CLASS STRUCTURE AND LEGAL PRACTICE: INEQUALITY AND MOBILITY AMONG TORONTO LAWYERS

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Can professional groups, such as lawyers, be incorporated within class analyses? Results from a Toronto survey indicate that lawyers can be usefully located within class categories operationalized in terms of power relations. The class structure of legal practice in Toronto is dominated by older, Anglo-Saxon Protestant males with degrees from Canada's elite law schools, who are practicing corporate and commercial law for predominantly corporate clients. Notwithstanding evidence of recently and substantially improved mobility prospects, we found an absence of Jewish lawyers from the capitalist class and a tendency for women to remain in a legal working class. We also discovered the emergence of a new working class in the legal profession that, perhaps unexpectedly, includes young associates in the corporate and commercial departments of large firms. The exploitation of this "professional proletariat" is as clear as are their relatively high salaries and promising prospects of sharing in the power relations that facilitate their domination and limited autonomy. We argue with qualitative data that it is the combination of high salaries, good mobility prospects, and a highly competitive environment that allows this group to be exploited with very little chance of rebellion. More generally, this kind of class analysis opens new possibilities in the comparative and historical study of lawyers and other professional groups.

The place of lawyers and other professionals in the class structure is a longstanding problem for sociologists. Marx's class analysis preceded the growth of the professions in this century (Larson, 1977), so that while he anticipated, for example, a necessary increase in "the employment of office staff" to handle the increasingly complex commercial operations involved in "the more developed scale of production" (Marx, 1954: 293-296), he could not fully have foreseen the critical role that professional training and skill acquisition would play in modern capitalist development. Marxian and non-Marxian scholars since have sought to place the profes-

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sions within the class structure, using such concepts as "the professional-managerial class" (Ehrenreich and Ehrenreich, 1978; Aronowitz, 1978) and "the new class" (Gouldner, 1978; Glazer, 1979). These innovations are consistent with Weber's (e.g., 1968, Vol. 1) suggestions that education and skill development can be sources of cleavages within the class structure.

Weber's insights are reflected in contemporary studies of the legal profession, including Erlanger's (1980) national study of the allocation of status among lawyers and Heinz and Laumann's (1982) landmark analysis of the social structure of the Chicago bar. These analyses are important because they move beyond the empirical study of specific kinds of lawyers (e.g., Ladinsky, 1963; Carlin, 1962; Spector, 1972; Smigel, 1964; Wood, 1967) to examine the larger structure of the profession at the community and national levels. Their purposes are to study and explain stratification within the profession and to draw a connection between position in the profession and the larger stratification system. For example, Erlanger (1980: 882) notes that lawyers represent only one of many occupational groupings that could be studied in detail within the status attainment tradition. He goes on to observe that what makes the study of particular occupations of larger sociological interest is that they are not just points on a status continuum but also distributions that overlap with distributions of other occupations.

Heinz and Laumann also draw a connection between such study and the larger stratification system, a connection that is relational as well as reputational in that it runs from lawyers through their clients. They (1982: 319) conclude that

> much of the differentiation within the legal profession is secondary to one fundamental distinction—the distinction between lawyers who represent large organizations (corporations, labor unions, or government) and those who represent individuals. The two kinds of law practice are the two hemispheres of the profession. Most lawyers reside exclusively in one hemisphere or the other and seldom, if ever, cross the equator.

Erlanger and Heinz and Laumann demonstrate that the legal profession is indeed stratified. However, the task of linking the profession to the larger class structure is unfinished. Neither of these studies (nor others of this or any other profession) provides an analytic framework that empirically and readily connects *individual* lawyers (or other professionals) to the larger class structure. They are not concerned with this goal. Erlanger focuses on correlates of stratification, such as ethnicity and income, and their predictive/causal relationship. Heinz and Laumann examine specializations within the profession rather than cleavages among individuals and within specializations (see Cartwright, 1986: 1003). As a result fundamental questions about the class structure of the

legal profession remain unanswered, such as: What is the class distribution of lawyers? How homogeneous by class are areas of legal specialization and types of legal employment? What is the predominant class position of lawyers? How are ascribed and achieved characteristics of individuals linked to the class distribution of lawyers? How much class mobility exists in the legal profession? We address such questions below. In doing so we demonstrate that lawyers occupy a variety of class positions and that the legal profession is in this sense integrated into the surrounding community and society. A fundamental assumption underwriting this analysis is that the systematic conceptualization and measurement of power is the link that can connect the study of class structure to the legal profession.

