarial advocacy in litigation settings and even court appearances much earlier than their corporate law counterparts. While these respondents adapt to their new conventional obligations, they also emphasize commitment to social movements as their once vague preference for public-interest careers congeals around more targeted legal and reform-oriented specializations. How does this transition into practice influence their cause-lawyering orientations to professional identity? Many of these new lawyers in post-JD follow-up interviews described highly personally and politically integrated professional identities and great satisfaction with their career choices. In contrast, some respondents who were employed in "middle-road" public-interest positions, such as government and plaintiff-side firms, seemed to express a more moderate view of role integration. The following quotation is taken from a follow-up interview with a third-year public-interest-path attorney working for a plaintiff-side firm, which takes a mix of cases based on public interest goals and profitability.[59]

> …on same days [my work reflects my political values] and then some days it doesn't. But it's certainly a lot better than a lot of other things I could be doing in that respect. And I'm generally working with people that I enjoy and respect and generally learning a lot from the people I'm working with and the things that I'm working on. I don't think it's ever going to be something I regret doing because no matter what I do next this is going to be helpful in terms of developing a whole set of skills that I didn't have before.

Compared to her experiences while in law school, as a lawyer this respondent places a greater emphasis on skills and job mobility, and less emphasis on political impact. Just as drifting respondents struggle to reconcile contradictions between their decisions to work in large firms and their previous cause lawyering orientations, some public-interest-path respondents (particularly those on the "middle road') may experience diminished professional role integration as they adapt to their work as lawyers. This observation raises a question for further research regarding the cause lawyering bar: Are public-interest students' accounts of professional integration exaggerated relative to the experiences available in the public-interest lawyering sector?

3.4 Professional Socialization in other Fields

A clear limitation of my research design, which is shared by most empirical studies of law school socialization (but see Costello 2005 and Schleef 2006) is that my sample is endogenous to the legal profession. Further research comparing professional identity formation among lawyers to the training experiences found in other professions

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[59] This respondent explained: "There's public interest work as sort of the main driving force of the firm just because that's a huge percentage of what we do, but we do everything else as well in order to stay afloat."

would help clarify the extent to which law students' identities are influenced by fundamental aspects of U.S. legal pedagogy and by their experiences of the job application process. Previous research has argued that U.S. legal education has a distinctive ability to transform students' thinking and identities, which likely differs substantially from other forms of professional training. As argued by Mertz, legal education's emphasis on bifurcation, role playing, and performance may contribute to students' experiences of professional role distancing: "To successfully master [legal] discourse, students must learn to . . . adapt their position to the exigencies of legal language. Arguably, most professionals must do this, yet the fluidity of footing and role taught in law school classrooms stands out as more similar to, say, acting school than medical school" (Mertz 2007:135).

Empirical research on socialization in other professions generally emphasizes the impact of classroom education on professional identity formation. Even in technical fields, such as engineering, professional education has been shown to transform student identities: "Becoming a successful professional involves not just the mastery of the core intellectual skills of the profession (e.g. mathematics), but also the cultivation of confidence in, identification with, and commitment to the profession" (Cech et al. 2011:642). Schleef's comparative study of business and legal education concluded that students in both settings encounter lessons in marginalizing and delimiting ethical duties and commitment to public service (Schleef 2006). In contrast, the socialization of investment bankers in elite business schools may be saturated with the job search process rather than classroom instruction: "Elite MBA programs explicitly represent themselves as channels to and of Wall Street; they are not emphasizing a general liberal arts education. Students often enter these institutions precisely to get a job in finance" (Ho 2009:54).

3.4.1 Medical School

Studies of professional identity formation in medical school suggest strong parallels the legal profession. Goffman offers surgeons as an example of professional role embracement, but he is also careful to point out that even surgeons experience some distancing from their roles at work. Goffman criticizes the popular account that suggests that while a (male) surgeon "may be a father, a husband, or a baseball fan at home, he is [at work] one and only one thing, a surgeon, and being a surgeon provides a fully rounded impression of the man. In our society, the surgeon, if anyone, is allowed and obliged to put himself into his work and get a self out of it" (1974:108). While Goffman emphasizes surgeons' embracement of the professional role relative to other occupations, particularly in the "situated activity system" of surgery (Goffman 1961), he also illustrates gaps in this embracement when the surgeon reveals "a careful, bemused look…implying, 'This is not the real me'" (1974:109).

Classic studies of medical school socialization lend support to Goffman's position that doctors may not fully and harmoniously embrace the constraints that adhere to enacting their professional roles (Becker 1961; Merton et al. 1957). When medical students begin working directly with patients, they are generally described as

uncomfortable in their new professional roles, experiencing "anxiety over how patients will receive them" as they "may at times feel like a 'doctor,' [but] they know perfectly well they are not [yet]" (Becker et al. 1961:321). While medical school socialization may not immediately produce complete professional role embracement, it may nevertheless have a profound influence on doctors' identities. During the first years of medical school, students "slowly lose their initial identity and…have to look for something to hang on to. And that something is provided: their new identity as 'doctor'" (Shapiro 1987:27).

Becker and Geer (1958) raise the concern that medical students tend to adopt an instrumental and cynical attitude toward their professional roles:

> It makes some difference in a man's performance of his work whether he believes wholeheartedly in what he is doing or feels that in important respects it is a fraud, whether he feels convinced that it is a good thing or believes that it is not really of much use after all. The distinction we are making is the one people have in mind when they refer, for example, to their calling as a "noble profession" on the one hand or a "racket" on the other. In the one case they idealistically proclaim that their work is all that it claims on the surface to be; in the other they cynically concede that it is first and foremost a way of making a living and that its surface pretensions are just that and nothing more (1958:50).

This account resonates with the accounts of drifting law students who question the nobility of legal practice (at least within the corporate firm sector). While Becker and Geer raised concerns about students' adoption of cynical views, they aimed to problematize the popular view of "the idealistic young freshman" who "changes into a tough, hardened, unfeeling doctor" (1958:50). Medical students may come to question their initial optimistic notions that "the practice of medicine is a wonderful thing and that they are going to devote their lives to service to mankind" (1958:50), but these ideals are not entirely lost, but instead are postponed as students anticipate overcoming their initial cynical reactions to medical school training.

The medical school socialization literature has generally suggested that students drift away from idealism regarding the public interest value of their work and their ability to have a satisfying career:

> …most students beginning school with idealistic notions about helping people. By graduation, they had become emotionally detached, cynical, mercenary, conservative, and inescapably reductionistic in their vision of both the human body and the processes used to heal it. They were increasingly focused on technology and procedures and less capable of (or interested in) seeing the person as a whole. Medical students had also become unusually vulnerable to mental illness, suicide, and substance abuse. (Wendland & Bandawe 2007:68)

Medical students are inculcated in norms of "detached concern" (Lief & Fox 1963) and neutrality (Becker et al. 1961), through an "emotional socialization" (Hafferty 1991:5). They are initiated into metaphors of the body as a machine and as a production system, with doctors as machine technicians or supervisors of labor (Martin 1987). While the profession has long encouraged a biopsychosocial model to humanize the hegemonic biomedical approach (Engel 1982), doctors are nevertheless trained to treat the patient as a case. [60] Furthermore, doctors must learn to interact with people in an often depersonalized fashion—as instantiated by interactions with cadavers and unconscious people.

Like legal education, language plays a prominent role in medical school socialization as students adopt a professional idiom imbued with epistemic authority: based in "scientific Knowledge…seen as the accumulation of discoveries of scientists, usually unacknowledged" (Sinclair 1997:140). In this process, students are initiated into the "loss of lay meanings of words in the medical context" (Sinclair 1997:143). This linguistic training can help students deal with the typically traumatic experiences of "death and disabling or disfiguring disease" by offering a linguistic "point of view" which provides a "technical and impersonal way of experiencing them" (Becker et al. 1961:272-73). But this language also frames medical school students as authorities over jurisdictions of expertise as they come to embrace their new powerful positions within society. Accordingly, medical students come to strongly identify with their professional roles as members in the "professional colleagueship" (Becker et al. 1961:7).

Lessons in neutrality may induce conformity of values, particularly conservative values (Shapiro 1987). The standard medical doctor role implies that the doctor's gender, race, sexual orientation, religion, social class background and other variables are irrelevant to their practice (Beagan 2001). For those students who are traditional outsiders to the medical profession (who are not straight white middle- or upper-class Protestant men), learning to fit into the standard doctor role can be a particularly damaging socialization experience (Beagan 2001). Legal scholars have similarly criticized the notion of "bleached out professionalism," emphasizing the impossibility and undesirability of such neutrality (Levinson 1993:1578; Wilkins 1998).

