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REVIEW ESSAY

Why Study Lawyers?

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Abstract

The Making of Lawyers' Careers: Inequality and Opportunity in the American Legal Profession, by Robert L. Nelson, Ronit Dinovitzer, Bryant G. Garth, Joyce S. Sterling, David B. Wilkins, Meghan Dawe, and Ethan Michelson, is an exhaustive, rigorous, and defining study of the US legal profession in the early twenty-first century. Like the profession itself during this period, its primary focus is on corporate practice and the ripple and sequencing effects of beginning a career in a corporate law firm. This review essay examines the takeaways from the questions that animate the book and considers how populism and rising autocracy will shape future research on lawyers' careers.

Why study lawyers? Why should we care about lawyers' careers? *The Making of Lawyers' Careers: Inequality and Opportunity in the American Legal Profession*, by Robert L. Nelson, Ronit Dinovitzer, Bryant G. Garth, Joyce S. Sterling, David B. Wilkins, Meghan Dawe, and Ethan Michelson, offers three answers to this question and three related theoretical frameworks for reading the rich data that it presents (15). In a theoretical sense, it is three books in one. Based on a nationally representative longitudinal survey of 2,035 lawyers conducted between 2002 and 2012,[1] and 219

[1] The longitudinal survey began with a nationally representative sample of 8,225 lawyers who began their careers in 2000. The first wave of the survey, conducted in 2002–3, had 4,538 respondents for a response rate of 56 percent. In the second wave, conducted in 2007, 70 percent of the first-wave respondents responded again, along with 26.9 percent of nonrespondents, for an overall response rate of 50.6 percent, In the third wave, conducted in 2012, surveys were sent only to those who responded in a

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in-depth interviews with survey respondents,[2] the book also serves as a time capsule for a professional and political era that ended shortly after it was published in 2023. This review essay examines the takeaways from the questions that animate the book and considers how populism and rising autocracy will shape future research on US lawyers' careers.

Theoretical frameworks

One way to read the book is from what the authors call an "internal" professional perspective (Nelson et al. 2023, 50). Why should we care about lawyers' careers? Because many of us are lawyers, and teachers of lawyers, and members of a self-regulated profession. We have an obligation to understand the organization of the profession and the structure of opportunity within it. Building on previous studies of Chicago lawyers, which found that lawyers' status and income were defined primarily by whether they served organizational or individual clients (Heinz and Laumann 1982, 319; Heinz et al. 2005, 7), the book is centrally concerned with the sources of stratification among lawyers; in particular, by type of client and lawyer class, race, and gender. From this perspective, the central takeaways of the book are about inequalities within the profession. First, the profession continues to be fundamentally divided by the type of client served, with little lawyer mobility between the corporate and individual client sectors (Nelson et al. 2023, 55, 125, 359). Law school status is a key predictor of which sector lawyers enter (89) and opportunities throughout their careers (97). Second, notwithstanding the increasing representation of women and people of color within the profession, there continue to be significant class, race, and gender inequalities in lawyers' opportunities and careers (56, 79).

A second way to read the book is through the work of Pierre Bourdieu (1987), specifically, his field theory (Bourdieu and Wacquant 1992), which views the legal field as a unit of sociological analysis—a "space of struggle" with its own set of rules—in which actors deploy their social capital to compete for success (Nelson et al. 2023, 17). This approach focuses on the social construction and reproduction of hierarchies within the legal field. From this perspective, lawyers' careers are of interest as a case study of social dynamics within occupational fields, especially high-status fields. It is not so much the structure of inequality that is of interest but, rather, the dynamics by which inequalities are produced and maintained. From this perspective, a key takeaway of the book is that "well-established fields tend to absorb change in ways that sustain ... existing hierarchies" (78). For instance, while opportunities for law graduates to enter corporate law firms expanded significantly during the period of the study, success within corporate law firms continued to be highly dependent on the same key forms of social capital: "most centrally, race, gender, and ... law school attended" (57). *Plus ca change*. Moreover, as the interview data make clear, these dynamics are not imposed from without but internalized and reproduced by lawyers themselves in the ways in which they pursue and understand their own careers (352).

previous wave, with a response rate of 53 percent. Ultimately, 2,035 lawyers responded to all three waves of the survey (24).

