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THE SALIENCE OF GENDER IN THE CHOICE OF LAW CAREERS IN THE PUBLIC INTEREST

BY CYNTHIA FUCHS EPSTEIN & HELLA WINSTON*

Contrary to the popular belief that women prefer to engage in work that is in the "caring" sector of the workplace, most women law students, like their male counterparts, choose legal careers in commercial practice rather than in the "do-good," not-for-profit sphere of the law. Indeed, women have made choices contrary to this stereotype in other spheres of law. For example, compared to men going into private practice, women are somewhat more likely to take jobs in large firms that specialize in the legal work of large corporations. A 2004 National Association for Legal Career Professionals (NALP) study finds that the percentage of women going into private practice taking jobs in firms of more than 100 lawyers has been about three percentage points higher than the rate for men (35.9 for women and 33.0 percent for men),¹ and a 2009 study of University of Michigan law graduates shows that, within the first cohort examined, women were more likely than men to take jobs in firms of more than 150 lawyers.² However, among the small percentage of law students who choose public interest careers, women are about twice as likely as men to take them — 6.1 percent as compared with 3.4 percent of men.³ (Although

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³ Employment Patterns, supra note 1.
still small, this constitutes a substantial increase from the 1980s and 1990s, when a much smaller percentage of women took such jobs.)

For women who do take jobs in the public interest, they mostly make these choices for the same reasons men do: they are interested in making a better world and in improving the lives of the disadvantaged and disenfranchised or see it as an alternative choice to the commercial practice of law. Some of these lawyers are attracted to legal practices in the public interest that propose to change society – such as guaranteeing women’s reproductive rights; and some engage in “direct services” in which they deal with individual clients who cannot afford to pay private attorneys in matters such as immigration problems and divorce. This latter kind of practice may be seen as particularly engaging in the helping or caring work of the profession, but of course, the boundaries between the two “kinds” of practice are not distinct. There are, however, some distinctive reasons why women choose public interest jobs.

This paper analyzes women’s orientation to public interest law based on the responses of women students in four law schools surveyed to ascertain the factors contributing to law students’ choice of careers in the public interest. Because most students do not choose public interest careers, it was framed as a deviant case analysis. The study was based on interviews and questionnaires sent to law students in their third year of law school in four law schools – two national elite private schools, New York University School of Law and Stanford Law School in Palo Alto, California and two public institutions, CUNY School of Law in New York City and University of California Hastings College of the Law in San Francisco, California – between 2001 and 2003. CUNY School of Law is particularly oriented toward grooming students to work in the public interest sector. Personal interviews were conducted with those students who agreed to speak about their

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4 Id.
experiences. In the course of the study, a small number of established practitioners in public interest law settings and a number of law professors who had, at one time, worked in public interest legal settings were also interviewed. Thus, the information we have focuses mainly on the first choices of graduating law students, although we also have data on the retention of law students who receive public interest related fellowships in the public interest sphere.

Not all lawyers remain in the sphere of law that was their first choice. Although we have just noted that the percentage of students choosing careers in the public interest is very small, some law students choose this path later in their careers, and certainly a number who clerk for judges after graduation will choose public interest careers rather than go into commercial law practice. While we do not have reliable statistical data on the phenomenon, we do know anecdotally, from talking with some leading visible public interest lawyers, that some started their careers in commercial firms. Additionally, many lawyers who work in large firms take government jobs after several years of practice. Further, in the course of our own research, we interviewed several lawyers who turned to doing public interest work upon retirement from their large corporate practices.

Although our study is by no means representative of the universe of law students, we acquired a number of insights into

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6 For example, Alan Morrison founded The Public Citizen Litigation Group with Ralph Nader after working for Cleary, Gottlieb, Steen, and Harrison and the Office of the U.S. Attorney for the Southern District of New York. (see BARBARA CRAIG, COURTING CHANGE: THE STORY OF THE PUBLIC CITIZEN LITIGATION GROUP (Public Citizen 2004)). Similarly, so did Deborah Greenberg who later worked for the NAACP Legal Defense Fund.


