WHAT LAW STUDENTS THINK THEY KNOW ABOUT ELITE LAW FIRMS: PRELIMINARY RESULTS OF A SURVEY OF THIRD YEAR LAW STUDENTS

David B. Wilkins
G. Mitu Gulati

I. INTRODUCTION

Legal academics have finally begun to study the legal profession. Although the majority of legal scholarship continues to focus on law, a number of academics have begun to investigate the norms, institutions, and practices of lawyers. Much of this scholarship concentrates on large, elite law firms. Specifically, a growing body of academic work seeks to understand the structures of elite law firms and how these structures affect the careers and practices of associates and partners. Scholarship on elite firms encompasses a wide range of perspectives and disciplines, including economic modeling, critical theory, empirical analysis, and even popular culture. For all of its diversity, however, virtually all of this work adopts the perspective of the firms themselves and the lawyers who are already working in these institutions. Surprisingly little attention has been paid to the perspective of another

---

* Kirkland and Ellis Professor of Law and Director of the Program on the Legal Profession, Harvard Law School.
** Professor, UCLA School of Law. Visiting Professor and Sloan Fellow, Georgetown University Law Center (2001-2002). We owe a special debt to Robert Sack, our collaborator in collecting this data. This data would not have been collected without his efforts. Robert Sack provided superb assistance with tabulating and analyzing the data. In addition, we are grateful to the participants at this symposium for their many insightful comments.


2. See, e.g., Gilson & Mnookin, supra note 1.


group with an obvious interest in the structure and practices of large law firms—law students. Consequently, we have almost no information about what law students know, or more accurately, think they know, about the practices of elite firms and about how these practices are likely to affect their careers.

Law student perceptions are important for at least four reasons. First, students often have first hand experience with elite law firms. By the time they graduate, most law students have worked for at least one legal employer and interviewed with several others. This is particularly true for students who intend to work for elite law firms, many of whom now work for two and sometimes even three firms during the summer after their second year in law school and interview with dozens more over the course of their law school careers. Thus, students are a potentially valuable source of information about firm practices.

Second, it is important to know what students believe even if what they believe turns out to be wrong. Law students may well be misinformed about various law firm policies and practices. Nevertheless, until corrected, these misperceptions will inevitably shape the choices these women and men make, both in law school and when they begin their careers. For example, assume (as we will demonstrate below) that students perceive that elite firms focus only on an applicant’s overall grade point average and pay little or no attention to course selection. Even if firms in fact prefer that students take particular courses (i.e., giving a preference to aspiring tax lawyers who have actually taken tax), students who perceive the contrary are likely to choose courses where they think that they will receive high grades rather than those that will provide them with the most useful set of knowledge or skills. Moreover, this erroneous strategic choice can have continuing consequences after graduation. For example, associates who do not take upper level corporate courses while in law school for fear of lowering their grade point averages may be less likely to succeed in practice areas such as securities or mergers and acquisitions.

Third, student perceptions are also likely to have an important impact on firms’ strategic choices. Law firms depend for their survival on attracting and retaining top talent. Changes in both the demand for, and supply of, legal talent over the last quarter century have made this task significantly more competitive and complex. On the demand side, the proliferation in the number, size, and geographic scope of elite firms means that there are many more legal employers chasing “the best”

---

6. As we indicate below, some of these misperceptions stem from actions taken by firms which are designed to mislead. In any event, we hope to conduct a companion survey of law firm attitudes about hiring and promotion as a means of gauging the accuracy of student perceptions.
students. Moreover, law firms are not the only ones seeking to hire top law graduates. In the last decade, investment banks, consulting firms, the “Big 5” accounting firms, and a host of other professional and corporate employers have significantly stepped up their law school recruitment efforts. The result is a war for talent that has firms looking for every conceivable advantage. One way to gain such an advantage is to offer students what they think they want (or should want) in their careers. Firm structures and practices—particularly those visible to potential recruits—are therefore likely to be shaped at least in part by what firm managers think law students understand about their careers.

Moreover, recent supply side changes in the talent pool are likely to exaggerate and distort this effect. Although the number of law graduates has not changed appreciably over the last twenty-five years, their access to information—about the profession in general and elite law firms in particular—has increased substantially. The American Lawyer and other similar publications, rating services such as the Vault Report, websites like GreedyAssociates.com, and academic scholarship and teaching, all offer today’s law students an array of information about elite firms—much of it critical of existing firm practices. Law firms seeking to recruit and retain today’s law students therefore have strong incentives to understand what law students have learned from these sources and to design practices that appeal to what students say they want while diverting attention from those features of law firm life that have drawn criticism. Escalating starting salaries, a return to lavish summer programs, the proliferation of formal training, and the spread of casual Fridays (and increasingly casual everyday) are all initiatives that are arguably designed to address associate concerns without changing fundamental structural practices such as long hours, lack of mentoring, and low partnership rates that have come under intense scrutiny in the legal and popular press.7 Examining what law students think they know about elite firms provides important clues about whether firms have successfully camouflaged the real rules of the tournament of lawyers.

Finally, law schools ought to have a particular interest in knowing what law students think they know about elite firms. As educators, we have an ethical obligation to help our students make informed choices about their careers.8 For better or worse, elite law firms continue to cast a large shadow over the recruiting markets at virtually every law school—even schools where the majority of students have little chance

---

7. See materials cited in Asimow, supra note 5.
8. See David B. Wilkins, The Professional Responsibility of Professional Schools to Study and Teach About the Profession, 49 J. LEGAL EDUC. 76 (1999)
to work in these institutions. Sadly, the academy has done little to help students sort through their career opportunities, instead leaving students to learn about law firms and other potential employers from the legal press, the firms themselves, and each other. Needless to say, each of these sources of information is subject to important limitations and biases. If law schools are to begin to help students build successful careers in the increasingly complex and competitive market for legal services of the twenty-first century, we must start to collect systematic information about student perceptions and how these perceptions do—and should—shape career choices.

This Article begins the task of investigating student knowledge by examining student perceptions about the hiring and promotion practices of elite firms. We do so on the basis of our preliminary analysis of data from a nationwide survey of third year law students that we administered during the spring of 1998. As part of this survey, we asked each student to rank in importance a series of factors that might influence hiring and promotion decisions of employers of the type (e.g., large law firm, government, public interest organization, etc.) for which the respondent intends to work after graduation. We then analyzed these responses by employer type, gender, race, and law school status.

The following four parts describe our methodology and present our preliminary conclusions. Part II describes the survey and sets out the hypotheses about the hiring and promotion practices at elite firms that informed our selection of factors that we asked students to rank. Parts III and IV analyze the survey results with respect to hiring and promotion respectively. Part V concludes with a brief discussion of some of the implications of our findings.

II. METHODOLOGY AND HYPOTHESES

In 1998, we received a grant (along with Richard Sander at UCLA) from the Law School Admissions Council to conduct a nationwide survey of third year law students. The survey covered two broad areas: perceptions about law school and perceptions about the job market. Respondents were told that participating in the survey was optional, that their individual answers would be kept confidential, and that results of the survey would be reported in aggregate form only. Students were also asked to sign release forms allowing researchers to gain access to their complete law school records, including LSAT scores and law school transcripts. Students were told that they could participate in the survey without signing the release and that in no event would researchers be given access to their names. Instead, the release form and the surveys were numbered so that researchers could subsequently
match responses to law school data while protecting student confidentiality. In this paper, we report survey results only.9

Ten schools agreed to administer the survey in the spring of 1998.10 Although the number of schools is relatively small, as we report below, the participating institutions represent a reasonably good cross section of American law schools in terms of their size, status, and geographic location. As with students, participating schools were promised anonymity. In all but one school, surveys were administered by distributing them either at the end or the beginning of class. Students were given approximately fifteen minutes of class time to fill out the surveys. In the remaining school, surveys were distributed by the registrar's office outside of class. In total, we received 1,103 completed surveys, although not every survey contained answers to all questions. The tables that follow report the exact number of students who did respond to particular questions.

Our response rate is both higher and lower than we expected. It is higher than expected in that professors administering the survey in class reported that virtually every student who received a survey completed at least a portion of the questionnaire. In other words, in schools where surveys were distributed during class, our response rate for those who received surveys is virtually 100%. The response rate at the school where surveys were handled outside of class was 80%. Indeed, to our surprise, only two students declined to sign release forms granting us permission to look at their LSAT scores and law school records.

Our response rate is lower than expected, however, because we did not adequately account for the significant number of third year students who do not attend class. In order to capture as many third year students as possible, we asked participating schools to distribute surveys in a diverse array of classes that have large percentages of third year students (including the required professional responsibility course which is typically taken by students in their third year). The goal was to create multiple opportunities to survey the same students. (Students were told not to participate if they had already completed the survey in another class.) Unfortunately, by our rough estimates from three of the schools at which we took the greatest care on this front, we failed to reach at least 20% of third year students who by the spring term appear to be skipping the bulk of their classes.

---

9. We are in the process of matching survey results to the data we received from law schools and will report these results in a subsequent paper.
10. Since this time, other schools have agreed to participate and some additional surveys have been distributed and completed. The results reported here pertain only to the original distribution in the Spring of 1998.
Our failure to adequately correct for the opt-out effect of second semester third year students creates a potential bias in our results. (Needless to say, it also ought to be a cause for concern to those of us who teach third year students, a problem to which we return in Part V.) This was a significant problem in our sister paper, in which one of us (along with Richard Sander and Robert Sockloskie) analyzes the part of the survey having to do with the respondents' experience in law school.\textsuperscript{11} For example, the fact that a significant percentage of third year law students no longer attend class raises important questions about how to interpret data about whether students are satisfied with their legal education, since those not attending school (and therefore not responding to the survey) are likely to be among the most dissatisfied. Even with respect to questions about law school, however, a number of independent checks on the data suggest that the third year opt-out effect is less important than one might initially suspect.\textsuperscript{12} Given that the questions examined in this paper have to do with perceptions about the external job market and not about law school, we suspect that the potential for bias is even less significant since there is no a priori reason to believe that third year students who consistently skip class are likely to have significantly different information about future employers than those who continue to attend class. Nevertheless, the following results should be interpreted in light of the fact that at least 20\% of the available sample was systematically excluded from the study. With that said, our approximately 1,100 observations constitute the largest data set assembled on law student perceptions about the employment market.