[2] Researchers conducted 219 interviews with 146 survey respondents selected to overrepresent lawyers of color, public interest lawyers, and lawyers in solo and small law firms. Of the 146 respondents, forty-seven were interviewed twice, and twenty-six were interviewed three times (24).

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A third way to read the book is to focus on the relationship between professional power and other sources of political and economic power in society. The authors refer to "a range of political economy theories," but their focus is on the power of the profession relative to the market and the state (Nelson et al. 2023, 15). Here, we find questions about the balance of power between lawyers and clients (especially corporate clients); the relationship between lawyers' private practice and public service commitments; and the maintenance of lawyers' professional autonomy, especially regulatory autonomy, from the state. From this perspective, the focus is less on inequalities among lawyers, or the dynamics by which inequalities are reproduced, and more on how lawyers collectively maintain their authority relative to other groups. The key takeaways from this perspective are somewhat harder to summarize, in part because—during the period of the study—these questions appeared less salient to lawyers and perhaps also to the authors. We learn that lawyers lean democratic, especially lawyers who attend elite law schools (306–7); that, collectively, lawyers spend only about 1 percent of their time on pro bono service (315); and that corporate counsel generally do not perceive or chafe against constraints on their professional autonomy. In fact, the chapter on in-house counsel states that this topic "never came up" (214).

Populism and access to justice

All three perspectives focus primarily on the corporate sector of the profession. Large corporate law firms are at the top of the stratified legal field, with large firm equity partners at the tippy top. The structure of opportunity in this sector significantly defines the rules of the game for the rest of the field. Studying the structure and maintenance of a stratified field—and its collective power—presupposes a focus on the top. Except for one chapter each on solo practice ("Rethinking the Solo Practitioner") and public service ("Careers in Government, Nonprofits, and Public Interest Organizations"), the book is primarily concerned with careers in large corporate law firms and the ripple and sequencing effects of starting a career in that setting.

Yet some of the most important takeaways from the book are about the individual client sector and the implications of the demise of this sector for the profession's monopoly over the practice of law. The global financial crisis of 2008 brought increasing attention to economic inequality and ordinary Americans' difficulties accessing legal services. Since then, access-to-justice research has been marked by a significant shift away from studying lawyers and the services they provide to studying individuals and families and the services they want and need (Albiston and Sandefur 2013; Sandefur 2016, 2019). Recent access-to-justice research explicitly decenters lawyers and lawyers' interests in favor of centering individual clients and their interests (Burnett and Sandefur 2022, 2024). From this perspective, the answer to the question "why study lawyers?" is to improve service to clients.

From the perspective of individual clients (and would-be clients) the profession is in trouble. The book confirms that the legal market has shifted significantly toward corporate clients. In 1975, the two hemispheres of practice were roughly the same size, with 53 percent of lawyers' time devoted to corporate clients and 40 percent devoted to individual clients (Heinz et al. 2005, 43). In 2012, more than two-thirds of

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lawyers' time was devoted to corporate clients, and the figure would likely be higher if the analysis were confined to urban lawyers (Nelson et al. 2023, 106). Income inequality between the two hemispheres also has increased as corporate lawyers' earnings have risen dramatically, while solo and small-firm lawyers' earnings have declined (Barton 2023, 31).[3] Individual access to legal services has decreased by every measure, even as the number of US lawyers and lawyers per capita have increased (Burnett and Sandefur 2024, 1511).[4] Currently, as the book baldly states, "most Americans have virtually no access to legal services" (Nelson et al. 2023, 14).

These developments pose a threat to the profession's monopoly over individual legal services (Chambliss 2019). The demise of the individual client sector undermines professional claims to serve the public. Mountains of evidence show that most Americans' basic legal needs are unmet (Sandefur and Teufel 2021, 765). While lawyers' participation in pro bono service can help legitimate their market monopoly and "serve as symbolic redress for the vast, persistent inequalities in access to legal services" (Nelson et al. 2023, 22), most lawyers do little pro bono service (315). In most states, the organized bar also remains staunchly opposed to new models for service delivery and regulatory reforms aimed at increasing people's access to basic legal assistance (Chambliss 2019; Engstrom and Stone 2024). The profession is doing remarkably little to serve ordinary people.