8 Epstein met several former partners in large firms at bar association functions who were interviewed for the study on glass ceiling issues who pursued this path. Furthermore, such organizations have been trying to motivate retiring lawyers to do just this, and Marc Galanter suggests this could and ought to be a trend. Marc Galanter, "Old and in the Way": The Coming Demographic Transformation of the Legal Profession and its Implications for the Provision of Legal Services, 1999 Wis. L. Rev. 1081.
the career decisions that make for the great divide between those who choose careers in the public interest and those who do not and what role gender plays in the decision-making process. We also draw on other studies that are statistically reliable to set the stage for our more ethnographic accounts. This paper will deal with the gender-related issues involved.

I. OPPORTUNITY STRUCTURE IN PUBLIC INTEREST LAW

As a contextual issue, we would like to point out that not everyone who wants to work in the public interest sphere is able to secure the kind of work that they will find appealing and that conforms to their images of what a public interest career would look like. The “opportunity structure” of the non-profit public interest bar is limited. Because public interest firms receive a large proportion of their funds from donations and foundation funding, their staffs tend to be small and the assurance of jobs is always problematic when recruiting seasons start at the law schools. This makes the competition for these jobs high.

However, a good number of firms focus on issues that are attractive to women and that are of concern to women (though of course, many men are interested in them as well). These include firms focused on reproductive rights, sex discrimination, employment discrimination, intimate partner abuse, children’s rights, and lesbian rights. High profile public interest firms focusing on women’s issues include: Legal Momentum (formerly the National Organization of Women Legal Defense Fund), the Center for Reproductive Rights in New York, Equal Rights Advocates, and the National Center for Lesbian Rights. There are about seventeen of these, as well as another 300 public interest firms whose foci overlap with so-called women’s issues such as the American Civil Liberties

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9 For example, Lambda has thirteen staff members in their main office. Equal Rights Advocates (ERA) employs six attorneys. Nevertheless, they do a lot. For example, in 2001, ERA helped litigate a case that charged the Wal-Mart stores—a corporation with 3100 stores in the United States and 1000 world-wide and reported sales of $191 billion in 2000—with sex discrimination. Wal-Mart Stores Charged with Sex Discrimination, EQUAL RTS. ADVOC. (San Francisco, CA), Fall 2001, at 1.
Union (ACLU), the Mexican American Legal Defense Fund (MALDEF), and the National Association for the Advancement of Colored People (NAACP) Legal Defense Fund.¹⁰

II. REASONS FOR CHOOSING PUBLIC INTEREST LAW

Although the gap between women's and men's interests in different arenas of the law has steadily narrowed and public interest law is by no means a typical choice for women despite persistent stereotypes about women's "natural" inclination toward the caring or helping professions, the fact that more women than men enter public interest law prompts the following question: how do women see their decisions to choose public interest jobs? The following sections will note the issues that women bring up when asked the reasons for their choice.

A. The Absence of Gender Stereotypes

Among those women who do choose careers in the public interest, we found that they offer a mixture of reasons, some ideological and some pragmatic. What was especially noteworthy, however, was that women respondents rarely invoked gender stereotypes in their responses to our questions. Even though we observe that many people in society, including proponents of cultural feminist theory, feel that women place a greater emphasis on caring, nurturing, and relationships, essential traits or interests that ought to lead them to make choices for the public interest sphere,¹¹ our respondents offered other reasons, some ideological and some pragmatic or conceptualized as a product of an independent cost-benefit analysis of choosing one sphere as opposed to another. This response may be a generational one. Older women lawyers we have studied in the past often pointed to gender related issues

¹¹ See also NANCY CHODOROW, THE REPRODUCTION OF MOTHERING: PSYCHOANALYSIS AND THE SOCIOLOGY OF GENDER (Univ. of Cal. Press 2d ed. 1999); CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (Harvard Univ. Press 1982); and SARA RUDDICK, MATERNAL THINKING (Beacon Press 1989).
in their practice, but we noted a tendency for younger women not to think of gender as a particularly salient social category.\textsuperscript{12} Obviously, we have no examples of their non-responses with regard to the salience of gender.

