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# Cross-Examining the Myth of Lawyers' Misery

*Kathleen E. Hull\**

This comment will address one important aspect of Professor Schiltz's broader argument, namely his contention that the legal profession is afflicted with widespread job dissatisfaction. More specifically, Schiltz makes the following assertions about lawyers' unhappiness with their professional lives: (1) dissatisfaction is high; (2) dissatisfaction is increasing; and (3) dissatisfaction is highest among lawyers in private practice in large firms.<sup>1</sup> Using data from a recent survey of Chicago attorneys<sup>2</sup> as well as other studies of lawyers' job satisfaction, including those cited by Schiltz, I will address each of these points in turn.

## I. ARE LAWYERS UNHAPPY IN THEIR WORK?

At first glance, the evidence on job satisfaction among lawyers may appear mixed, but upon closer inspection it becomes clear that the most valid, well-designed research has produced little if any support for the notion that lawyers are unhappy in their work. The studies cited by Schiltz range from trade journal surveys to more serious scholarly enterprises, and the significance we attach to their findings should be in direct proportion to the validity and reliability of the research techniques employed. For example, we have no way to assess the quality of the data produced by the fax poll conducted by

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1. See Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 881, 882-84, 886-88 (1999).

2. For an overview of the job satisfaction findings in the Chicago study, see John P. Heinz et al., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999).

*California Lawyer* magazine,<sup>3</sup> which finds over half of all lawyers in that state dissatisfied with their careers. Because this survey does not use a random sample of lawyers, but instead relies on the voluntary participation of the magazine's readership, it is highly unlikely to provide a representative picture of the target population. Selection bias occurs in at least two ways: first, the readers of this magazine may not be representative of all California lawyers, and second (and more important), lawyers with an axe to grind may be much more likely to participate in a poll about job satisfaction. The magazine does not even report the total number of respondents to the poll, further diminishing its value as a measure of the attitudes of its target population.

Other studies cited by Schiltz as evidence of high dissatisfaction within the bar take a more systematic approach to identifying respondents, but suffer from very low response rates. For example, the survey conducted by the *National Law Journal* in 1990<sup>4</sup> had only a 13% response rate, and the survey of large-firm partners conducted by the same publication in 1997<sup>5</sup> had only an 11% response rate. Such low participation rates undermine the validity of the findings produced by these surveys. Data validity may also be compromised when studies have titles that tip off potential respondents as to the type of information being sought. For example, the American Bar Association surveys conducted in 1984 and 1990<sup>6</sup> consisted of a mail-back questionnaire titled "National Survey of Lawyer Satisfaction/Dissatisfaction." Although response rates for these surveys were fairly high, there is no way to know for sure whether disgruntled lawyers were disproportionately willing to participate.

Some of these same studies cited by Schiltz produce findings that fail to support his contention that lawyers are largely unhappy in their work. For example, overall findings from the ABA surveys in 1984 and 1990 do not bolster a claim of widespread dissatisfaction in the profession. In the 1984 survey, 81% of respondents were either "somewhat satisfied" or "very satisfied" with their current job, whereas only 12% were "somewhat dissatisfied" and 3% were "very dissatisfied."<sup>7</sup> In 1990, 76% were either "somewhat satisfied" or "very

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3. See "It's Become a Miserable Profession," CAL. LAW., Mar. 1992, at 96.

4. See Margaret Cronin Fisk, *Lawyers Give Thumbs Up*, NAT'L L.J., May 28, 1990, at S2, S12.

5. See Chris Klein, *Big-Firm Partners: Profession Sinking*, NAT'L L.J., May 26, 1997, at A1, A24.

6. See YOUNG LAWYERS DIV., AMERICAN BAR ASS'N, *THE STATE OF THE LEGAL PROFESSION 1990*, at 1-6 (1991).

7. *Id.* at 52 tbl.66. The remaining 4% were "neutral."

satisfied," while 14% were "somewhat dissatisfied" and 5% "very dissatisfied."<sup>8</sup> These figures hardly suggest job dissatisfaction of crisis proportions in the law. Similarly, the 1990 *National Law Journal* survey found 31% of respondents "very satisfied" and 48% "somewhat satisfied" with their careers,<sup>9</sup> and its 1997 survey of large-firm partners found that 64% of respondents were "happy practicing law."<sup>10</sup>

