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Author

Rappaport, Michael D.

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A major problem exists today in the income disparity that is surely evident to any student who aspires to an academic life. It is especially poignant to the academically successful black student, who finds himself sought after eagerly by the major law firms. Those firms offer as much to start (in excess of \$30,000 per annum) as he or she can expect to be making in academia when the tenure decision is made. One partial accommodation to academic interest is the adjunct teaching as a sideline that some practitioners manage to fit into rather tight schedules.

Despite the obstacles, my investigation reveals that a significant number of black Yale Law School graduates do eventually end up teaching. Many of these teachers are attracted to an offer to give teaching a try only after five or more years out of law school. The decision often comes at a breaking point in the career of the black student graduate, for example, if he fails to make partner and does not want to try another law firm.

IV. CONCLUSION

My observations are firm concerning the changing trends of black graduates toward more traditional Yale Law School employment patterns, especially toward increased numbers of black students going into corporate practice. Of course, it remains to be seen what the eventual practice patterns will show. Whether black Yale graduates are ascending to partnerships in the major firms where many are necessarily the subject of a more extended graduates' study than was possible here, due to the fact that a number of black graduates known to me began to teach only after several years out of law school.

PLACEMENT PATTERNS OF UNIVERSITY OF CALIFORNIA—LOS ANGELES LAW SCHOOL MINORITY GRADUATES

Michael D. Rappaport

I. INTRODUCTION

This article examines the career patterns of minority graduates of University of California-Los Angeles (UCLA) Law School by presenting a general picture of the careers followed by those graduates and, by comparing the career paths to those of their white classmates. Most of the data that was used in this study was obtained by surveying graduates several months after graduation and relates solely to their first employment experience.

There are two distinguishing factors which should be noted before evaluating the data comparing the career patterns of UCLA minority and white graduates. First, virtually all of the minority graduates were admitted to UCLA Law School under the school's Legal Educational Opportunity Pro-

gram. Students who enrolled under that program constituted about twenty percent of the entire entering class and about ninety-eight percent of the entering minority students. By definition, students admitted under that program were specially admitted, in that although they were fully qualified, and suited for law school, they did not have the Law School Admission Test (LSAT) scores and grade point averages (GPA) needed to be able to compete for admission without the program. For example, by comparison, for several years the average LSAT and GPA of so-called "regularly admitted students" has been around 670 LSAT with about a 3.6 GPA, while for minority students it has been around 535 with a 3.3 grade point.

The second factor refers to background. To a great extent these numbers reflected students who came from so called educationally or otherwise disadvantaged backgrounds. As might be expected, students coming from that kind of background and entering a school like UCLA were forced to compete against other students who came from social, economic, or cultural backgrounds far more familiar with the socialization and academic processes of law school. This meant that while the minority students, in most instances, had no difficulty in performing reasonably well in law school and successfully graduating, nonetheless, in almost all cases, and with rare exception, those same students graduated in the lower one-third of the class.

These factors are combined with a lack of knowledge about the legal profession and certain biases and pre-conceived notions on the part of the minority law graduate. The result is that minorities frequently have had a different orientation than their white counterparts about the nature of the job market in the legal profession. These factors should be kept in mind when comparing minority and non-minority graduates, and it should be recognized that while all are graduates of UCLA Law School, in many ways they are very different from one another.

II. EMPLOYMENT STATUS OF THE UCLA LAW GRADUATE¹

The data shows during the period in question, that UCLA graduated a total of 853 students, 142 or seventeen percent of whom were minority, and 711 who were white. Of the 142 minority graduates, in twelve cases, the employment status of the graduate was unknown leaving 130 known cases. Of the non-minority graduates, in seventy-one cases, the status of the graduate was unknown, leaving 640 cases known. Thirty-nine minority graduates who were known were not regarded as eligible for legal employment as they had not taken or passed a bar exam at the time the survey was conducted. That left ninety-one graduates in the survey eligible for legal employment. On the non-minority side, forty-eight of the known graduates were not members of a bar at the time of the survey leaving 592 eligible for employment. One minority graduate was eligible for employment, but not looking for work, leaving a total of ninety employable minority graduates. Of that number eight were still looking for work, leaving eighty-two employed out of ninety eligible or out of 142 original total graduates. Four white graduates were not looking for work; that left 588 available for work, of which 542