Note that some women students do not think of gender as a social category with which to be reckoned. For example, the following quote is from a young women who is observant of gender-differentiated persecution, but feels uncomfortable being perceived as “interested in gender per se” or perhaps as a feminist.

\begin{quote}
It’s not so much that I am interested in gender per se, but it’s more that these individual women are not given the type of protection that they really should be offered. And it tends to be because they are women . . . [that] the persecution where they are coming from is not recognized in the same way as if it happened to a man and there are gender specific forms of persecution. . . . For example, marital rape. It happens to women, not men. Because men are the perpetrators. So clearly, I have some identity as a woman and that is part of it. But also because in the bigger scheme of things. Even though most people applying for asylum in the United States are men, worldwide eighty percent of all refugees are women and children. So I think in some ways I would say it’s because women and children tend to be weaker members of society in terms of legal protection and social protection.
\end{quote}

She frames her interest as being about “individuals,” but then draws on a gender-based (feminist) analysis. This may reflect the mixed signals young women get regarding how to stand up for their rights, but not be “feminists,” which is

perceived by some as a radical position. This “nonresponse” could also reflect a tendency among people who are not social scientists to think about their actions as a result of individual choice rather than social-structural or cultural forces. It may be that some women avoid or deny the social and cultural pressures on women to seek work in the “do good” sectors of society or the disapproval for women to work in spheres regarded as distinctly male, such as the highly competitive spheres of corporate law.

A few are aware of the stereotype that women are more suitable to public interest work however, as we see in this quote of a woman public interest lawyer about her male colleague:

So anyway, I’m in John’s office and we’re talking . . . and someone buzzes him and he says, “Excuse me, I have to take this call.” . . . [H]e says, “Look, I really appreciate it. Thank you very much but I’m really not interested in coming to work on your firm. I don’t want it.” Finally, he hangs up and he says, “I get these calls all the time from these Wall Street firms that want me to come and work for them. And I do not want to.” And I said, “Did you ever want to do that?” And he said, “Oh no, I would have been an utter failure.” And I said, “Jack, I’m so glad to hear that because sometimes I think wanting to be a do gooder is a sex-linked characteristic.” (laughter)

**B. Time and Family Considerations**

However, within the spheres they choose, women disproportionately do consider time demand issues in their

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13 Thanks to Mitra Rastegar, a Ph.D. candidate in sociology at The Graduate Center, The City University of New York, for this observation.

14 See CYNTHIA FUCHS EPSTEIN, WOMAN’S PLACE: OPTIONS AND LIMITS IN PROFESSIONAL CAREERS (Univ. of Cal. Press 1970).
choice of career.\textsuperscript{15} Here is where gender becomes salient. Most accept the notion that when they have children, they will bear the major responsibility for their care. Thus, they do express concern that if they become mothers, they will face time pressures from both the work sphere and the home sphere, and a good number seek to reduce their time commitments at work, opting for jobs with lighter time demands or part-time work.

Although some public interest firms have time norms that match the notorious high demand ones common in large private corporate law firms, most do not. Some of the attractiveness of jobs in this realm, therefore, stem from women's interest in having the opportunity to spend time with their families or pursue other interests. This is especially true in spheres of public interest law that are highly organized and whose members are unionized, such as in the Legal Aid Society in New York City, a legal establishment with over 1000 lawyers and a union that bargains for their salaries and work conditions. In some cases, there is a spill-over effect in that women lawyers go into firms such as these for highly idealistic reasons (e.g., to serve the underserved and the poor) – but ultimately find their work routinized; many stay on despite this because of they find the working conditions hospitable to their lifestyle of combining work with family. Even within corporate practice, one recent study revealed that “men are disproportionately drawn to specialties and activities that yield high income, while women are drawn to activities that yield predictable and lower hours” and that women's lower earnings are directly related to childcare responsibilities.\textsuperscript{16}

It is clear that when women have children, time pressures become extremely salient in their decisions to choose particular arenas of legal work. Although a subset of these women does not continue to work at high-pressure commercial jobs, women disproportionately choose time out from the pressures of practice and reduce their time commitments to jobs. A recent study by the New York State Bar Association

\textsuperscript{15} See \textit{Fighting for Time: Shifting Boundaries of Work and Social Life}, (Cynthia Epstein & Arne Kalleberg eds., Russell Sage Foundation 2004) and Dau-Schmidt et al., supra note 2, at 67.