Other studies boasting higher response rates and sounder survey techniques provide further confirmation that rumors of lawyers' misery are greatly exaggerated. Chambers' 1989 study of University of Michigan law graduates, which achieved a 71% response rate surveying graduates five years after law school, found that 82% of female graduates and 83% of male graduates were "somewhat" or "quite" satisfied with their careers at the five-year mark.<sup>11</sup> A follow-up survey showed little change in satisfaction levels over time.<sup>12</sup> More recent, unpublished data from the Michigan class of 1991 indicates some decline in average satisfaction for recent graduates but still finds only 2% reporting being "very dissatisfied" with their careers five years after law school graduation.<sup>13</sup> Another study of graduates of three Minnesota law schools, with a response rate of 90%, found that 94% of respondents were either "satisfied" or "very satisfied" with their current jobs.<sup>14</sup> And a major panel study of Toronto lawyers, with response rates of 65% at wave 1 (1985) and 79% at wave 2 (1991), also found persistently high levels of job satisfaction.<sup>15</sup> Some 78% of women and 81% of men were either "satisfied" or "very satisfied" with their jobs at wave 1; six years later, 78% of the women and 79% of the men were satisfied or very satisfied.<sup>16</sup> Despite the high quality of their data, the Minnesota and Toronto studies are relegated to a footnote in Schiltz's discussion of lawyers' satisfaction.<sup>17</sup>

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8. *Id.* The remaining 5% were "neutral."

9. Fisk, *supra* note 4, at S2.

10. Klein, *supra* note 5, at A24.

11. David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 L. & SOC. INQUIRY 251, 260, 275 (1989).

12. *See id.* at 277.

13. The University of Michigan Law School, *The University of Michigan Law School: A Report on the Class of 1991 Five Years After Graduation 3* (1996) (unpublished report, on file with the *Vanderbilt Law Review*).

14. Paul W. Mattessich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 LAW & INEQ. J. 59, 63, 95 (1990).

15. *See* JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* 19-20 (1995).

16. *Id.* at 169.

17. *See* Schiltz, *supra* note 1, at 884 n.92.

Findings from a 1995 survey of Chicago lawyers provide the most recent data on lawyers' job satisfaction from a study with a randomly drawn sample and a high response rate.<sup>18</sup> The Chicago study's 82% response rate produced data on 788 lawyers with business addresses in the city of Chicago, including 675 practicing lawyers.<sup>19</sup> Among the practicing lawyers, 45% were "very satisfied" and 39% were "satisfied" with their current jobs.<sup>20</sup> While Schiltz cites these findings, he maintains that "most surveys suggest that career satisfaction is relatively low among attorneys."<sup>21</sup> Such a conclusion can be reached only by lumping together the studies that feature random samples and high response rates (i.e., Minnesota, Toronto and Chicago) with those more numerous surveys that are methodologically flawed, and by understating the satisfaction levels uncovered by other surveys (i.e., the ABA surveys and the Michigan data).

Beyond his reliance on studies of dubious data quality and his relative inattention to some studies that produce findings of high satisfaction levels, there is also a conceptual difficulty embedded in Schiltz's discussion of the research on lawyers' satisfaction. Schiltz blends together a number of conceptually distinct findings under the general umbrella of "satisfaction." Asking people whether they hope to be in the same job at some future point in time, or asking them whether they would choose the same occupation if they had it to do over again, produces only indirect evidence at best regarding satisfaction with their current situation. People may hope to change jobs in the future even if they love their current work, possibly because they know a job change will be necessary to keep "moving up" (e.g., from firm practice to a judgeship) or because they hope to renegotiate the tradeoff between work and personal priorities in the future. These kinds of reasons for seeking a change do not necessarily prove that the current job produces unhappiness; they only demonstrate that people like (or sometimes need) change. In the Chicago survey, for example, we found that 37% of practicing lawyers did not hope to be in the same job in five years, but the single most common reason cited was ambition to move ahead in one's career. And two-thirds of these lawyers planning on a job change within five years reported being "satisfied" or "very satisfied" in their current job. Similarly,

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18. See Heinz et al., *supra* note 2, at 742.

19. In the Chicago study, the practicing lawyer category excludes judges, judicial clerks, law professors, lawyers in nonlegal jobs, retired and unemployed lawyers, and any lawyer who reported that he or she devoted no time to the practice of law. See *id.*

20. *Id.* at 744 tbl.1.

21. Schiltz, *supra* note 1, at 884.

questions about whether people would choose the same career again may reveal more about people's ability to imagine a better match to their interests and abilities than about their actual level of discontent in their present lives.