My analysis in this dissertation suggests that law school socialization may be more similar to the job-oriented professionalization that takes place in business school than the initiation into a new professional self found among medical students. Nevertheless, the critiques of legal and medical socialization have a great deal of overlap. Commentators on medical education often argue that doctors should be trained to be more empathetic and holistic rather than treating their work in narrowly technical terms. Similarly, legal commentators have suggested that lawyers should be trained to not only provide accurate and strategic legal advice and advocacy, but also to be moral activists, officers of the legal system, and leaders in legal reform and social change movements. Applying the methodological approach in this dissertation to medical students would shed light on whether the professional norms of detachment among medical doctors lead

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[60] Sinclair laments the Victorian era transition from viewing the patient as a client to viewing the client as a case (1997).

to Goffmanesque role distancing. In other words, do medical students' lessons in bleached out professionalism, neutrality, depersonalization, and the replacement of initial altruistic idealism with more instrumental and cynical accounts of professional identity lead to psychological or moral role distancing? How deeply do these lessons register at the identity level? This inquiry can clarify differences between medical and legal professional socialization. My analysis suggests that first-year legal pedagogy might not profoundly reorient students in the manner often assumed. During law school, students improve their analytic and linguistic skills and become experts in analyzing conflict stories through the lens of legal doctrine and argumentation. In contrast, becoming a medical doctor requires learning skills that may diverge more radically from students' previous experiences. While both lawyers and doctors must learn to treat the client as a case, for doctors this transformation entails viewing people as not only social beings but also machines. Perhaps it is in the interest of both medical schools and law schools to foster the perception that they provide a necessary student identity transformation that justifies high-cost education and solidifies the field's assertion of distinctiveness and self-regulating autonomy. In this light, we should evaluate how students are transformed and the extent to which these transformations are necessary or socially beneficial.

3.4.2 Professionalization

Zooming out from these potential variations among different professions, we may view professionalization more generally as a demobilizing process, which tends to moderate students' politicization of their occupational activities by socializing them into a "politically subordinate role" (Schmidt 2001:2). According to this critique professional education has the ability to "redefine who you are in the deepest sense, pushing you away from developing and acting upon your own vision and guiding ideas" (Schmidt 2001: 280). In professional school, "a shift is often found among students from an idealistic to a pragmatic orientation" (Ondrack 1975:97). Accordingly, the pathologizing critiques of legal education largely grow out of not only the critical legal studies movement (Kronman 1995; Unger 1986) but also the post-functionalist sociological view that as professions have become more bureaucratized (Crompton 1990) and have lost their "traditional autonomy" (Friedson 1984:1), they are increasingly in competition with one another over jurisdictions of expertise (Abbott 1988; Friedson 1986; Larson 1977). Accordingly, scholarship on legal education has recently argued that law schools "monopolize the field of legitimate knowledge" (Granfield 1995:55) as they strive to reproduce and maintain an elite status in the social hierarchy (Granfield and Koenig 1992; Kennedy 1983; Schleef 2006).

This dissertation may lend some support to the post-functionalist critique by showing respondents' distancing from professional identity and from political and civic investment in their occupational lives. My analysis highlights the role of market forces in professionalization. Through the critical lens, we might view this dissertation's findings as a reflection of the internal tension within the legal profession between an instrumental view of lawyer identity that may support lucrative practice (although I have argued that there is a strong demand in the corporate law sector for lawyers who sustain more

integrated professional identities) and a commitment to a public professionalism which can enhance lawyers' prestige in the political realm and in popular perceptions.

3.5 Gender, Class, and Race

The discussion of gender, class, and race throughout this dissertation has tended to suggest that these variables cut both ways with respect to professional role distancing—as sources of distancing among corporate-law-bound students and as sources of integration among public-interest-bound students. Costello (2005) describes a traumatic and alienating "identity dissonance" among female and nonwhite students as they transition into the legal profession. In contrast, white males (particularly those with moderate political views) experience professional socialization as "an easy process" because the professional identity is consonant with previous identities (Costello 2005:26). I find support for this variation among corporate-bound students, but also find support for an opposite effect among many public-interest bounds students. Race and gender tend to be located on the periphery of corporate-bound identity maps but in a more central position for public-interest-bound respondents. These contradictory effects raise the need for a more nuanced analysis of these variables (including interactions) within a larger or more targeted sample than provided in this dissertation. Among drifting respondents, I have argued that pedagogy plays a relatively minor role in transforming students into corporate lawyers. A closer look at race, class, and gender might reveal variation within the drifting path, perhaps reasserting the importance of classroom socialization for some groups.

3.5.1 Gender

Of these variables, gender may be the most amenable to future analysis within this dissertation data because the sample is roughly balanced between male and female respondents. Guinier et al. argue that "women who are less competitive in the aggregate than men may fail in a competitive, highly stratified and individualistic law school culture, yet succeed in a cooperative, team-oriented environment" (1994:6). As one of the female respondents in that study reported, "Guys think law school is hard, and we just think we're stupid." (1994:8). These differences are instantiated for Guinier et al. by gendered patterns of classroom participation, in which men participate first and more often, as they seem to "feel entitled to ask questions and approach faculty" (1994:12). In contrast, "women *and many people of color* wait for a signal first that it is 'safe' to approach…" [emphasis in original] (1994:12). Often while waiting for this signal, the class discussion has already moved on to another topic. Guinier argues that legal pedagogy thus disadvantages women and impoverishes the profession by dismissing the cooperative thinking and "focus on listening" that women bring to law school (1994:17). In future research, I hope to explore the connection between these gendered orientations toward law and my analysis of professional role distancing. In this dissertation, I have considered gender and other forms of diversity within each career path category, but have paid less attention to the independent effects of gender. The relationship between drift

and gender needs further attention, as previous research has shown that women are more likely to drift than men (Erlanger et al. 1996; Guinier et al. 1994).

Applying this dissertation's methodology further into lawyers' careers could contribute to our understanding of how and why the law-firm world continues to be dominated by white men in its higher ranks, even as the profession becomes increasingly diverse and "feminized." In the large firm sector, women and minorities are increasingly represented among each class of new associates but are less likely to make partner. One salient explanation for this persistent inequality in law firm attrition has been that the partner track was built on a traditional white male model, drawing heavily on symbolic capital and an understanding that lawyers have a stay-at-home spouse who manages their non-work life (Garth & Sterling 2009).

The After the JD study suggests that women three years out of law schools are approximately "seven times more likely than men to be working part-time" (14% versus 2.3%) and to report that they are unemployed (9.6% versus 1.4%) (Dinovitzer et al. 2009:62). The data suggest that these gendered patterns may be related to having children: "The strong majority of women (but less than half of men) who are not employed full-time report caring for children as the reason for working part-time or not at all" (Dinovitzer et al. 2004:62). Female respondents in my sample often expressed serious concerns about how having children might impact their abilities to advance in their careers. A female corporate path respondent reported that she learned during a call-back interview that the only way for women who have children to advance to partnership was to have a partner at home to take care of the household: "Literally any women in that office who had made partner and a had a child, their husbands were house husbands. They literally did not work at all, because of the strain of her career."

As emphasized throughout this dissertation, many students who enter large law firms do not intend to stay long. For female respondents more often than male respondents, accounts of temporariness were often motivated by plans to have children. A female drifting-path respondent in her second year of large-firm practice explained:

> It's different for women, because for women the biological clock train hits you. I guess I'm going to have a baby instead. Oh wait now I have to provide for the baby. Oh crap. By the time I'm done with my loans, I'll be 30 and will probably want to start a family…I think it's a different world for guys and chicks.

Many female respondents reported that they differentiated firms based on their attitudes toward maternity leave and parenting. A female respondent explained that she chose a firm that was "humane" and "reasonable" about maternity leave and would "treat me rationally no matter what decision I made [regarding having children]."

We should be careful in this inquiry to avoid normative gender assumptions. Concerns about having children are salient for many female respondents, but these experiences are only one aspect of the complex gendered interactions between professional and personal roles. As the law student population approaches 50% female and perhaps higher in the near future, what changes might we expect in the profession?

Specifically, if women are more likely to pursue public-interest sector careers, to value civic professionalism, and to express an integrated conception of lawyer identity (in future research, I hope to investigate the empirical basis of this claim), might we expect the profession to generally shift toward the more integrated and civic-minded picture of lawyer identity that I advocate in Chapter 5? In other words, might the rise of women in the profession hail the return of the long eulogized lawyer-statesman ideal (Kronman 1995)? As women become the majority of new law students, might we hope to find reduced outsider dynamics among first-year public-interest oriented students? In Chapter 4, I argue that these outsider dynamics support a strong public-interest subculture but also limit students' abilities to carefully reflect on their career paths before the decision to apply to corporate law firms.

Re-examining the data used in this dissertation with a focus on gender could enhance my analysis of students' considerations of public service, salary, risk aversion, prestige, and the place of law in society. In addition to approaching gender as a variable that influences accounts of professional identity formation, we should also consider the converse. A microdynamic identity-based methodology can shed light on how gender is constructed during professionalization.

3.5.2 Class

Class is an understudied variable in studies of law school socialization (but see Granfield 1991). While the material dimension of class has obvious implications in a discussion of student debt and salary effects, the subtler cultural dimensions of class require a closer analysis. In particular, the phenomenon of public interest drift represents an opportunity to examine the relationship between the construction of moral, cultural, and socioeconomic boundaries and class reproduction (Lamont 1992). My role distancing findings may in some cases reflect boundary work rooted in class dynamics. While for many public-interest-oriented respondents the question of how deeply to identify with the lawyer role is highly politicized, students from working class backgrounds may additionally be influenced by their experiences of class mobility. These respondents often reported that class backgrounds can promote self-shaming (feeling that they have abandoned a calling to support working class interests) but also can reduce self-shaming (feeling pride resulting from high-income and prestige). In future research, I hope to examine working-class students' transformations as they adopt new selves in the classroom and in the law firm hiring process. The role playing and narrative work emphasized in this dissertation may be particularly salient among working class students for whom learning to talk, dress, and act like a lawyer may be more divergent from personal and family experiences. In Chapter 4, I argue that the negative socialization that takes place during law school is largely due to the omission of an education in legal career paths. This omission may be particularly harmful to working class students who often have few personal connections to lawyers in their families and home communities. I have also emphasized how students' exaggerated perceptions of lawyers in different sectors can shape conceptions of professional identity and experiences of job path decisions. In the family backgrounds of working-class students, positive images of

lawyers as successful professionals are perhaps more likely to be coupled with negative views of lawyers as avaricious, unethical, and unduly privileged elites. For example, a working class drifting respondent explained: "There are no lawyers in my family no matter far you go in any direction. It is sort of a black sheep thing to do in my family. I was a teacher before and it was an idealistic thing. I think my family sort of admired me." At the same time, some working-class respondents suggested that their class background may support greater embracement of the professional role on the grounds that it was a hard-won achievement, in contrast to the common accounts of law as a default career.