\textsuperscript{16} See Dau-Schmidt et al., supra note 2, at 128.
reported that although the opportunity for leave was equally available to men and women, almost three-quarters of women attorneys with minor children took parental leave while less than twenty percent of men did the same.\textsuperscript{17} Women with minor children were more likely than men with minor children to indicate that child care affected the number of hours they could work (ninety-five percent versus seventy-four percent).\textsuperscript{18} According to a recent study of attrition at Massachusetts law firms, over the years 2002 to 2004, a larger percentage of women than men who started careers in commercial firms (thirty-one percent versus eighteen percent) left them, and the gap widened for associates with children (thirty-five percent versus fifteen percent), although it should be noted that the response rate of the study was low.\textsuperscript{19}

These choices usually come later, rather than right after law school when women choose their first jobs; although a subset, in anticipation of time pressures down the road, chooses jobs in the legal sectors they believe will be less demanding. For example, this young woman law student noted this as the reason for her choice of a career in the public interest after a few years working for a for-profit firm. She contemplated the time she might be evaluated for partnership and noted:

\begin{quote}
Just because at that point, I will be thirty-five and that's thirty-five going on thirty-six, and that's when the latest I could start having a family would be. In my book, it's not the end of the story. Some people start having kids in their forties. I would like to start at the latest thirty-five or thirty-six. And I don't want to be working for a big New York law firm when I'm the mother of small children. I just don't. It's just not, it is
\end{quote}


\textsuperscript{18} Id.

done. It has been done. It can be done. I don't want to do it.

However, as we noted above, most women we talked to do not particularly see this as a gender-specific issue, but rather, an individual personal decision. A common response we heard in a former study\textsuperscript{20} was that when couples discussed the career potential of each mate, they decided that it would be most practical for the wife to take a part-time job or cut back on the career track. In the study of Massachusetts lawyers, the authors report that most of the female lawyers live with spouses or partners who have an equal or greater commitment to their careers and contribute an equal or greater percentage of the income. Assuming traditional gender roles, more women than men in law firms solve the time problem by reducing work time, which for many, means leaving firm practice.\textsuperscript{21}

In general, Americans believe that choices are individually determined rather than a product of collective forces.\textsuperscript{22} They neglect to notice that in the “caring” work sector, there are a disproportionate number of women workers. Where women do make these choices, it is based usually on their perspective that they make individual choices and not that their decisions fall in line with categorical distinctions between work spheres regarded as suitable for men and women.\textsuperscript{23}

\begin{itemize}
\item \textsuperscript{20} See Cynthia Fuchs Epstein et al., The Part-time Paradox: Time Norms, Professional Life, Family and Gender (Routledge 1999).
\item \textsuperscript{22} Cf. Cynthia Fuchs Epstein, Knowledge for What?, 49 J. Legal Educ. 41, 41 (1999) (arguing that Americans believe in principals of social justice, but disapprove of collective processes used to achieve them).
\item \textsuperscript{23} See generally Cynthia Fuchs Epstein, Deceptive Distinctions: Sex, Gender and the Social Order (Yale Univ. Press 1988) (discussing the predominance of male-dominated institutions and ways of thought that perpetuate gender inequality by dividing the world into "masculine" and "feminine" spheres, with supposed male traits being assigned a higher value).
\end{itemize}
C. Appeal of Social Justice Issues

Many women choose public interest work because they are interested in gender issues as a subclass of issues of social concern. These range from concerns about past or continuing sex discrimination in employment to assault against women such as rape or battering. Again, these women do not make their choices because they believe women are more suited to doing public interest law because of their innate or socialized traits, but because they are activists on behalf of women, as they might be activists on behalf of other groups who are disproportionately at risk in society.

D. Personal Experience

For some women law students, personal or vicarious experiences with injustice precipitate their choice for a career in the public interest. Some had mothers who recounted discrimination in their lives. Note the response of these young women law students:

I think [a] strand of what really influenced me to do civil rights work and women's rights work was that I was enormously aware of the injustices that my mother experienced.

You wouldn't know, but my mother was a certifiable genius, who . . . was born way before her time. Her first job, my great uncle came and literally bodily removed her. She was working in a radio station and he said, "Schaffer women don't work, and you're taking a man's place." And then when she did open her own business, she had no peers. She was always the only woman in the room. . . . I was very conscious that she had really been deprived.