I. POWER IN PRACTICE

Medicine may be the more prestigious profession, but law is the more powerful. Much of this power derives from the roles lawyers play in government and corporate life through elections to public office, appointments to the judiciary and other high positions of public service, and placements in executive positions and directorships in dominant corporations. This point is recognized by theorists as diverse as Mills (1951) and Parsons (1968), and appears true of most if not all Western capitalist societies (Rueschemeyer, 1973; Abel-Smith and Stevens, 1967; Zander, 1968; Johnstone and Hopson, 1967; Clement, 1975; Niosi, 1978; Prestus 1973). It is ironic, then, that the stratification of lawyers has been studied from the perspective of status and prestige rather than in terms of power. Note that this is so despite the further fact that reputational concepts such as status and prestige are uneasily transferred from the inter- to the intraoccupational level. Such work requires an attribute associated with individuals within an occupation that is known in ways analogous to the status of occupations at the interoccupational level. Erlanger avoids this problem by focusing on correlates of status (income, firm size, and type of client), while Heinz and Laumann shift attention away from individuals to areas of legal specialization. Our alternative operationalization involves the measurement of class in terms of power. This approach allows use of the same measures at the intra- and interoccupational levels.

Our operationalization is an elaboration of a model used in the recent work of Wright. Grabb (1984: 144) notes that for Wright, "class and power are really inseparable ideas." The power bases of Wright's operationalization of class are relations of appropriation and domination. Wright elaborates his scheme in detail elsewhere (1982), so we will only outline its use here, as modified to study lawyers rather than the general population. Before doing so, how-

ever, we clarify potential benefits as well as problems of applying a model as general as Wright's in a study of lawyers.

A potential benefit of Wright's model involves the knowledge to be gained of power relationships in the legal profession. Further, use of such a model should allow a more straight forward accumulation and transfer of knowledge about power relations across studies in intra- as well as interoccupational settings and in various times and places. This is possible because the operationalization of power relations in this model is based on self-reported features of work experiences that are essentially free of time, place, and occupation-specific characteristics, allowing comparative generalizations about the exercise of power within and between occupations in various periods and places. The alternative is a fractionalized kind of knowledge that restricts possibilities for generalization and explanation. However, the potential benefits of Wright's model must be weighed against possible problems and misunderstandings.

Two such problems involve the transfer in meaning of class categories across research settings and the presumed permanence of class designations in these settings. For example, below we identify a class category of lawyer workers whose designation raises an important question: Do "workers" in the legal profession share the same position as "workers" in other occupational hierarchies? Our expectation is that there are important differences as well as similarities. The challenge is to identify both. One obvious difference involves the income and mobility prospects of work in professional as compared to nonprofessional settings. In view of such differences, our operationalization does not equate a working class of lawyers with, for example, industrial or agricultural workers. Wright (1985: 185–186) himself observes that "proletarianized white-collar jobs that are really premanagerial jobs should . . . not be considered in the same location within class relations as proletarianized jobs which are not part of such career trajectories." Again, the task is to determine differences as well as similarities in "proletarianized" experiences across occupational settings. However, the first step in doing so is to determine where such experiences occur in professional as well as nonprofessional settings.