In this paper we use data from the survey to examine three hypotheses arising from our prior and ongoing work on elite firms. The first two hypotheses relate to hiring and promotion practices. The third posits that perceptions about these practices will vary between men and women and between minorities and whites. The following briefly explains each hypothesis.

\textbf{A. Hiring: Signals Versus Skills}

A standard complaint of those in the profession is that law schools, especially the elite ones, do a woeful job of preparing students to practice law.\textsuperscript{13} The story is that law school faculty members today have

\begin{footnotesize}
\begin{enumerate}
\item See Mitu Gulati et al., \textit{The Happy Charade}, \textit{J. LEGAL EDUC.} (forthcoming 2001) (draft on file with authors).
\item See id.
\item See, e.g., \textit{SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, AMERICAN BAR ASSOCIATION, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM},
\end{enumerate}
\end{footnotesize}
little experience or interest in practical concerns (many of them having come into academia directly from clerkships) and instead concentrate their attention on obscure, irrelevant, and theoretical scholarship. These critics often urge law schools to hire more teachers with practical experience, who can then teach courses (clinical and otherwise) that will provide students with practical knowledge and skills.

Some law schools have responded to these complaints by increasing the number of practical and skills courses, many of which are taught by faculty who have significant amounts of practical experience. At the UCLA law school, for example, the faculty has put in place a special concentration in Business Law where students are required to take a certain minimum number of "transactional business courses." One possible (and often articulated) rationale for the UCLA program is the belief that employers will prefer students who can demonstrate that they have undergone this special training. Employers—particularly elite firms—want law schools to teach practical skills, the argument goes. Specifically, they want students to take courses that are relevant to their practice areas. They will therefore reward students who take such classes with better job opportunities.15

We doubt this conclusion. Our hypothesis is that employers, especially elite firms, pay little attention to the skills provided by law schools.16 Contrary to the assumptions animating the drive toward specialized curricula such as the one described above, we do not believe that this is because law school currently teaches no useful skills other than how to "think like a lawyer." To the contrary, we think that many of the courses in law school can and do provide students with valuable knowledge and skills. Nevertheless, we contend that firms have little incentive to engage in the kind of in-depth review of candidates that would be required to assess whether a particular student has acquired more substantive skill from law school than his or her peers.

---


15. The actual rationale for the program, that one of us teaches in, is somewhat more complicated. Even recognizing that firms may not pay much attention to the courses that students take in their hiring, the program was set up with the belief that taking these advanced business courses not only better prepared students in terms of providing them with the skills and training to do high quality business law work, but also gave them a leg up in the partnership tournament. For details on the program, see <http://www.law.ucla.edu/students/academicprograms/>

16. This hypothesis is described in detail in Wilkins & Gulati, supra note 1, and David B. Wilkins & C. Mitu Gulati, Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis, 84 CAL. L. REV. 493 (1996).
The hypothesis that elite firms are unlikely to engage in detailed substantive review of potential candidates is based on our observations about the pyramidal structure of these organizations. This structure, we argue, gives firms strong incentives to limit their substantive evaluation of potential candidates to a few easily visible and rankable criteria, such as law school status, grades, and law review membership. These criteria give firms an inexpensive and simple way of sorting through the large number of applicants they receive every year while still producing a pool of potential employees who are capable of doing the kind of work typically done by junior associates. This work, for the most part, is relatively undemanding (e.g., legal research, organizing and producing documents, modifying form documents, etc.) and does not require a high level of substantive knowledge or practical skills. Although firms need some of their associates to have skills that go beyond the ability to do these routine tasks—those associates who will stay with the firm long enough to become valuable senior associates and perhaps even partners—in a world in which firms hire many more associates than they plan to retain, these employers also know that they can wait to determine which of the many associates they hire develop these higher-order skills on the job.

Given this structure, the primary substantive purpose that law schools serve for elite firms is to provide easily visible and rankable credentials that allow firms to efficiently narrow the pool of potential associates. We therefore predict that these employers will pay little attention to more detailed information that they might collect about an applicant's skills—such as whether a student has taken courses relevant to a practice area and what an individual instructor thinks of a particular student—instead preferring to allow associates to "sort themselves" once they come to the firm.

The fact that firms focus primarily on signals (such as law school status and grades) as opposed to substantive skills also helps to explain why employers ask few if any substantive questions during the interview process. In addition to reviewing a student's credentials, virtually all elite firms also interview potential candidates—typically beginning with a 20 to 30 minute "on campus" interview followed by a half day "call back" interview at the firm. Although these interviews provide a perfect opportunity for firms to engage in a more detailed and personalized investigation of a candidate's substantive knowledge and skill, in our experience interviewers almost never do so. Instead, interviews typically

---

17. Although partners often speak of associates "sorting themselves" by ability and "the cream rising to the top," the process for determining which associates are ultimately viewed as having "partnership ability," as we describe below, is substantially more complex than this standard account suggests.
consist of general discussions about a candidate’s background and interests, and the provision by interviewers of basic information about the firm.

This pattern is consistent with our hypothesis that firms are relatively uninterested in a candidate’s substantive skills. Instead, we hypothesize that firms use the interview process primarily as a means of assessing whether a candidate is likely to “fit in” to the firm’s institutional culture. Although visible rankable criteria such as law school status and grades will narrow the pool of potential applicants significantly, there will still be a large number of students who fall within these cut-offs. Once an applicant satisfies these minimum requirements, the question for the firm is whether or not this particular student will “fit in” to its institutional culture. More concretely, will this student work well with others, work hard without constant scrutiny, be pleasant to be around, and be willing to take on unpleasant assignments when needed?

Scholars in sociology, labor economics, and organizational theory have long suggested that institutional cultures or “norms” play an important role in incentivizing workers in certain workplace environments.18 Given this focus, we predict that personality and institutional fit will play a significant role in hiring decisions.

With respect to hiring, therefore, our hypothesis is that substance matters significantly less than is suggested by the standard rhetoric about legal education. Our goal in this paper is to determine the extent to which law students agree with this assessment.

B. Promotion: Complex Pathways

While our hypothesis with respect to hiring is that substance matters less than is generally thought, our hypothesis with respect to promotions is that there is much more to the process than firms and scholars typically acknowledge.19 Discussions of law employer promotion practices, and particularly those about promotion to partnership in large law firms, typically assume a simplistic process. The core of this conception is the commonly made claim that the internal labor markets of elite firms are structured as “tournaments,” in which firms hire large numbers of associates and after a fixed number of years (usually seven

---

18. For discussions of the importance of informal pressures in the workplace, see, for example, Eugene Kandel & Edward P. Lazear, Peer Pressure and Partnerships, 100 J. POL. ECON. 801 (1992); Devon Carbado & Mitu Gulati, Conversations at Work, 79 OR. L. REV. 103 (2000). More generally, on the literature on social relations and the workplace, see ROBERT GIBBONS & MICHAEL WALDMAN, CAREERS IN ORGANIZATIONS 2413-17 (Ashenfelter & Card eds., 1999).

19. For a detailed discussion of these hypotheses, see Wilkins & Gulati, supra note 1.
or eight) the best lawyers—those who work the hardest and produce the highest quality work—are promoted to be partners and the rest are terminated. According to this view, the "tournament of lawyers" is an incentive structure which motivates junior lawyers to work hard at producing high quality work with relatively little supervision in return for the firm's promise that the best among them will be promoted to partnership.

While there is value to the tournament metaphor, our hypothesis is that the actual tournament is considerably more complex than standard discussions suggest. There are a number of characteristics of these large institutions, we argue, that differ from the simple tournament conception. First, not everyone is playing the tournament. In other words, not everyone is motivated by the lure of partnership and there are likely other incentive mechanisms at work. Second, partnership is not merely a reward for past performance. Instead, it has an important forward-looking or predictive element where the firm chooses those who will be able to generate the most income in the future. In addition, because much of the work in these organizations is done in teams, firms also look to see who the best team players are. Third, success is not merely a function of hard work. One must be trained, and in order to receive training one needs a mentor. Those selected to be mentees are those who are seen as potential stars; therefore, a key to success is to be perceived as a star. In sum, a lot more matters for promotion than simple quality and quantity of work. To reiterate, our goal in this paper is to see whether law students perceive these complex pathways to success.

C. Perceptions: A Function of Identity

Our final hypothesis is that perceptions about law firm hiring and promotion practices are correlated with a lawyer's gender and racial identity. The point is easiest to make with an example. Assume that one possible factor that firms use in evaluating candidates for partnership is whether the associate is loyal and a good team player. Let us further assume, as seems likely, that loyalty and team spirit are difficult to observe and can only be evaluated subjectively. As a result,

20. See, e.g., GALANTER AND PALAY, supra note 1.
there is a substantial danger that when partners evaluate a given associate's "teamwork," there will be a tendency to rely on stereotypes about the kinds of associates who are most likely to be team players. Finally, assume that such stereotypes are often both gendered and racialized: for example, that Asian men are excessively individualistic and therefore less likely to be good team players. Under these circumstances, an Asian male associate who wishes to make partner is likely to perceive that demonstrating that he is a good team player is more important than he would if no stereotype applied (or if a positive stereotype applied, as it might in the case of a white male employee). In other words, perceptions of what criteria are important are likely to differ as a function of the stereotypes that apply to various identity categories.