3.5.3 Race

Although any analysis of race in this dissertation is limited by the nature of my sample, a few salient observations emerge from this dissertation: (1) Race as an identity map role category tends to be located on the periphery in corporate and drifting path maps but in a more central position in public-interest path maps; (2) Racial role categories in aggregate move little between the first and second year of law school; and (3) students who anticipate working in the public interest sector are more likely to emphasize racial justice as an important aspect of professional purpose. Importantly, these findings are based on the full sample without attention to how different racial groups describe the effects of race. In spite of these limitations, we might still be troubled by the general peripheralization of race among students who pursue positions in corporate law. Critics have long worried that "bleached out professionalism," as promoted by the curricular training in lawyer bifurcation, can lead to a harmful separation between racial and professional identity (Levinson 1993:1578; Wilkins 1998). In this dissertation, I have argued that the first-year training in lawyer bifurcation does not profoundly alter students' identity processes. But perhaps there is important racial variation on this point. Similarly, I have emphasized the socialization effects of the law firm hiring process, but have paid less attention to how these effects may be disaggregated by race.

Further research is needed on the relationship between race and public interest drift. Aggregate identity maps suggest that first-year public-interest-path students place racial identities in a more central position than students who later drift. This finding raises the hypothesis that first-year students who view race as a central role category are more likely to sustain initial preferences for public-interest-sector careers.

The normative literature has tended to suggest that racialized views of professional identity (including racial justice motivations) should be permitted and promoted in the profession, particularly in the corporate bar (Wilkins 2004). A study of a cohort of black Harvard law students found that although most respondents who began their careers in large firms were committed to the idea that law could promote social justice causes, they did not "express an intention to pursue social change agendas through their corporate positions" (Desmond-Harris 2006). How does racial variation predict personalization and politicization of professional identity? The findings in this dissertation do not extensively reach this question. Further research is needed to place my identity formation approach in closer conversation with Costello's work by examining how Goffmanesque role distancing processes relate to racial identity and alienation

accounts. This dissertation raises the question of what students mean by placing race on the periphery of their identity maps, but provides an unsatisfying lack of explanation.

Like gender and class, we might consider race not only as an input variable in studying the formation of professional identity and career paths but also as an output. Thus in future research, I hope to extend this inquiry to a closer examination of how race is constructed during the professional identity formation process. We might hypothesize based on my finding of aggregate over-time consistency in the placement of racial identity that racial distancing is relatively stable during legal education. This observation requires further support, but it may suggest a limit to legal education's ability to transform deeper personal identities. Within my limited sample, neither curricular lessons in bleached out professionalism nor the experiences of the job process seem to cause a generalized peripheralization of race in the self-concept.

SECTION 4: REFLECTIONS ON IDENTITY MAPPING

4.1 Unstructured Approaches

Previous uses of mapping methods to explore identity issues have drawn on open-ended prompts that give respondents relatively unstructured freedom to decide how to visually represent themselves. In their study of "hyphenated selves" among children, Katsiaficas et al. employ identity mapping as a "tool for narrative inquiry within a broader palette of plural methods. Not bound by words, maps are constructed from the experience and imagination of the respondent, not the researcher" (Katsiaficas et al. 2011:134). The authors explain that "text-based methods are often particularly problematic for immigrant youth" who have been "overtested" and primed by "dominant ideological concerns" (2011:134-135). Students at an elite law school, who are in a relatively privileged position in society, present different methodological challenges. The most salient barriers in my study were concerns about confidentiality and receiving moral judgment. Although these barriers were relatively minor, talking about identity is intrinsically complicated and personal and requires approaching the topic from multiple angles. In my pilot approach to identity mapping, I used a more open-ended prompt. Before the exercise, I discussed with respondents the concept of role distancing and then asked them to diagram how their roles relate to one another. Unlike the final version of this method, I did not give respondents in the pilot interviews a circle to represent the identity space. A pilot example can be seen in Figure 1 below.

Figure 1. First-year pilot identity map
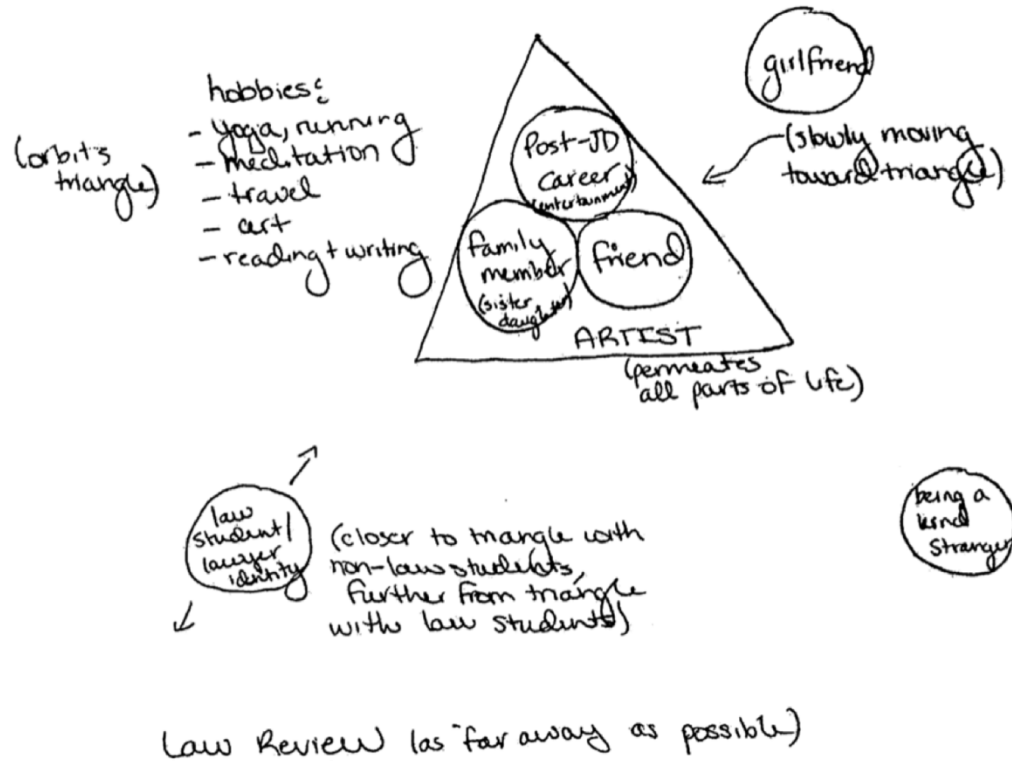
In some respects, the open-ended pilot approach may yield more information than the more standardized approach I later adopted. In the central triangle in Figure 1, we find the juxtaposition of "post-JD career," "family member," and "friend," along with "artist" in the corner. By giving the respondent freedom over the graphical structure of the exercise, they may more creatively (and in some cases more clearly) delineate the relationships among roles. In Figure 1, everything outside the triangle is unmistakably of secondary or lower importance to this respondent's account of personal identity. We find helpful explanatory notes. On the left side, the list of hobbies is described as a cluster that "orbits triangle." The term "artist" is located on the edge of the triangle, but "permeates all parts of life." The importance of "artist" is perhaps underscored by the use of capital letters and by its unique placement within the triangle. The relatively small size of the central triangle frames the scale of the diagram differently than found in the final version of the mapping technique, where the identity circle fills a much larger portion of the page. Thus some roles in Figure 1 appear extremely far from the center. "Law review" is "as far away as possible." We also gain important information from this respondent's annotated use of arrows. Thus we learn that the "law student/lawyer identity" is "closer to

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triangle with non-law students further from triangle with law students." The open-ended mapping technique seems to encourage more textual and graphical explanations of role placements as respondents seek to explain not only the location of different roles but also their decisions regarding visual presentation.

Thus the unstructured approach to identity mapping may provide depth to qualitative analysis by introducing a great number of visual variables and idiosyncratic, self-expressive visual styles. While this approach may benefit our understanding of individual case studies, these added variables can create unwanted noise in systematic approaches to comparing identity maps. Furthermore, the unstructured approach leaves the relationship between some roles less clear. The list of roles on the left side of Figure 1 are unsorted. A more structured approach may require respondents to think harder about how they relate to each role in relation to all other included roles.

4.2 Structured Approaches

A more structured approach to identity mapping can enable role distancing findings to be more readily aggregated. My approach to aggregation is based on measuring the average distance to the center of each coded role category (as discussed in Chapter 2). I considered but rejected three other approaches to aggregation. (1) I considered weighing the size of role identity circles as an indicator of the importance of different roles, but I did not find much support for this approach in the interpretive dialogues. When asked about the size of role identity circles, respondents often gave contradictory or dismissive responses. (2) I considered counting excluded role categories as peripheral role placements. For example, when a respondent who did not include gender as a role identity, I would use the radius of the circle as the measurement of gender, implying a peripheral placement. However, I concluded that this approach was not well supported by the interviews. When a respondent excluded a particular role, interpretive conversations revealed that it did not necessarily signify a neutral attitude toward that role, but neither did it necessarily correlate with an extremely negative attitude toward that role. Instead I reported the inclusion rates for each role category under each role label in the aggregate maps presented in this dissertation, but did not factor inclusion rates into distancing calculations. (3) I considered aggregating based on rings rather than measurements. This approach would involve categorizing each role placement as either belonging to a central, peripheral, or far-peripheral ring based on a visual assessment of role placements and clustering effects and a qualitative assessment of the respondents' approach to the exercise. I rejected this approach primarily on the grounds that too few of the identity maps were divided into discernible rings.