Meanwhile, to suggest that there are lawyers who are in any sense workers is, of course, to raise the issue of the "proletarianization of the professions." Although "the proletarianization thesis" is widely discussed (Aronowitz, 1973; Oppenheimer, 1970, 1975; Larson, 1977), it is largely untested (but see Wright and Singelman, 1982). As Derber (1982: 29) notes, "Bell (1973) and others have argued that it is scarcely meaningful to speak of proletarianization among salaried professional employees unless it can be shown that their labor is effectively subordinate and subject to management authority—an argument with which most Marxist theorists of professional proletarianization would agree." This

brings us to the prospect of similarities. Our operationalization of a working class of lawyers assures that respondents so classified in our analyses are employees who have no managerial or supervisory responsibilities, beyond the work they pass on to secretaries, and who design few or no important aspects of their work. These lawyers are so "subordinate and subject to management authority" that they have almost no autonomy in their work.

How far beyond these circumstances of subordination do similarities between the positions of professional and other kinds of workers extend? This is the kind of question that is at the heart of the proletarianization issue. A key part of this issue involves comparative rates and probabilities of movement out of working class positions over time; in this instance, this involves knowledge of the career trajectories of those in legal working class positions. There are at least two problems in obtaining this information. One problem is that a logical precondition for the exploration of such trajectories is the development and acceptance of the kind of positional analysis undertaken below (see Wright, 1985: 186). That is, we cannot analyze class trajectories until we first agree on the class positions between which these trajectories are established not only in the legal profession but elsewhere as well, so that we can reach comparative judgments. A model such as Wright's allows us to do this. Its importance is reflected, for example, in the large number of women entering the bottom ranks of the legal profession. Are these women gaining in power through advances in the legal profession? Or, are they becoming a new and enlarged source of legal secretarial labor that has a working class (albeit well paid, at least when hours at work are not considered) form?

A second problem involves the changing social organization of the legal profession and its unestablished capacity to accommodate increasing numbers of new lawyers within its hierarchical structure (Nelson, 1983; also Spangler, 1986; Abel, 1986). Because the legal profession has expanded so dramatically over the past decade and a half, it is not possible to determine fully whether the working class of lawyers we identify below is a transitory feature of the period of our research or an incipient structure that is becoming institutionalized. Our cross-sectional analysis can only partially address this issue by considering whether ascribed characteristics, such as gender and law school status, are associated with class positions, and whether these associations are eliminated by controlling for class trajectories in the form of years of practice. Put the other way around, we consider whether class itself plays an independent role in understanding the hierarchical structure of the legal profession. Longitudinal data that extend some years into the future will be required to more definitively answer questions about the changing structure of the profession. Again, however, the positional analysis we present is a logical precondition to this kind of work. We turn now to our modification of Wright's model.

Table 1. Operational Typology of the Class Structure of the Legal Profession[a]

Class	Legal Description	Link to Dominant Corporation	Ownership Relation	Number of Employees	Authority	Decision Making	Autonomy	Hierarchical Position
Capitalist class	Managing partner in large elite firm	Through firm	Employer	≥30	1–2	1–3	*X*	1–2
Managerial bourgeoisie	Managing partner in medium to large firm	*X*[b]	Employer	≥10	1–2	1–3	*X*	1–2
Supervisory bourgeoisie	Nonmanaging partner in medium to large firm	*X*	Employer	≥10	3–4[c]	4	*X*	*X*
Small employer	Partner in small firm	*X*	Employer	2–9	*X*	*X*	*X*	*X*
Petty bourgeoisie	Solo practitioner	*X*	Employer	0–1	*X*	*X*	*X*	*X*
Manager	Associate, corporate, or government managing or supervisory lawyer	*X*	Employee	*X*	1–2	1–3	*X*	1–2
Advisory manager	Associate, corporate, or government managing or supervisory lawyer	*X*	Employee	*X*	1–2	4	*X*	1–2
Supervisor	Associate, corporate, or government managing or supervisory lawyer	*X*	Employee	*X*	3[d]	5	*X*	1–3
Semiautonomous employee	Semiautonomous associate, corporate, or government lawyer	*X*	Employee	*X*	4[e]	*X*	1–2	4
Working class	Nonautonomous associate, corporate, or government lawyer	*X*	Employee	*X*	4	*X*	3–4	4

