

# AMERICAN LAWYERS IN THE 1980s: A PROFESSION IN TRANSITION

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The size of the lawyer population in the United States has increased dramatically in the last fifteen years. The rate of growth has substantially exceeded that of the general adult population. With the entry of a large number of young adults into the profession, an increasing proportion of whom are women, the age distribution of the profession has shifted downward and the representation of women among young lawyers has rapidly risen. The absolute number of lawyers working in each employment sector has increased significantly. Although the majority of lawyers continue to engage in the private practice of law, the proportion working in firm settings has grown as the proportion in solo practice has declined. Employment patterns of men and women continue to differ, with both younger and older women less likely to engage in private practice than men and more likely to be engaged in salaried employment. Moreover, even among private practitioners, differences persist as women continue to gravitate to solo practice or employment in large firms and remain underrepresented in intermediate-sized firm practice.

At the beginning of 1980, the lawyer population of the United States numbered just over 542,000. By 1984, it had increased by 107,000 to 649,000. The growth of the profession during the last four years is but part of an extended period of accelerating expansion that began after the Second World War: slowly throughout the 1950s and the 1960s, then much faster in the 1970s—a decade characterized by rapidly rising admissions to the bar associated with the entry of significant numbers of women. As the profession has grown, the distribution of the lawyer population by types of employment has shifted. The most notable change has been the decline in the proportion of lawyers engaged in the private practice of law on a solo basis and the increase in the proportion engaged in firm practice or employed in settings other than private practice. After tracing the growth of the lawyer population over the last three decades, this article will examine the employment of lawyers in 1980 in comparison with the 1960 and 1970 populations. In addition, employment statistics are provided for two significant

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**Table 1.** Lawyer Population in Selected Years

Year	Lawyers	Population/ Lawyer Ratio
1951	221,605	695/1
1960	285,933	627/1
1970	355,242	572/1
1980	542,205	418/1
1981*	569,000	403/1
1982*	595,000	390/1
1983*	621,000	377/1
1984*	649,000	364/1

\*The 1981–84 figures are estimates.

subgroups of the 1980 population: lawyers admitted during the 1970s and women lawyers.<sup>1</sup>

## I. THE GROWTH OF THE LEGAL PROFESSION

Between 1951 and the beginning of 1984, the lawyer population in the United States increased by 427,600, or almost 200 percent (see Table 1). The rate of growth exceeded that of the general population, as evidenced by the decline in the population to lawyer ratio. While one out of every 695 people was a lawyer in 1951, by 1984 one in every 364 people was a lawyer.<sup>2</sup>

The growth of the legal profession since the close of the Second World War is the result of the cumulative effect of an upward movement in bar admissions coupled with much lower average yearly lawyer mortalities. Following an upsurge in the immediate postwar period, admissions increased only modestly during the balance of the 1950s and the early 1960s (see Figure 1). The mid-1960s marked the onset of a twenty-year period of escalating admissions, punctuated by a sharp increase in 1972

<sup>1</sup> This paper is based on statistics prepared for Curran *et al.*, 1985.

<sup>2</sup> As the term is used in this paper, a lawyer is any person licensed to practice law in at least 1 of the 50 states or the District of Columbia and whose place of employment or, if not employed, residence is in the United States. The statistics on the 1980 lawyer population were derived from information provided to the American Bar Foundation by Martindale-Hubbell, Inc., publishers of the *Martindale-Hubbell Law Directory*, in the form of computer tapes containing the demographic data in the geographic section of the directory, updated to April 1980. The sources of statistics for years prior to 1980 were Sikes *et al.*, 1972; and Grossblat and Sikes, 1973. Estimates of 1981–84 lawyer populations are based on information provided in National Conference of Bar Examiners, 1983, and American Bar Association, 1981.

Figure 1. Number of First Admissions by Year

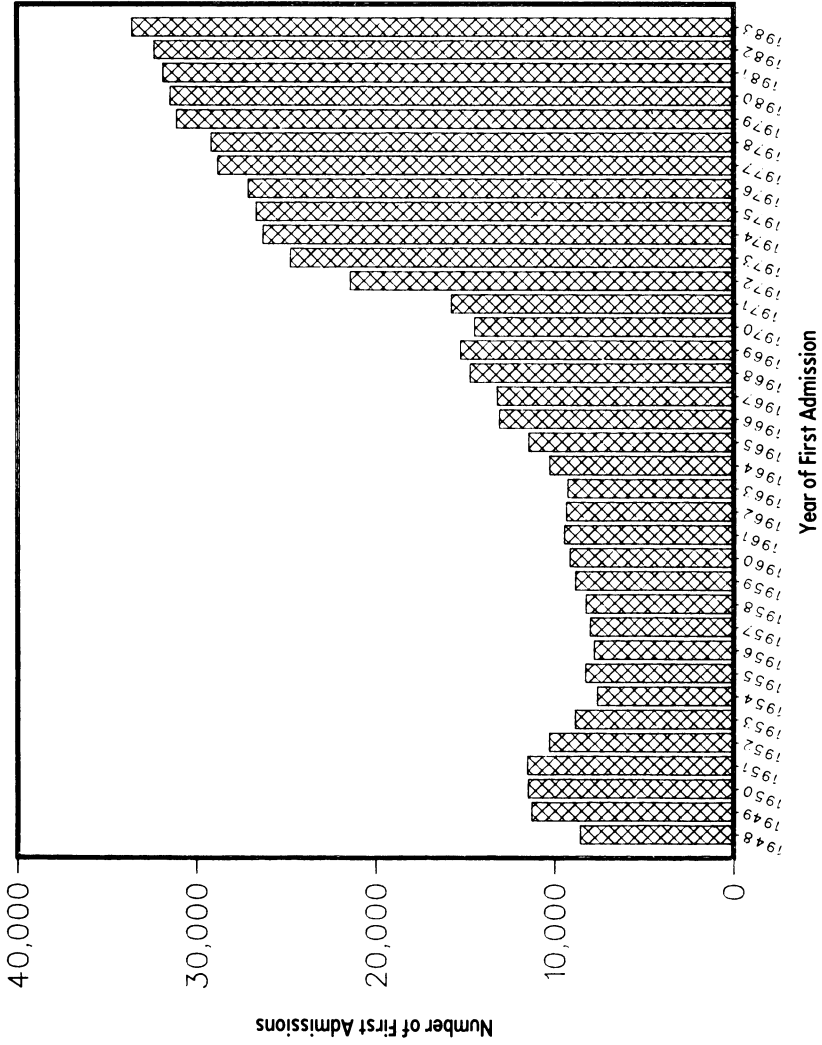
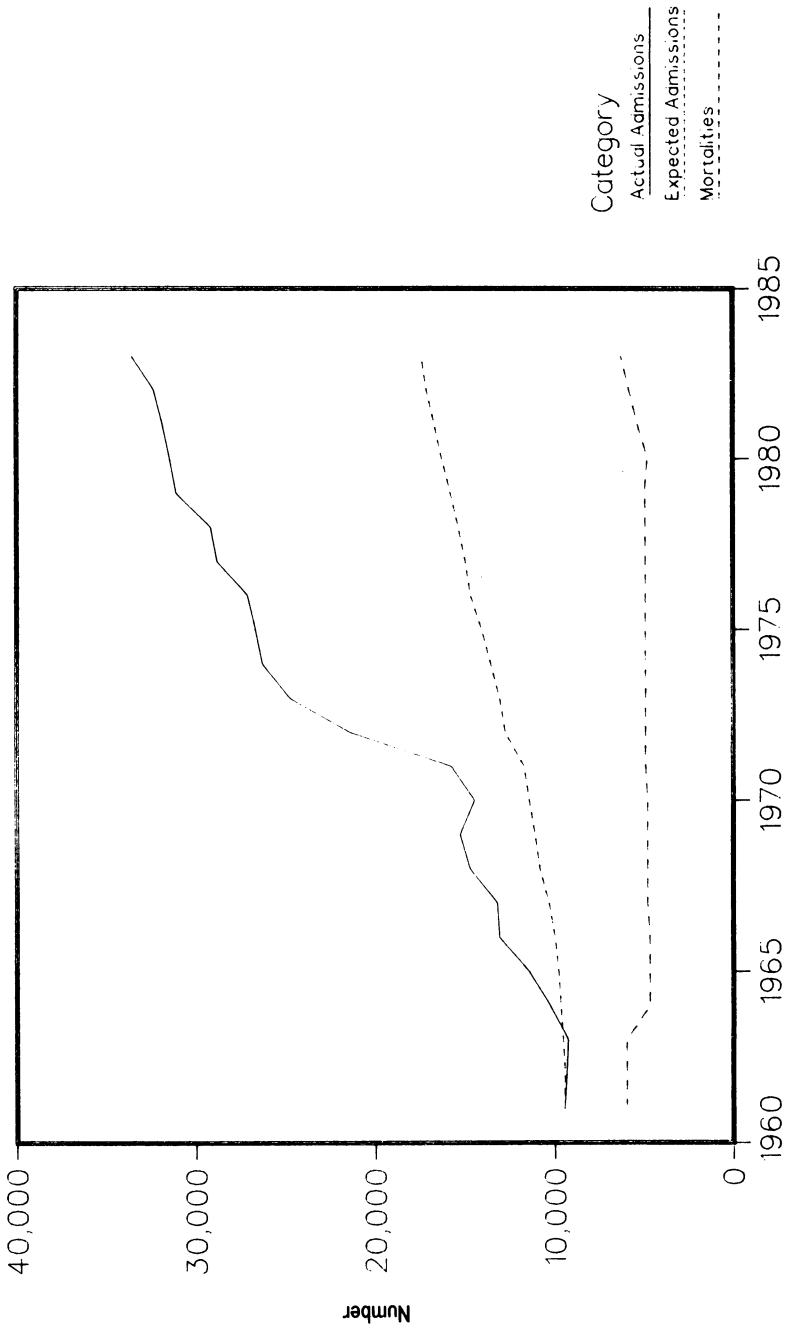