The gender issues came out. That's probably the thing that people remember about me most when
I was younger, because in terms of what I would advocate for, what I would get involved in. . . . I was raised by an incredibly anti-sexist mother. And she never gave words to it. And I was always raised with my mother and my sister and I, and in my mind, my father wasn’t present at all. My grandfather was an abuser. And was outside the picture. My mom’s side of the family actually has almost no men in it anymore. And so I think I grew up with a real conviction. . . . I remember being in high school and seeing gender interactions between men and women where women expected certain things from men or men expected certain things from women, and it completely rubbed me the wrong way. . . . I actually quit a job over sexual harassment when I was in high school. And I tried to organize folks to shut them down. (laughter)

**E. Social Movement Experience**

More than the experience of personal injustice, many women were affected by the social movements that began in the 1960s. This was more typically true of the older women students who experienced some of the drama of the period personally; although, a number of women students today have had some experience with current or recurring social issues that are linked to ongoing or recently developed social movements.

**F. Sexuality Issues**

For example, sexuality issues spurred a recent social movement that occurred after the drama of the second women’s movement and called attention to employment discrimination, reproductive rights, sexual harassment, and battering by husbands. In the 1970s, women who were lesbians started to organize separately and as a part of the gay liberation movement, and in the 1980s, lesbians joined gay men in
responding to the AIDS crisis. As a result, during the 1970s, a number of lesbian and gay legal organization were founded: the National Center for Lesbian Rights in 1977 in San Francisco, the Lambda Legal Defense and Education Fund in 1973 in New York, and Gay and Lesbian Advocates and Defenders in 1978 in Boston. Like other civil rights public interest groups (such as the NAACP Legal Defense Fund and MALDEF), these organizations attracted lawyers and law students interested in responding to injustices gays, lesbians, bisexuals, and transgender people experienced as a result of employment and health care discrimination, police misconduct, sodomy laws, and heterosexist family law. The National Center for Lesbian Rights has had a particular focus on discriminatory family laws that have had a disproportionate impact on lesbian and bisexual women.

Lesbian women constitute a distinct special interest group that often works with umbrella gay organizations on specific legal issues and problems. Women who have strong identities as lesbians have been attracted to working on behalf of discriminated groups. As this law student reported:

[B]eing a lesbian kind of . . . fits in with my philosophy about fighting for justice because I've been discriminated against and called names on the street. . . . [I haven't experienced] violence, luckily, but I . . . know about it in the queer community and so . . . it is definitely part of how I understand the use of power.

In response to a question about a choice of a lesbian student to work for the Legal Aid Society, we saw that an attraction was being involved with coworkers who were like oneself:

_Interviewer:_ Is it easy being a lesbian at Legal Aid Society?
_Respondent:_ It is within the office . . . because there are a lot of . . . lesbians, who have been supervisors and [have] run . . . the office for
years. And so inside the office it there definitely is . . . a lot more openness among lawyers and . . . support staff. . . . And they have a non-discrimination policy for sexual orientation. And they recruit gays and lesbians specifically.

G. Problems with Corporate Practice

Women also draw on direct comparisons between public interest and corporate firms in their decisions to pursue public interest. Another element in the decision-making process for women going into the public interest work is that they believe that work in the private corporate law sector is unpleasant and difficult for women to navigate. But within the private corporate law sector, we understand anecdotally that a notable proportion of them are attracted to pro bono work. For women who do pro bono work in firms, their possibilities for advancement may be more difficult than for someone who chooses a "male" trajectory. Women are aware that their possibilities for advancement may be better in public interest firms and that they may assume leadership roles in public interest work more easily than in corporate practice.

1. Antipathy to Practice of Law in Corporate Structure

As mentioned above, some women believe that work in the private corporate law sector is unpleasant and difficult for women to navigate. Some women decide to practice public interest law after having had a poor experience working for a firm, which some law students do in the summer. Some students' choice to enter public interest law may be a first choice out of law school based on information from women who worked in private practice. One public interest lawyer recounted this story about a friend:

This woman hated [her firm]. She hated everything about it. She would tell me that . . . if a woman and a man had lunch together in the [firm's] dining room, you could not get back to
your office before the word would be around that you were screwing each other. That was just the culture. . . . Her husband was offered a job at the Justice Department in Washington, and she went down. She was so glad because that’s what pulled her out. It was interesting. A lot of my friends had that.