## II. IS DISSATISFACTION INCREASING AMONG LAWYERS?

Relying on the American Bar Association surveys conducted in 1984 and 1990 and the unpublished Michigan data covering the years 1981 through 1996, Schiltz argues that there has been a "marked" and "substantial" decline in lawyers' job satisfaction in recent years.<sup>22</sup> With regard to the ABA data, he points to the fact that 41% of respondents were "very satisfied" in 1984, compared to only 33% in 1990.<sup>23</sup> And he correctly points out that the decline was more dramatic among respondents in the sample who were surveyed in *both* 1984 and 1990 (a subset of the total 1990 sample). Among these lawyers, the proportion that were "very satisfied" dropped from 40% in 1984 to 29% in 1990.<sup>24</sup> These figures are interesting, but we should not attach undue importance to them for at least two reasons. First, not all of the decline in the "very satisfied" category translated into increases in the proportion of "dissatisfied" or "very dissatisfied" lawyers. In fact, among the overall sample, the proportion who were "dissatisfied" rose modestly from 12% in 1984 to 14% in 1990, and the proportion "very dissatisfied" inched up from 3% in 1984 to 5% in 1990.<sup>25</sup> In other words, only about half of the eight percentage-point decline in the "very satisfied" category is accounted for by increases in dissatisfied respondents. The other half is accounted for by similarly modest growth in the proportion of lawyers who were "satisfied" or merely "neutral."<sup>26</sup> The actual increase in the proportion of respondents expressing dissatisfaction was not dramatic.

Second, even given a moderate decline in average satisfaction between the two survey years, we must take into consideration the broader context of these surveys. In particular, this kind of short-

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22. *Id.* at 882-83.

23. *Id.* at 883 (citing YOUNG LAWYERS DIV., *supra* note 6, at 52 tbl.66).

24. YOUNG LAWYER'S DIV., *supra* note 6, at 53 tbl.68.

25. *Id.* at 52 tbl.66.

26. If we look only at the respondents who participated in both the 1984 and 1990 surveys, we find that the "very satisfied" group fell by 11 percentage points, but the proportion who were "somewhat dissatisfied" held steady and the proportion "very dissatisfied" grew from 3% in 1984 to 8% in 1990—again, only about half of the decline in the most satisfied proportion is explained by increases in the proportion dissatisfied. *Id.* at 53 tbl.68.

term trend in job satisfaction might simply reflect the ups and downs of the legal profession's fortunes over time. Like any industry, the legal services industry experiences periods of boom and bust, often closely linked to the cycles of the larger economy. While the mid-1980s represented a "boom" time for lawyers, by the early 1990s the climate had changed. Between 1982 and 1987, total receipts for legal services in the United States increased by 65.9%, or an average of 13.2% annually.<sup>27</sup> Between 1987 and 1992, however, total receipts for legal services rose only 22.3%, or 4.5% annually.<sup>28</sup> In other words, the total volume of legal services grew only one third as quickly in the late 1980s and early 1990s as in the early to mid 1980s. Growth in the total number of lawyers, by contrast, remained fairly constant across these two periods at around 4% annually.<sup>29</sup> Thus, it appears that the modest decline in average satisfaction detected by the ABA surveys may simply reflect the fact that lawyers faced a rosier economic climate in 1984 than in 1990.

The same general point applies to the Michigan data. The Michigan report presents data on the percentage of graduates who were "quite satisfied" with their careers five years after law school, for the classes of 1976 through 1991 (surveyed in 1981 through 1996).<sup>30</sup> For lawyers in government, public interest work, or corporate counsel positions, there is no clear trend over time. For lawyers in private practice, however, the percentage "quite satisfied" hovers between 45% and 54% for the classes of 1976 through 1983 (surveyed in 1981 through 1988), and then declines to roughly the 30-40% range for the classes of 1984 through 1991 (surveyed in 1989 through 1996).<sup>31</sup> If private-practice lawyers are more directly exposed to economic ups and downs than lawyers in government or corporate counsel settings, these data may largely reflect the slowdown in revenue growth that hit in the early 1990s.

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27. Compare BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, PUB. NO. SC82-I-5, 1982 CENSUS OF SERVICE INDUSTRIES: MISCELLANEOUS SUBJECTS 5-108 (1985), with BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, PUB. NO. SC87-S-4, 1987 CENSUS OF SERVICE INDUSTRIES: MISCELLANEOUS SUBJECTS 4-225 (1991) [hereinafter 1987 CENSUS] (listing total legal receipts for the entire country for each year). Receipts for legal services were converted to constant (1992) dollars using the Consumer Price Index as reported in BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES: 1993, at 481 tbl.755 (1993).

