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IV. CONCLUSION

As outlined above, this study is designed to assess the effect that law school special admissions programs, such as the one at the University of Wisconsin, have had in increasing the number of lawyers from minority groups. The study, by reporting the employment patterns of LEO graduates, will be helpful in determining the kind and quality of legal services delivered to the minority community.

AN ANALYSIS OF THE EMPLOYMENT PATTERNS OF MINORITY LAW GRADUATES

Gary A. Munneke

I. INTRODUCTION

This article will discuss the findings of the annual Employment Report of the National Association for Law Placement (NALP) as they relate to the employment patterns of black law school graduates. The NALP surveys provide a reliable and informative picture of legal employment in this country. The survey should prove useful in the development of in-depth instruments to measure career development among black attorneys. This article will present the background and methodology of the Employment Survey in order to aid in the interpretation of the data.

II. HISTORY

NALP is a young organization. It was founded in 1971 with a membership of thirty-five law schools, primarily from the northeast. Our present membership includes 164 law schools out of 171 law schools approved by the American Bar Association[1] as well as 250 bar associations and legal employers.[2] One of NALP's goals is the improvement of law placement and recruitment in the United States through research, cooperation, communication, and education, both within the organization and with other groups associated with the legal profession.

From NALP's inception members expressed the need to develop a comprehensive survey of law school graduates. Until then no such survey existed. Development of the Employment Report began in 1972 when representatives of NALP, the Association of American Law Schools, the

tape-recording the interviews. So far, none of the interviewees have objected to the taping of the interviews. The tapes will be transcribed for future use in writing up the results of the study.

1. The Army Judge Advocate General School, the three Puerto Rican law schools, West Virginia, Wyoming, and Texas Southern law schools are not members at this time.

2. Excluded from membership are private placement agencies or executive search firms and law schools not approved by the American Bar Association.

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ABA Section of Legal Education and Admissions to the Bar, the ABA Task Force on Professional Utilization, and the Law School Admissions Council, met to agree upon the employment categories to be used as a basis for the Employment Survey. With minor refinements which have evolved over the years, the categories used in the NALP survey today are those developed by these representatives.

The first NALP Employment Survey was conducted in 1973-1974. The results were reported at the annual meeting of NALP in Washington, D.C. in June of 1974.[3] That first survey included data from seventy schools, but collection methods and accuracy varied so widely from school to school that the results were not considered reliable and the report was not widely disseminated. During the following year, most of the troublesome issues were addressed by the NALP Research Committee. The survey was conducted again with data made available by eighty schools. Once again, the survey was reported to the group, but not widely outside of NALP.[4] However, the survey showed a general employment pattern which we can still see today.

In the early years of the Employment Survey one of the major problems we faced was controlling our data pool. We could not be sure that all schools used the same reporting period and the same definitions of those employed and seeking employment, as well as comparable categories, in making their individual surveys. This problem was heightened by high turnover among placement officers which resulted in highly unreliable data from those schools with new directors who had been given little guidance by their immediate predecessors. Further, the early surveys made no effort to distinguish minorities or women.

III. Methods and Limitations

Collection of data is carefully controlled. Employment Survey forms are distributed to all ABA approved law schools in January of each year. The surveys cover the graduating class which finished law school on August 1 to July 31 of the previous year. This six-month gap allows graduates to take and pass the bar exam because passing the bar is a prerequisite for many legal jobs. Each school surveys its own graduates using pre-determined definitions and categories. Schools are asked to submit reports by March 1, although many come in late. The reports are fed into a computer at McGeorge Law School, and the results and analysis are published at the NALP annual meeting in June.

The NALP survey does not attempt to cover graduates who do not take or pass a bar exam. Nor does it cover those qualified[5] to work but who are not seeking employment. It does include graduates who are seeking legal employment as well as those who are interested in non-legal and related jobs. The report as it exists today is still subject to the criticism that not all schools report with the same degree of reliability. While there is some validity to this criticism, it should be noted that the number of graduates covered

3. Employment Report, Class of 1974, National Association for Law Placement (unpublished).

4. Employment Report, Class of 1975, National Association for Law Placement.

5. The NALP survey defines "qualified" graduates as those who have passed a bar examination.

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by the survey increases with each year. For example, the 1978 report included 150 responding schools and covered 24,032 graduates out of a universe of 35,000 law school graduates in the United States.[6] Another criticism of the Employment Surveys is that they do not attempt to trace patterns of employment over a period of years. This criticism points to the survey's limitations, but this is not a defect in the validity or reliability of the survey itself.