Moreover, as we indicated above, differences in perception are important because such differences will likely produce differences in strategic choices. To stick with the example, if Asian men are worried that they are perceived to lack team spirit, they will have to spend more of their scarce time and resources doing activities—things like attending firm sponsored social events and participating on the firm's sports teams—that suggest that they, as individuals, are team players. The time and resources spent on negating stereotypes result in both real costs (for example, socializing can be expensive) and opportunity costs (the extra time spent socializing could have been used for other activities).

Unfortunately, our data set turned out not to be large enough to investigate the identity hypothesis at the level we would have liked. Specifically, our numbers on minority and gender sub categories (e.g., Asian men or black women) are not large enough to produce meaningful cross tabulations. As we have elsewhere argued, we suspect that there are important differences across different racial and racial/gender groups.\textsuperscript{22} The test of the identity hypothesis, therefore, is limited to a comparison between "minorities" and whites.

III. HIRING: WHAT ARE THE TICKETS TO THE TOURNAMENT?

The survey asked students to rate the following eight hiring criteria on a scale of one to five, where one corresponded to "irrelevant" and five to "very important."\textsuperscript{23}

\begin{itemize}
\item \textsuperscript{22} See Wilkins & Gulati, supra n.16, at 501 n.12.
\item \textsuperscript{23} The complete translation of the numerical rankings was as follows: Five was defined as "very important," four as "important," three as "marginal," two as "somewhat irrelevant," and one as "irrelevant."\
\end{itemize}
1. Law School Grades
2. Eliteness of Law School
3. Relevance of Courses Taken to Practice Goals
4. Membership on Law Journals
5. Undergraduate Record
6. References from Faculty
7. Personality
8. Physical Attractiveness

We selected these criteria to test student perceptions about our hypothesis that elite law firms care more about signals than about substantive skills. The first two—Grades and Eliteness of Law School—are the kind of “visible” and “rankable” signals that make it easy for firms to make substantive distinctions among applicants. In our prior work, we argued that firms rely heavily on these relatively inexpensive sorting criteria to narrow the large pool of applicants who are attracted by the high starting salaries and other benefits offered by elite firms. In contrast, we argued that the third and fifth criteria—References from Faculty and Relevance of Courses to Practice Goals—are rarely scrutinized. Although arguably providing firms with important (and more detailed) information about a student’s skill and interest level, both contacting faculty and carefully examining a student’s transcript are time consuming and produce information that is ambiguous and difficult to evaluate. To the extent that firms ignore this relevant but relatively costly information, it suggests that employers are not interested in making fine distinctions among students at the hiring stage.

Membership on a Law Journal (the third factor we asked students to consider) has some characteristics of each of the prior two pairs of criteria discussed above. Like Grades and Eliteness of Law School status, Membership on a Law Journal is easily visible and rankable. One would therefore expect firms to place great value on journal membership. At the same time, even the most selective firms cannot rely too heavily on this criterion for fear of narrowing the hiring pool too much. Although firms like New York’s Cravath, Swaine & Moore used to restrict their hiring to graduates of top schools who were also members of the law review (and had other similar easily visible badges of success such as appellate court clerkships or membership in the Order of the Coif), Cravath and its peers can no longer afford to do so and still expect to meet their hiring needs. To put the point another way, using law review membership as an important selection criterion would impose costs on firms that are even greater than the cost of sorting through faculty references or the details of a student’s transcript.
Nevertheless, we do not expect firms to abandon this criterion entirely. Instead, we anticipate that firms will rely on law review membership as a sorting device in circumstances where other less costly sorting mechanisms are unavailable. Thus, firms are more likely to restrict their hiring to law review students at lower ranked law schools, effectively using this criterion as a substitute for elite school status.

As much as they might like to, firms cannot rely on visible, rankable signals alone in meeting their hiring needs. There are simply too many potential applicants who will pass these screens. Moreover, firms are aware that the information conveyed by criteria such as grades and law school status are, at best, approximations of the qualities that will make someone a good associate. Consequently, virtually no elite firm hires law students strictly on the basis of their paper record. Instead, firms conduct personal interviews with a large number of students on campus and a smaller number who are invited for “call back” interviews at the firm. Rather than using this opportunity to acquire more detailed substantive information about an applicant, however, law firm interviews are almost entirely about the applicant’s interests and interpersonal skills. The seventh factor—Personality—is designed to ask students to rank the extent to which they believe hiring decisions turn on subjective assessments of whether an applicant is likely to “fit” into the firm’s institutional culture.

The remaining two factors—Undergraduate Record (number 5) and Physical Attractiveness (number 8)—were included primarily as control variables. We included Undergraduate Record to provide a benchmark by which to measure the relative importance of other variables. On the basis of our prior work (as well as our experience in advising law students about their careers), we were confident that most employers paid little or no attention to this criterion. Hence, the student rankings of this variable give us a basis from which to evaluate their ranking of other criteria. In particular, this control variable provides an important comparative perspective for evaluating one of the more controversial claims about employment success. Recent articles have suggested that physical attractiveness is an important factor in determining job market success. By comparing the score that students give to this variable with the importance they place on undergraduate records, we can evaluate whether students perceive the appearance factor as an important hiring criterion for elite firms.

The next three sections report the rankings respondents gave to these eight criteria broken down by employer type, gender, and race.

A. Cross-Employer Comparisons

Table 1 reports how law students ranked the eight hiring criteria for five employer types: corporate, elite firms, government and public interest, small firms, and academic and non-legal.25 As the Table indicates, elite firms, our primary area of interest in this paper, are the future employer for the plurality of lawyers in the sample. With respect to these institutions, student perceptions are consistent with our hypothesis about what elite firms value. Thus, students perceive Grades, Eliteness of Law School, and Personality as the three most important criteria, ranking each between “very important” (5) and “important” (4). Next in order of importance is Membership on Law Journals, falling between “important” (4) and “marginal” (3). The final four criteria—Relevance of Courses to Practice Goals, Undergraduate Records, Physical Appearance, and References from Faculty are clustered at the bottom, falling between “marginal” (3) and “somewhat irrelevant” (2).

In sum, the visible rankable signals plus Personality are the criteria that students perceive matter the most to elite firms. The more detailed information about what professors think about individual students and what courses students have taken appear to carry little weight. Not only are these factors ranked low in absolute terms, but their relative ranking with respect to the control variable Undergraduate Record is especially revealing: the course selection criterion is ranked only slightly ahead of Undergraduate Record, while students rank references from faculty members below a factor that almost no one believes plays a significant role in hiring. The blunt reality is that beyond Grades and Eliteness, students do not believe that much that happens in law school—neither the courses they take nor the impressions that they make on particular faculty members—is relevant to whether they are hired by elite firms. Even Physical Attractiveness is perceived by students to be more important than References from Faculty.

Indeed, Table 1 reveals that students believe that elite firms place significantly more emphasis on visible, rankable signals, and significantly less emphasis on other school-related substantive information from law school, than other employers. Students going to work for elite firms rank both Grades and Eliteness of School as significantly more important

25. There is also a category for those who did not indicate their future employer.
Table 1.

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>1 Corporate (n=31)</th>
<th>2 Large/ Elite (n=399)</th>
<th>3 Government, Pub. Interest, or Legal Aid (n=138)</th>
<th>4 Small Gen., Specialized, or other for profit (n=236)</th>
<th>5 Solo, Teaching, Non-Legal (n=60)</th>
<th>6 Undecided or Missing Data (n=22)</th>
<th>p-value</th>
<th>Significantly Different Group Means (p&lt;.05)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law school grades</td>
<td>4.45</td>
<td>4.56</td>
<td>3.83</td>
<td>4.18</td>
<td>3.31</td>
<td>4.30</td>
<td>.0001</td>
<td>1-3, 1-5, 2-3, 2-4, 2-5, 3-4, 3-5, 3-6, 4-5-6</td>
</tr>
<tr>
<td>Eliteness of law school</td>
<td>4.19</td>
<td>4.47</td>
<td>3.61</td>
<td>3.90</td>
<td>3.65</td>
<td>4.06</td>
<td>.0001</td>
<td>1-3, 1-5, 2-3, 2-4, 2-5, 2-6, 3-4, 3-5, 4-5, 5-6</td>
</tr>
<tr>
<td>Relevance of courses taken to practice goals</td>
<td>3.43</td>
<td>2.92</td>
<td>3.74</td>
<td>3.51</td>
<td>3.06</td>
<td>3.89</td>
<td>.0001</td>
<td>1-2, 2-3, 2-4, 2-6, 3-4, 3-5, 4-5, 5-6</td>
</tr>
<tr>
<td>Membership on law journals</td>
<td>3.65</td>
<td>3.62</td>
<td>3.10</td>
<td>3.30</td>
<td>2.52</td>
<td>3.61</td>
<td>.0001</td>
<td>1-3, 1-5, 2-3, 2-4, 2-5, 3-5, 3-6, 4-5, 5-6</td>
</tr>
<tr>
<td>Undergraduate records</td>
<td>2.36</td>
<td>2.70</td>
<td>2.45</td>
<td>2.62</td>
<td>2.71</td>
<td>3.05</td>
<td>.051</td>
<td>N/A</td>
</tr>
<tr>
<td>References from faculty</td>
<td>2.24</td>
<td>2.13</td>
<td>3.18</td>
<td>2.54</td>
<td>2.31</td>
<td>2.98</td>
<td>.0001</td>
<td>1-3, 1-6, 2-3, 2-4, 2-6, 3-4, 3-5, 5-6</td>
</tr>
<tr>
<td>Physical attractiveness</td>
<td>2.97</td>
<td>2.68</td>
<td>2.44</td>
<td>2.77</td>
<td>2.77</td>
<td>2.99</td>
<td>.033</td>
<td>1-3, 2-3, 3-4, 3-6</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of GENDER. T-tests for between group comparisons do not control for comparison-wise error rate.
than those going to any other type of employer. In contrast, these same students rank Relevance of Courses to Practice Goals and References from Faculty as significantly less important than their peers who are going to work for other employers. Similarly, References from Faculty are thought by students to be of the least importance for the large elite firms.