Figure 2. Actual Admissions, Expected Admissions, and Mortalities by Year



and again in 1973.<sup>3</sup>

Some of the irregularity in the upward slope of the bar admissions curve is the result of the postponement of career plans because of events outside the control of prospective lawyers. The relatively high level of admissions after the Second World War is an example. The interruption in the upward slope of the curve in the late 1960s and early 1970s and the sharp rise that followed are in part related to disruption of career plans by the Vietnam War and associated domestic problems.

The escalation of bar admissions starting in 1964 and continuing into the 1980s coincided with the maturation of people born during World War II and the postwar "baby boom." Yet the magnitude of the rise in admissions after 1964 is only partly explained by the growth of the young adult population. As shown by Figure 2, actual admissions in each year after 1963 not only exceeded expected admissions, but the discrepancy between the two substantially widened after 1971.<sup>4</sup>

Between the end of 1960 and the beginning of 1984, an estimated 481,000 new lawyers entered the profession. During the same period, mortalities among lawyers totaled about 118,000, resulting in a net increase of 363,000.

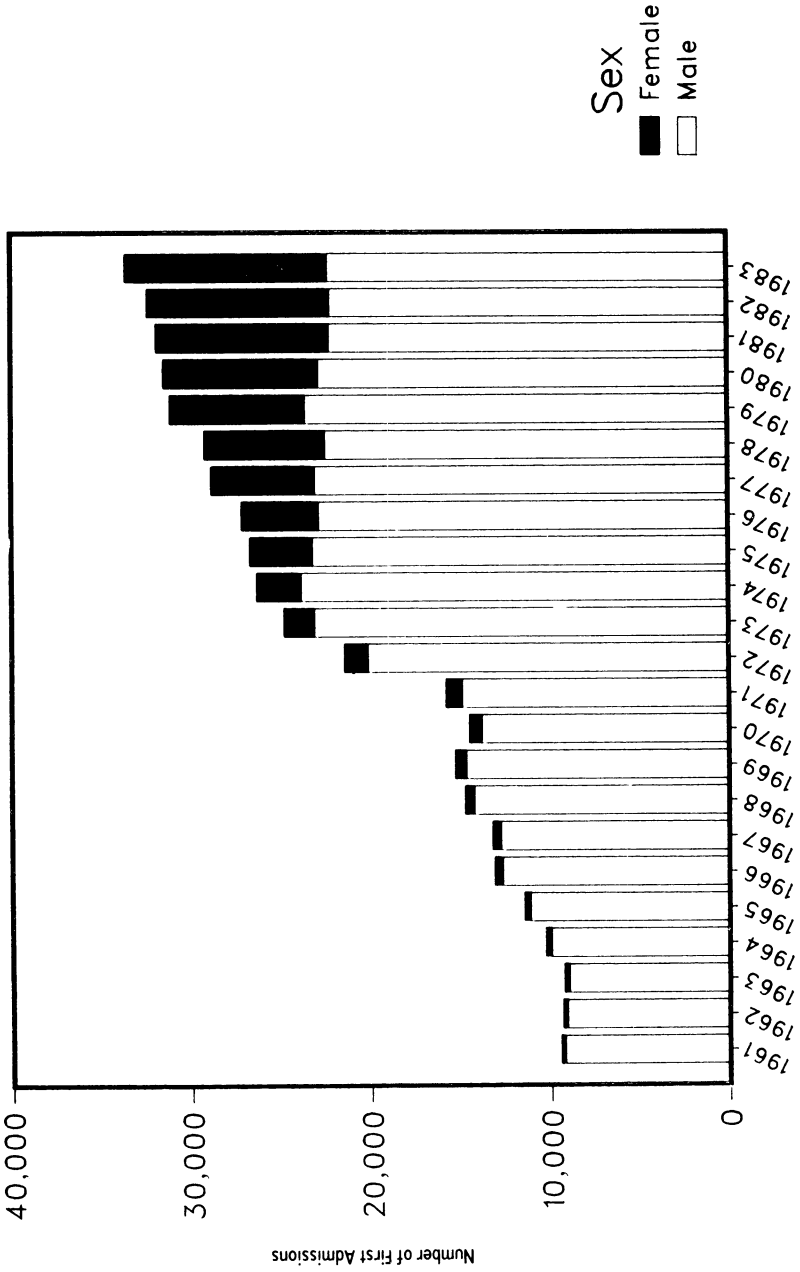
The influx of large numbers of young lawyers into the profession, particularly since 1970, materially altered its composition with respect to the age and experience of its membership. The median age of lawyers dropped from forty-six years in 1960 to thirty-nine years in 1980. Lawyers under thirty-six made up 24 percent of the lawyer population in 1960 and 39 percent in 1980. Such striking shifts in the age distribution of the lawyer population are not surprising, however, in view of the fact that

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<sup>3</sup> Whenever used, admission refers to first admission to the bar and not law school admission. If a lawyer has been admitted in more than one jurisdiction, the year in which he or she first was licensed to practice law is the year of admission for that individual. The number of new admissions for each year was calculated by increasing (a) the total number of lawyers in the 1980 lawyer population who had been admitted in the year in question by (b) estimated mortalities in that admission cohort from the year of admission to 1980.

<sup>4</sup> Expected admissions were calculated for each year using 1961 as the base year. A ratio of new admittees to general population size was calculated for each age group by dividing (a) the number of new admittees in each age category in the 1961 admission cohort by (b) the number of individuals in the United States resident population in 1961 in the corresponding age category. The ratio so calculated for each age group was then multiplied by the number in that age group in the United States population in succeeding years. The sum of the estimates for all age groups in any calendar year was the expected admissions for that year. Statistics on the size of lawyer populations are available only for selected years from 1960 to 1980 (see Sikes *et al.*, 1972). Yearly mortalities plotted in Figure 2 are therefore estimated mortalities calculated on the basis of the difference in the size of the lawyer populations for the years for which statistics are available and the sum of new admissions in those years and during intervening years.

Figure 3. Number of First Admissions by Year and Sex



**Table 2.** Sex Distribution of Lawyer Population in Selected Years (in percent)

Lawyers	1951 ( <i>N</i> =221,605)	1960 ( <i>N</i> =285,933)	1970 ( <i>N</i> =355,242)	1980 ( <i>N</i> =542,205)	1984* ( <i>N</i> =649,000)
Male	97.5	97.4	97.2	91.9	87.2
Female	2.5	2.6	2.8	8.1	12.8

\*Estimate

50 percent of all lawyers in the 1980 population had been admitted after 1967 and 42 percent had been admitted after 1970.