28. Compare 1987 CENSUS, *supra* note 27, at 4-225, with BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, PUB. NO. SC92-S-4, 1992 CENSUS OF SERVICE INDUSTRIES: SOURCES OF RECEIPTS OR REVENUE 4-443 tbl.49 (1996).

29. See BARBARA A. CURRAN & CLARA N. CARSON, THE LAWYER STATISTICAL REPORT: THE U.S. LEGAL PROFESSION IN THE 1990S, at 1 tbl.1 (1994).

30. The University of Michigan Law School, *supra* note 13, at 15 tbl.8.

31. *Id.*

Other surveys with longitudinal data covering somewhat different time periods show satisfaction levels holding fairly steady across time. In Chambers' original study of Michigan graduates, for example, members of the classes of 1976 through 1979 were surveyed five years after graduation (surveyed in 1981 through 1984) and again in 1986.<sup>32</sup> Satisfaction levels "changed very little" between the two survey periods, with 80% of respondents reporting their satisfaction at a level no more than one level away from their previously reported level on a seven-point scale of satisfaction.<sup>33</sup> And the panel study of Toronto lawyers (which admittedly moves us beyond the U.S. context) also shows satisfaction levels holding steady between 1985 and 1991.<sup>34</sup> In short, there is no consistent body of evidence that lawyers' work satisfaction has been declining in recent years, and the two surveys that suggest such a decline may simply reflect a short-term downturn in the growth in the market for lawyers' services in the U.S.

### III. ARE LARGE-FIRM LAWYERS MORE UNHAPPY THAN OTHERS?

The assertion that large-firm lawyers are significantly less satisfied than lawyers in other practice settings is central to Schiltz's broader arguments. He devotes roughly the last two-thirds of his article to convincing new law school graduates to avoid the large-firm setting, and presumably his conviction that lawyers in large firms are the least happy drives this choice of focus. But how solid is the evidence for this claim?

The data cited by Schiltz are less than persuasive. For example, he cites an American Bar Association study of young lawyers (under age 36 or admitted to practice for less than three years) which finds that lawyers in larger firms are more likely to consider a change in their employment situation than lawyers in smaller firms.<sup>35</sup> As I discussed above, these kinds of indirect measures of job satisfaction do not merit too much attention, especially when more direct measures are available. What Schiltz fails to note is that this same survey found *no* significant difference between practitioners in large firms and those in smaller ones with respect to satisfaction with current

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32. See Chambers, *supra* note 11, at 260.

33. *Id.* at 277.

34. See HAGAN & KAY, *supra* note 15, at 169.

35. See YOUNG LAWYERS DIV., AMERICAN BAR ASS'N, CAREER SATISFACTION 1995, at 9 tbl.9 (1995).



position or satisfaction with the practice of law generally.<sup>36</sup> Perhaps young lawyers in large firms are simply more ambitious and therefore more willing to make a job change if a better opportunity presents itself.

Schiltz also cites a consulting firm report that states that morale among large-firm associates has "reached new lows"<sup>37</sup> but gives no indication whether this statement is based on actual satisfaction data or merely the impressions of the consultants (who may be more likely to have contact with "troubled" firms). And he cites the *National Law Journal's* survey of large-firm partners (11% response rate), which finds that a third of such partners would not become a lawyer if they had it to do over again. Again, low response rates and indirect measures do not add up to a convincing case for the misery of large-firm attorneys.

In the remainder of this section, I will use the Chicago data to explore the issue of job satisfaction among large-firm lawyers in greater detail.<sup>38</sup> I will confine this discussion to practicing lawyers, unless otherwise noted.

In the Chicago data, there are no significant differences in satisfaction by practice setting among practicing lawyers. Compared to lawyers in other settings, large-firm lawyers seem neither remarkably happy nor remarkably miserable. Only 39% of large-firm lawyers were "very satisfied," the lowest proportion for any practice setting. By contrast, 60% of public interest lawyers fell into this category, as did 51% of government lawyers, 50% of internal counsel lawyers, 47% of solo practitioners, 46% of small-firm lawyers, and 45% of medium-firm lawyers. But 47% of large-firm attorneys were "satisfied," the highest proportion for any practice setting. And only 2% of large-firm lawyers were "dissatisfied" or "very dissatisfied," compared to 11% of government lawyers, 9% of solo practitioners and small-firm lawyers, 7% of medium-firm lawyers and public interest lawyers, and 5% of internal counsel. Looking only at lawyers in firms (including solo practices), we see no evidence that large-firm attorneys are less happy than lawyers in firms of other sizes (see Table 1). In fact, there is no significant correlation in the Chicago data between

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36. *See id.* at 13.