There are also important differences across employer type with respect to the Personality criterion. Here, students going to elite firms and those intending to work in small and specialized firms rank this criterion as more important than students going to other kinds of employers. Ex ante, one would expect this factor to be of particular importance to small firms. Research has suggested that informal pressures such as workplace norms (operating through means such as peer pressure, guilt, and shame) are likely to serve as effective incentive mechanisms in small groups. The survey results are consistent with this prediction. Students perceive Personality to be the most important hiring criterion for these small organizations. For present purposes, however, the important point to note is that elite firms place almost as much emphasis on the Personality criterion as small firms.

B. Gender

Table 2 breaks down hiring preferences by gender for those students who intend to work at elite law firms. With respect to five of the criteria, Grades, Eliteness, Relevance of Courses Taken to Practice Goals, Membership on Law Journals, and Physical Attractiveness, there is no statistically significant gender gap between the perceptions of men and women. The absence of a significant gender gap in student perceptions about the importance of physical appearance is particularly noteworthy given academic commentary suggesting that this factor is more important for women than for men.

26. See Kandel & Lazear, supra note 18. For some other discussions of the subject of informal pressures in the workplace, see, for example, John M. Barron & Kathy Paulson, Peer Pressure in an Agency Relationship, 15 J. LAB. ECON. 234 (1997); Justin Yifu Lin, Supervision, Peer Pressure and Incentives in a Labor-Managed Firm, 2 CHINA ECON. REV. 215 (1991).

27. See Katharine T. Bartlett, Only Girls Wear Barrettes: Dress and Appearance Standards, Community Norms, and Workplace Equality, 92 MICH. L. REV. 2541, 2546-47 (1994) (noting that appearance standards are not only stricter for women, but that they also matter more for them). But see GORDON L. PATZER, THE PHYSICALATTRACTIVENESSPHENOMENON 15-17 (1985) (importance of physical appearance is roughly the same across genders).
Table 2.

Perceived Importance of Hiring Criteria by Gender
(All Schools Combined – Students Entering Large Elite Firms Only)

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Gender</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Females (n=160)</td>
<td>Males (n=211)</td>
<td>p-value</td>
<td></td>
</tr>
<tr>
<td>Law school grades</td>
<td>4.48</td>
<td>4.53</td>
<td>.44</td>
<td></td>
</tr>
<tr>
<td>Eliteness of law school</td>
<td>4.45</td>
<td>4.52</td>
<td>.29</td>
<td></td>
</tr>
<tr>
<td>Relevance of courses taken to practice goals</td>
<td>3.05</td>
<td>2.92</td>
<td>.20</td>
<td></td>
</tr>
<tr>
<td>Membership on law journals</td>
<td>3.64</td>
<td>3.50</td>
<td>.20</td>
<td></td>
</tr>
<tr>
<td>Undergraduate records</td>
<td>2.82</td>
<td>2.54</td>
<td>.012</td>
<td></td>
</tr>
<tr>
<td>References from faculty</td>
<td>2.23</td>
<td>1.98</td>
<td>.023</td>
<td></td>
</tr>
<tr>
<td>Personality</td>
<td>4.45</td>
<td>4.30</td>
<td>.04</td>
<td></td>
</tr>
<tr>
<td>Physical attractiveness</td>
<td>2.83</td>
<td>2.78</td>
<td>.69</td>
<td></td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of RACE. T-tests for between group comparisons do not control for comparison-wise error rate.
Gender gaps of any significance appear only with respect to three variables: Undergraduate Records, References from Faculty and Personality. Women perceive Undergraduate Records and References from Faculty as being more important (at the .02 level) in the hiring process than do men. But these variables are ranked by both men and women as relatively unimportant (receiving scores under 3.00).

The only gender gap of any size for a variable that both men and women perceive as important occurs with respect to the Personality variable. Both men and women rank Personality as relatively important, giving it a score of over 4.00. Women, however, rank Personality as more important than men (at the .04 level). Moreover, whereas men rank Personality as less important than either Grades or Eliteness of Law School, women place Personality on par with these other criteria.

C. Race

Table 3 sets out the hiring criteria results broken down by race. 28 As with the gender table, these results are only for those students going to elite firms. When broken down by race, the results do not show significant differences between minorities and whites in any of the three criteria (Undergraduate Records, References from Faculty, and Personality) for which there were gender gaps. There is a significant cross-race difference (at the .03 level) with respect to Physical Attractiveness, although neither minorities nor whites consider this criterion to be especially important.

The most interesting result from this Table is the difference in both absolute and relative importance that minorities and whites place on law school grades. Minorities consider grades to be less important (at the .05 level) in the hiring process than whites. Moreover, the two groups differ on the relative ranking of Grades and law school status. Although both minorities and whites list Grades and Eliteness of Law School as the two most important criteria, whites view Grades as more important by a margin of 4.58 to 4.45 while minorities reach the opposite conclusion by almost the identical margin (4.43 to 4.52). Finally, although there is no statistically significant difference between minorities and whites with respect to the Personality variable, minorities rank this criterion much closer to Grades and Eliteness in importance than do whites.

28. As indicated above, because of the relatively small number of minorities in our sample, we only report results for "minorities" and "whites."
Table 3

Perceived Importance of Hiring Criteria by Race
(All Schools Combined – Students Entering Large Elite Firms Only)

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Race</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minorities (n=77)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law school grades</td>
<td>4.43</td>
<td>4.58</td>
<td></td>
<td>.047</td>
</tr>
<tr>
<td>Eliteness of law school</td>
<td>4.52</td>
<td>4.45</td>
<td></td>
<td>.39</td>
</tr>
<tr>
<td>Relevance of courses taken to practice goals</td>
<td>3.08</td>
<td>2.89</td>
<td></td>
<td>.12</td>
</tr>
<tr>
<td>Membership on law journals</td>
<td>3.49</td>
<td>3.65</td>
<td></td>
<td>.21</td>
</tr>
<tr>
<td>Undergraduate records</td>
<td>2.62</td>
<td>2.74</td>
<td></td>
<td>.35</td>
</tr>
<tr>
<td>References from faculty</td>
<td>2.06</td>
<td>2.16</td>
<td></td>
<td>.48</td>
</tr>
<tr>
<td>Personality</td>
<td>4.40</td>
<td>4.35</td>
<td></td>
<td>.60</td>
</tr>
<tr>
<td>Physical attractiveness</td>
<td>3.01</td>
<td>2.60</td>
<td></td>
<td>.003</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of GENDER. T-tests for between group comparisons do not control for comparison-wise error rate.
D. Cross-School Comparisons

Table 4 breaks down the hiring criteria data for students going to work for elite firms by law school type. Table 4 clusters the schools into three categories, reflecting law school status: highly elite, elite, and middle tier.29 We determined a school's elite status by its ranking in U.S. News and World Report according to the following formula: 1-10 (highly elite); 10-20 (elite); and 20-50 (middle tier).30

Table 4 shows a large number of significant differences across school type. Indeed, the only criterion for which there are no significant cross-school differences is Physical Appearance. And Physical Appearance, as noted earlier, is one of the two lowest ranked criteria.

Of the important criteria, the one that stands out is Eliteness of Law School. There are significant differences on this criterion across all the school categories. What we see is a positive correlation between law school status and perceptions that eliteness is important. The more elite the school, the greater the role that students in that institution perceive eliteness to play in the hiring decisions of large firms. The students at the highly elite schools give law school status the highest score (4.82), followed by the students at the elite schools (4.50). The lowest scores for law school status as a hiring criterion are given by the students at middle tier institutions (4.15). The importance of law school status comes even more sharply into focus when one moves from the cross-school comparison to the intra-school comparison. For example, consider the rankings by students in the highly elite category. For these students, law school status dwarfs everything else. Although students at highly elite institutions, like their peers at other schools, rank Grades and Personality as important (4.30 and 4.17 respectively), it is the status of their institution that these students think is most important (4.82) to elite firms in making hiring decisions. Moreover, when we return to the cross-school comparisons, we see that the highly elite students rank almost every other criterion as less important than similar rankings by students at lower status institutions. The students at the highly elite institutions

29. Ideally, we would have liked to have also broken the schools down in terms of size (e.g., large versus small). Our sample size for the small schools, however, was not large enough to produce meaningful comparison. Our sample also does not include any school ranked lower than 50 in the U.S. News survey.
30. We are aware that many have criticized the accuracy of US News' ranking system. See, e.g., Wendy Nelson Espeland and Michael Sander, Fear of Falling: How Ranking Institutional Reputations Has Challenged Legal Education (2001) (unpublished manuscript on file with the authors). Although we agree with many of these objections, the survey nevertheless appears to be very influential among law students and potential law students. As we indicate below, these perceptions play a significant role in what law students think is important about hiring decisions.
Table 4.