The increasing capture of the US legal market by corporate clients also poses a theoretical challenge to the definition of the legal field. Arguably, it no longer makes sense to think of corporate and individual legal services as belonging to the same unit of analysis for research on occupational fields. As Nelson et al. (2023, 17) observe, the corporate legal market, and elite law firms in particular, offers a "beautiful example" for the application of Bourdieu's field theory. The corporate sector is highly organized and tightly stratified by numerical rankings that begin with law school rankings and continue with metrics at all levels of practice, such as firm size and profits per partner. Solo and small firm practice serving individuals and families is less organized, less rigidly stratified, and more local, making it harder to study. As the chapter on solo practitioners states, solo practice is not even a fixed category but, rather, an "evolving status" among "entrepreneurial" lawyers (Nelson et al. 2023, 165), many of whom, in rural locations, may be part-time public employees (Chambliss 2025, 994). The relative messiness of careers and business models in the individual client sector is reflected in the structure of the book, in which the individual client sector gets no organized treatment.

But the individual client sector is the primary focus of access-to-justice research, and research on civil access to justice is challenging lawyers' centrality and authority within this distinct legal field. This challenge is evident in the scholarly rebrand of individual "clients" (implying the presence of lawyers) as "people" and the growing call for a focus on "PeopleLaw" (Henderson 2017), "people-centered" justice

[3] Between 1967 and 2016, solo practitioners' real income shrunk by one-third, based on Internal Revenue Service data (Barton 2023, 31).

[4] As Matthew Burnett and Rebecca Sandefur (2024, 1511) write, "[t]he United States' crisis of access to civil justice is so well documented at this point that its facts require little rehearsal. . . . More civil justice problems go unserved and unresolved than ever. U.S. courts have seen rising numbers of people appearing without representation. Civil legal aid offices routinely turn away as many eligible people as they serve for lack of resources" (citations omitted).

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(World Justice Project 2019; Burnett and Sandefur 2024), and "legal empowerment" (Godreau-Aubert 2022; Polk and Walton 2023). This literature questions the relevance of lawyers—and law—in the resolution of "justice problems" (Sandefur 2019). Access-to-justice researchers also are coordinating with advocacy groups to litigate the scope of lawyers' monopoly over basic legal advice and empower new categories of trained lay providers (Merken 2022; Sandefur 2022; Poggio 2023). Notably, these efforts include supporters from the political left as well as from libertarian groups and the Federalist Society (Weissmann et al. 2023; Pomorski 2024).

Nelson and colleagues (2023, 14) would characterize this populist challenge as "crisis commentary." As their introduction points out, "recurring ... crisis rhetoric is itself part of the process of professional change and reproduction" as "crises" are invoked by reformers who "argue their corrections ... are essential to the legitimacy and/or survival of the profession. So, too, are the rebuttals, in which hierarchies are reiterated and professional ideologies clarified in recommitments to public service" (15). Despite acknowledging that "most Americans have virtually no access to legal services" (14), the book's prognosis for the profession is sunny: law school applications are up, large law firm profits are higher than ever, and "lawyers from every sector ... continue to find and create pathways to successful and rewarding careers" (36). But while it may be that the profession will be able to absorb the access-to-justice crisis in ways in which the book would predict, access to justice is not the only crisis that the profession is facing. We also have a democracy crisis (Levitsky and Ziblatt 2020), which is enabled in part by lawyers and law firms (Cummings 2024), raising further questions about the collective values and independence of the profession.

Autocracy and professional independence

The law firm Paul Weiss's capitulation to President Donald Trump's executive order targeting the firm will stand as a defining event in the history of the US legal profession (Marcus 2025; McGowan 2025). Citing the firm's participation in the investigation of election interference, Trump's business practices, and other "egregious conduct," the order suspended the firm's security clearances and directed the termination of its federal contracts "to the maximum extent permitted by applicable law."[5] Paul Weiss's then managing partner Brad Karp characterized the executive order as an "existential" threat to the firm as rival firms moved immediately to poach its top partners (Goldstein et al. 2025; Weiss 2025a). After consulting with the firm's top transactional lawyers, Karp met with the president to cut a deal, agreeing to provide forty million dollars in pro bono services to causes that the president favors and to adopt a policy of "political neutrality" in hiring and client selection (McGowan 2025, 20). In exchange, the president rescinded the order.[6]

Even amidst a barrage of degradations to rule-of-law norms, the willingness of a top law firm to formally trade its professional independence to protect partners'

[5] Executive Order 14237, *Addressing Risks from Paul Weiss*, Federal Register 90: 13039, March 14, 2025, section 1, https://www.whitehouse.gov/presidential-actions/2025/03/addressing-risks-from-paul-weiss/.