[a] Definitions of the operational criteria appear on the preceding pages.
[b] *X*-criterion not applicable.
[c] Respondents without task and sanctioning authority *or* without decision-making responsibility are classified as nonmanaging partners.
[d] Respondents with task or sanctioning authority *but* without any decision-making involvement are classified as supervisors.
[e] Nonmanagerial decision-makers – people who make decisions but have *no* subordinates and are classified as nonmanagement in terms of levels of supervision were merged with semiautonomous employees (if they are autonomous) or workers (if they are nonautonomous) throughout the analysis.

Table 1 summarizes our class typology, and Table 2 presents distributions of respondents on the criteria used in operationalizing this typology.

Legal practice is dominated today by partnerships and large firms. Law is big business as well as a profession (Galanter, 1983).[1] These are facts that require some significant modifications of Wright's scheme for our purposes. Wright (1982: 712) begins to distinguish specific classes with a discussion of the bourgeoisie and small employers. The task is to distinguish among the bourgeoisie, small employers, the petty bourgeoisie, and actual capitalists. Business ownership and number of employees are the key criteria. However, since so few respondents in the general population own businesses with more than a few employees, Wright ultimately draws a simple cut point between one and two employees, and designates the former as the petty bourgeoisie and the latter as a merged class of employers. To adopt this strategy in a survey including many partners in large law firms, however, would risk suppressing valuable information (Aldrich and Weiss, 1981).

Where Wright ultimately has two classes, we therefore identify five: capitalists, the managerial bourgeoisie, the supervisory bourgeoisie, small employers, and the petty bourgeoisie. Before we operationalize these classes, we must first describe the criteria we use in drawing our distinctions.[2] As in Wright's work, *ownership* (Q8) and *number of employees* (Q9) are key criteria in our typology. The literature on lawyers commonly draws a distinction between solo practitioners and partners, similar to that drawn by Wright between the petty bourgeoisie and employers. However, as we demonstrate below, the analogy is imperfect because many lawyers who are regarded by themselves and others as solo practitioners employ one and often more persons, sometimes including other lawyers. Both solo practitioners and partners are thus treated as employers in our typology. Meanwhile, the literature also often distinguishes among firms in terms of numbers of lawyers, but we follow Wright in using the total number of employees as a distinguishing criterion. In distinguishing among the bourgeoisie, we also use other criteria [measures of *authority* (Q13 and Q14), *decision making* (Q11), and *hierarchical position* (Q15 and Q16)] that Wright uses, as well as a measure (firm representation in *dominant corporate directorships and executive positions*) that he does not.

Hierarchical position is a four-level variable that sorts lawyers into those who (*not* including secretaries) have: (1) no level of authority above them and two or more levels below them;

[1] The United States Supreme Court ruled in 1975 in *Goldfarb* v. *Virginia State Bar* (421 U.S. 773) that the legal profession is a business.

[2] Letter and numbers in parentheses in the text below locate the survey items from which indicators are drawn. The survey instrument is available from the senior author on request.

Table 2. Distributions of Criteria Used in Typology[a]

Ownership relation	
Partner	41.7%
Solo practitioner	11.8%
Employee	46.5%
Number of employees[b]	
0 – 1	16.9%
2 – 9	29.2%
10 – 29	15.2%
30+	38.7%
Authority	
Sanctioning supervisor	33.7%
Task supervisor	2.7%
Nominal supervisor	.2%
Nonsupervisor	62.9%
Decision making	
Directly participates in all or most policy decisions	44.6%
Directly participates in some policy decisions	15.0%
Directly participates in at least one area of decision making	11.0%
Does not directly participate but provides advice	17.3%
Does not directly or indirectly participate in decision making	12.1%
Autonomy	
Designs all or most important aspects of work	58.7%
Designs some important aspects of work	29.0%
Designs a few important aspects of work	7.7%
Not required to design aspects of work	4.7%
Hierarchical position	
No level above respondent/Two or more levels below	24.9%
Two or more levels below respondent	10.0%
One level below respondent	59.3%
No level below respondent	5.8%
Type of firm	
Elite	15.7%
Nonelite	84.3%

[a] $N = 995$

[b] For 553 employers only.