The rate of growth of the female lawyer population since the late 1960s has substantially exceeded that of males. In each year from 1951 to 1968, approximately 3 percent of new admittees were women. In 1969, the proportion rose to 4 percent and has been increasing ever since. It is estimated that during 1983, 34 percent of new admittees were women. Particularly noteworthy is the fact that as the rate of female bar admissions continued to climb throughout the 1970s and into the 1980s, the rate of male admissions began to level off. As shown by Figure 3, the number of men admitted to the bar during each year from 1974 through 1983 did not change significantly, but the number of women admitted increased throughout the entire period.

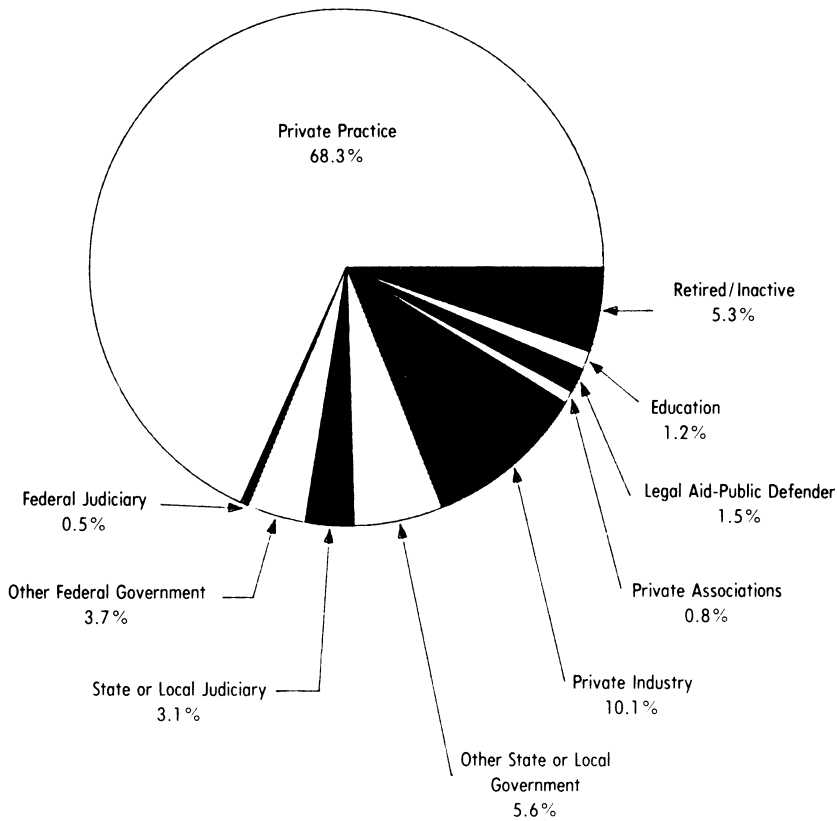
The overall effect of the rapid growth in female bar admissions in the 1970s and 1980s is reflected in the substantially greater representation of women among lawyers in the 1980s. As shown by Table 2, women lawyers were less than 3 percent of the lawyer population during the entire period from 1951 through 1970 but 8.1 percent in 1980 and almost 13 percent in 1984.

In the years between 1970 and 1980, the female lawyer population increased by over 300 percent compared with only 44 percent for male lawyers. As a result, women lawyers were substantially younger than men in 1980 (median ages were thirty-two and forty, respectively). Lawyers admitted since 1970 comprised 77 percent of the 1980 female lawyer population but only 39 percent of the male lawyer population.

## II. THE EMPLOYMENT OF LAWYERS

In 1980, the majority of lawyers (68.3%) were actively engaged in the private practice of law (see Figure 4). Approximately equal proportions were working for private industry (10.1%) and in government (9.3%). About 4 percent were employed in the judiciary and another 4 percent were employees

**Figure 4. Employment Distribution of Lawyers (1980)**  
(*N* = 542,205)



of educational institutions, legal aid and public defender programs, private associations such as unions and trade associations, or other special interest organizations. The remaining 5.3 percent were retired or otherwise inactive.<sup>5</sup>

The distribution of lawyers by type of employment has changed over time (see Table 3). The proportion of lawyers in private practice declined from 72 percent in 1960 to 68 percent by 1980. During the same period, the proportion engaged in all other types of employment increased from 24 percent to 27 percent, while retired and inactive lawyers remained at or near 5 percent over the years.<sup>6</sup>

<sup>5</sup> A lawyer is classified as engaged in private practice unless the individual reported that he or she was (a) retired or inactive or (b) employed by the judiciary, government, private industry, private association, legal aid or public defender program, or in education. A lawyer employed in a law firm, in whatever capacity, is deemed to be in private practice.

<sup>6</sup> In the *Lawyer Statistical Report* (Curran *et al.*, 1985), lawyers employed in legal aid and public defender programs are classified in a special employment category; in earlier reports lawyers employed in public defender pro-



**Table 3.** Distribution of Lawyers by Type of Employment by Year (in percent)

Type of Employment	1960 (N=285,933)	1970 (N=355,242)	1980 (N=542,205)
Private Practice	72	68	68
Judiciary	3	3	4
Government*	10	10	10
Private industry	10	11	10
Other	1	2	3
Retired and inactive	5	6	5

\*For purposes of comparison, public defenders are included in "Government" and not in "Other."

**Table 4.** Size of Private Practitioner Population by Year

	1960	1970	1980
Number of private practitioners	206,000	240,000	370,111
Population/private practitioner ratio	870/1	850/1	612/1

#### A. *Lawyers in Private Practice*

The decline between 1960 and 1980 in the proportion of lawyers in private practice reflects a slower growth rate in this sector of the lawyer population compared to others and not an absence of growth. Indeed, there were approximately 130,000 more private practitioners in 1980 than in 1970, even though they remained a constant proportion of all lawyers. Moreover, the growth rate of the private practitioner population substantially exceeded that of the general population, as evidenced by the drop in the population to private practitioner ratio from 870 in 1960 to 612 in 1980 (see Table 4).

Almost two-thirds of all private practitioners practiced law either alone or in association with one or two other lawyers. Although the proportion of private practitioners engaged in solo practice has declined over the years, nearly one-half of all

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grams were classified as employed in government. Therefore, whenever the employment distribution of the 1980 lawyer population is compared with that of a prior year, lawyers employed in public defender programs are classified as government employees. Except in such comparisons, lawyers in public defender programs are not classified as government employees. In other respects, statistics on lawyer populations for years prior to 1980 (see Sikes *et al.*, 1972), also are not comparable. For a full discussion of these matters and adjustments made to conform earlier statistics with 1980 figures, see Curran *et al.*, 1985.

private practitioners in 1980 continued to practice alone (see Table 5).<sup>7</sup>

The decrease between 1960 and 1980 in the proportion of lawyers in private practice is a function of the decline in the relative size of the solo practitioner population over the same

**Table 5.** Distribution of Private Practitioners by Practice Setting (1980)

Practice Setting	Number	Percent of Private Practitioners ( <i>N</i> =370,111)	Percent of All Lawyers ( <i>N</i> =542,205)
Solo practice	179,923	48.6	33.2
2-lawyer firm	32,509	8.8	6.0
3-lawyer firm	22,635	6.1	4.2
4-lawyer firm	16,233	4.4	3.0
5-lawyer firm	11,574	3.1	2.1
6–10-lawyer firm	33,377	9.0	6.2
11–20-lawyer firm	24,130	6.5	4.5
21–50-lawyer firm	22,529	6.1	4.2
50+ -lawyer firm	27,200	7.3	5.0
Total	370,111	100.0	68.3

period, partially offset by an increase in the proportion of lawyers engaged in firm practice. Table 6 shows how differences in the growth rates of the solo and firm practitioner populations over the twenty-year period have affected the employment distributions of the lawyer and private practitioner populations.

Although firm practice often is associated with large firms, in fact only a small proportion of firm lawyers work in such settings. In 1980, 29 percent of firm practitioners were in firms of two or three lawyers, about 44 percent were in firms of two to five lawyers, and three-quarters practiced in firms of twenty lawyers or less (see Table 7).

In 1980, almost one-quarter of lawyers in firm practice were associates, an increase over the figures for 1960 (20%) and 1970 (21%). Associates were concentrated in larger firms;

<sup>7</sup> As used in this paper, a solo practitioner is a lawyer engaged in private practice without affiliation with a law firm. A law firm consists of any two or more lawyers whose listing in the geographic section of the *Martindale-Hubbell Law Directory* indicates that they are associated in the practice of law. All lawyers so associated are classified as firm practitioners, including those who only share office space.