2. **Women in Practice Disproportionately Doing Pro Bono Work and Its Consequences**

We noted earlier that the greatest proportion of women choose legal careers in the commercial sector of the law; however, our research also uncovered a large number of these women are attracted to pro bono work. (Most large prestigious law firms do pro bono work – that is, work for needy clients or those issues they feel will benefit the common good.) However, when this work interferes with the lawyers’ profitable work activity, there are often career consequences for the lawyers (both men and women) who choose to concentrate on this aspect of legal practice. This pro bono work may impede women’s ability to advance, a problem that is eliminated for women choosing to follow a “male” trajectory.

There is a lawyer who . . . will be up for partner next year or this coming January and she was very much into pro bono. . . . So, she is . . . on the track. Because she doesn’t do as much pro bono anymore. And she has got to do a lot of billable hours, so although she is very interested and very philosophically inclined towards [public interest work], she hasn’t logged a lot of hours [doing it] in a while.

The suggestion that doing pro bono will hinder one’s partnership chances is probably true for men, as well – perhaps even more so for men, who might be perceived as “soft,” not really committed, or not able to compete if they do too much pro bono work.
3. **Women’s Ability to Advance in Corporate and Public Interest Firms**

Public interest firms provide women with better opportunities for advancement. Women may assume leadership roles more easily in these firms. Women are aware of these opportunities and as such, consider them when they are deciding whether or not to practice public interest law.

In a couple of places I’ve worked, I’ve worked mostly with women. At the Center for Gender and Refugee Studies, the director is a woman. She is my professor. And the research fellow, who is the recording attorney, is a man. So actually, this is 50/50. But by and large, in most of the public interest realm that I’ve been exposed to, it tends to be women, and they do tend to be in positions of leadership.

As we heard from one woman lawyer in a corporate private law firm talking about chances of a colleague for advancement:

There was this other woman who . . . has some other issues as well . . . [T]here is some speculation that they’re not going make them both (two women) partner . . . Both of these women are very good. They both deserve to make it. They should make them both. It shouldn’t be just one. There should be a way to send a message that they are not going to be an old boys’ club anymore.

Note the implication here that there is some sort of “quota” for women partners, where none exists for men.

**H. Income Issues**

Pay for work in the public interest – in firms that are specifically oriented toward changing the rules of society or
those devoted to helping poor people who do not have access to private legal assistance – is far from competitive with commercial firms. The discrepancy between starting salaries in each sphere has steadily increased over the past twenty years. Starting salaries in Wall Street type firms are now at $180,000 a year (without signing bonuses for particularly desirable recruits), while salaries in the public interest are usually less than $50,000 a year, and many are considerably less than that. There is some evidence of differences in female and male students’ income concerns linked to a choice of legal job. This is supported more generally by the study of the New York State Bar Association that found that forty-six percent of males contrasted with thirty-eight percent of females reported that they sought legal careers for income potential.

1. Debt

Most law students graduate with large amounts of debt. For those going into the public interest field, many schools have loan forgiveness programs. But for those who do not have access to loan forgiveness, they must find a way to pay off their debt. Thus, the salary they receive on their first job may be less important to women law students, some of whom know they will be making a limited amount of salary because of their public interest inclination and thus, can pay off their debt. Further, some are married or expect to be married and see their income as supplementing their husbands’ incomes.

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24 We note, however, that with the downturn in the economy, many law firms are not only reducing the amounts of their offer to law school graduates, but reducing the number to whom they make offers. Some firms are also paying recent law graduates’ salaries at public interest firms and organizations as a way of deferring their employment, but expecting that the law school graduates will pick up skills they may use in for-profit work when the economy improves. Some view this practice as a temporary situation, and others believe that there may be a substantial change in the opportunity structure of the large law firms. See Jessica Dickler, Getting Paid Not to Work: Some Large Law Firms are Putting Their Incoming Associates on Hold Until the Economy Picks up, CNN Money, May 1, 2009, http://money.cnn.com/2009/04/30/news/economy/legal_deferrals/?postversion=2009050109.

25 N.Y. STATE BAR ASS'N COMM. ON WOMEN IN THE LAW, supra note 18, at 12.
Women lawyers are often married to male lawyers. The couple views on the division of labor follows a normative assignment: the man works in a high demand and higher paying sector, while the woman works in the “do good” sector. This assuages the husbands’ guilt at not doing socially useful legal work themselves because they are supporting their wives’ labor to this sector by engaging in a career with high economic payoff.