I also considered more heavily structured approaches to identity mapping. Rather than letting the respondent create their own list of role identities, I considered giving the respondent a list of role categories to be placed on the identity map. One could even use standardized objects to represent each role category, such as small labeled stickers or moveable circles cut from heavy paper. A more structured approach could lend greater validity to quantitative comparisons among respondents by standardizing their role labels and avoiding the problem of omitted categories.

4.3 A Middle-Ground Approach

   Aggregating role placement measurements places faith in respondents' understanding of how role distancing is reflected in the mapping exercise. Based on thorough discussions in interpretive dialogues, I am confident that respondents in this dissertation generally understood the task. Nevertheless, this approach to aggregation is far from perfect. The findings in this dissertation may be highly contingent on the ways interviews were conducted in this particular study. For future applications of identity mapping, I recommend extensive interpretive dialogues to explore what the exercise means to respondents.

   The semi-structured approach to identity mapping used in this dissertation aims to yield valid aggregate information about role placements while also encouraging respondents to give visual clues about what roles mean to them. The maps often explicitly tell a story, referencing relationships between roles and between the past, present, and future. A highly structured approach would be unlikely to yield this qualitative depth. Figure 2 gives an example from a first-year corporate path respondent who took a narrative approach within the bounds of the directions. The roles are stretched and complex but still measurable (the measurements are taken from the center of each role to the center of the larger identity circle).

Figure 2. First-year corporate path identity map[61]
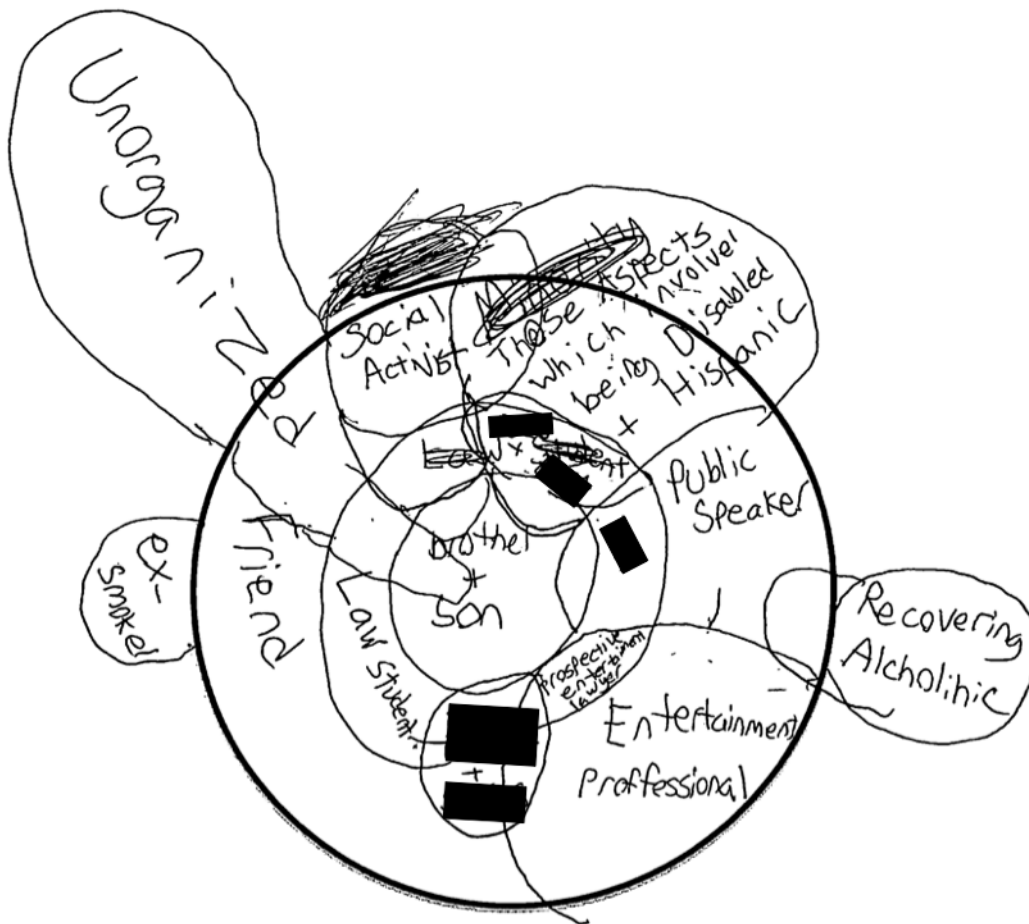
While Figure 2 is somewhat "unorganized," as characterized in this respondent's self description, this lack of organization perhaps yields important information about this respondent's experience. We see this respondent juggling past roles ("recovering alcoholic" and "ex-smoker") and future roles ("prospective entertainment lawyer"). We see roles that are placed in equidistant rings and others that are more solitary. We see categories that are crossed out—"law student" was replaced by the names of student organizations and "minority" was replaced with "those aspects which involve being disabled + Hispanic." We see overlapping roles, such as "social activist" and the racial and disabled category. "Unorganized" overlaps with multiple aspects of the respondent's identity. We see someone who disaggregates the law student role into multiple activities. The blacked out role on the right is a student government position. The blacked out roles on the bottom indicate service on two law journals.

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[61] Roles that are blacked out were labeled with information that could identify the site for this study.

A benefit of the semi-structured approach is that it can yield information about the respondent's thought process during the exercise. Thus we can examine the temporal experience of the method as roles are relabeled, deleted, and configured in overlapping and ringed clusters. For example, in Figure 3 (below), the arrow attached to "public interest career" expresses the respondents' central conception of this role. However, the fact that this respondent only included "public interest career" after filling the center with family roles may suggest that family takes priority over the professional role. For aggregation purposes, I considered the lawyer role in Figure 3 to be placed in the center. Often temporal markers hinted at ambivalence, as indicated in interpretive dialogues.

Figure 3. First-year public interest path identity map
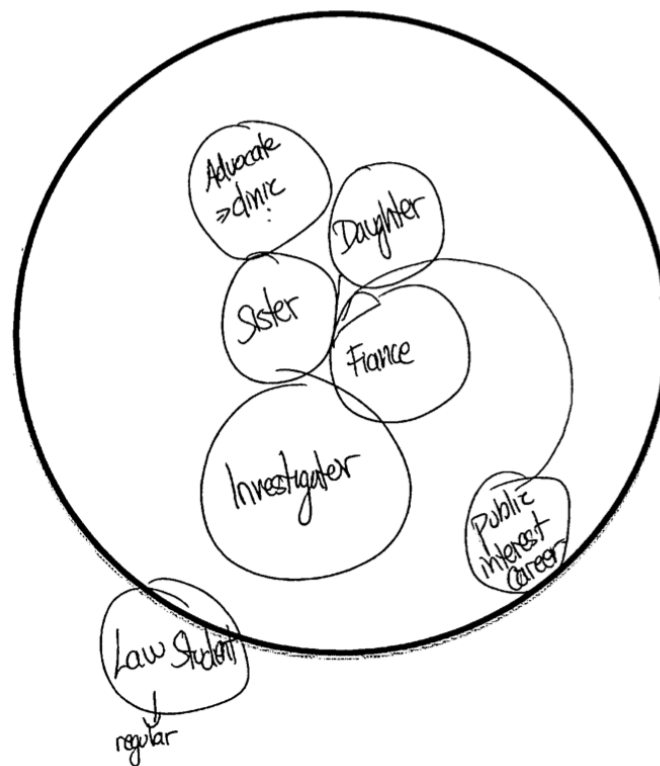
Identity maps in this dissertation commonly included arrows and other marks to help illustrate the respondent's intentions. Often arrows were aspirational—the respondents' current role placements were supplemented by an arrow pointing in the direction they hope a particular role will travel in the future. Arrows were also used to express relationships between roles. The respondent who drew the identity map below (Figure 4), explained that the bi-directional arrow between "job I like" and "wife" indicated her priority on maintaining work-life balance. Similarly, she used arrows to express her desire for "teacher" and "friend" to remain closely connected to her central

identity (rooted in family roles). She explained the arrow next to "law student" by stating that she was "looking forward to getting out [of law school]."