**Table 6.** Size of Solo and Firm Practitioner Populations by Year (in percent)

Type of Practice	1960		1970		1980	
	All Lawyers ( <i>N</i> = 285,933)	Private Practitioners ( <i>N</i> = 206,000)	All Lawyers ( <i>N</i> = 355,242)	Private Practitioners ( <i>N</i> = 240,000)	All Lawyers ( <i>N</i> = 542,205)	Private Practitioners ( <i>N</i> = 370,111)
Solo	46	64	35	52	33	49
Firm	26	36	33	48	35	51
Total	72	100	68	100	68	100

**Table 7.** Distribution of Firm Practitioners by Firm Size (1980) (in percent)

Firm Size	Firm Practitioners (N=190,188)	Cumulative (N=190,188)
2-lawyer firm	17.1	17.1
3-lawyer firm	11.9	29.0
4-lawyer firm	8.5	37.5
5-lawyer firm	6.1	43.6
6-lawyer firm	5.0	48.7
7-lawyer firm	4.1	52.8
8-lawyer firm	3.5	56.2
9-lawyer firm	2.7	58.9
10-lawyer firm	2.2	61.2
11-lawyer firm	2.1	63.2
12-lawyer firm	1.8	65.1
13-lawyer firm	1.6	66.7
14-lawyer firm	1.4	68.1
15-lawyer firm	1.1	69.2
16-lawyer firm	1.1	70.3
17-lawyer firm	1.0	71.2
18-lawyer firm	0.9	72.2
19-lawyer firm	0.8	72.9
20-lawyer firm	0.9	73.9
21-50-lawyer firm	11.8	85.7
50+-lawyer firm	14.3	100.0

only about 19 percent were in firms of five or fewer lawyers (see Table 8).<sup>8</sup>

Forty percent of firm practitioners practiced in firms that did not designate any associate members. Of those practitioners in firms that did have associates, 60 percent were partners and 40 percent held associate status. As shown by Table 9, the proportion of firm practitioners in firms without any associate members decreased as firm size increased: Over 90 percent of lawyers in two-lawyer firms practiced without associates, compared with about 30 percent of lawyers in firms of six to ten lawyers and less than 10 percent in firms of more than 20 lawyers.

<sup>8</sup> Only firm practitioners specifically identified in the *Martindale-Hubbell Law Directory* as holding associate status are classified as associates. It should be noted that not all firms elect to identify associate members for directory listings. An individual whose affiliation with one or more other lawyers is listed as "of counsel" is treated as a firm practitioner. When a distinction is made between firm practitioners who are associates and other firm practitioners, lawyers designated as "of counsel" are treated as other firm members and not as associates. Less than 3% of all firm practitioners are identified as "of counsel."

**Table 8.** Distribution of Associates by Firm Size  
(1980) (in percent)

Firm Size	Associates ( <i>N</i> = 45,908)
2-lawyer firm	3.3
3-lawyer firm	5.0
4-lawyer firm	5.6
5-lawyer firm	5.0
6–10-lawyer firm	18.0
11–20-lawyer firm	15.9
21–50-lawyer firm	18.2
50+ -lawyer firm	29.1

### *B. Lawyers in the Judiciary*

The number of lawyers in the judiciary more than doubled between 1960 and 1980. Most of this growth occurred after 1970. In absolute numbers, the larger increase was at the state and local level. Relatively, however, the federal judiciary had the higher growth rate, as lawyers in the federal judiciary increased from 7 percent of all lawyers in the judiciary in 1960 to 14 percent in 1980 (see Table 10).

Not all lawyers working in judicial departments are judges. As shown by Table 11, approximately two-thirds of lawyers in the federal judiciary in 1980 were court officials (such as clerk of the court) or support personnel, as were approximately one-fifth of lawyers in the state or local judiciary.

### *C. Lawyers in Government*

Although the proportion of the lawyer population employed in government has remained about the same over the years, the total numbers of lawyers in both the federal and state and local governments have increased since 1960. The rate of increase after 1970 was greater at the state and local level (see Table 12).<sup>9</sup>

Although lawyers were employed in almost every department and agency of the federal government in 1980, the largest share (18%) was, predictably, in the Department of Justice. The Department of Justice, together with the Internal Revenue Service, the Department of Defense (including the armed services), the Department of Health and Human Services, the National Labor Relations Board, and Congress, employed 51 percent of all lawyers in federal government. Table 13 shows

<sup>9</sup> See n. 6 above.

Table 9. Distribution of Firm Practitioners by Firm Type and Status in Firm, Controlled for Firm Size (1980)

Firm Type and Status in Firm	Number of Practitioners in Firm							
	2	3	4	5	6-10	11-20	21-50	50+
Total number of firm practitioners	32,509	22,635	16,233	11,574	33,377	24,130	22,529	27,200
Practitioner in firm with associates	4.7%	10.1%	15.7%	19.8%	24.7%	30.3%	37.0%	49.1%
Other	4.7%	15.2%	27.8%	36.6%	45.7%	52.1%	55.2%	50.2%
Practitioner in firm with no associates	90.6%	74.7%	56.5%	43.6%	29.6%	17.6%	7.8%	0.7%

Table 10. Distribution of Lawyers in the Judiciary by Year (in percent)

Judiciary	1960			1970			1980		
	Judiciary (N = 9,000)	All Lawyers (N = 285,933)		Judiciary (N = 11,000)	All Lawyers (N = 355,242)		Judiciary (N = 19,160)	All Lawyers (N = 542,205)	
Federal	7	<1		8	<1		14	1	
State or local	93	3		92	3		86	3	
Total	100	3		100	3		100	4	

**Table 11.** Distribution of Lawyers in the Judiciary by Type of Work (1980) (in percent)

Type of Work	Federal Judiciary ( <i>N</i> =2,611)	State or Local Judiciary ( <i>N</i> =16,549)
Appellate judges	7.5	5.9
Trial judges	27.0	72.9
Other court officials	22.8	3.3
Support personnel	42.8	17.9
Total	100.0	100.0

the proportion of federal lawyers in each department and agency that employed 1 percent or more of the federal lawyer population. Of the 20,132 lawyers in federal government, 11,869 (59%) were located in the Washington, D.C., area.

The single largest group of lawyers in state and local government were employed in city, county, or district prosecuting attorneys' offices. The second largest group consisted of lawyers working for state attorneys general. These two groups comprised 55 percent of all lawyers in state or local government (see Table 14).

#### *D. Lawyers in Private Industry*

In 1980, 10 percent of all lawyers were employed in private industry. Although this proportion was somewhat higher in 1970 (11 percent of all lawyers), the total number working in industry grew from just under 40,000 in 1970 to almost 55,000 by 1980. As shown in Table 15, almost half (49.1%) of the lawyers in private industry in 1980 were employed by Fortune 500 companies or by one of the Fortune 50 companies in selected industries. Among the other 50.9 percent of lawyers in industry, the largest portion (15.2%) were in insurance and banking.<sup>10</sup>

Some companies employed only one lawyer, others more than two hundred. Slightly less than one-third (30.5%) of industry lawyers worked for companies with one to three lawyers; slightly more than one-third (37.1%) worked for companies with four to fifty lawyers; and the balance (32.4%) were employed by companies with more than fifty lawyers (see Table 16).

<sup>10</sup> Classification of a lawyer as employed by a Fortune 500 company was determined on the basis of the alphabetical index of the 500 largest industrials that appeared in *Fortune* magazine, May 5, 1980. Classification of a lawyer as employed by a Fortune 50 company in selected industries was based on the alphabetical index of the 50 largest lists set forth in that magazine, July 14, 1980.

Table 12. Distribution of Lawyers in Government by Year (in percent)

Government Branch	1960		1970		1980	
	Government Lawyers ( <i>N</i> = 27,000)	All Lawyers ( <i>N</i> = 285,933)	Government Lawyers ( <i>N</i> = 37,000)	All Lawyers ( <i>N</i> = 355,242)	Government Lawyers ( <i>N</i> = 53,763)	All Lawyers ( <i>N</i> = 542,205)
Federal	49	5	51	5	37	4
State or local	51	5	49	5	62	6
Total*	100	10	100	10	100	10

\*For purposes of comparison, public defenders are included in government statistics.