Those students concerned with making a high income cannot choose a career in public interest law (or any kind of government work) given the huge discrepancy in starting salaries and lifetime earnings between these spheres and commercial law practice. The median salary for public interest positions (including public defenders) for new lawyers is $40,000, somewhat lower than median starting salaries in government ($46,200) and judicial clerkships ($45,000), and much lower than in private practice ($85,000). This salary discrepancy between public interest and other lawyers persists throughout careers. At five years, the median salary for lawyers within public interest organizations, legal services, or as public defenders is between $40,000 and $50,000 and after eleven to fifteen years, rises to between $52,000 and $65,000. In contrast, private practice attorneys can expect to make significantly more at five years, whether they are in a small firm of two to twenty-five lawyers, where the median salary is $82,000 or at the largest firms of 500 or more lawyers, where it reaches $155,000.

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2. **Fellowships**

Although debt issues prevent many new lawyers from pursuing public interest positions, some fellowships exist that make public interest work more feasible. Women express a somewhat greater interest than men in pursuing careers in the public interest, and they seem to receive a greater number of fellowships than men. From 1989 to 2003, more than twice as many women (255 or 67.3 percent) received Skadden Fellowships than did men (124 or 32.7 percent). In 2007, nineteen of thirty fellowship winners were women, and in 2009, nineteen of the twenty-eight fellowship winners were women. Similarly, in 2002 and 2003, 82.4 percent (or 89) of Equal Justice Works Fellows were women, while 17.6 percent (19) were men. In 2007, at least thirty-eight of the fifty-two fellows were women, and in 2009, at least thirty-two of the forty-six fellows were women. Receiving a fellowship not only secures a job in a public interest setting after law school graduation, but anchors the young lawyer on a steady track into the public interest sphere. Among the recipients of the prestigious fellowships offered by the Skadden Arps firm in New York, we found that all continued to hold jobs in the public interest sector.\(^{29}\) We do not have similar data for holders of Equal Justice Works fellowships, but the pattern does seem to be that holders of these fellowships are committed to public interest law practice and that further, they develop qualifications that are suitable to public interest law practice.

**I. Interaction Among Gender, Social Class, and Public Interest/Pro Bono Work**

Throughout our study, we saw signs that gender might be a more salient category for students who had working class

\(^{29}\) We followed up recipients with phone calls after their two year commitment and asked where they were working at present. (Thanks to Dr. Ann Duffett for engaging in this small research project).

We should note that there are commercial law firms which specialize in plaintiff issues such as sex and age discrimination or labor issues that might beckon law students who wish to work in the public interest sphere, but we did not include these in our study.
and lower middle class backgrounds (and in particular those who attend schools that have a public interest agenda, like CUNY). CUNY students appeared more conscious of gender issues, and of all kinds of biases, than those from other schools. This may be the case both because CUNY students tend to come from less advantaged backgrounds and often cite personal experiences of discrimination (including gender discrimination) more than their counterparts at NYU, but also because the school itself seems to deal with these issues in a self-conscious way. However, we also saw that the male/female differential desire for high salaries is mitigated by race and class — that is, it was our impression that minority women and women from low income families were as interested in the income potential of their future employment as men.

Further, we see that men may also be discriminated against in certain contexts:

[I don't think there is discrimination at CUNY] because there's lots of woman. All kinds of women, all color of women and a lot of the professors are women . . . [but] there aren't a lot of white men at CUNY and . . . they are sort of always bashing white men, white men are cause of all the problems. . . . And so I think there was a lot of discrimination, anti-discrimination, reverse discrimination going on at CUNY too. It's far from a perfect place.

Note here her emphasis on white men (i.e., it is not only about gender, but about race).

III. CONCLUSION

Understanding the limits of the data available, we surmise that the young women law students of today do not believe they should choose public interest law because it is a "natural" sphere for women to work in. Rather, like men, they are affected by general notions of sympathy for the disenfranchised, have similar orientations to social movements
that focus on changing society for the good, and face similar constraints of opportunity structure.

However, women do face time pressures that men do not, pressures that come from general social norms requiring women to devote more time to child care than their husbands or their anticipation that they will need a more flexible workplace once they become mothers, and often choose jobs in spheres that will permit more "family-friendly" policies. A subset with a collective identity based on their sexuality is also motivated to work on behalf of the rights of people in their category. Thus, we see a certain amount of social change in the motivations and commitment of the young women lawyers of today.