Figure 4. Second-year identity map
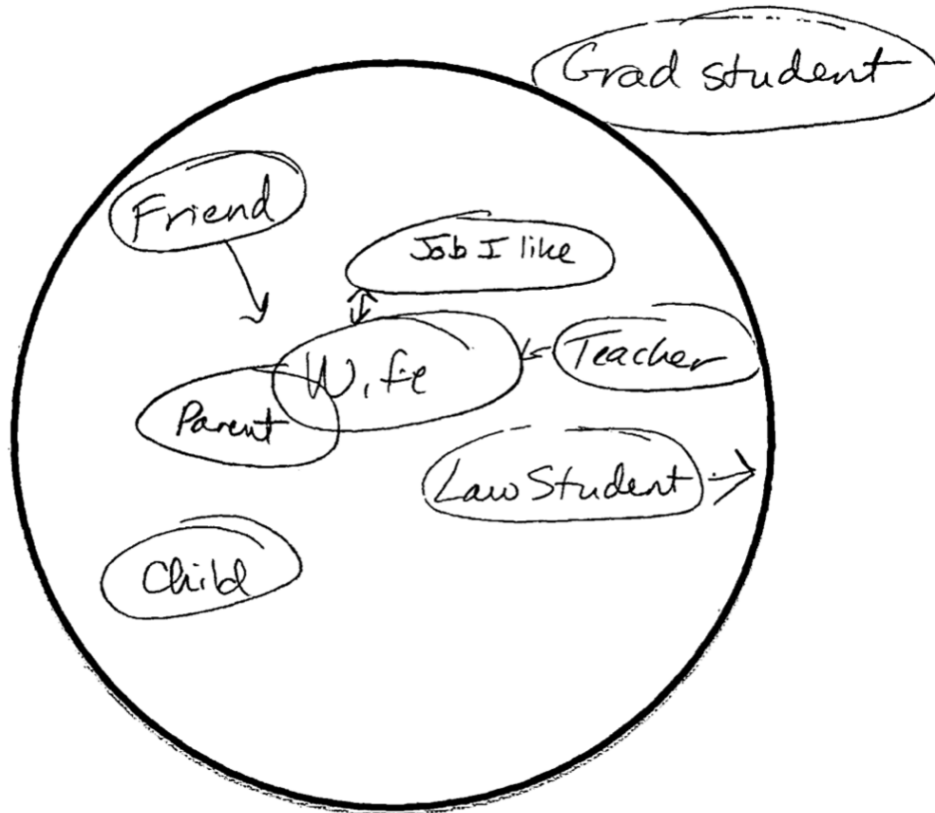
Some respondents wrote extensive explanatory notes, as demonstrated by the first- and second-year maps from Bonnie, a corporate path respondent (Figures 5 and 6). While Bonnie's "legal practitioner" role is central, this label includes an aspirational comment: "incl[uding] future job and what I want to get out of law school." Regarding "social person" she explained: "this is where it is" and "this is where I'd like it to be." Her law student roles are on the periphery but have arrows pointing to the center. In the interview, Bonnie clarified that these arrows suggest that attending law school supports her future career ambitions, not that the law student role was intended to be placed in the center. Her wide variation in the placement of family roles average to a middle placement for aggregation purposes, but her explanatory notes reveal far more detail about her past and future plans. Aggregation misses much of this variation. For example, the aggregate "family" role can imply a relationship to one's parents, current partners, children, and other relatives. Explanatory notes provide helpful invitations to follow-up questions in the interpretive dialogue.

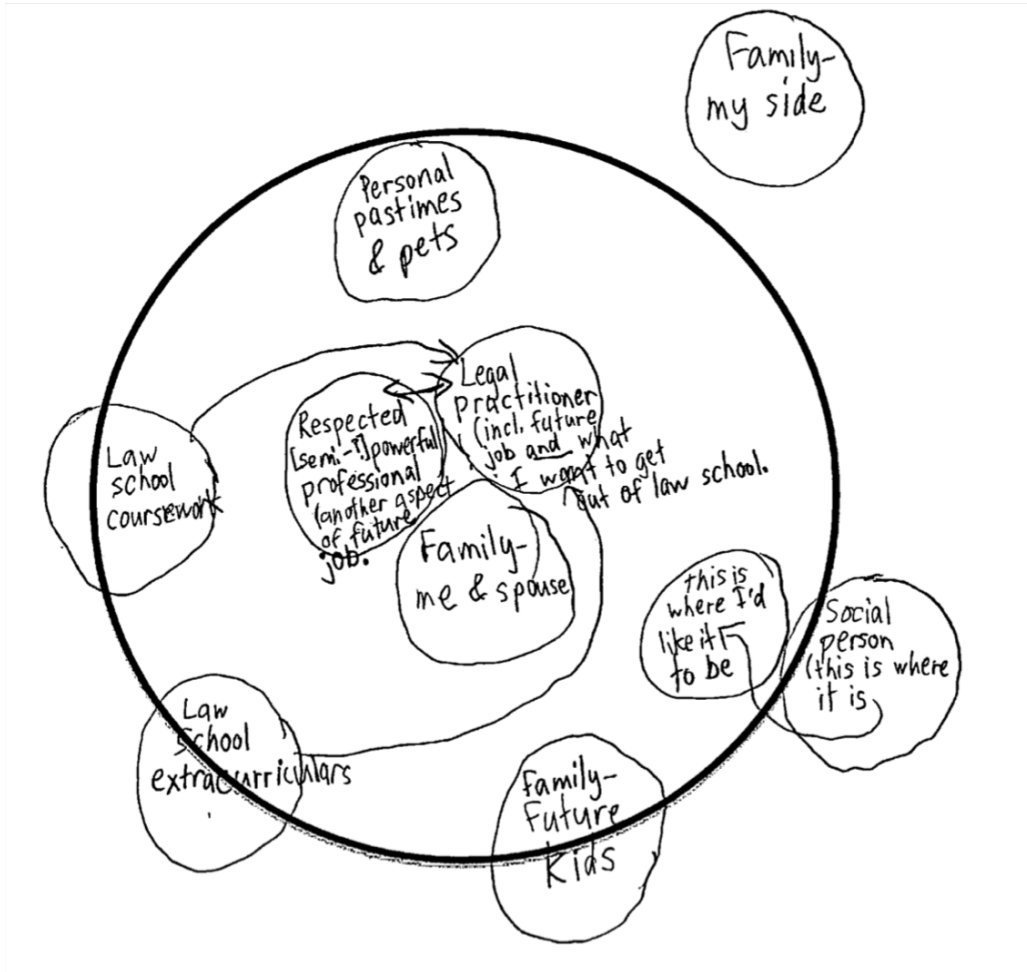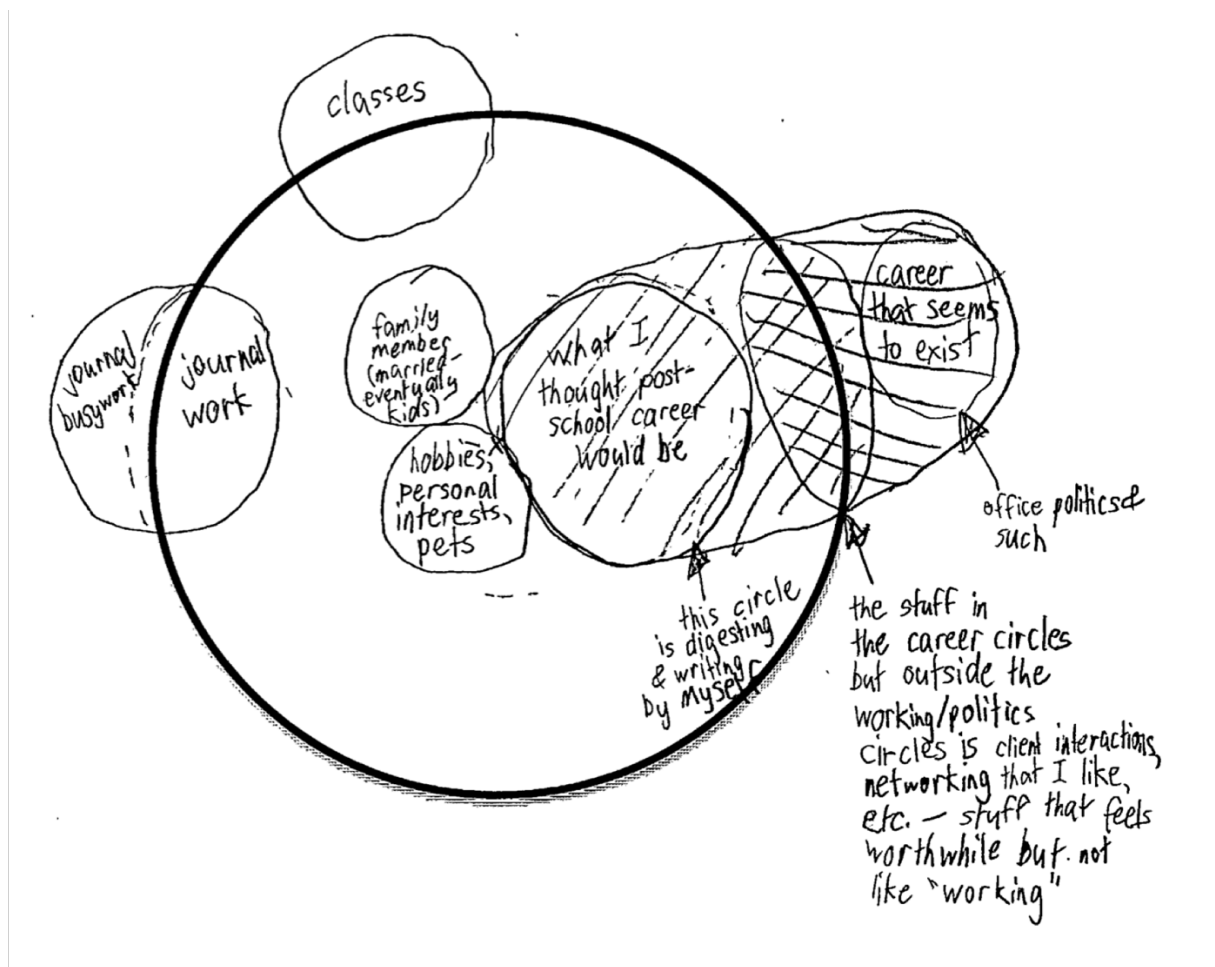Figure 5. Example of complex first-year identity map (Bonnie, corporate path)