(2) two or more levels below them; (3) one level below them; or (4) no level below them. *Authority* is a four-level variable that measures whether a lawyer has, in relation to others: (1) sanctioning authority (imposes positive and/or negative sanctions on subordinates); (2) task authority (gives orders to subordinates); (3) nominal supervision (supervises without sanctioning or task authority); or (4) no supervisory responsibility (supervises nobody other than clerical subordinates). *Decision making* is a five-level variable that distinguishes lawyers who: (1) directly participate in all or most policy decisions; (2) directly participate in some policy deci-

sions; (3) directly participate in at least one area of decision making; (4) provide advice but do not directly participate in decision making; and (5) do not directly or indirectly participate in decision making.

Unique to our class analysis is the variable measuring firm representation in the directorships and executive positions of dominant corporations. This measure derives from the work of Clement (1975; see also Niosi, 1978), who defines an "elite law firm" as one in which one or more partners serve as directors or executives of a *dominant* corporation, that is, a corporation with over $250 million in assets and $50 million in annual income.[3] We can now distinguish the classes that make up the lawyer bourgeoisie.

Lawyers in the *capitalist class* are partners who directly participate in at least one area of firm decision making and who have two or more levels of subordinates over whom they have sanctioning or task authority, in a large elite firm with thirty or more employees.[4] In the vernacular of the profession, these are senior or managing partners of large elite firms, although note that the profession has no operational criteria to identify persons occupying such positions.

Next in our class typology is the *managerial bourgeoisie*, who are distinguished by some of the same criteria (ownership, authority, decision making, and hierarchical position) as members of the capitalist class, but they differ in that no member of their firm sits on the board or is the executive of a dominant corporation and the firm may have as few as ten employees (including partners). The latter number is suggested by Wright (1982: 717) to distinguish the bourgeoisie from small employers. Members of this class are known in the profession as senior or managing partners of medium and large firms, although again there are no explicit criteria to identify such persons. Nonmanaging partners of medium and large firms make up the *supervisory bourgeoisie*. These are partners with no sanctioning or task authority and no direct participation in decision making, working in firms with more than ten employees.

We noted above that some solo practitioners are actually small businessmen who employ other persons, some of whom may be lawyers. As a result, solo practitioners are found both among the *small employers* and the *petty bourgeoisie* in our class typology. We follow Wright in identifying the former group as having two to nine employees, the latter as having one or none. Wright chose

[3] The 1984 "Financial Post 500" listing was used to identify dominant Canadian corporations, as defined above (see Clement, 1975; Adam and Baer, 1984). The Financial Post *Directory of Directors* (1984) was then used to identify partners from elite Toronto law firms.

[4] Twenty or more lawyers is a common criterion of a large firm in the research literature. In our survey, 85.3% of the respondents in firms employing more than 30 persons reported that more than 20 of those persons were lawyers.

the latter cut point because the survey item he used resulted in some respondents with no employees reporting they had one, meaning themselves. We explicitly asked our respondents not to report themselves as employees, but some still did, so we also use Wright's cut point. This coding decision also makes substantive sense because even solo practitioners usually have a secretary.

Managers in our typology are identified by the same criteria as the managerial bourgeoisie, except they are not, of course, partners, and no provision is therefore made regarding number of employees. *Advisory managers* differ from managers only in that they are restricted to an advisory role in decision making. *Supervisors* do not participate in decision making or have sanctioning or task authority, but they do have one level of subordinates beneath them (in addition to clerical assistants). We follow Wright in combining managers and supervisors into one class later in our analysis. This manager/supervisor class is made up mainly of associates with managerial responsibilities in firms and of lawyers performing managerial functions in their work for corporate and government employers.