1. The figures in this paper reflect information gathered from the three classes of 1976-1978. These years were selected because they were the most recent ones for which data was readily available.

were employed and forty-six were still looking for employment. Eighty-two out of 129 known minority graduates wanting to work, or sixty-four percent were employed in the legal profession at the time of the survey. This compares to 542 out of 636 of the known white graduates wanting to work or eighty-five percent who were employed at the time of the survey. However, if the number of known graduates who were working is measured against the number of known graduates eligible and wanting to work in the legal profession, that is those who have passed the bar, out of the ninety minority graduates in this category, who are members of a bar, eighty-two or ninety-one percent were employed. On the white side, 542 out of 588 who were eligible and wanting to work, or ninety-two percent were employed at the time of the survey.

In analyzing the figures, several points of interest emerged. The first, and perhaps the most overwhelming, is the situation regarding the bar status of minority graduates and its impact on employment. UCLA, like most law schools, has seen that its minority graduates do not as a group pass the bar exam at the same rate as the non-minority graduates. While minority graduates with comparable law school performances do pass at the same rate as white students, the fact is, however, that relatively few minority graduates have performances comparable to their white classmates. Most UCLA minority students, as specially admitted students, entered law school in the bottom twenty percent of the class. Predictably most continued to stay within that group. Therefore, the bar results merely reflected what could have been expected from any group of students who performed in that range. That is to say, that approximately fifty percent of the students who graduate in the bottom twenty percent of the class, which in UCLA's case happens to be almost exclusively minority, pass the bar exam the first time as compared to about eighty-five percent of the remaining students who pass the bar exam the first time. By the second or third time, however, about seventy percent of the minorities pass the bar exam.

In our survey ninety-one minorities out of 130 had passed or seventy percent, while 592 out of 640 or ninety-three percent of the white graduates had passed. Apparently the impression is had by many would-be employers that hiring a minority student upon graduation who has not yet taken the bar entails a greater risk than hiring a non-minority student. This observation is supported by the figures which show that thirty percent or thirty-nine out of 130 minority graduates were not eligible for legal employment if we define being eligible for legal employment as having passed a bar exam. This figure is over four times as high as that compared to the white graduates where only seven percent or forty-eight out of 640 had failed to pass or take the bar exam. It should be noted, there may be two explanations for the higher minority percentage. One is the greater failure rate. Another is the reluctance on the part of some minority graduates for financial, personal or other reasons, to either take the bar exam at the first opportunity or to put off looking for employment until after they have already passed the bar exam. These minority students feel that they want to spend more time studying for the bar; they also feel that they may be in a better position to get a better job if they can apply after they have already passed the bar exam. A related set of statistics seem to confirm the impact of the bar on the employ-

ment possibilities of minority graduates. The figures given on the overall percentage of known graduates wanting to work shows that sixty-four percent of minority graduates reported working at the time of the survey as opposed to eighty-five percent of the non-minority graduates.

While at first glance one might conclude that this indicates that minority graduates have more difficulty getting work than non-minority graduates, a closer look indicates that those figures reflect the impact of the bar situation rather than the employment situation of the minority graduates. The statistics show for the percentage of eligible graduates working, that is students who have passed a bar examination, ninety-one percent of the minority graduates were working or eighty-two out of ninety as compared to ninety-two percent of the white graduates. This is a twenty-seven percent increase, sixty-four-ninety-one percent among minority students working after they have passed the bar, compared to only a seven percent increase from eighty-five-ninety-two percent for the white students. This also shows that the minority graduates are employed at approximately the same rate as the white graduates after they have passed the bar examination. These figures, therefore, seem to suggest a very high relationship between the chance of a minority graduate getting a job and whether that student has already passed the bar exam. This also suggests that the relationship is far greater for the minority graduate than the white graduate. It appears that employers are more inclined to hire white students before they have passed the bar exam, than they are to hire minority graduates. However, the figures also seem to indicate that the minority student fares just as well in finding employment after having passed the bar as does the white student. These figures probably demonstrate a certain reluctance on the part of some employers to give the same face value to a degree by a specially admitted minority as they would to a regularly admitted white student. Minorities must to some extent prove, by passing a bar, the validity of their degree.