Figure 6. Example of complex second-year identity map (Bonnie, corporate path)

In her second-year map (Figure 6), Bonnie is similarly verbose. Her written comments regarding professional identity reveal the distancing that has taken place between the first and second year. In her first-year map, the lawyer role was placed in the center. In her second-year map, she explained that "what I thought post-school career would be" was a proximate role, but the "career that seems to exist" is a more distant role. This map helps to explain the distancing process among corporate path respondents. Owing in part to her growing concerns about "office politics," Bonnie has adopted a more skeptical conception of professional identity even as she takes a more proximate stance toward "client interactions, networking that I like etc.—stuff that feels worthwhile but not like 'working.'" Thus Bonnie draws a distinction between professional activities that feel like "working" and those that are more appealing. Consistent with the experiences of many other corporate-path respondents (and in contrast to the aggregate drifting experience), Bonnie's concerns about distancing are not based in moral aversion to her work. These findings emerge from her elaborating written comments and creative graphical clues in addition to her remarks in the interpretive dialogues. If we were to rely

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only on the aggregate measurement of lawyer role distancing, we would miss Bonnie's tripartite depiction of professional identity and her ambivalence in accepting the "career that seems to exist."

4.4 Coding for Complexity

In addition to analyzing individual role placements, one could code identity maps holistically. For example, one could categorize maps as complex or simple, depending on the number of roles included, whether there are extensive notes and markings to explain roles, and whether there are visible indications of erased or crossed-out labels. An assessment of complexity could also draw on the interview transcripts to consider how much time respondents used to complete the exercise, whether they asked extensive questions about the directions to the exercise, and whether they reported finding the exercise particularly challenging.

The below second-year corporate-path identity map (Figure 7) represents a simple approach to the exercise with fewer role identities and no elaborating comments or marks. The terms for each role are written concisely and clearly. The identity circles are small, non-overlapping, and discernibly clustered. Relatively simple maps are perhaps the most amenable to measurement and aggregation but provide fewer threads for the interpretive dialogue.

Figure 7. Second-year corporate path identity map[62]
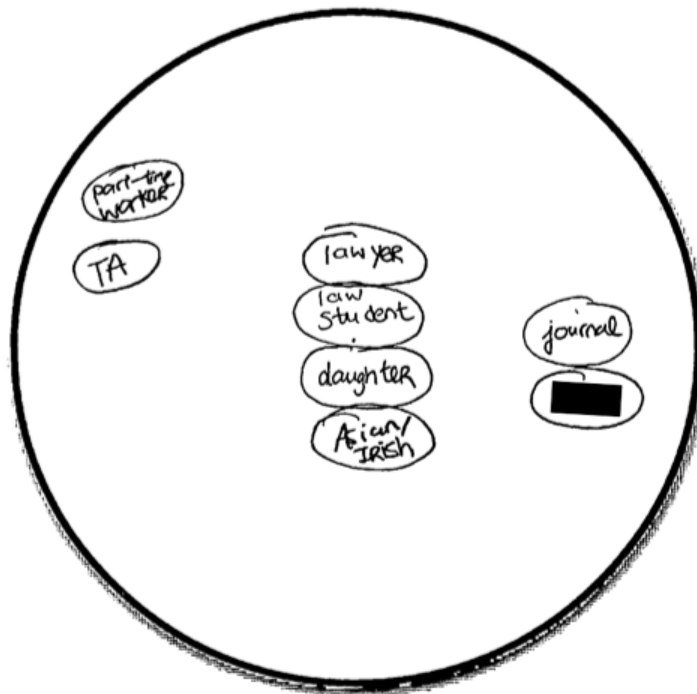
An analysis of complexity can shed light on students' experiences of ambivalence and identity crises, in contrast to students who are relatively untroubled about their roles and identities. However, complexity can give rise to several other interpretations as well, including respondents' predispositions toward visual thinking. Some respondents expressed initial reluctance and anxiety about the graphical and creative nature of the exercise by stating, "I'm sorry. I'm not a very creative person," or "I am terrible at drawing." It is difficult to determine whether initially reluctant participants, in aggregate, created simpler identity maps than those who expressed an immediate receptivity or enthusiasm for the visual nature of the exercise. Furthermore, we might argue that simpler maps reflect restricted language codes (relying on shared assumptions and meanings with the interviewer) while complex maps may reflect elaborated language codes (assuming the researcher needs more detailed explanations of role categories and their placements) (Bernstein 1971). Previous research has suggested that language codes may correlate with class background, particularly in the education context (Bernstein 1971). We might hypothesize that class background as well as gender and other social categories (and intersectionalities) influence how respondents approach the exercise.

Given the multiplicity of explanations for why respondents produce relatively elaborate or simple identity maps, interpreting aggregate complexity findings seems

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[62] The blacked out role on the right side of Figure 7 is a competitive oral advocacy team that participates in various tournaments.

problematic. Furthermore, indices of complexity were often indeterminate within individual identity maps. Thus for the purposes of the dissertation, I decided to use complexity observations in qualitative analysis but not in aggregation. Nevertheless, holistically coding maps for complexity may be a promising approach to explore in future research.

4.5 Over-Time Analysis

My use of identity mapping in this dissertation has primarily drawn on an over-time analysis. In addition to comparing changes in the measurements of role distances, I also observed over-time changes in the graphical approach that respondents took to the mapping exercise. Most respondents were relatively consistent in their approach between the first and second year. How do we explain this consistency? I asked some respondents at the end of the second-year interview whether they remembered their approach to the mapping exercise in the first year. In each case, the respondents claimed that they did not remember the approach they took in the first year. For respondents who replicate the map structure from the previous interview, I hypothesize that their approach to the prompt can reflect deep identity characteristics. Some respondents may have at least a vague memory of the maps they completed the prior year. To the extent that respondents do remember their responses prior year, we should consider a consistency biases—perhaps respondents want to appear consistent in order to counter the notion that law school has changed them.

Consistent graphical approaches are exemplified in the example from Bonnie, the corporate path respondent discussed above, and Andrea, a public interest path respondent (see Figures 8 and 9 below). The differences between Andrea's first- and second-year identity maps are summarized in Table 1 below.

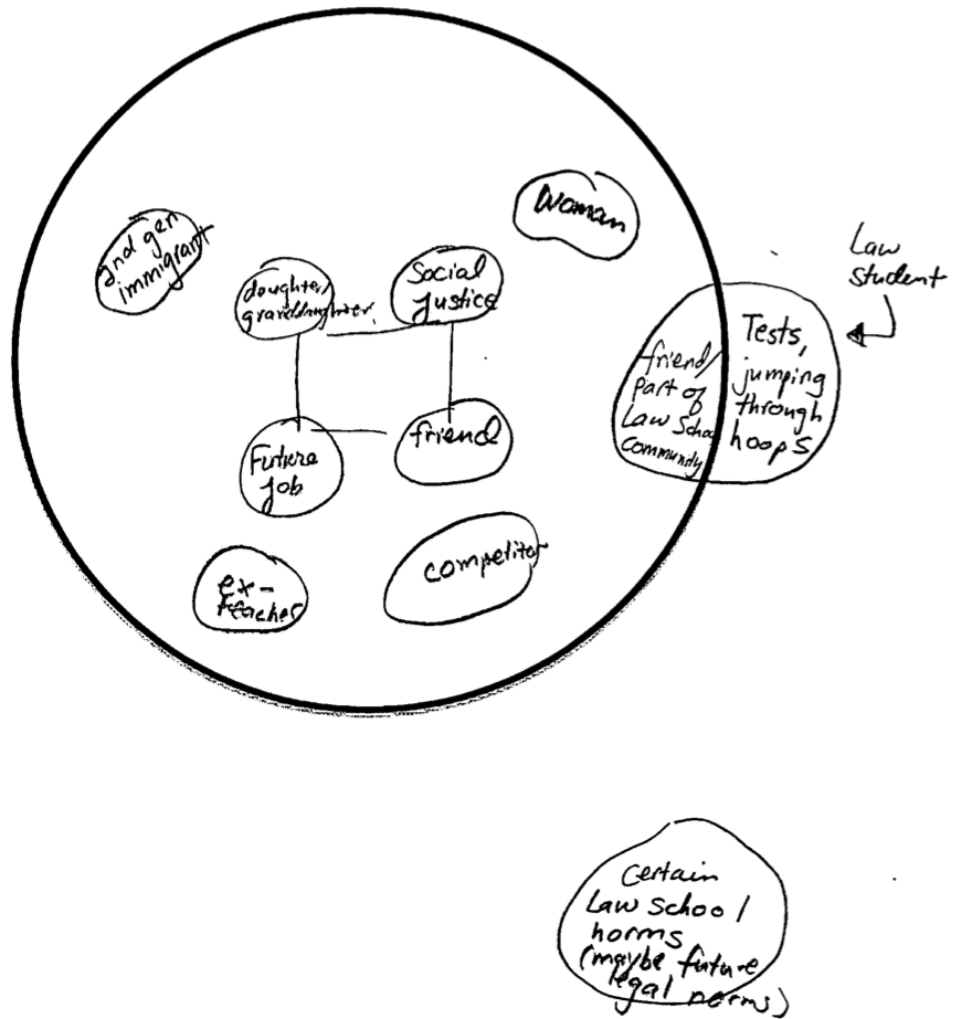Figure 8. First-year public interest identity map (Andrea)