In order to use these surveys in the development of an instrument for the study of career patterns for black attorneys the reader must be aware of three things. First, the NALP surveys only report employment status for "minorities," not for specific minority groups. Therefore, we are left to surmise to what extent, if any, the pattern for blacks may differ from that of minorities in general. The report also fails to provide a separate category for whites. The number of whites in a survey is determined by subtracting minority members from the total. In addition, the survey makes no attempt to determine geographic differences by race.[7]

IV. Minority Employment Patterns: The 1978 NALP Employment Report

An analysis of the NALP 1978 Employment Survey reflects a pattern of minority employment which is similar in some respects to the pattern for all graduates, and dissimilar in others. There is no significant difference between minorities and all graduates in the percent employed category (93 percent vs. 94.2 percent). The percentage of graduates who are unknown is actually slightly lower for minorities. The percentage qualified but not seeking employment is also about the same for both groups. However, more than twice as many minorities as whites (9.4 percent vs. 4.2 percent) did not take or pass the bar examination. As a result more minorities are excluded from the legal job market altogether. Thus, only 82.7 percent of all minorities whose employment status was known were employed, as compared to 89.3 percent of the non-minorities.

NALP EMPLOYMENT CATEGORY PERCENTAGES:
1978 EMPLOYMENT REPORT

Employment Categories	Total[8]	Minority[9]	Women[10]
Private	53.0	28.2	43.5
Government	15.5	28	21.1
Business Concerns	10.6	11.3	9.4
Judicial Clerkships	8.9	5.7	10.6
Public Service—Public Interest	5.9	17.2	9.0
Academic	3.5	5.7	4.2
Military	1.9	2.5	0.8
Other (including Pre-paid)	0.7	1.1	0.6

6. Employment Report, Class of 1978, National Association for Law Placement.
7. Annual reports of bar admissions nationally are published by the National Conference of Bar Examiners, Suite 1025, 333 North Michigan Avenue, Chicago, Illinois, 60601.
8. Men and women, minority and non-minority.
9. Men and women.
10. Minority and non-minority.

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The Employment Category percentages in the NALP Employment Report for 1978 show that fifty-three percent of white graduates entering private practice compared to 28.2 percent minorities.

It is difficult to explain these differences and hard not to attribute the low percentage entering private practice to racial discrimination. On the other hand, those areas where the percentage of minorities was higher (government, academic, public service and even military) are fields which have had active affirmative action programs. It is possible that to some degree the recruitment of minorities into these areas has depressed the number entering private practice. Furthermore, many minority students enter law school with motivations and goals different from their white classmates. There seems to be a larger number of minorities whose interests are humanitarian or public service oriented than whites. As the number of minorities in law school increases, and the backgrounds of the students becomes more diverse, this seems to be changing.

Questions about minorities in private practice are perplexing. A more detailed look at the statistics in this area may prove enlightening. The NALP survey breaks down the private practice category by firm size. In the 1978 Report, the percentages appear very close because they represent the percentages among those who entered private practice who chose a given-sized firm.[11] The differences become more apparent when percentages are computed using all graduates.

ANALYSIS OF GRADUATES ENTERING PRIVATE PRACTICE, 1978

	Number			% of Private Practice			% of Group			% of Graduate Pool		
	Total	Anglo	Minor.	Total	Anglo	Minor.	Total	Anglo	Minor.	Total	Anglo	Minor.
Self	1050	1013	37	9.5	9.4	11.7	5.0	5.1	3.3	5.0	4.8	0.2
Small	4430	4310	120	40.0	40.1	38.0	21.2	21.8	10.7	21.2	20.6	0.6
Medium	1527	1499	28	13.8	13.9	8.9	7.3	7.6	2.5	7.3	7.2	0.1
Large	961	937	24	8.7	8.7	7.6	4.6	4.7	2.1	4.6	4.5	0.1
Very Large	1417	1371	46	12.8	12.8	14.6	6.8	6.9	4.1	6.8	6.6	0.2
Undefined	1682	1621	61	15.2	15.1	19.2	8.1	8.2	5.5	8.1	7.8	0.3
TOTAL	11067	10751	316	100.0	100.0	100.0	53.0	54.3	28.2	53.0	51.5	1.5