III. EMPLOYMENT PATTERNS²

A. *Types of Jobs of the UCLA Law Graduate*

Having examined the general picture of minority graduates as com-

2. Although this paper presents the career patterns of all minority law students at UCLA, a prior survey conducted in 1979 by Donna McClay when she was a UCLA student, provides additional statistics on UCLA's black graduates. In this survey, thirty-two black alumni responded, ranging from the most recent graduates to those who were graduated eight years earlier.

A high percentage of those responding, thirty-three percent, indicated that they received their first job through one of the externship programs available to students during their second or third year of law school. This indicates that one of the goals of the clerkship program has been met. That goal was to provide the student with an opportunity to gain practical experience in the legal profession while developing skill, self-confidence and a work record which could be used to convince employers that the student has the ability to be a successful attorney.

Another interesting fact that emerged from the survey was the mobility of minority students after graduation. Seventy-one percent of the graduates responding had left their original employment for other work by the end of two years. Forty-four percent reported they moved on because of a better job; eight percent reported they switched because of relocation; eight percent reported that they were involuntarily terminated either for failure to pass the bar or lack of funding of the agency. Eleven percent did not indicate the reason for changing jobs.

These figures suggest that after a minority graduate obtains a first job and has had the opportunity to gain experience and demonstrate that they have the ability to successfully practice, the job market becomes more accessible.

pared to white graduates in the hiring area, the data on the type of jobs that minority and white students are most likely to obtain upon graduation will now be examined. These figures show some interesting patterns. First, white graduates of UCLA are hired at a rate of almost 2.5 times that of minority graduates into the private sectors of the legal profession. Specifically, twenty-five out of eighty-two minority graduates working, or thirty percent were working in the private sector as compared to 393 out of 542 white graduates, or seventy-three percent. Breaking that down, both groups report only one percent are self-employed. However, in small and medium size firms of less than forty-nine attorneys, only twenty percent of all minority graduates are placed as compared to forty-seven percent of all the white graduates. In the larger firms (of fifty or more attorneys), only nine percent of the minority graduates were working as compared to twenty-four percent of the white graduates.

A comparison in the area of poverty law positions (public defender and legal aid) finds again a dramatic difference between minority and white employment, but this time the situation is reversed. Fully thirty-seven percent or thirty out of eighty-two minority graduates were working in this area as compared to only three percent or fifteen out of 542 white graduates.

In the business sector of employment, that is graduates that have gone on to work in private industry in legally related areas, the figures show that minority graduates were employed at a slightly higher rate. Nine percent of the minority graduates worked in this area as compared to seven percent of the white graduates.

In government, minority students outnumbered white graduates by two to one. Eighteen percent of the minority graduates reported working for the government in legally related areas as opposed to only nine percent of white students, six percent of the minority students worked for the Federal Government while only four percent of the white students did and twelve percent of the minorities worked for state and local governments compared to five percent of the white students. These figures excluded graduates employed by legal services and public defender agencies.

Another category was clerkships. Here two out of eighty-two minority graduates or two percent were employed as compared to fully nine percent or fifty-one out of 542 white students.

In analyzing these figures some interesting trends seemed to emerge. One is the obvious lack of minority graduates entering the private sector as compared to white graduates. There may be several explanations for this. One may be a reduced number of opportunities for minorities compared to white graduates. This might be attributable to factors such as the location of many smaller firms in communities with small minority populations. Another explanation might be situations in which law students have had the opportunity to enter firms with acquaintances, families or friends already in practice. Since many minority students come to law school knowing fewer attorneys, this kind of opportunity is less likely to exist.

An additional factor might be that a smaller number of law firms in private practice are available to the minority community. Many such firms depend largely on local small business interest for clients. Such small busi-

ness interests do not exist in the same numbers in the minority communities as in white communities and therefore, it is less likely that there are smaller minority law firms.

Another explanation might be simple racism or perhaps a better term might be social differences. Small law firms made up of white attorneys in a white area serving white clients are simply less likely to hire a minority graduate than a white graduate. Most minority graduates would also not be likely to apply for a job with such a firm.