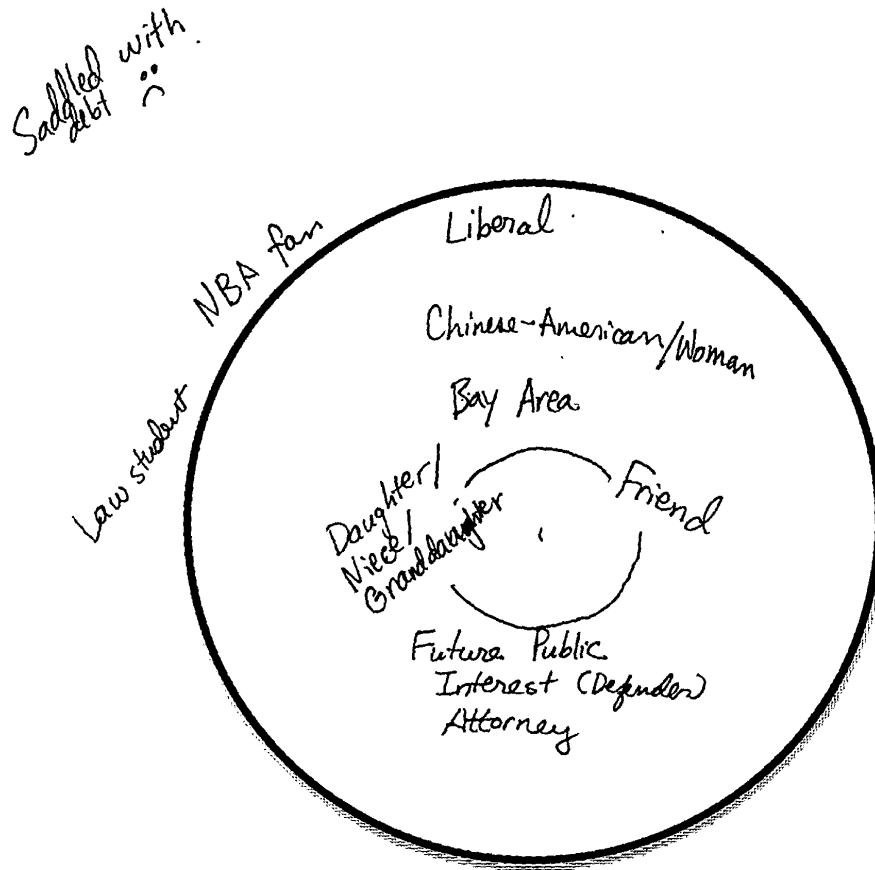Figure 9. Second-year public interest identity map (Andrea)

Table 1. Andrea 1L-2L Map Comparison

	First year	Second year
Central cluster	Daughter/granddaughter Social justice Friend Future job	Daughter/Niece/Granddaughter Future public interest attorney (defender) Friend
Second ring	2nd gen immigrant Woman Competitor Ex-teacher	Bay Area Chinese American/Woman
Periphery	Law Student (Friend…/Tests…)	Liberal Law Student NBA fan
Far outside	Certain law school norms (maybe future legal norms)	Saddled with debt [frown]

In her central cluster, Andrea is highly consistent in the roles that she included and her use of connecting lines. She described this cluster in her first-year interview as a collection of equidistant roles that are "floating all amoeba like." Her second ring is also consistent between the two maps, except for the omission of "competitor" and "ex-teacher" in her second year. These omissions may reflect the less competitive nature of the second year of law school and her increasing temporal distance from her pre-law-school work experiences. On the periphery of both maps we find the law student role. In the first year, she distinguished between the enjoyable "friend part of law school" and the more distant academic work of "tests, jumping through hoops." In both maps, she includes a single role on the far periphery—"certain law school norms" in the first year and "saddled with debt" in the second year. This substitution may reflect a common transition among public-interest-oriented students from resistance to legal pedagogy in the first year to focusing on the practical matter of finding a fulfilling and well-paying job in the second year.

Andrea's consistency in graphical form yields relatively clear narratives of 1L-2L change that are well supported by her interview remarks. For example, in her first year, she emphasized concerns about the neutral tone taken by professors and most students during classroom discussion:

> [Some classmates] would…raise their hand and they kind of set the tone for the type of discussions. And they had these really abstract ideas and they made it seem like it was a universal truth…and there was very little personal experience brought into what they were saying. And I felt really intimidated because I thought that was the right way to talk about the law…And so I felt like, "Whoa, maybe the way I think about the law isn't the correct way…" So that was a little strange to me.

Furthermore, Andrea's first-year interview emphasized her struggle to sustain her public-interest career commitment against the dominant socializing forces of legal education.

> Even though at times I feel alienated in class, I can at least take solace in the fact that there are going to be legal professionals out there who are going to be able to remind me that, hey, this is why I am in the field. It's not because I'd want to uphold the system, or just pat myself on the back, "I'm so smart, look at this legal analysis I'm doing." It's because there are people out there who legitimately need help. And, I hopefully will be able to help them in some way.

Her second-year accounts turned more pragmatic. While she sustained the public-interest sector trajectory, her rationale for this path because less idealistic: "I would be lying if I said this is all for selfless reasons, morality and my convictions. A part of it is I want to be a trial attorney and public defenders go to trial all the time…" This practical strain included comments about debt but also an increasing focus on specific work being

done in the practice sector, rather than just the ideals behind the work. Accordingly, when asked about her peripheral placement of "law student" in the second year, Andrea explained:

> It's a love-hate relationship. Some days I like being a law student, sometimes I don't. So part of me feels like part of it is being forced on me. But another part is like, well I did sign up for this…I do like the classes I'm taking this year and I like some of the professors I have this year. So it's not all bad. I just don't like being in school when I know there is stuff out there to do in the real world. Which is why I decided to do this internship for credit as opposed to taking another class because one, it's more educational and two, it's in some small way, even the little tiny little motions that I write for my boss, may have an impact.

Her placement of race and gender did not change much between the first and second year, but the second-year interview suggested that she came to view the relationship between these identities and her professional life in a new more pragmatic way.

> I feel like there is this movement right now where it's sexy to go to the South and be a public defender because that's where the need is the greatest and what not. I thought about doing that. But I was like, if I go to the south and I'm a woman and I'm Asian, who is going to take me seriously? Who on the jury is going to take me seriously when I go up there and argue? Nobody. At least in the Bay Area, like one or two people are going to take my seriously if I go in front of them and argue. So where am I of the most use? I mean as much as people don't want to believe it, I think ethnicity and gender would factor into that. And I think I would be of the most use in California where I could have the greatest impact and get the most traction on my case, you know?

These observations are enhanced by the direct comparisons enabled by Andrea's consistency in form between her first- and second-year identity maps. Thus Andrea's example underscores the value of a more systematic and standardized approach to identity mapping.

SECTION 5: THEORIZING THE SELF IN SOCIOLEGAL STUDIES

A broader agenda of this research design is to demonstrate the efficacy of theorizing the self more explicitly in sociolegal research. With the constitutive turn and rise of legal consciousness scholarship (Ewick & Silbey 1998; Nielsen 2004), sociolegal inquiry has increasingly focused on individual subjectivities and identity formation. I propose that we take another step in this direction by drawing on theories of self

construction found in sociology and philosophy to examine not only how law shapes our thinking and how we, in turn, shape the meaning of law, but also how the boundaries of the self, role prioritizations, and identity narratives interact with the legal system.

There is abundant support in recent sociolegal research for a movement toward theorizing the self. Ewick and Silbey famously critiqued accounts that separate individuals from the law or that conceive of individuals as standing "before the law" rather than "with the law" or "against the law" (1998). The authors demonstrate how the individual's public identity and personal identity are in play when analyzing law and social norms. In a separate writing, Ewick describes how the turn toward analyzing legal ideologies rather than individual laws suggests an increasingly constitutive view: "People use ideological forms to make sense of their lives. And it is through that sense making that people produce not only those lives but also the specific structures within which they live" (2004:92). The use of "consciousness" and "discourse" as units of analysis often intentionally transcends distinctions between individuals and groups. This approach provides new tools for analysis but leaves room for a deeper look at the internal aspects of identity processes.

Some sociolegal researchers have provided explicit accounts of the work done by identity in their empirical analyses. For example, Maynard-Moody and Musheno (2003) describe identity construction and group belonging among police officers, teachers, and social workers. The authors depict identity as a dynamic process in which "subject positions . . . combine or intersect amid the shifting contexts of everyday life" (2003:51). The authors embrace the constitutive perspective by underscoring the mutually co-forming nature of social interactions: "The identity making process is, therefore, mutual in the sense that it involves and affects both workers and citizen-clients" (155). Morrill et al. (2010) take definitional issues around personal identity as an even more central concern in their analysis of how youth deal with peer and adult-youth conflict with and without law. The authors describe identity as "always contingent and interactional, [with] multiple components that may or may not be consistent with one another" (2010:653). This more plastic portrayal of the self consists of a dynamic constitutive process in which "ideal identities" are pursued in the face of constraining "everyday realities" while stigmatized identities are eschewed (Morrill et al. 2010:679). Feminist scholars in the sociolegal canon have long theorized the self within an examination of the "constitution of the gendered legal subject" (Lacey 2004:472). Much of the constitutive turn draws on a Foucauldian view of personal identity, wherein the self is "an effect of powerful social discourses such as law" (Lacey 2004:472). These accounts of fluid and malleable identity suggest an inclination among sociolegal scholars to problematize stable conceptions of selves. By drawing on theoretical perspectives on personal identity, we can extend sociolegal inquiry to a new series of research questions and methodologies that take aspects of self construction as the unit of analysis and shed light on the nature of the self in relation to law. Asking how individuals internalize norms and social forces at the level of their identity formation supplements analyses of legal discourses, legal consciousness, and the instrumental value of law while helping to avoid flattened, nonagentic, and undertheorized notions of selves.