**Table 13.** Distribution of Lawyers in Federal Government by Department or Agency (1980)

Department or Agency	Percent of Federal Lawyers ( <i>N</i> =20,132)	Cumulative Percent ( <i>N</i> =20,132)
Department of Justice	17.9	17.9
Internal Revenue Service	9.4	27.3
Department of Defense and armed services	8.4	35.7
Department of Health and Human Services	6.5	42.2
National Labor Relations Board	4.8	47.0
Congress	4.5	51.4
Veterans Administration	3.5	54.9
Department of Energy	3.1	58.0
Securities and Exchange Commission	3.0	61.0
Federal Trade Commission	3.0	64.0
Department of Labor	2.9	66.9
Department of Commerce	2.7	69.6
Department of Housing and Urban Development	2.3	71.9
Department of the Treasury	2.2	74.1
Department of the Interior	2.0	76.1
Department of State	2.0	78.0
Environmental Protection Agency	1.8	79.8
Department of Transportation	1.7	81.5
Interstate Commerce Commission	1.6	83.1
Federal Communications Commission	1.5	84.6
Department of Agriculture	1.2	85.9
Equal Employment Opportunity Commission	1.1	87.0
Small Business Administration	1.1	88.1
All other departments and agencies	11.9	100.0

It is estimated that the approximately one-third of lawyers in companies with from one to three lawyers were distributed among 8,000 to 10,000 companies, most of which had only one staff lawyer. Of the 1,568 companies with four or more lawyers, 50 percent employed from four to eight lawyers, 25 percent nine to eighteen, 20 percent nineteen to 100, and 5 percent more than 100.

**Table 14.** Distribution of Lawyers in State or Local Government by Work Setting (1980) (in percent)

Work Setting	Lawyers in State or Local Government ( <i>N</i> =30,358)
State attorney general's office	16.9
Prosecutor's office (state or local)	37.6
Other state department or agency	24.0
Other local department or agency	5.5
State or local department or agency*	16.0

\*It could not be determined whether the jurisdiction was state or local.

**Table 15.** Distribution of Lawyers in Private Industry by Industry Classification (1980) (in percent)

Industry Classification	Lawyers in Private Industry ( <i>N</i> =54,626)
Fortune 50 industrials	29.2
Fortune 50 retail	2.0
Fortune 50 transportation	1.9
Fortune 50 utilities	4.1
Fortune 50 life insurance	3.6
Fortune 50 diversified financials	4.3
Fortune 50 banks	4.0
Other insurance	6.3
Other banks	8.9
All others	35.5

**Table 16.** Distribution of Lawyers in Private Industry by Number of Staff Lawyers (1980) (in percent)

Number of Lawyers on Staff	Lawyers in Private Industry ( <i>N</i> =54,626)
Fewer than 4 staff lawyers	30.5
4-10 staff lawyers	12.1
11-25 staff lawyers	13.1
26-50 staff lawyers	11.9
51-75 staff lawyers	8.9
76-100 staff lawyers	4.5
101-150 staff lawyers	6.1
151-200 staff lawyers	5.9
200+ staff lawyers	7.0

### *E. Lawyers in Other Employment*

Employed lawyers who were not in private practice and not employed in the judiciary, government, or private industry made up 3.5 percent of the lawyer population. This group consisted of lawyers who were employees of private associations and special interest groups (0.8%), legal aid (0.9%) and public defender programs (0.6%), and educational institutions (1.2%). In the last category, 68 percent were employed in law schools and the rest at the college and graduate level and in elementary and secondary education.

**Table 17.** Distribution of 1980 Lawyer Population by Year of Admission (in percent)

Admission Cohort	1980 Lawyer Population ( <i>N</i> =542,193)*
1971-79	42.3
1961-70	21.6
1951-60	15.1
Pre-1951	21.0

\*Date of bar admission was not available for 12 of the 542,205 lawyers in the 1980 lawyer population.

### III. THE EMPLOYMENT OF LAWYERS ADMITTED FROM 1971 TO 1979

In the nine years between 1971 and 1979, approximately 230,000 new lawyers entered the legal profession. As shown in Table 17, this was the largest cohort in the 1980 lawyer population (42.3%). Indeed, it was almost as large as all other admission cohorts combined.<sup>11</sup>

#### *A. Representation of the 1971-79 Cohort in Various Employment Settings*

The 1971-79 admission cohort constituted a significant segment of the 1980 lawyer population in all areas of lawyer employment (see Table 18). More than half of the lawyers employed by government, private associations, and legal aid and public defender programs were admitted to the bar from 1971 to 1979. Between 33 percent and 43 percent of lawyers in private practice, the federal judiciary, private industry, and educa-

<sup>11</sup> There is a difference between statistics on new admissions occurring in any calendar year and statistics on the 1980 lawyer population classified by year of admission. The former statistic covers all individuals first admitted in the year in question; the latter statistic covers only those lawyers admitted prior to 1980 who survived to 1980.

tional institutions were admitted after 1970. The 1971–79 admission cohort was least represented in the state and local judiciary, comprising only 18.1 percent of the total.

As Table 19 demonstrates, the post-1971 admission cohort constituted a substantial segment of the solo practitioner population (42.3%). Although 44 percent of firm practitioners were 1971–79 admittees, the proportion varied directly with firm size. To cite the extremes, 1971–79 admittees comprised 36.7 percent of practitioners in two-lawyer firms and 54.5 percent of practitioners in firms larger than fifty.

In 1980, 24.1 percent of all firm practitioners were identified as associates by their firms (see Table 20). The overwhelming majority of associates were 1971–79 admittees. The larger the firm the more likely it was that a 1971–79 admittee held associate status. Among practitioners in two-lawyer firms, 4.2 percent were 1971–79 admittees classified as associates by their firms, and 32.4 percent were in the same admission cohort but were not so classified. On the other hand, among practitioners in law firms with more than fifty lawyers, 46.5 percent were 1971–79 admittees holding associate status and only 8 percent of this cohort did not hold associate status.

Table 18 above shows a higher proportion of the 1971–79 cohort employed in the federal judiciary (38.4%) than in the state or local judiciary (18.1%). The reason is that recent admittees are customarily employed in both the federal and state/local judiciaries as support personnel rather than judges and the ratio of support personnel to judges is higher in the federal judiciary.

### *B. Employment Distribution of the 1971–79 Cohort*

Nearly 70 percent of lawyers admitted in the years 1971–79 were engaged in private practice in 1980, a somewhat higher proportion than was the case within the pre-1971 admission cohort, 67.2 percent of whom were private practitioners (see Figures 5A and 5B). With respect to lawyers not in private practice, 1971–79 admittees were more likely to be employed in government and legal aid and public defender programs than pre-1971 admittees. On the other hand, 1971–79 admittees were less likely to work for private industry. Two percent of recent admittees were not actively employed, compared to 8 percent of pre-1971 admittees.

The populations on which the distributions in Figures 5A and 5B are based include retired and inactive lawyers. When this group is excluded, private practitioners make up a larger

**Table 18.** Distribution of Lawyers by Admission Cohort, Controlled for Type of Employment (1980) (in percent)

Admission Cohort	Private Practice		Federal Judiciary		State or Local Government		State or Local Industry		Legal Aid or Public Defender Association		Retired or Inactive	
	(N=370,102)	(N=2,611)	(N=20,132)	(N=16,549)	(N=30,358)	(N=54,024)	(N=4,391)	(N=8,239)	(N=6,606)	(N=28,581)		
1971-79	43.2	38.4	52.9	18.1	63.4	38.0	58.4	81.9	33.9	11.7		
Pre-1971	56.8	61.6	47.1	81.9	36.6	62.0	41.6	18.1	66.1	88.3		