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Law School Grades</th>
<th>Eliteness of Law School</th>
<th>Relevance of courses taken to practice goals</th>
<th>Membership on law journals</th>
<th>Undergraduate records</th>
<th>Reference from faculty</th>
<th>Personality</th>
<th>Physical attractiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Highly Elite (n=98)</td>
<td>4.30</td>
<td>4.82</td>
<td>2.70</td>
<td>3.26</td>
<td>2.50</td>
<td>1.89</td>
<td>4.17</td>
<td>2.68</td>
</tr>
<tr>
<td>2 Elite (n=186)</td>
<td>4.64</td>
<td>4.52</td>
<td>2.87</td>
<td>3.50</td>
<td>2.59</td>
<td>1.99</td>
<td>4.37</td>
<td>2.62</td>
</tr>
<tr>
<td>3 Middle Tier (n=133)</td>
<td>4.66</td>
<td>4.15</td>
<td>3.09</td>
<td>4.01</td>
<td>2.97</td>
<td>2.41</td>
<td>4.42</td>
<td>2.76</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of GENDER. T-tests for between group comparisons do not control for comparisions-wise error rate.
rank Grades, Personality, Courses, Membership on Law Journals, References from Faculty, and Undergraduate Records as all less important than do the students at the other two categories of institutions.  

In contrast to those attending highly elite institutions, students at the lower status schools perceive that they have to demonstrate higher levels of performance on other criteria. Getting admitted to law school is not enough. In particular, look at the criteria rankings for the middle tier institutions. Here, the substantive criteria — References from Faculty and Relevance of Courses to Practice Goals — are perceived as significantly more important by these students than those at the higher status institutions. The same is true for Membership on Law Journals. This criterion has its greatest perceived importance for students at the middle tier schools.

Taken as a whole, these results point to a pattern. As the status of the school attended decreases, students begin to perceive that other factors play an increasingly important role in elite firm hiring. As one moves from the highly elite school students to the elite school students (and then to the middle tier school students), Grades replace law school status as the most important of all the criteria. Similarly, Personality rises in importance (and is actually ranked as the second most important factor by the students at the middle tier schools). One sees similar patterns with Membership on Law Journals, Relevance of Courses, and so on. In essence, there is a substitution effect. Law school status is the key criterion for these firms when they recruit at the most prestigious schools. As the firms turn their attention to the less prestigious schools, they become pickier and begin looking at other criteria. In other words, students perceive that the level of hiring scrutiny increases for students from the lower level schools. This perception, as we argue below, is likely to drive strategic choices.

IV. Promotion: What Does It Take to Win the Tournament?

The survey asked students to evaluate the following eight criteria in terms of their importance (on the same scale as they rated the hiring criteria) for advancement:

---

31. For two recent discussions of the importance of law school rankings to both the law schools, law students, and legal employers, see Daria Rothmayr, Barriers to Entry, 86 VA. L. REV. 72 (2000), and Russell Korobkin, In Praise of Law School Rankings: Solutions to Coordination and Collective Action Problems, 77 TEX. L. REV. 403 (1998).
1. Quality of Work;
2. Quantity of Work;
3. Possessing "Star" Qualities;
4. Gender or Race Discrimination;
5. Gender or Race Preferences;
6. How Much I "Play Ball";
7. Linking up With a Senior Mentor;

We selected these criteria to test our hypothesis that when it comes to advancing in an elite law firm, more matters than the standard story typically suggests. The first two criteria, Quality of Work and Quantity of Work, are the core of the standard meritocratic account of how people succeed in large law firms. The eighth criterion—Rainmaking Potential—represents another obvious feature of contemporary law firm life. Descriptions of today's large firms frequently emphasize the importance of bringing in business or otherwise directly contributing to the bottom line.\(^{32}\) We therefore included this criteria to measure the extent to which law students perceive this new reality as affecting their potential advancement. In addition, since rainmaking is not a feature of legal practice in other areas (most notably government) including this variable also gives us a benchmark with which to measure other differences between the responses of students going to elite firms and those headed for government or other similar careers.

The third (Star Qualities), sixth (Playing Ball), and seventh (Linking up with Senior Mentors) criteria are less commonly discussed in standard accounts about advancement or promotion. These criteria deviate even further than Rainmaking from the meritocratic ethos embraced by most elite firms—i.e., that the "best" people (defined as those who do the best work) automatically rise to the top. Our prior work, however, suggests that the quality and quantity of an associate's work are relevant—but not determinative—of his or her chances for success in an elite law firm. Most associates at the top firms, we argue, are capable of working hard and producing work of high quality. In order to demonstrate these qualities, however, one must gain access to good work and training opportunities, both of which are in short supply in today's highly leveraged elite firms. Being seen as Possessing "Star" Qualities, Playing Ball with the Institutional Culture, and Linking up With a Senior Mentor, we assert, are all ways in which an associate might try to gain access to these vital but scarce developmental

opportunities. We therefore wanted to see what law students thought about these additional factors.

The final two criteria—Gender or Race Discrimination (4) and Gender or Race Preferences (5)—were designed to examine the extent to which respondents believe that identity related issues are likely to affect their opportunities for advancement. A number of studies have found significant differences in perceptions between whites and minorities about the existence of discrimination and the incidence and effects of affirmative action.\(^3\) The question for us was whether analogous differences in perceptions held with respect to law students, and whether they differed across school and employer type.

The following four sections present the data on perceptions about advancement criteria broken down by employer type, gender, race, and law school type.

A. Cross-Employer Comparisons

Table 5 reveals significant cross-employer differences on five of the eight criteria. Quality of Work, as one might expect, is uniformly important across employer type, ranked first in all employer categories. The first set of significant differences arises with respect to the Quantity of Work criteria. Although students across all employer types give this variable the second highest ranking, those going to elite firms rank Quantity as significantly more important than those going to any of the other employers.\(^3\) Once again, no one is likely to find this surprising. After all, the large elite firms are well known for their punishing work requirements; requirements that are increasing as quickly as salaries at these institutions.

The third most important criteria across employer type is Having "Star" Qualities. Here again, however, this criteria is considered significantly more important by the students going to large elite firms than for those going to virtually every other employer.\(^3\) The students going to the large elite firms rank this variable as comparable to Quality and Quantity, rating all three between "very important" and "important."

---


34. Indeed there are significant differences across virtually all of the employer types suggesting that expectations about work load vary widely among students going to different employers.

35. Only those headed for academic careers indicated that this criteria carried comparable weight.
### Table 5.

Perceived Importance of Various Job Factors in Career Achievement by Career Setting (All Schools Combined)

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>1 Corporate (n=23)</th>
<th>2 Large/Elite (n=390)</th>
<th>3 Government, Pub. Interest, or Legal Aid (n=83)</th>
<th>4 Small Gen., Specialized, or other for profit (n=166)</th>
<th>5 Solo, Teaching, Non-Legal (n=47)</th>
<th>6 Undecided or Missing Data (n=21)</th>
<th>p-value</th>
<th>Significantly Different Group Means (p&lt;.05)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The quality of my work</td>
<td>4.78</td>
<td>4.75</td>
<td>4.77</td>
<td>4.78</td>
<td>4.87</td>
<td>4.48</td>
<td>.07</td>
<td>N/A</td>
</tr>
<tr>
<td>The quantity of my work</td>
<td>3.65</td>
<td>4.32</td>
<td>3.20</td>
<td>4.07</td>
<td>3.55</td>
<td>3.91</td>
<td>.0001</td>
<td>1-2, 1-3, 1-4, 2-3, 2-4, 2-5, 2-6, 3-4, 3-5, 3-6, 4-5</td>
</tr>
<tr>
<td>Having &quot;star&quot; qualities</td>
<td>3.56</td>
<td>4.02</td>
<td>3.46</td>
<td>3.64</td>
<td>3.82</td>
<td>3.57</td>
<td>.0001</td>
<td>1-2, 2-3, 2-4, 2-6, 3-5</td>
</tr>
<tr>
<td>Gender or race discrimination</td>
<td>2.05</td>
<td>1.97</td>
<td>1.99</td>
<td>1.76</td>
<td>1.71</td>
<td>2.13</td>
<td>.20</td>
<td>N/A</td>
</tr>
<tr>
<td>Preference for my gender or race</td>
<td>1.92</td>
<td>1.86</td>
<td>1.93</td>
<td>1.70</td>
<td>1.63</td>
<td>2.09</td>
<td>.19</td>
<td>N/A</td>
</tr>
<tr>
<td>How much I play ball</td>
<td>3.13</td>
<td>3.45</td>
<td>2.53</td>
<td>2.92</td>
<td>3.17</td>
<td>3.14</td>
<td>.0001</td>
<td>1-3, 2-3, 2-4, 3-4, 3-5, 3-6</td>
</tr>
<tr>
<td>Linking up with senior mentor</td>
<td>3.26</td>
<td>3.73</td>
<td>3.11</td>
<td>3.35</td>
<td>3.36</td>
<td>3.71</td>
<td>.0001</td>
<td>1-2, 2-3, 2-4, 2-5, 3-6</td>
</tr>
<tr>
<td>My rainmaking potential</td>
<td>2.78</td>
<td>3.83</td>
<td>1.64</td>
<td>3.57</td>
<td>3.13</td>
<td>3.19</td>
<td>.0001</td>
<td>1-2, 1-3, 1-4, 2-3, 2-4, 2-5, 2-6, 3-4, 3-5, 3-6, 4-5</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of GENDER. T-tests for between group comparisons do not control for comparison-wise error rate.
By contrast, those going into government or public interest rate Quantity (3.2) and Star Quality (3.46) significantly lower than Quality (4.7).