The reason most minority graduates would have difficulty being hired by the medium to larger law firms is that a very high premium is placed on hiring graduates with outstanding academic records. As was previously mentioned, the fact is that very few minority graduates from UCLA fall within this category. Several pieces of information tend to support this observation. In a survey conducted in 1977, of 135 major Los Angeles County firms responding, all indicated they would welcome resumes and applications from minority graduates of UCLA Law School. However, only twelve, less than nine percent, had any specific program to encourage minority students to apply or had any type of affirmative action efforts that they acknowledged. Twenty-six or twenty percent went so far as to clarify in the survey that they were only interested in people in the upper-most part of the class and/or who had law review experience. This information seems to be reinforced by other figures. These figures relate to the degree to which firms who interviewed students in their third year at UCLA made job offers. Most interviews which take place at UCLA, as well as other major schools, are interviews conducted by private law firms, and particularly those large and successful enough to engage in recruiting. The interview records show that of ninety-seven third year students, who reported receiving job offers from on-campus interviews, seventy-six or eighty-four percent had an average of eighty or higher which would be the top twenty percent of the class. Very few minority graduates would fall within that group.

When this information is consolidated, it becomes clear that many private law firms which hire at UCLA, just as they indicated, are interested in hiring only those students in the top part of the class where relatively very few minority students fall. Therefore, it is to be expected that if those firms do not, as relatively few do, have affirmative action programs, and if they are insisting on traditional standards of academic excellence in hiring, that few minorities under those conditions, will be hired by those firms. While in many cases the firms are being honest when expressing an interest in receiving applications from minorities, they are, however, not likely to hire a minority if they are unwilling to alter their traditional criteria or engage in some sort of affirmative action efforts.

On the other side, it should be noted that those very few minority graduates who are in the top twenty percent of their class seem to do extremely well in receiving job offers from those firms. In addition, it appears that some firms are willing to bend somewhat from their rigid standards when they find a promising minority student. That is to say, they would consider in some cases, hiring a student who may be in the top twenty percent or thirty percent of the class if they are minority, while such a student would not be considered if they were white.

Overall, however, it is quite clear that minority students simply do not do as well obtaining jobs with private law firms as their white counterparts. It should be noted that as part of the explanation for this might well lie with the attitude and actions of the minority graduates themselves. At least until quite recently, it was common to hear rhetoric by minority students indicating they did not want or had no interest in working for private firms. There was in fact a great deal of peer pressure at UCLA not to participate in the interview process because that would be regarded as selling out to the wrong social interest in this country. That fact combined with the fore knowledge of many minority students about hiring policies left the impression that firms had no interest in hiring minorities and therefore, many minorities did not try to compete for jobs in the private sector.

As noted earlier, minority students have done quite well in the public interest sector of law placement. Thirty-seven percent of the eighty-two minority graduates surveyed were working in this area. This compared to three percent of the white graduates. The obvious question is why this gross disparity occurs. On the positive side, many minority students when entering law school, indicated a strong desire to work in public defender and legal services areas based on the long standing social commitments which they felt motivated them to go to law school in the first place. Therefore, it should not be surprising that such a high percentage of graduates had gone on to work in that area. On the other hand, there may well be reasons other than simple idealism that have motivated minorities. The fact that white graduates, who because of better law school performances, have more latitude in the choice of jobs available to them, have chosen to go into public service at such a disturbingly small rate, suggest that there is more than altruism at work. Minorities in some cases might have been channeled into public service work because the more prestigious and high paying jobs in the private sector were far less available to minority graduates. Another reason might be that many of the agencies which hire students in this area are public agencies serving minority clients. They are, therefore, more committed to aggressively recruiting and hiring minorities and maintain affirmative action programs to do so. A real test would be to see how many minority graduates, with grades and class standings comparable to white graduates, go into public service or private practice when the opportunity to go into private practice is available.

With reference to the figures in the business sector it is interesting to note that the minority graduates have a higher percentage (nine percent to seven percent) of jobs than their white counterparts. The reason for the figures in this area might be based on the fact that many large corporations and other business interests, either voluntarily or due to pressure, have established affirmative action programs and are interested in hiring minority students and willing to arrange whatever accommodations are necessary to hire minority students. This is particularly true when compared to the relatively unregulated private sector of the legal profession. Therefore, it is not surprising to find a high percentage of minority students in that area.