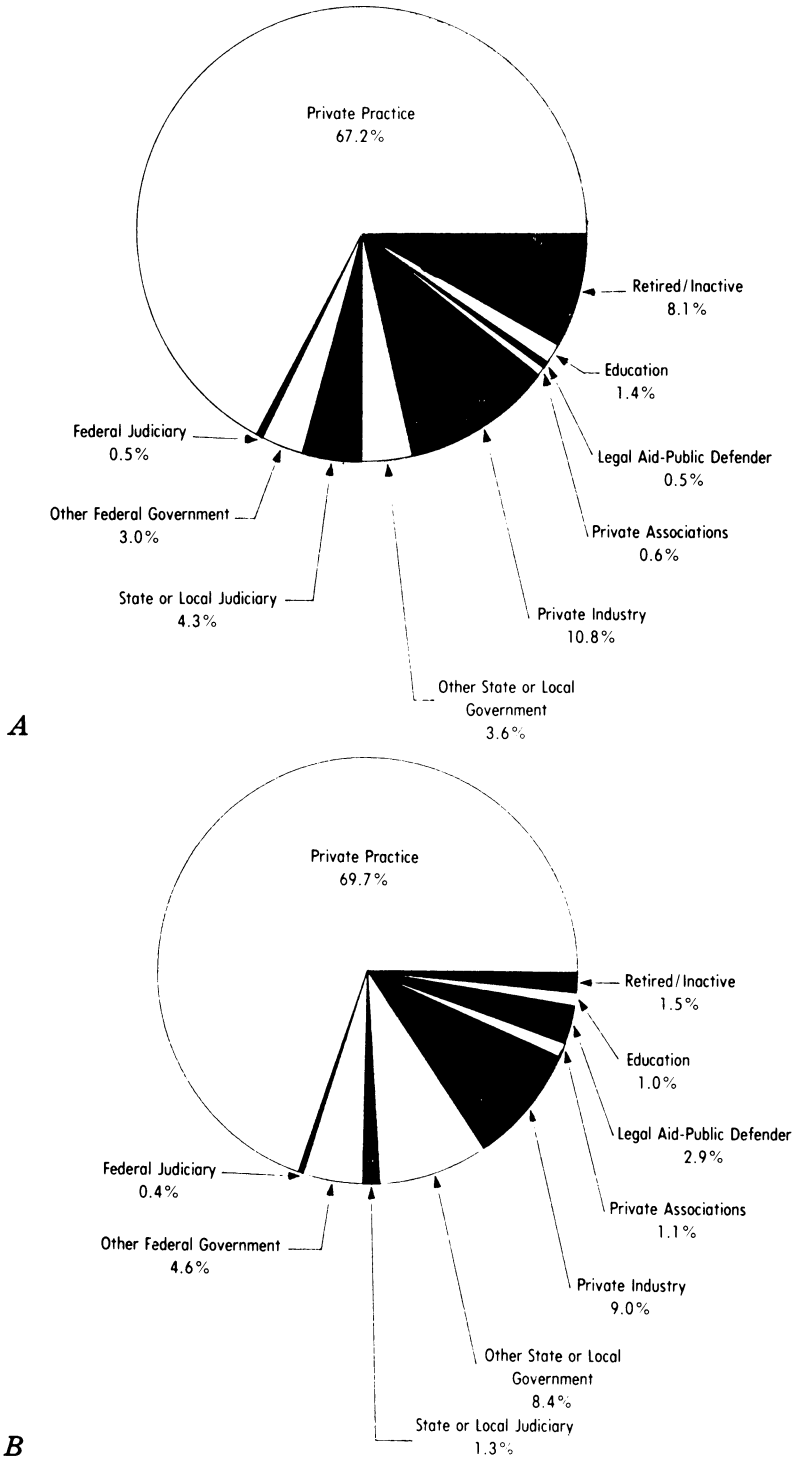
**Table 19.** Distribution of Private Practitioners by Admission Cohort, Controlled for Firm Size (1980) (in percent)

Admission Cohort	Number of Practitioners in Firm									
	1 (N=179,915)	2 (N=32,509)	3 (N=22,635)	4 (N=16,233)	5 (N=11,574)	6-10 (N=33,377)	11-20 (N=24,130)	21-50 (N=22,529)	50+	
1971-79	42.3	36.7	38.9	40.5	41.7	43.3	46.6	49.0	54.5	
Pre-1971	57.7	63.3	61.1	59.5	58.3	56.7	53.4	51.0	45.5	

**Table 20.** Distribution of Firm Practitioners by Admission Cohort and Status in Firm, Controlled for Firm Size (1980) (in percent)

Admission Cohort	Number of Practitioners in Firm								All Firm Practitioners (N = 190,188)
	2 (N = 32,509)	3 (N = 22,635)	4 (N = 16,233)	5 (N = 11,574)	6-10 (N = 33,377)	11-20 (N = 24,130)	21-50 (N = 22,529)	50+ (N = 27,200)	
Admitted 1971-79									
Associate	4.2	9.1	14.1	18.0	22.3	27.7	34.2	46.5	22.2
Other firm practitioner	32.4	29.8	26.3	23.7	21.0	18.9	14.8	8.0	21.8
Admitted pre-1971									
Associate	0.5	1.0	1.6	1.8	2.4	2.6	2.8	2.6	1.9
Other firm practitioner	62.9	60.1	58.0	56.5	54.3	50.0	48.2	42.9	54.1

**Figure 5.** *A*, Employment Distribution in 1980 of Lawyers Admitted in or before 1970 ( $N=312,909$ ); *B*, after 1970 ( $N=229,284$ )



proportion of the lawyer population admitted prior to 1971 than is the case among 1971–79 admittees. As shown in Table 21, 73.1 percent of pre-1971 admittees who were actively employed in 1980 were engaged in private practice compared to 70.7 percent of 1971–79 admittees. With respect to other categories of employment, the direction of the difference between the two admission cohorts remains the same when retired and inactive lawyers are excluded, and the disparity between the two admission groups is intensified.

**Table 21.** Distribution of Employed Lawyers in Admission Cohort by Type of Employment (1980) (in percent)

Type of Employment	Pre-1971 Cohort ( <i>N</i> =286,845)	1971–79 Cohort ( <i>N</i> =225,948)
Private practice	73.1	70.7
Federal judiciary	0.6	0.4
Federal government	3.3	4.7
State or local judiciary	4.7	1.3
State or local government	3.9	8.5
Private industry	11.8	9.2
Private associations	0.6	1.1
Legal aid or public defender	0.5	3.0
Education	1.5	1.0

Table 22 shows that nearly half (almost 48%) of all 1971–79 admittees were engaged in solo practice, almost the same proportion as among practitioners admitted before 1971 (49.4%). However, 1971–79 admittees are somewhat less likely than pre-1971 admittees to practice in small firms and more likely to practice in large firms.

About half of the 1971–79 admittees who were in firm practice in 1980 were associates (see Table 23). Most of the 1971–79 firm practitioners who were not classified as associates practiced in firms that did not have any designated associates.

As shown in Table 24, 1971–79 admittees who were associates in firms were most likely to practice in large firms. Only 18.5 percent of associates were in firms of five or less lawyers while 48.1 percent were in firms of more than twenty lawyers.

#### IV. THE EMPLOYMENT OF WOMEN LAWYERS

In 1980, there were 44,185 women lawyers, comprising 8 percent of the total lawyer population of 542,205. Over three-quarters of these women (33,825) entered the profession in the



**Table 22.** Distribution of Private Practitioners in Admission Cohort by Practice Setting (1980) (in percent)

Practice Setting	Pre-1971 Cohort ( <i>N</i> =210,320)	1971-79 Cohort ( <i>N</i> =159,783)
Solo practice	49.4	47.6
2-lawyer firm	9.8	7.5
3-lawyer firm	6.6	5.5
4-lawyer firm	4.6	4.1
5-lawyer firm	3.2	3.0
6-10-lawyer firm	9.0	9.0
11-20-lawyer firm	6.1	7.0
21-50-lawyer firm	5.5	6.9
50+ -lawyer firm	5.9	9.3

**Table 23.** Distribution of Firm Practitioners by Status in Firm and Firm Size, Controlled for Admission Cohort (1980) (in percent)

Status in Firm by Firm Size	Firm Practitioners in pre-1971 Cohort ( <i>N</i> =106,505)	Firm Practitioners in 1971-79 Cohort ( <i>N</i> =83,682)
Associate in firm		
Firm size: 2-5	0.8	9.4
Firm size: 6-10	0.7	8.9
Firm size: 11-20	0.6	8.0
Firm size: 21-50	0.6	9.2
Firm size: 50+	0.7	15.1
Subtotal	3.4	50.6
Other practitioner in firm with associates		
Firm size: 2-5	10.3	3.2
Firm size: 6-10	11.4	3.7
Firm size: 11-20	9.4	3.1
Firm size: 21-50	9.4	2.9
Firm size: 50+	10.9	2.5
Subtotal	51.4	15.4
Practitioner in firm with no associates		
Firm size: 2-5	36.6	25.8
Firm size: 6-10	5.7	4.6
Firm size: 11-20	2.1	2.3
Firm size: 21-50	0.8	1.1
Firm size: 50+	0.1	0.1
Subtotal	45.3	34.0

**Table 24.** Distribution of Associates Admitted 1971–79 by Firm Size (1980) (in percent)

Firm Size	Associates Admitted 1971–79 ( <i>N</i> = 43,219)
2-lawyer firm	3.3
3-lawyer firm	4.9
4-lawyer firm	5.4
5-lawyer firm	4.9
6–10-lawyer firm	17.6
11–20-lawyer firm	15.8
21–50-lawyer firm	18.2
50+ -lawyer firm	29.9

years of 1971–79. While the number of men entering the profession during the same period was substantially greater (195,359), 1971–79 male admittees constituted a relatively smaller proportion (39.2%) of the total male lawyer population in 1980 (see Table 25).