We see a similar pattern with respect to Linking up with a Senior Mentor, How Much I Play Ball, and Rainmaking Potential. Students across all employer types rank the mentoring variable between "important" and "marginal," but those going to elite firms believe mentoring to be significantly more important than their peers. Similarly, these same students rank "Playing Ball" higher than those going to any other employer type, and significantly higher (by almost a full rating point) than those intending to work in government or public interest. Finally, as one would expect, students destined for elite firms consider Rainmaking Potential significantly more important than those intending to work for any other employer and more than twice as important (3.83 versus 1.64) as those going into government or public service. As indicated, this latter result provides a benchmark for evaluating the other significant differences (the differences, for example, among rankings of Playing Ball and Linking Up with a Senior Mentor) between students intending to work in elite firms and those headed for government.

Taken as a whole, these results underscore that those going to large law firms have significantly different perceptions about what it will take for them to succeed in their careers than students who intend to work for any other type of legal employer. Quantity of Work, Star Quality, Playing Ball, Senior Mentors, and Rainmaking are all perceived as significantly more important by students going to work for elite firms. With the exception of Quantity, which one would expect to be important under the simple traditional meritocratic account of how people succeed in large law firms, the fact that students intending to work in these institutions rank the other four qualities highly suggests that these new recruits believe that succeeding in today's elite firms requires more than simply producing a sufficient quantity of high quality work. The relative ranking that students give to these other factors further supports this observation. For example, although Rainmaking Potential is obviously important in today's competitive elite firms, students view Star Qualities as more important to their future success than bringing in business (4.02 versus 3.83). Indeed, Senior Mentors (3.73) and Playing Ball (3.45) are perceived by students going to elite firms as almost as important to their careers as Rainmaking.

High absolute and relative rankings for Star Qualities, Senior Mentors, and Playing Ball suggest that students perceive some of the kind of complex pathways to success in elite firms that we have hypothesized in our prior work. Being perceived as having Star Qualities helps an associate gain access to the kind of training
opportunities (what we have elsewhere referred to as the “training track”) upon which success in a large law firm ultimately depends. Similarly, Senior Mentors are important both because they are in a position to give associates access to scarce training resources and because they provide their protégés with political support within the partnership as well as connections to important clients. Finally, Playing Ball is an important signal that an associate “fits in” (and indeed embraces) the firm’s institutional culture, and therefore is both interested in a long term career with the firm and willing to conform to the firm’s institutional norms. Those who “fit in,” we argue, are more likely to be viewed by partners as good candidates for the “training track.” By ranking each of these factors highly—both in absolute terms and relative to Rainmaking—the students in our sample appear to subscribe to something like this understanding of what it takes to succeed at the elite firms where they intend to work.

Although students intending to work for elite firms perceive that they will follow significantly different pathways to success than their peers in other workplaces, they do not appear to believe that race or gender will play a different or particularly large role in their ability to successfully traverse these pathways—at least not directly. Students across all employer types ranked both of the expressly race- and gender-based criteria as only marginally important to their career success. This is both good news for anyone interested in equal opportunity and somewhat surprising given that women and minorities have been less successful in penetrating the upper echelons of elite firms than in government or even corporate America. As we will see in the next sections, however, the perceptions of women, and particularly of minorities, about some of the other advancement criteria suggests that—at least in the eyes of law students—gender and race continue to play a more complex role in career advancement than the optimistic reports in Table 5 might lead one to suspect.

B. Gender

Table 6, like Table 2, breaks our data on advancement down by gender for students going to elite firms. Table 6 reveals significant gender gaps on only two criteria: Discrimination and Preferences. Women perceive gender- and race-based Discrimination and Preferences to play a more important role in career advancement than do men. That said, however, even women rank Discrimination and Preferences as relatively unimportant as compared to the other criteria, rating both factors between marginal and somewhat irrelevant. With respect to all other criteria, there is no significant gender gap.
Table 6.
Perceived Importance of Various Job Factors in Career Achievement by Gender
(All Schools Combined – Students Entering Large Elite Firms Only)

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Gender</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Females (n=152)</td>
<td>Males (n=212)</td>
<td>p-value</td>
</tr>
<tr>
<td>The quality of my work</td>
<td>4.69</td>
<td>4.74</td>
<td>.39</td>
</tr>
<tr>
<td>The quantity of my work</td>
<td>4.36</td>
<td>4.35</td>
<td>.82</td>
</tr>
<tr>
<td>Having &quot;star&quot; qualities</td>
<td>4.11</td>
<td>4.07</td>
<td>.60</td>
</tr>
<tr>
<td>Gender or race discrimination</td>
<td>2.57</td>
<td>1.98</td>
<td>.0001</td>
</tr>
<tr>
<td>Preference for my gender or race</td>
<td>2.31</td>
<td>1.97</td>
<td>.001</td>
</tr>
<tr>
<td>How much I play ball</td>
<td>3.67</td>
<td>3.52</td>
<td>.14</td>
</tr>
<tr>
<td>Linking up with senior mentor</td>
<td>3.85</td>
<td>3.81</td>
<td>.69</td>
</tr>
<tr>
<td>My rainmaking potential</td>
<td>3.85</td>
<td>3.90</td>
<td>.59</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of RACE. T-tests for between group comparisons do not control for comparison-wise error rate.
The absence of significant gender differences with respect to all of the work related advancement criteria provides an interesting contrast to the perceptions of women and men about the hiring process. In the latter context, women rated Personality as significantly more important (at the .04 level) than men. As indicated in Part II, we hypothesize that firms use Personality as a surrogate for whether a candidate will "fit in" to the firm's culture. Although women perceive that they will have more trouble convincing employers that they fit in at the hiring stage, they appear not to expect this difficulty to carry over once they are on the job.

C. Race

In contrast to the gender results in Table 6, which showed few differences in perceptions between women and men concerning what it takes to advance in elite law firms, the race results in Table 7 show significant differences in perceptions between minorities and whites on a number of important variables. These differences shed light on our thesis that race may negatively impact the careers of minority lawyers even in the absence of substantial overt discrimination.

As we saw with respect to gender, minorities rate the Discrimination and Preference criteria as significantly more important than whites. Nevertheless, as was also true with women, minorities do not appear to consider these explicitly identity-based issues particularly important, rating them between marginal and somewhat irrelevant. At the same time, however, minorities place significantly more importance than whites on three additional variables—Having Star Qualities (at the .009 level), Playing Ball (at the .0002 level), and Linking up With Senior Mentors (at the .007 level)—that we hypothesized were crucial to success in the more complex pathways of the modern tournament of lawyers.

These results cast the answers to the discrimination and preferencing questions given by minority respondents in a different light. Like women, minorities appear to believe that their identities will create more issues in the workplace—both positive and negative—than whites believe about the role that their identities are likely to play at work. Minorities do not believe, however, that the primary way that race will affect their careers is through discrimination or affirmative action. Instead, these respondents appear to believe that race operates in more subtle, but in their minds, more important ways by raising the stakes for what it takes for them to win the tournament of lawyers. Thus, minority students perceive a greater need to be perceived as Stars, to Play Ball with (and thereby fit into) a firm's institutional culture, and to gain
Table 7

Perceived Importance of Various Job Factors in Career Achievement by Gender
(All Schools Combined – Students Entering Large Elite Firms Only)

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Race</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minorities (n=77)</td>
<td>Whites (n=287)</td>
<td>p-value</td>
</tr>
<tr>
<td>The quality of my work</td>
<td>4.66</td>
<td>4.77</td>
<td>.10</td>
</tr>
<tr>
<td>The quantity of my work</td>
<td>4.40</td>
<td>4.31</td>
<td>.24</td>
</tr>
<tr>
<td>Having &quot;star&quot; qualities</td>
<td>4.22</td>
<td>3.97</td>
<td>.009</td>
</tr>
<tr>
<td>Gender or race discrimination</td>
<td>2.81</td>
<td>1.74</td>
<td>.0001</td>
</tr>
<tr>
<td>Preference for my gender or race</td>
<td>2.61</td>
<td>1.68</td>
<td>.0001</td>
</tr>
<tr>
<td>How much I play ball</td>
<td>3.83</td>
<td>3.36</td>
<td>.0002</td>
</tr>
<tr>
<td>Linking up with senior mentor</td>
<td>4.00</td>
<td>3.66</td>
<td>.007</td>
</tr>
<tr>
<td>My rainmaking potential</td>
<td>3.99</td>
<td>3.76</td>
<td>.052</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of GENDER. T-tests for between group comparisons do not control for comparison-wise error rate.
access to Senior Mentors who can give them good work and promote their interests with other partners. Put differently, these respondents appear to believe that the indirect effects of race on their opportunities for advancement are substantially more important than such direct issues as discrimination and affirmative action.

This last point highlights an interesting difference in the data between women and minorities. As we reported in Section IIIB, with respect to hiring, there were important gender differences in how women and men perceived the importance of Undergraduate Records, References from Faculty, and, most important, Personality. The gaps between minorities and whites, in contrast, were less salient, reaching statistical significance only with respect to the relatively unimportant criterion of Physical Attractiveness, combined with a moderate tendency for minorities to believe Grades are less important to their chances of being hired by an elite firm. With respect to advancement, however, women and minorities appear to reach opposite conclusions. Here, there is almost no gender gap between what women and men believe about what it will take for each group to succeed at an elite firm. Minority students, on the other hand, perceive that they must do significantly more than their white counterparts to succeed in each of the three areas—Star Qualities, Playing Ball, and Mentoring—where we hypothesize the real rules of the modern tournament of lawyers depart from the simple meritocratic story that those who do the “best” work rise to the top. In Part V we offer an explanation for this difference in perception.