If we consider the entire pool of new lawyers we find that minorities entering private practice comprise only 1.5 percent of the total. This suggests that the number of minorities is still so small that entry of minorities into private practice will not significantly change the racial composition of private practice law firms. This is troublesome because jobs in these categories tend to offer the most prestigious and renumerative positions. However, large firms seem to be hiring more minorities than small organizations. Nu-

11. For example, thirty-eight percent minorities compared to forty percent of the non-minorities entered firms of two-ten lawyers.

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merically, hiring in these areas has increased, although it dropped significantly between 1977 and 1978, as did hiring by those firms in general.

Another category worth specific mention is judicial clerkships. Only fifty-four minorities were employed as judicial clerks in 1978, or 5.7 percent of those whose employment status was known. The percent of non-minorities employed as clerks was 8.3 percent. It is difficult to determine whether judges are among the most discriminatory employers or if minorities tend to be excluded from those law school programs, for example law review, which judges consider in making their hiring decisions. It is also possible that more minorities are interested in getting out into the "real world" and are therefore less willing to commit one or two additional years to more academic pursuits.

In my opinion, there is no way to get around the data. Minorities are actually losing ground in private practice despite the overall gains in the profession. Again, I would say that the reasons for this are not altogether clear and research on the subject is needed.

One last issue to address is what differences does the law school attended make? NALP does not release any information on employment patterns for individual schools. The Employment Report is, therefore, silent on that question. Individual schools may release their reports, but many are reluctant to do so. We can assume that some schools fall above the averages in specific categories while others fall below.

IV. Conclusion

I am reluctant to draw any further conclusions from these reports. However, I can say that, with each year, we can be more confident of the internal validity of these statistics. It is difficult to perceive any trends from the data we have at present, except for the steady increase in the total number of minority law school graduates. It is my belief that in the next four years we will witness a higher percentage of minorities entering private practice and business concerns. It is also evident that there is very little available information on the employment patterns of minorities including blacks. Although NALP has made a beginning by obtaining some data in this area, a more thorough study is needed.

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NALP SURVEY APPENDIX

Number of Minority Graduates Employed 1975-78

	1978	1977	1976	1975
Schools Reporting Status of Minority Graduates	95	93	74	82
Known	1455	1211	923	880
Employed	1204	961	768	748
Seeking	91	74	53	112
Not seeking	23	10	19	20
No Bar	137	166	83	--
Unknown	308	265	228	326
Total	1763	1476	1151	1206
Private Practice	316	313	196	171
Government	314	221	244	189
Business	127	93	63	80
Judicial	64	46	39	26
Public Service	193	164	130	132
Academic	64	37	36	29
Military	28	18	9	17
Other	13	13	9	5
Category Unknown	85	56	42	78

Percentage of Minority Graduates Employed 1975-78

	1978	1977	1976	1975
Private Practice	28.2	34.6	27.0	25.5
Government	28.0	24.4	33.6	31.3
Business	11.3	10.3	8.7	11.9
Judicial	5.7	5.0	5.4	3.9
Public Service	17.2	18.1	17.9	19.7
Academic	5.7	4.1	5.0	4.3
Military	2.5	2.0	1.2	2.5
Other	1.1	1.2	1.2	0.9

	1978	1977	1976	1975
Employed	93	92.9	94	87
Unemployed	7	7.1	6	13
Qualified, Seeking Employment	100(89.0)	100(85.5)	100(88.9)	100(97.7)
Did Not Take, Pass Bar	9.4	13.8	9.0	—
Not Seeking Employment	1.6	0.7	2.1	2.3
Employment Status Known	82.5	82.0	80.0	73.0

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