The figures showing government employment also show by two to one, eighteen percent to nine percent, that there are more minorities working in that field than white students. Again, as in the case of business and public

service, the explanation might well lie in the fact that these agencies have been willing to hire graduates from all sectors of the graduating class as opposed simply to the top ten or twenty percent of the class. In addition, public agencies frequently do have affirmative action programs and are making great efforts to locate and hire minority students.

The figures on clerkships are totally predictable. White students by 4.5 to 1 outnumber minority students in those prestigious appointments. These figures are predictable because they are tied so closely and so directly to law school performance, perhaps more than any other placement area.

The figures reflecting the academic area, although small in numbers, suggest an interesting phenomenon. It was noted that four percent of minority graduates indicated they were going to seek an advanced degree as compared to only one percent of the white graduates. This might suggest that some minorities feel that in order to compete with their white counterparts, they must have more appealing academic credentials than white students. Although figures are not available, as to the kinds of programs students went into, many are probably in MBA programs, feeling it would be an additional plus to have such a degree to add to their resume when applying for jobs.

B. *Salaries and Income*

One additional area which should be noted is that of salaries and income. Although figures are not available to show what minority students earn as compared to what white students earn, by looking at the earnings picture for all UCLA graduates, in terms of starting salaries, it is not difficult to extract the fact that minority students as a group, are probably earning less money on the average in their first job, than their white counterparts. The average starting salaries for UCLA graduates indicate that those students in private law firms in 1978 started with an average of \$22,718 per year. This ranged from a low average of \$18,622 in small law firms to a high average of \$25,366 in the large law firms. By contrast, graduates working for government agencies which in this case includes public defenders and legal services operations, earned an average of \$19,162 per year as a starting salary. This figure is \$3,556 or 8.4 percent less than those starting salaries paid in private practice. Since it is known from the earlier statistics that minority graduates are less likely to work for private firms and more likely to work for government or public interest sectors, it seems reasonable to conclude that minority students as a group are probably earning less money than their white classmates.

IV. CONCLUSION

In reviewing the above information, several conclusions can be tentatively reached. *First*, minority graduates as a group once they have passed a bar examination find employment at roughly the same rate as white students. However, prior to achieving membership in the bar the minority graduates are likely to have more difficulty in finding jobs than white graduates. *Second*, when a minority student does find a job it is far more likely to be in the public interest or government sector than the private sector. *Third*, the impact of this is that the higher salaries, power and prestige often associated with private practice and particularly with the large, big city law firms,

are not open to any but a very small number of the most outstanding minority graduates. *Fourth*, the reasons for this pattern appear to be the result of the traditional hiring patterns of the legal profession rather than the result of overt racial discrimination. The fact is that only a very small percentage of white law school graduates are also likely to be hired by the more prestigious law firms. However, unlike minority graduates, white graduates clearly have more opportunities available in the private sector as alternatives. *Fifth*, one fact that clearly emerges from the study is the need for more data comparing white and minority graduates, not only on the basis of race, but on the basis of hiring patterns as they relate to academic performance in law school. It would obviously be extremely useful to know how minority graduates, in the top ten percent to twenty percent of the class compare to white graduates with the same class standing or how minority students in the bottom third of the class compare to white students with similar grades rather than comparing white and minority graduates, solely on the basis of race. *Sixth*, there is nothing terribly surprising that emerged from this study; it simply re-confirms the evidence that students who do not do as well academically in law school, do not have the same placement opportunities available to them as the students who perform in the top part of the class. This had traditionally been the pattern regardless of the race of the applicant. However, faced with the fact that minority students, at least until the present time, have in overwhelming numbers disproportionately occupied the bottom part of the class, the figures can no longer be shrugged off as simply reflecting traditional hiring patterns in the legal profession, if in fact, all parts of the profession are to be opened to minority graduates.

It is fairly clear that in order to deal with the problem, two areas must be stressed. One is to improve the ability of minority law students to compete in law school in order to put them in a position to obtain better jobs in the private sector. The second area is to deal with hiring patterns that have existed in the legal profession. Private firms must be convinced of the necessity to integrate all areas of the bar through the use of aggressive affirmative action programs. Other steps must also be taken to increase the opportunities for minority graduates to practice in other areas of the private sector if the legal profession is to truly become one that is open to all races in this society.