D. Cross-School Comparisons

Table 8 breaks down the data on advancement for students going to elite firms by law school type. Table 8 reveals that students from the different status categories of law schools hold significantly different views about what it takes to succeed in the large elite firms. For example, with respect to Playing Ball, students at highly elite institutions view Playing Ball as significantly more important than do students at lower tiered institutions (3.73 at the highly elite versus 3.39 and 3.33 at the elite and middle tier, respectively).

Similarly, students in the highly elite category rank Star Qualities, Playing Ball, and Linking up With Senior Mentors as significantly more important than students from all the lower status institutions. The same is true for their rankings of the two identity-based variables (Discrimination and Preferencing). Finally, while the differences in views on Rainmaking Potential are not significant at the 0.05 level, the data does suggest that the highly elite school students view this as more
Table 8.
Perceived Importance of Various Job Factors by Eliteness of Law School
(All Schools Combined—Students Entering Large Elite Firms Only)

<table>
<thead>
<tr>
<th>Survey Item</th>
<th>Eliteness of Law School</th>
<th>P-Value</th>
<th>Significantly Different Group Means (p&lt;.05)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Highly Elite (n=95)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 Elite (n=184)</td>
<td>3 Middle Tier (n=126)</td>
<td></td>
</tr>
<tr>
<td>The quality of my work</td>
<td>4.60</td>
<td>4.77</td>
<td>4.83</td>
</tr>
<tr>
<td>The quantity of my work</td>
<td>4.34</td>
<td>4.28</td>
<td>4.39</td>
</tr>
<tr>
<td>Having &quot;star&quot; qualities</td>
<td>4.27</td>
<td>3.95</td>
<td>3.95</td>
</tr>
<tr>
<td>Gender or race discrimination</td>
<td>2.26</td>
<td>1.83</td>
<td>1.83</td>
</tr>
<tr>
<td>Preference for my gender or race</td>
<td>2.16</td>
<td>1.72</td>
<td>1.80</td>
</tr>
<tr>
<td>How much I play ball</td>
<td>3.73</td>
<td>3.39</td>
<td>3.33</td>
</tr>
<tr>
<td>Linking up with senior mentor</td>
<td>4.25</td>
<td>3.59</td>
<td>3.60</td>
</tr>
<tr>
<td>My rainmaking potential</td>
<td>4.00</td>
<td>3.81</td>
<td>3.74</td>
</tr>
</tbody>
</table>

Items re-scored so that higher score = higher value. All means are adjusted for main effect of GENDER. T-tests for between group comparisons do not control for comparison-wise error rate.
important than do the others. Indeed, the only factor that students from highly elite schools rank as being significantly less important than almost all of their peers at the other schools is Quality of Work, although they, like their peers at all other schools, rate this factor first in order of importance.

These differences are puzzling. One would expect, for example, that students at the most elite law schools would be more likely than those from lower ranked schools to believe that they will be judged solely on the Quality of their work and not on such secondary factors as Playing Ball and finding a Senior Mentor. It is possible that these differences in perceptions stem from actual differences in treatment. For example, firms may simply presume that work done by students from top schools is of high quality, leading these students to discount the importance of demonstrating this criterion. More plausibly, it is possible that students from the highest status institutions have more access to information about the elite firms than students from other schools. It is common knowledge that a very high percentage of graduates from top law schools spend some or all of their careers in elite law firms. As a result, students in these institutions are likely to have significant first hand experience with these institutions and an extensive network of classmates and friends working in this sector. Moreover, it is also possible that faculty at highly ranked law schools are more knowledgeable about large firms than their peers at institutions where a lower percentage of graduates work in this sector. As a result, students at highly elite schools may simply know more about the complex pathways for success at elite firms than their peers at other schools.

Whatever the reason for the differential, however, the fact that students from highly elite schools have fundamentally different views than others about what it takes to succeed in a large elite law firm has important implications for how they—and the firms in which they work—are likely to behave.

V. IMPLICATIONS

Law student perceptions about hiring and advancement in elite firms differ in several important respects from the standard meritocratic tournament story firms like to tell about their own practices. With respect to hiring, law students believe that demonstrating that their personality “fits in” to the firm’s institutional culture plays a substantially more important role in their job opportunities than arguably more

substantive criteria such as whether they take relevant courses or impress their instructors. When it comes to advancement, students perceive that more is required of them than simply doing a sufficient quantity of excellent work. In addition, students believe that they must be perceived as having star qualities, demonstrate that they fit into the firm's institutional culture, link up with senior mentors, and develop rainmaking skills if they are to thrive in today's competitive law firm environment.

All students share these basic perceptions. Some, however, believe that they face special burdens. Although women and minorities see expressly identity-related issues as more important than do white men, their relatively low ratings for discrimination and preferences suggests that they believe that the real obstacles in their careers lie elsewhere. Women believe that they must work harder to convince recruiters that they fit into the traditionally male-dominated institutional culture of elite firms. Minorities perceive that being perceived as stars, fitting in, and finding senior mentors will play an especially crucial role in their careers. Law school status appears to play a complex and contradictory role in forming career expectations. The more elite the school, the greater role students from that institution believe eliteness plays in hiring decisions. At the same time, students from the most elite schools appear to see the tournament of lawyers in a substantially different—and substantially less meritocratic—light than their peers from other schools.

These perceptions are important on each of the four grounds—as a data point from knowledgeable insiders, as a factor in framing student choices, as an influence on firm strategies, and as a signal to law schools about the goals of legal education—set out in Part I. We conclude by briefly examining each in turn.

A. What if Student Perceptions Are True?

To the extent that students are correct in their perceptions, their understanding of hiring and promotion practices at the elite firms provides support for each of our hypotheses. Elite firms, according to those who intend to work in these institutions, spend less time evaluating substantive information about applicants than other legal employers. These statistically significant differences across employer type are important because they suggest that elite firms pay relatively little attention to substance because they are unwilling to spend the additional resources to reach more finely calibrated decisions about potential candidates, as opposed to the alternative explanation that examining an applicant's course selection and faculty references would not yield any useful information. Similarly, the fact that elite firms place almost as
much stress on personality as small firms suggests that work norms about fitting in to the institutional culture play as important a role in large law firms as they do in smaller, more cohesive firms.

The data on perceptions about advancement provide similar support for the view that the pathways to success in elite firms are more complex than traditional tournament theory suggests. Reputation ("Star Qualities"), conforming to institutional norms ("Playing Ball"), and forming alliances with powerful sponsors ("Linking up with Senior Mentors") are all ways of building what we have elsewhere called "relationship capital." The heavy emphasis placed on these criteria by survey respondents suggests that relationship capital plays a far greater role in promotion decisions than the typical human capital story, favored by many theorists and virtually all firms, in which the "best and brightest" associates coming into the firm are the ones most likely to make partner. By the same token, the fact that law students believe that it is very important to be perceived by their employers as potential rainmakers further undermines the standard tournament theory assumption that partnership is primarily a reward for past performance as an associate, as opposed to a characterization of this process as a forward-looking prediction about future productivity.

Finally, the survey results support the prediction that perceptions about hiring and promotion are linked to identity, although not all of the predictions that theorists have made about the barriers facing women and minorities in elite firms were borne out by the data. The fact that there is no statistically significant difference between women and men regarding the importance of physical appearance suggests that this factor may play less of a role in the hiring process than might have been expected. Indeed, it appears that minorities are more concerned about the effect that traditional standards of beauty might have on their careers than women, although even here the effect appears to be small.

Nevertheless, the survey results suggest that women may face greater challenges in demonstrating that they fit into elite firm culture—at least at the hiring stage. The fact that women rank Personality as equal in importance to law school status and only slightly less important than grades supports the frequently articulated claim that women have a more difficult time convincing employers that they "fit in" to the male norms that have traditionally dominated elite firm culture.

Given the above finding, one might expect to find that women also believe that Playing Ball—i.e., "fitting in" to the firm's institutional culture—is especially important to their advancement prospects after they enter a firm. In the advancement context, however, we find no

37. See Wilkins & Gulati, supra note 1, at 1678-79.
significant gender gap with respect to this factor. To the extent that women are correct in this perception—a big if, given the substantial evidence in the literature to the contrary—this suggests women face more barriers at the hiring stage than at the advancement stage.

Our data on minorities suggests the opposite conclusion. Minorities appear to believe that they face somewhat lower barriers (with respect to the Grades criterion) to being hired by an elite firm than their white peers. These same students, however, anticipate that it will be more difficult for them to build relationship capital and thereby gain access to crucial developmental opportunities (by being perceived as a Star, Playing Ball, and Linking up with Senior Mentors) once they are on the job.

Taken together, the perceptions of women and minority law students tell an interesting story about discrimination and affirmative action. As reported, neither women nor minorities rate either of these factors as particularly important to their careers. This finding suggests that theorists interested in promoting equality in the workplace would do better to shift their attention from combating, on the one hand, "racism" and "sexism," and, on the other, promoting programs that isolate the concerns of women and minorities from the general issues facing lawyers in elite firms, to examining the myriad ways in which standard practices in elite firms—such as the need to build relational capital and to fit into firm norms—continue to disadvantage women and minorities systematically even in the absence of intentional discrimination. In addition, with respect to race, the survey results support the common perception that retention issues are more important than those pertaining to recruiting. Minority law students are probably correct when they perceive that they (unlike women) will benefit from some amount of affirmative action (in the form of a lower grade cut off) in the hiring process. They may also be correct, however, in believing that whatever benefit of the doubt they are given when they are hired disappears once they begin work and is replaced by a set of presumptions and stereotypes that will make it more difficult for them to succeed.

We suspect that women may face similar barriers. The fact that women in their third year of law school do not perceive this to be true, however, will influence their initial strategic choices about where to


39. One of us has argued for this proposition extensively. See Wilkins, supra note 21.
work and how to approach their new responsibilities—just as the opposite perceptions by minorities will shape their workplace strategies. Our data provides some clues about what shape these strategic choices might take.