**Table 25.** Distribution of Male and Female Lawyer Populations by Admission Cohort (1980) (in percent)

Admission Cohort	Male Lawyers ( <i>N</i> = 498,010)*	Female Lawyers ( <i>N</i> = 44,183)*
1975–79	23.0	62.7
1971–74	16.2	14.1
1961–70	22.7	9.0
1951–60	16.0	5.1
Pre-1951	22.0	9.1

\*Date of bar admission was not available for 10 males and 2 females in the 1980 lawyer population.

The female lawyer population increased at a faster rate during the 1970s than did the male lawyer population (see Table 26). As a result, women in the pre-1971 admission cohort made up only 3 percent of that cohort, whereas women admitted in 1971–79 were 15 percent of their cohort.

The following section examines the employment of women lawyers based on the entire lawyer population, without regard to admission cohort. Finally, because so many women were admitted after 1970 and therefore are represented more heavily in the 1971–79 admission cohort, the last section will compare the

employment distributions of women and men lawyers and examine the representation of women lawyers in various employment settings on the basis of admission cohorts.

*A. The Employment of Women Lawyers without Regard to Admission Cohort*

As shown in Figures 6A and 6B, women lawyers were less likely to engage in private practice and more likely to be in other employment than men lawyers. Only 55.7 percent of women lawyers were private practitioners compared to 69.4 percent of men. For women, government was the second most frequently selected employment setting, followed by private industry. For men, the order was reversed. The proportion of women in legal aid and public defense, although small (less than 5%), was much greater than that of men (1.2%).

The 1980 employment distribution for women lawyers reveals relative underrepresentation in some employment settings and overrepresentation in others. As shown in Table 27, women lawyers were underrepresented in the primary setting in which lawyers are employed, namely, private practice. While they were 8.1 percent of the total lawyer population in 1980, they accounted for 6.6 percent of private practitioners. Except for state and local judiciary and private industry, women lawyers were overrepresented in all other employment settings.

Women lawyers in private practice were more likely to be solo practitioners or to work in very large firms than were men (see Table 28). On the other hand, women were less likely than men to practice in small and intermediate-sized firms.

As shown in Table 29, 62.1 percent of all women who practiced in firms were associates compared to 21.8 percent of men. Moreover, only 10 percent of female firm practitioners held nonassociate status in firms that had associates compared to 37.1 percent of male firm practitioners.

That female firm practitioners were overrepresented among associates in 1980 is reflected in the fact that 14.8 percent of all associates were women, as revealed by Table 30, while less than 2 percent of lawyers not identified as associates (in firms with designated associates) were women, and only 4 percent of lawyers in firms with no associates were women. The extent to which the relatively high proportion of women among associates is related to age and experience is discussed in the next section.

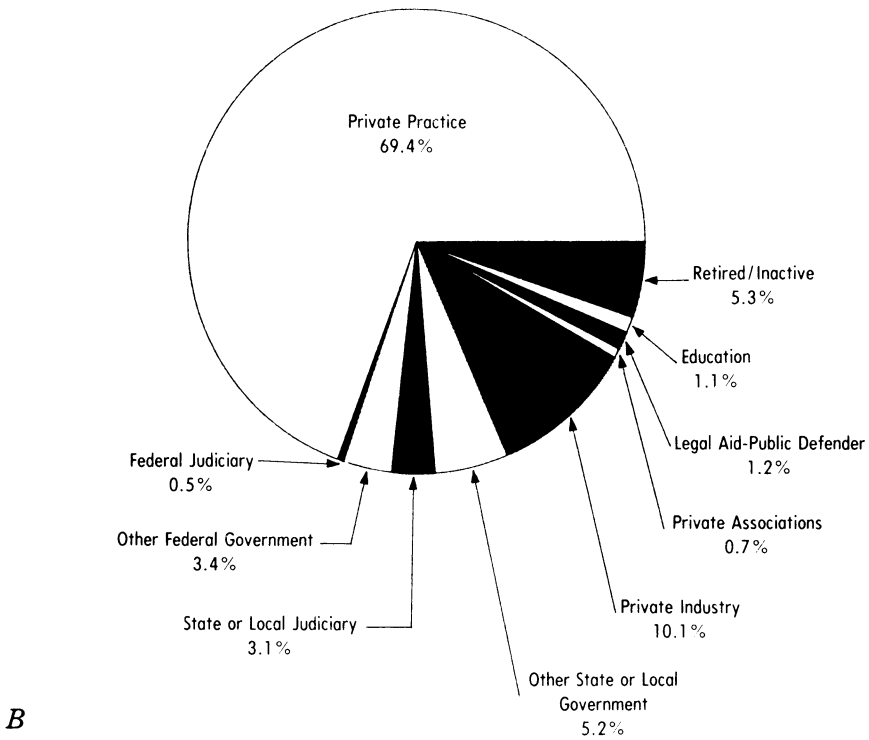
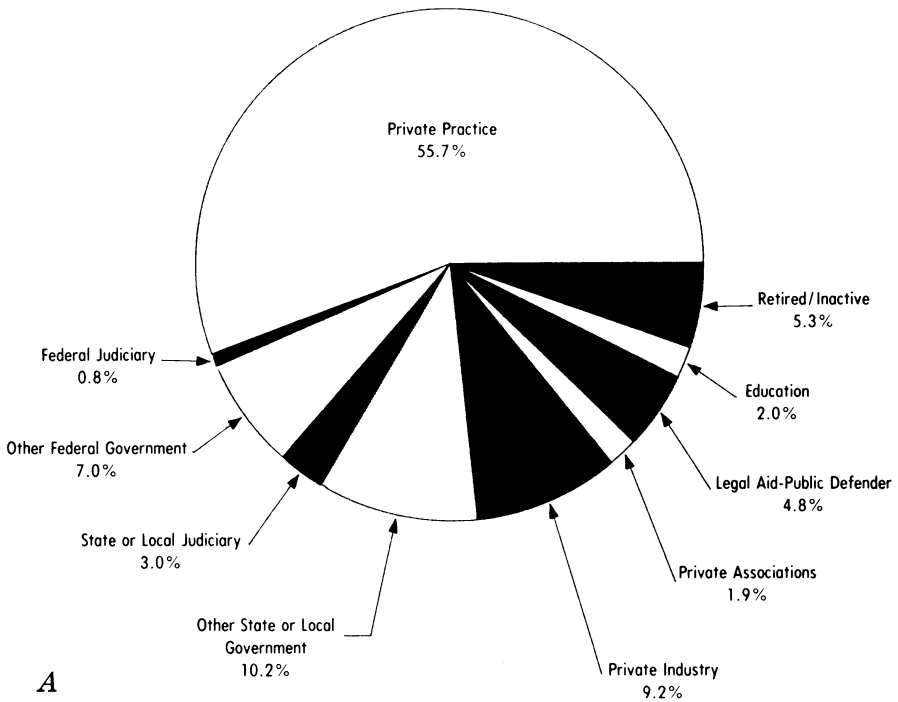
**Table 26.** Distribution of Admission Cohort by Sex (1980) (in percent)

	Pre-1951 Cohort ( <i>N</i> = 113,821)	1951-60 Cohort ( <i>N</i> = 82,018)	1961-70 Cohort ( <i>N</i> = 117,070)	1971-74 Cohort ( <i>N</i> = 86,962)	1975-79 Cohort ( <i>N</i> = 142,322)
Lawyers					
Male	96.5	97.2	96.6	92.8	80.5
Female	3.5	2.8	3.4	7.2	19.5