37. HILDEBRANDT, CLIENT ADVISORY 1998, at 7 (1998).

38. Although in past work my colleagues and I have defined large firms as those with more than 30 lawyers, *see* Heinz et al., *supra* note 2, at 743, here I will define the term somewhat more narrowly, to include only firms with 100 or more lawyers, because my impression is that these are the firms that Schiltz has in mind. Firms with fewer than 10 lawyers will be considered small firms, and those with 10 to 99 lawyers will compose the middle category of medium-sized firms.

organization size (number of lawyers) and job satisfaction, either for all practicing lawyers ( $r=-.004$ ,  $p=.93$ ) or for lawyers in law firms ( $r=.029$ ,  $p=.56$ ).

**Table 1: Job Satisfaction Among Lawyers in Private Practice: Chicago Lawyers Study, 1995**

Satisfaction Level:	Solo Practice	Small Firm	Medium Firm	Large Firm	Total
Very Satisfied	46.9%	46.2%	44.5%	38.5%	43.4%
Satisfied	37.8%	37.7%	37.2%	46.6%	40.4%
Neutral	6.1%	7.5%	10.9%	13.0%	10.0%
Dissatisfied	6.1%	6.6%	5.8%	1.2%	4.6%
Very Dissatisfied	3.1%	1.9%	1.5%	0.6%	1.6%
(N)	(98)	(106)	(137)	(161)	(502)

Chi-square = 15.56, 12 d.f.,  $p = .21$

Note: Small firms are those with fewer than 10 lawyers

Medium firms are those with 10-99 lawyers

Large firms are those with 100 or more lawyers

In addition to the measure of overall job satisfaction, the Chicago survey also included more specific measures of satisfaction with various aspects of work, including level of responsibility, recognition for work, content of work, chances for advancement, policies/administration of the firm or organization, salary, supervisors, control over the amount of work, control over the manner in which work is performed, prestige of the employing organization, relationships with colleagues, and opportunities for *pro bono* work. We can provide a more nuanced perspective on large-firm lawyers' satisfac-

tion by considering how these lawyers fare on these more specific measures compared to other private-practice lawyers. As it turns out, large-firm lawyers are significantly more satisfied on some of these measures, and significantly less satisfied on others.

Specifically, large-firm lawyers are significantly more satisfied than other private-practice lawyers with their salaries, their chances for advancement, and the prestige of their organizations. On salary, for example, 73% of large-firm attorneys were either "satisfied" or "very satisfied," compared to 57% of medium and small-firm attorneys and 46% of solo practitioners. These are not surprising figures, given that income is highly correlated with job satisfaction in the Chicago data ( $r=.137$ ,  $p < .01$ ) and larger firms pay higher salaries on average. Some 67% of large-firm lawyers liked their chances for advancement ("satisfied" or "very satisfied"), compared to 55% of medium-firm lawyers and 58% of small-firm lawyers. And 92% of large-firm respondents expressed satisfaction with the prestige of their organization, compared to 76% of medium and small-firm attorneys, and 58% of solo practitioners.

But large-firm lawyers are significantly less satisfied with their control over the amount of work they must do and also with the policies and administration of their firms. Only 56% of large-firm lawyers were "satisfied" or "very satisfied" with control over amount of work, compared to 65% of medium-firm lawyers, 79% of small-firm lawyers and 74% of solo practitioners. Just 43% of large-firm lawyers reported satisfaction with the policies/administration of their firms, similar to the 42% of medium-firm lawyers, but lower than the 68% of small-firm lawyers who liked their firm's policies. On the issue of supervisors, the Chicago survey found small but significant differences by firm size, with the large-firm lawyers holding the middle ground. Small-firm lawyers were most pleased with their supervisors, with 72% "satisfied" or "very satisfied." About 68% of large-firm lawyers liked their supervision, as did 62% of medium-firm lawyers.