B. But Even if They Are Wrong, Perceptions Drive Strategy

Law students wishing to work for the elite firms will chart their path toward this goal based on what they think they know about hiring, and to a lesser extent, promotion practices at these institutions. As we indicated in Part I, for example, law students are likely to be influenced by whether they think firms are interested in the courses they select or simply in their cumulative grade point average. From the responses in Part III, it appears that survey respondents think that law school grades are the most important hiring criteria and that firms place little if any emphasis on whether an applicant has taken relevant courses. We should not be surprised, therefore, to see students—particularly those most worried about their grades—selecting courses to maximize their grade point averages. To the extent that those who take potentially difficult courses such as corporate tax or securities regulation are likely to be better prepared (or at least feel better prepared) to handle assignments that touch on these specialized areas, the strategic choices that students make in law school will have important implications for what they do once they enter practice. As we have argued elsewhere, for example, this dynamic may be one reason why black lawyers have traditionally been concentrated in litigation departments.40

Not all law students, however, understand the practices of elite firms in the same way. With respect to hiring, we saw in Part II that graduates from the more elite schools tend to place more emphasis on law school status than grades. A cursory look at the hiring practices of large law firms suggests that these students are correct that firms tend to set the grade cut-off (below which they will not seriously consider an applicant) at a lower level when they interview at highly ranked schools. Whether or not students at the high status schools are correct in their perceptions on this issue, however, the fact that they believe that simply attending a highly ranked institution is sufficient to ensure their entry into the world of elite firms is likely, at the margin at least, to discourage

40. See Wilkins & Gulati, supra note 16, at 577-80. In the other work that one of us has done on black corporate lawyers, this historic concentration appears to be shifting as a greater percentage of recent black graduates are working in corporate departments. Nevertheless, there are still relatively few black lawyers in specialized corporate areas such as mergers and acquisitions or corporate tax.
these privileged recruits from investing in learning difficult new skills in law school.

Perceptions about what it takes to succeed in elite firms are also likely to drive strategic choices. Consider the perceptions of minority law students. As we saw in Part IV, minorities believe that gaining access to relationship capital (by Playing Ball, being perceived as a Star, and Linking up with Senior Mentors) is especially important to their career success. These perceptions are likely to lead minorities to adopt different work strategies than their white colleagues who either do not appreciate the importance of such relationships, or simply assume that they will have access to career support as a matter of course. For example, minority lawyers who perceive a greater need to “play ball” are likely to feel greater pressure to attend firm sponsored social functions, play on the firm’s sports teams, or take on more of the unpleasant tasks (e.g., due diligence in a warehouse in rural Oklahoma) that others do not wish to do. Those who perceive a greater need to be seen as “stars” may take on more risks in their careers, for example, by seeking out exceptionally difficult projects or working with especially unpleasant partners or clients. And those minorities who perceive that it will be harder for them to link up with a senior mentor are likely to go to great lengths to get to know senior lawyers, perhaps even going so far as doing menial work for partners in the hope that they will see this as a sign of good faith and invest in the minority lawyer’s career.

Different career strategies may also produce different outcomes. Each of the strategies that minority lawyers may employ to build up relationship capital and put themselves on the “training track” is risky. Taking on difficult projects for demanding partners, for example, may earn an associate “star” status and a powerful mentor if successful, but can also seriously damage a young lawyer’s reputation if the project was indeed beyond the lawyer’s competence or the partner’s reputation for being difficult was indeed well deserved. Even attending every firm function and joining in the full range of firm activities is risky in the sense that time spent on these activities is time taken away from either billable work or non-work responsibilities, both of which can have long-term negative consequences on an associate’s career. At a minimum, these added costs should be understood as one of the burdens that minorities bear as a result of their identity.

41. Although firms may not care whether an associate maintains a healthy personal life, it may still be true that those who do are more likely to have the stamina and resolve to build successful long-term careers in elite firms. This may be particularly true for minority lawyers who, in addition to the benefits that all lawyers gain from a stable and happy personal life, also receive important career-enhancing benefits from maintaining ties to their respective minority communities. See Wilkins, supra note 21.

42. See Devon Carbado & Mitu Gulati, Crossdressing Identity, unpublished draft, (on file with the authors).
C. And Firms Have an Incentive to Try to Influence These Strategic Choices

In a competitive market for talent, law firms have strong incentives to market themselves to law students as being good places to work. Firms can try to accomplish this goal in one of two ways: they can actually adopt policies and practices that respond to associate concerns or they can appear to adopt such policies while diverting student attention from the less pleasant aspects of law firm life. Student perceptions provide a useful benchmark for evaluating the success of this later strategy.

The results reported in Parts III and IV suggest that we should expect to see firms changing some of their traditional strategies. Law students no longer believe (if they ever did) that elite firms hire associates strictly on the basis of their substantive merit and automatically promote those who produce the highest quality (or even quantity) of work as associates. Instead, students believe that Personality plays a critical role in hiring decisions and that only those who build relationship capital in the firm are likely to succeed. Indeed, students at the best law schools—the ones all firms want most to recruit—are the most likely to hold these perceptions. As a result, firms seeking to recruit these students may supplement their traditional claims to only hiring “the best” law students (or only those with “partnership potential”) with assertions about the firm’s “friendly” culture, the opportunities for training and responsibility that it provides, and the personality of those it recruits.43

Firms may have a more difficult time adapting to law student expectations about advancement. Consider, for example, the growing perception by students (particularly those graduating from elite law schools) that it is important to link up with a senior mentor. As we argued elsewhere, the high leverage ratios and increasing demands on partners to bring in business that characterize today’s elite firms mean that providing genuine mentoring opportunities—i.e., partners offering career support and guidance to associates—would be very costly for firms. Consequently, we should not be surprised to see firms attempting to satisfy student demand for mentoring through less costly formal training programs that do not require large amounts of partner time. Whether such tactics are successful, however, depends in part on what legal academics choose to study and teach their students about these institutions.

43. The lawyer “testimonials” at the Kirkland & Ellis website provide a vivid example of an attempt by a firm to shape its image in the mind of recruits. See Kirkland and Ellis, Careers at K&E, Law Students (visited May 5, 2001) <www.kirkland.com/careers/lawstudents/careers.asp>.
D. Law Schools Have an Obligation to Help Students Understand this Process

For law firms, student perceptions about the job market are an important part of building a competitive strategy. For law schools, these perceptions are an underappreciated measure of how well we are educating our students. From the results reported above, it appears that there is ample room for improvement.

As a preliminary matter, the fact that a large percentage of third year students—probably more than 20%—have stopped attending most of their classes ought to raise questions about the purpose and importance of the third year. Although such questions go beyond issues relating to the job market, our survey results underscore that there is a closer connection between the actions of elite firms and the academic goals of law schools than many might like to admit. The fact that students believe that elite firms care about their grades provides some incentive for students to take their studies seriously. Unfortunately, the placement of the recruiting season in the fall means that virtually every student who wants to work for an elite firm—and who is likely to be hired—has already received and accepted an offer of employment by December of his or her third year. We should therefore not be surprised that students have little motivation to invest in their classes the following spring.

Indeed, the emphasis placed by elite firms on grades and law school status—and their lack of interest in course selection and faculty references—reduces student incentives to invest in the educational mission of the academy at all. These elite firm practices encourage students to treat law school as their future employers apparently do; as little more than a credentialing and sorting mechanism where the goal is to amass certain visible, rankable signals of success. For those of us who teach at highly ranked law schools, the situation is even more grim. Our students appear to believe that the battle has essentially been won the day they are admitted to law school. Eliteness, not academics, in their view, is the key to professional success.

Finally, our survey results suggest that we are doing a poor job of preparing our students for the challenges they will face once they begin working. The traditional model of legal education fits well with traditional understandings of professional success. In a world where young lawyers are primarily judged on the quality of their work, one might plausibly believe that by training students how to think like lawyers, law schools were also giving students the most important tools to succeed in legal practice. The majority of our survey respondents no longer believe in this simple story. Instead, they believe that they must distinguish themselves as stars, learn how to decode and adapt to the firm’s culture, and build strong developmental relationships with powerful partners if they are going to have a realistic chance to succeed.
At present, law schools teach very little about any of these issues. If we want our students to make career choices on something more than what they think they know about professional success from what they have heard from recruiters and friends or have read in the legal press, then we must begin to take seriously our obligation to study and to teach about the profession we are sending these women and men to join.
APPENDIX: Survey Questions

28. How important do you think the following factors will be in determining your advancement at this job?

<table>
<thead>
<tr>
<th></th>
<th>Very Important</th>
<th>Important</th>
<th>Marginal</th>
<th>Somewhat Irrelevant</th>
<th>Irrelevant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The quality of my work</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The quantity of my work (i.e., hours billed)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whether I am perceived as having &quot;star&quot; quality</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discrimination against me because of my gender/race</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preferences towards me because of my gender/race</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How much I &quot;play ball&quot; with the firm or employer culture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whether I successfully link up with a senior mentor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>My rainmaking potential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
29. What criteria do you think a legal employer (e.g., a firm), of the type you plan to work for, uses in hiring law graduates?

<table>
<thead>
<tr>
<th></th>
<th>Very Important</th>
<th>Important</th>
<th>Marginal</th>
<th>Somewhat Irrelevant</th>
<th>Irrelevant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law school grades</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliteness of law school</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevance of courses taken to practice goals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Membership on law journals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undergraduate record</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>References from faculty</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personality</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical attractiveness</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(&quot;looks&quot;)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>