**Table 27.** Distribution of Lawyers by Sex in Employment Setting (1980) (in percent)

Lawyers	Private Practice ( <i>N</i> = 370,111)	Federal Judiciary ( <i>N</i> = 2,611)	Federal Government ( <i>N</i> = 20,132)	State/Local Judiciary ( <i>N</i> = 16,549)	State/Local Government ( <i>N</i> = 30,358)	Private Industry ( <i>N</i> = 54,626)	Private Association ( <i>N</i> = 4,391)	Legal Aid/ Public Defender ( <i>N</i> = 8,239)	Education ( <i>N</i> = 6,606)	Retired/ Inactive ( <i>N</i> = 28,582)
Male	93.4	86.7	84.5	92.1	85.1	92.5	80.5	74.0	86.5	91.8
Female	6.6	13.3	15.5	7.9	14.9	7.5	19.5	26.0	13.5	8.2

**Figure 6. A, Employment Distribution in 1980 of Female Lawyers ( $N=44,185$ ); B, Male Lawyers ( $N=498,020$ )**



**Table 28.** Distribution of Male and Female Lawyers in Private Practice by Practice Setting (1980) (in percent)

Practice Setting	Private Practitioners	
	Male ( <i>N</i> =345,519)	Female ( <i>N</i> =24,592)
Solo practice	48.1	55.6
2-lawyer firm	8.9	6.6
3-lawyer firm	6.3	3.2
4-lawyer firm	4.5	2.5
5-lawyer firm	3.2	2.0
6-10-lawyer firm	9.2	5.9
11-20-lawyer firm	6.6	5.9
21-50-lawyer firm	6.1	6.4
50+-lawyer firm	7.0	12.0

**Table 29.** Distribution of Male and Female Lawyers in Firms by Status in Firm (1980) (in percent)

Status in Firm	Firm Practitioners	
	Male ( <i>N</i> =179,258)	Female ( <i>N</i> =10,930)
Associate	21.8	62.1
Other practitioner in firm with associates	37.1	10.0
Practitioner in firm with no associates	41.1	27.9

**Table 30.** Distribution of Firm Practitioners by Sex, Controlled for Status in Firm (1980) (in percent)

Lawyers	Practitioners in Firms with Associates		Practitioners in Firms with No Associates ( <i>N</i> =76,656)
	Associates ( <i>N</i> =45,908)	Not Associates ( <i>N</i> =67,623)	
Male	85.2	98.4	96.0
Female	14.8	1.6	4.0

### *B. The Employment of Women Lawyers in the 1971-79 Cohort*

In 1980, 16 percent of women lawyers admitted prior to 1971 were retired or inactive, compared to 8 percent of men in this cohort. Only a small percentage of 1971-79 admittees were

not actively employed in 1980: 1 percent of men and 2 percent of women.

Of all four admission cohorts, women admitted in 1971–79 were the least likely to be engaged in private practice. Although pre-1971 women admittees were more likely to practice privately than 1971–79 women admittees, they were less likely to do so than men in either admission cohort. As shown in Table 31, women lawyers admitted in 1971–79 were more likely than any other group to work for government or in legal aid and defender programs.

Women lawyers admitted prior to 1971 were far more likely than any other group to be solo practitioners (see Table 32). Women were less likely than men to practice in intermediate-sized firms, but 1971–79 women admittees were more likely to do so than women admitted earlier. The proportion of 1971–79 women practitioners in firms of over twenty lawyers was greater than that of any other admission group.

Women in both admission cohorts were more likely to be associates than men, but the discrepancy was sharpest among pre-1971 admission cohorts, where 15.5 percent of women and only 3.1 percent of men held associate status in 1980 (see Table 33). Overall male firm practitioners in the pre-1971 cohort were most likely to be partners, and 1971–79 female admittees were most likely to be associates.

## V. FUTURE GROWTH OF THE LEGAL PROFESSION

If annual admissions to the bar were to remain at the level of the early 1980s, the lawyer population would reach three-quarters of a million before 1990 and one million a decade later. The lawyer population will continue to grow in size at a somewhat slower rate even if new admissions decline because mortalities will remain low in relation to admissions until the substantial number of young lawyers who entered the profession in the 1970s and early 1980s begin to reach ages associated with high mortality rates. Until then, new admission rates would have to drop by at least half for the size of the legal profession to stabilize, let alone decline. As mortalities continue to reduce the size of the pre-1971 admission cohorts in which women are heavily underrepresented, the overall proportion of women in the profession may be expected to continually increase throughout the 1980s and into the 1990s—unless in those years there is a precipitous decline in the number of female admissions in relation to male admissions. Only the maturation of the 1971–79 admission cohort will reveal whether some of

**Table 31.** Distribution of Men and Women Lawyers in Admission Cohort by Employment, Excluding Retired or Inactive Lawyers (1980) (in percent)

Type of Employment	Pre-1971 Cohort		1971-79 Cohort	
	Men ( <i>N</i> =279,035)	Women ( <i>N</i> =8,628)	Men ( <i>N</i> =192,737)	Women ( <i>N</i> =33,211)
Private practice	73.2	65.2	73.1	57.1
Federal judiciary	0.5	0.9	0.4	0.8
Federal government	3.3	6.3	4.2	7.8
State or local judiciary	4.7	6.1	1.1	2.4
State or local government	3.8	6.8	7.9	11.9
Private industry	11.9	8.2	9.0	10.1
Private associations	0.7	1.7	1.0	2.1
Legal aid or public defender	0.4	1.7	2.4	6.0
Education	1.5	3.1	0.8	1.8



the differences observed in 1980 employment patterns between this group and pre-1971 admittees, particularly in the case of women lawyers, are simply differences associated with normal career development or presage further, and fundamental, shifts in lawyer employment.

**Table 32.** Distribution of Men and Women Lawyers in Admission Cohort by Practice Setting (1980) (in percent)

Practice Setting	Pre-1971 Cohort		1971-79 Cohort	
	Men ( <i>N</i> =204,696)	Women ( <i>N</i> =5,623)	Men ( <i>N</i> =140,816)	Women ( <i>N</i> =18,967)
Solo practice	48.9	67.9	47.1	51.9
2-lawyer firm	9.8	10.3	7.7	5.5
3-lawyer firm	6.6	3.9	5.9	2.9
4-lawyer firm	4.7	2.4	4.3	2.5
5-lawyer firm	3.3	1.6	3.1	2.1
6-10-lawyer firm	9.1	3.8	9.4	6.6
11-20-lawyer firm	6.2	2.8	7.1	6.8
21-50-lawyer firm	5.5	2.9	6.8	7.5
50+ -lawyer firm	5.9	4.4	8.6	14.2

**Table 33.** Distribution of Men and Women Lawyers in Firm Practice by Status in Firm and Firm Size, Controlled for Admission Cohort (1980) (in percent)

Status in Firm by Firm Size	Pre-1971 Cohort		1971-79 Cohort	
	Men (N=104,701)	Women (N=1,804)	Men (N=74,556)	Women (N=9,126)
Associate in firm				
Firm size: 2-5	0.7	3.1	9.3	9.9
Firm size: 6-10	0.7	2.9	8.9	9.2
Firm size: 11-20	0.6	2.3	7.7	10.6
Firm size: 21-50	0.5	2.6	8.7	13.3
Firm size: 50+	0.6	4.6	13.5	28.2
Subtotal	3.1	15.5	48.0	71.2
Other practitioner in firm with associates				
Firm size: 2-5	10.4	5.9	3.5	1.0
Firm size: 6-10	11.5	5.7	4.1	1.0
Firm size: 11-20	9.4	5.4	3.3	1.2
Firm size: 21-50	9.5	6.0	3.1	1.3
Firm size: 50+	10.9	9.0	2.7	1.2
Subtotal	51.7	32.0	16.7	5.7
Practitioner in firm with no associates				
Firm size: 2-5	36.4	48.0	27.0	16.2
Firm size: 6-10	5.7	3.1	4.8	3.5
Firm size: 11-20	2.2	1.0	2.4	2.3
Firm size: 21-50	0.8	0.3	1.1	1.0
Firm size: 50+	0.1	0.1	0.1	0.1
Subtotal	45.2	52.5	35.3	23.1

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