[6] Executive Order 14244, *Addressing Remedial Action by Paul Weiss*, Federal Register 90: 13685, March 21, 2025, https://www.whitehouse.gov/presidential-actions/2025/03/addressing-remedialaction-by-paul-weiss/.

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earnings was a shock. Eight more of the most profitable US law firms followed to make their own deals with the Trump administration, pledging to forswear diversity, equity, and inclusion and to provide nearly a billion dollars in Trump-approved pro bono service (Godsoe and Davis 2025). Notwithstanding a scathing federal court ruling permanently enjoining enforcement of a similar executive order targeting the law firm Perkins Coie, an outpouring of professional support for Perkins Coie for challenging the order (Weiss 2025b), and subsequent developments highlighting both the illegality and incoherence of the Trump administration's position (Bauer 2026), the damage has been done.[7] It is not just the individual client sector that is in trouble. Big law has shot itself in the heart. As the ruling for Perkins Coie states,

> some targeted law firms ... [have chosen] to agree to demand terms, perhaps viewing this choice as the best alternative for their clients and employees. Yet some clients may harbor reservations about the implications of such deals for the vigorous and zealous representation to which they are entitled from ethically responsible counsel.[8]

What will become of the tippy top now? From a populist perspective, one might say: who cares? Though the persistence of class, race, and gender inequalities among lawyers is important, recent changes in the US political economy make it harder to drum up sympathy for lawyers who do not get to be millionaire equity partners[9] and perhaps for inequalities among lawyers in general. The access-to-justice movement is working on building a new profession—or anti-profession—of "justice workers" defined primarily by not being lawyers (Burnett and Sandefur 2024; Rostain and Teufel 2024; Sandefur and Burnett 2024). This professional project (Larson 1977; Abbott 1988) includes research documenting the value of legal assistance by trained lay providers (Sandefur 2020), bringing that research to bear in challenges to lawyers' monopoly over legal services (Merken 2022; Poggio 2023; Pomorski 2024),[10] and forming associations of lay providers to serve Americans' unmet legal needs ("Frontline Justice" 2025).

From an internal professional perspective, however, top law firms' ready capitulation to political pressure stands as a shameful indictment of corporate lawyers' professional independence and values. Firms' capitulation to facially unconstitutional threats highlights their organizational fragility and vulnerability to partner mobility (Regan and Rohrer 2021; McGowan 2025). Although 504 law firms

[7] *Perkins Coie v. U.S. Department of Justice*, Case no. 1:25-cv-00716-BAH (D.C. 2025).

[8] *Perkins Coie*, Case 1:25-cv-00716-BAH, 3n3.

[9] In 2023, when the book was published, the average profits per equity partner in the top grossing 100 US law firms was $2.995 million per year, with equity partners at the very top firms earning seven million dollars or more per year (Maloney 2025). Since 2019, profits at the top one hundred US law firms have increased 54 percent as "changes in client expectations, regulations, the economy and technology" have driven a surge in corporate legal demand (Robert 2026).

[10] See *Upsolve v. James*, Case no. 25-948 (U.S. 2026), Brief for Rebecca L. Sandefur and 31 Scholars as Amici Curiae in Support of Petitioners; *Upsolve v. James*, Case n. 22-1345 (2d. Cir. 2025), Amicus Brief of Professor Rebecca L. Sandefur and 22 Empirical Scholars in Support of Appellees; *S.C. NAACP v. Wilson*, Case no. 2:23-cv-01121-DCN (D.S.C. 2025), Brief of Professor Rebecca L. Sandefur as Amica Curiae in Support of Plaintiffs Motion for Preliminary Injunction.

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signed an amicus brief supporting Perkins Coie's challenge of the executive order against it, only eight of the top grossing one hundred US law firms did so, and none of the top twenty-five law firms (Henry 2025). There seems to be little appetite for a collective assertion of professional independence by the most profitable firms.