REFERENCES

Abbott, Andrew. 1988. *The System of Professions*: *An Essay on the Division of Expert Labor*. Chicago: University of Chicago Press.

Bauman, Zygmunt. 2004. *Work, Consumerism and the New Poor*. McGraw-Hill Education.

Becker, Howard, Blanche Geer, Everett C. Hughes & Anselm Strauss. 1961. *Boys in White: Student Culture in Medical Schools*. Chicago: University of Chicago Press.

Beagan, Brenda L. 2001. ""Even if I Don't Know What I'm Doing I Can Make It Look like I Know What I'm Doing": Becoming a Doctor in the 1990s." *Canadian Review of Sociology*. 38.3: 275-292.

Bernstein, Basil. 1971. *Class, Codes and Control. Volume 1: Theoretical Studies Towards a Sociology of Language*. Routledge & Kegan.

Boltanski, Luc, and Laurent Thévenot. 2006. *On justification: Economies of worth*. Princeton University Press.

Campos, Paul F. 2012. *Don't Go to Law School (unless): A Law Professor's Inside Guide to Maximizing Opportunity and Minimizing Risk*. CreateSpace Independent Publishing Platform.

Cech, Erin, et al. 2011 "Professional role confidence and gendered persistence in engineering." *American Sociological Review* 76.5: 641-666.

Comaroff, Jean and John Comaroff. 1989. "The Colonization of Consciousness in South Africa." *Economy and Society* 18(3): 267-296.

Costello, Carrie Yang. 2005. *Professional Identity Crisis: Race, Class, Gender and Success at Professional Schools*. Nashville, TN: Vanderbilt University Press.

Desmond-Harris, Jenee. 2006. "Public Interest Drift Revised: Tracing the Sources of Social Change Commitment among Black Harvard Law Students." *Hastings Race & Poverty LJ* 4: 335.

Dinovitzer, Ronit, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce Sterling. 2009. *After the JD II: Second Results from a National Study of Legal Careers*. Chicago: NALP Foundation for Law Career Research & American Bar Foundation.

Dinovitzer, Ronit, Bryant G. Garth, and Joyce S. Sterling. 2013. "Buyers' Remorse? An Empirical Assessment of the Desirability of a Lawyer Career." *Journal of Legal Education* 63, no. 2: 211–234.

Edelman, Lauren B., Gwendolyn Leachman, and Doug McAdam. 2010. "On Law, Organizations, and Social Movements." *Annual Review of Law and Social Science* 6:653-685.

Engel, George L. 1982. "The Biopsychosocial Model and Medical Education: Who Are to Be the Teachers?" *New England Journal of Medicine* 306.13: 802-805.

Epp, Charles R. 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. Chicago: University of Chicago Press.

Erlanger, Howard S., Mia Cahill, Charles R. Epp, and Kathleen M. Haines. 1996. "Law Student Idealism and Job Choice: Some New Data on an Old Question" *Law & Society Review* 30: 851–864.

Ewick, Patricia. 2004. "Consciousness and Ideology," in *The Blackwell Companion to Law and Society*, S. Austin, ed. Maiden, MA: Blackwell.

Ewick, Patricia, and Susan S. Silbey. 1995 "Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative." *Law and Society Review*. 197-226.

——. 1998. *The Common Place of Law: Stories from Everyday Life*. Univ. of Chicago Press.

Fleury-Steiner, Benjamin. "Narratives of the Death Sentence: Toward a Theory of Legal Narrativity." *Law and Society Review* (2002): 549-576.

Friedson, Eliot. 1986. *Professional Powers: A Study of the Institutionalization of Formal Knowledge*. Chicago: Univ. of Chicago Press.

Garth, Bryant, and Joyce S. Sterling. 2009. "Exploring Inequality in the Corporate Law Firm Apprenticeship: Doing the Time, Finding the Love." *Georgetown Journal of Legal Ethics* 22: 09-11.

Goffman (1974) "Role Distance" Life as Theater: A Dramaturgical Sourcebook. Dennis and Charles Edgley eds. New York: Aldine.

Granfield, Robert. 1995. "Constructing Professional Boundaries in Law School: Reactions of Students and Implications for Teachers," 4 *S. Cal. Rev. L. & Women's Stud.* 53.

⸻. 1992. *Making Elite Lawyers: Visions of Law at Harvard and Beyond*. New York: Routledge.

⸻. 1991. "Making It by Faking It: Working-Class Students in an Elite Academic Environment." *Journal of Contemporary Ethnography* 20.3 (1991): 331-351.

Granfield, Robert and Koenig, Thomas. 1992. "Learning Collective Eminence: Harvard Law School and the Social Production of Elite Lawyers," *The Sociological Quarterly*, Vol. 33 No. 4 503-520.

Guinier, Lani et al. 1994. "Becoming gentlemen: Women's experiences at one Ivy League law school." *University of Pennsylvania Law Review* 1-110.

Hafferty, Frederic W. 1991. *Into the Valley: Death and Socialization of Medical Students*. Yale University Press, 1991.

Halliday, Terence C., Lucien Karpik, and Malcolm M. Feeley, eds. 2007. *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Liberalism*. Bloomsbury Publishing.

Ho, Karen. 2009. *Liquidated: an ethnography of Wall Street*. Duke University Press.

Katsiaficas, Dalal, Valerie A. Futch, Michelle Fine, and Selcuk R. Sirin. 2011. "Everyday Hyphens: Exploring Youth Identities with Methodological and Analytic Pluralism." *Qualitative Research in Psychology* 8: 120–139.

Kennedy, Duncan. 1983. *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System.* Cambridge, MA: AFAR.

Kronman, Anthony T. 1995. *The lost lawyer: Failing ideals of the legal profession*. Harvard University Press.

Lacey, Nicola. 2004. "The Constitution of Identity: Gender, Feminist Legal Theory, and the Law and Society Movement," in A. Sarat, ed., *The Blackwell Companion to Law and Society*. Malden, MA: Blackwell.

Lamont, Michèle. *Money, morals, and manners: The culture of the French and the American upper-middle class*. University of Chicago Press, 1992.

Levinson, Sanford. 1993. "Identifying the Jewish Lawyer: Reflections on the Construction of Professional Identity." *Cardozo Law Review* 14: 1577–1612.

Lief, Harold I. & Renee C. Fox. 1963. "Training for "Detached Concern" in Medical Students." *The Psychological Basis of Medical Practice*. 12: 35.

Maynard-Moody, Steven, & Michael Musheno. 2003. *Cops, Teachers, Counselors: Stories from the Front Lines of Public Service.* Ann Arbor: University of Michigan Press.

Merton, Robert K., George G. Reader, and Patricia L. Kendall eds. (1967) *The Student Physician: Introductory Studies in the Sociology of Medical Education*. Oxford, England: Harvard Univ. Press.

Morrill, Calvin, et al. 2010. "Legal Mobilization in Schools: The Paradox of Rights and Race Among Youth," 44 *Law & Society Rev.* 651–94.

Nielsen, Laura Beth. 2004. *License to Harass: Law, Hierarchy, and Offensive Public Speech*. Princeton, NJ: Princeton University Press.

Ondrack, D. A. 1975. "Socialization in Professional Schools: A Comparative Study." *Administrative Science Quarterly* 97-103.

Rosenberg, Gerald N. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press.

Rubin, Edward. 2014. "The Future and Legal Education: Are Law Schools Failing and, if So, How?" *Law and Social Inquiry* 39, no. 2: 499–521.

Shapiro, Martin. 1987. *Getting doctored: Critical reflections on becoming a doctor*. New Society Pub.

Scheingold, Stuart. 1974. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. New Haven, CT: Yale University Press.

Scheingold, Stuart & Austin Sarat. 2001. *Cause Lawyering in the State in a Global Era*. Oxford University Press.

Schleef, Debra. 2006. *Managing Elites: Professional Socialization in Law and Business Schools*. Lanham, MD: Rowman & Littlefield.

Schmidt, Jeff. 2001. *Disciplined Minds: A Critical Look at Salaried Professionals and the Soul-Battering System that Shapes their Lives*. Rowman & Littlefield.

Silver, Carole. 2013. "Getting Real about Globalization and Legal Education: Potential and Perspectives for the US." *Stan. L. & Pol'y Rev.* 24: 457.

Stover, Robert V. 1989. *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*. Chicago: University of Illinois Press.

Tamanaha, Brian. 2012. *Failing Law Schools*. Chicago: University of Chicago Press.

Unger, Roberto. 1986. *The Critical Legal Studies Movement*, Harvard University Press.

Wendland, Claire & Chiwoza Bandawe. 2007. "A Qualitative Study of Medical Student Socialization in Malawi's College of Medicine: Preclinical Training and Identity." *Malawi Medical Journal* 19.2: 68-71.

Wilkins, David B. 1998. "Identities and Roles: Race, Recognition, and Professional Responsibility." *Maryland Law Review* 57: 1502–1594.

———. 2004. "Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers." *Houston Law Review* 41.1.