Despite Schiltz's assertion that the misery in large firms is spread across the ranks, the Chicago data indicate that hierarchical position is positively related to job satisfaction among lawyers in firms. As Table 2 shows, partners are more satisfied than associates, and this is true in large firms as well as in small- and medium-size firms. In fact, among the eighty-eight large-firm partners who answered the satisfaction question in the Chicago survey, not one reported being "dissatisfied" or "very dissatisfied," and only six (5%) of the 128 partners in small or medium firms expressed dissatisfaction. Of course, it is not particularly surprising to find that partners are

more satisfied than associates, given their higher salaries and level of authority. More generally, job satisfaction is positively correlated with years in the profession among all practicing lawyers ( $r=.165$ ,  $p < .001$ ).

**Table 2: Job Satisfaction Among Lawyers in Law Firms, by Attorney Rank and Firm Size: Chicago Lawyers Study, 1995**

Satisfaction Level:	Associate		Partner		Total
	Sm/Med Firm	Large Firm	Sm/Med Firm	Large Firm	
Very Satisfied	36.5%	30.1%	53.1%	45.5%	42.6%
Satisfied	39.1%	50.7%	35.9%	43.2%	41.1%
Neutral	13.0%	15.1%	6.3%	11.4%	10.9%
Dissatisfied	8.7%	2.7%	3.9%	0.0%	4.2%
Very Dissatisfied	2.6%	1.4%	0.8%	0.0%	1.2%
(N)	(115)	(73)	(128)	(88)	(404)

Chi-square = 26.70, 12 d.f.,  $p < .01$

Note: Small/medium firms are those with fewer than 100 lawyers  
Large firms are those with 100 or more lawyers

Finally, I would like to use the Chicago data to test Schiltz's observation that large-firm lawyers usually leave big firms to go to other settings, rather than to other big firms (if true, another bit of indirect evidence for their dissatisfaction). The Chicago survey collected complete career histories from respondents, so one fairly simple approach to testing this hypothesis is to look at the first and current positions of lawyers who have made at least one job change (meaning a change of employing organization). Here I consider all the random-sample respondents, rather than just the practicing lawyers, because

we want to include lawyers who started out in practice but moved into non-practicing positions.

Among lawyers who started their careers as large-firm associates and made at least one job change, 45% currently work in the large-firm setting. An additional 27% work in other private practice settings (solo or small/medium firms), 21% work in internal counsel or nonlegal jobs, and just 5% work in government, public interest, judicial, or legal education positions. (The remaining 2% are retired or unemployed.) By comparison, only 32% of lawyers who began in government, public interest work, or legal education and made at least one job change currently work in those settings, and 32% of those who started in internal counsel or nonlegal settings and made at least one job change currently work in those settings. Only lawyers with first jobs in solo practice or small/medium firms are more likely than large-firm lawyers to currently work in the same setting, after at least one job change, and this may be because those lawyers have fewer options than large-firm lawyers (i.e., it is harder to move *up* in the law firm prestige hierarchy than it is to move down). Thus the Chicago data provide little support for the notion that lawyers who leave large firms are disproportionately likely to wind up in other practice settings.

A different way to approach the question of whether the experience of large-firm employment drives lawyers to other settings is to look at the current position of *all* lawyers who started in large firms, regardless of whether they have made a job change. This approach arguably gives a more complete picture of lawyer retention in various practice settings, because it includes lawyers who start in a setting and remain in the setting by not changing jobs, as well as those who change jobs but remain in the same general setting. If we look at lawyers in the Chicago sample who have been out of law school for at least five years, we find that 63% of those who started in the large-firm setting are currently in that setting. Among those who started in solo practice or small-to-medium sized firms, 65% are currently in that same setting. By contrast, only 40% of those who began in government, public interest, or legal education currently work in those settings, and only 42% of those who began in internal counsel or non-legal positions currently work in the same setting.

## IV. CONCLUSION

Schiltz argues that many lawyers are unhealthy and unethical. It is beyond the scope of this comment (and my expertise) to evaluate those claims. For whatever reason, lawyers do garner less trust and respect than in decades past.<sup>39</sup> But I have argued here that there is virtually no solid evidence produced by methodologically sound research to support the claim that lawyers are deeply unhappy in their work or that they are growing more unhappy over time. Further, large-firm lawyers do not appear to be more unhappy in their work than other lawyers. If unhealthiness and lack of ethics are in fact more prevalent in the large-firm context, that may be reason enough to steer young lawyers away from large-firm practice. But there is little value in advising them that they will be miserable in such work when the preponderance of reliable evidence indicates otherwise.

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39. See Marc Galanter, *The Faces of Mistrust: The Image of Lawyers in Public Opinion, Jokes, and Political Discourse*, 66 U. CIN. L. REV. 805, 809 (1998).