Federal prosecutorial independence also has been seriously degraded under the leadership of US Attorney General Pamela Bondi, who some evidence suggests ordered Department of Justice lawyers to lie in court and launch politically motivated prosecutions and fired those who refused to comply (Lawyers Defending American Democracy 2025). Waves of federal prosecutors from both political parties have resigned since Bondi took office, but those that remain have brought the credibility of the Department of Justice so low that federal judges are increasingly questioning the department's good faith and the truthfulness of court filings (Berger and Gaeta 2025; Goodman et al 2025). Efforts to investigate Bondi's professional conduct in Florida, where she is licensed, were rebuffed by the Florida Supreme Court as being outside its regulatory authority, raising urgent questions about the mechanisms for holding top government lawyers accountable (Levin 2026). The Department of Justice has proposed a rule that would give it preemptive authority to regulate its own lawyers, sidelining state disciplinary authorities and reviving seemingly settled questions about the limits of federal power (Wendel 2026).

Thus, US lawyers face collective professional challenges on multiple fronts. Though the issues are not new, the ground has shifted seismically since Trump retook office in 2024, and the pace of events threatens to overwhelm the profession's ability to respond. Legal ethics scholars are frantically blogging and organizing and litigating to address the cascade of rule-of-law and professional regulatory challenges and shore up professional institutions. From an internal professional perspective, there is serious work to be done.

Questions for future research

What are the implications of populism and rising autocracy for future research on lawyers' careers? Most immediately, perhaps, recent events invite a scholarly (re)turn to questions about the inculcation of rule-of-law values and lawyers' role in democracy that historically have been viewed primarily as questions for other countries (Cummings 2024). It is tempting to call for a focus on legal education and law school socialization. Law school socialization was a hot topic in the 1980s and 1990s as corporate law firms grew and consolidated their dominance over the US legal market (Stover 1988; Granfield 1992)—particularly, the process of "public interest drift" by which students who enter law school as "idealists" with public service aspirations are socialized to become "hired guns" who seek careers in corporate law firms (Bliss 2018). Recent events invite a return to questions about professional socialization in law schools and elsewhere as well as comparative work on lawyers' role in "democratic resistance" to autocratic legal strategies (Cummings 2024, 617). How can we better train lawyers "to be more than just client advocates" (613)?

Future research could also center government lawyers and careers in public service, including at the state level. Like the individual client sector, state government

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is messy, local, and hard to study systematically. But state government is an increasingly important space of struggle with its own set(s) of rules, and lawyers in state legislatures, attorney general offices (Lemos and Quinn 2015), and administrative agencies (Chambliss and Remus 2016) are poised to be among the central architects of the country's political future. State courts will also be central in the regulation of the political process, professional discipline (Levin 2026), and access-to-justice reforms (Chambliss 2019). *The Making of Lawyers' Careers* does not examine judicial careers, except to note that "prosecutors and defenders at the state level ... present unique paths of mobility, sometimes into the judiciary" (Nelson et al. 2023, 239). But while it makes sense to bracket federal judges in a study of lawyers' careers, state and local judges may be more likely to move in and out of private practice or other forms of legal employment, and local courts are where an overwhelming majority of cases are handled, outnumbering federal court cases by more than two hundred to one (Weinstein-Tull 2020, 1034). The burgeoning literature on state and local courts highlights the importance of this distinct and diverse set of institutions for both access to justice and democracy (Carpenter et al. 2022; Sudeall 2025), yet, to date, there has been little research on lawyers' careers in these settings.

Conclusion

The Making of Lawyers' Careers is an exhaustive, rigorous, and defining study of the US legal profession in the early twenty-first century. Like the profession itself during that period, it focuses on private practice representing corporate clients and the dynamics of individual career advancement and inequalities among lawyers. The book closes by referencing the pandemic, the murder of George Floyd, technological advances, and generational change as possible disrupters of the professional status quo but cautions against bold predictions of change: "As this book goes to press ... [m]any are predicting that these events are creating a 'new normal'. ... Our analysis suggests that ... the bar can adapt to these changes in ways that replicate exiting hierarchies" (Nelson et al. 2023, 366). Maybe so. From the perspective of 2026, it is hard to know what to root for. But we US lawyers and those who study them live in interesting times.

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