Lawyers who are *semiautonomous employees* have only clerical persons below them and have no managerial or supervisory responsibilities. However, these lawyer employees do have the autonomy to design some, all, or most of the important aspects of their work (Q21). These, then, are mainly semiautonomous associates and corporate and government lawyers. They are contrasted in our class typology with their counterparts in the same settings who design only a few or no important aspects of their work, and who therefore constitute the *working class* of lawyers, as discussed above.

Although our class typology is based heavily on Wright's scheme and the power relations it emphasizes, there is certainly nothing immutable about the boundaries this scheme imposes. Indeed, Wright (1982: Table 5, 718) demonstrates the consequences of relaxing or constraining the criteria used in his survey of the American class structure, and we do so as well for our survey of Toronto lawyers below.

II. DESIGN, DATA, AND METHODS

We collected the quantitative data we discuss through a mail-back survey of lawyers in Toronto during the winter of 1985. We will also discuss additional qualitative data resulting from face-to-face interviews. Toronto is Canada's financial center, and, not coincidentally, its legal center as well. While about 8 percent of America's lawyers are in New York City (Epstein, 1981: 17), approximately one-quarter of Canada's lawyers are in Toronto (Arthurs *et al.*, 1971: 500). It long has been argued that Canada is a more elite-based society than the United States (e.g., Lipset, 1968;

Porter, 1965) and that lawyers are more highly represented among Canada's economic (Clement, 1975) and political (Prestus, 1973) elites than in other capitalist societies. Thus Toronto is arguably among the most interesting North American metropolitan settings in which to study the class structure of legal practice.

We selected a disproportionately stratified random sample of Toronto lawyers for the mail-back survey from the membership list of the Law Society of Upper Canada, the analogue of an American state bar association (i.e., membership is required to practice in the Province of Ontario). The sample was stratified by gender and type of practice to include equally men and women in large firms (twenty-six or more lawyers), small and medium firms (one to twenty-five lawyers) and nonfirm settings. Our particular concern was to include sufficient numbers of women in a variety of legal settings to allow statistical comparisons involving gender. We mailed survey instruments to 1,609 respondents, and, with two reminders, 1,051 instruments (65.3%) were returned.[5]

Compared to men, women responded in somewhat better numbers, as did lawyers in large firms. The overrepresentation resulting from our disproportionate stratification of the sample and the pattern of nonresponse might not greatly influence multivariate analyses of our data. However, these factors would likely alter our macrostructural description of the class structure of legal practice in Toronto. We therefore used a system of weights based on the Law Society's enumeration of Toronto lawyers by gender and employment setting to reproduce the city's population distribution of lawyers. With one exception (Table 9), our analysis is based on the weighted sample. More than 94 percent of this sample was employed full-time (Q46) during the survey, and again with one exception (Table 8), the analysis is based on this group of fully employed lawyers.[6]

It is often useful in the following kind of analysis to know when departures from chance occur in the distributions of cross-classified variables (see, for example, Wright, 1982: Table 8, 722; Haberman, 1978). For example, in our analysis it is important to know whether some areas of legal specialization are disproportionately composed of certain classes of lawyers, or whether one gender or ethnic group disproportionately makes up a class of lawyers. To speak to such issues, we present "standardized residuals" in the tables below for the cells formed by the cross-classification of variables. These bracketed cell entries are the basis for log-linear tests of independence for the cross-classified variables. We calculate expected numbers of persons for each cell on the basis of the as-

[5] We believe that this level of response is some small tribute to the efforts we made. Stewart (1983: 16) notes that lawyers, especially those in powerful firms, are tradition bound. "Of these traditions," Stewart observes, "one of the most deeply rooted is secrecy."

[6] These exceptions are explained below.

sumption that the variables (e.g., specialization and class) are unassociated. We then calculate differences between expected and observed frequencies as "residuals." These residuals are "standardized" through their division by the square roots of the expected frequencies for the cells. These standardized residuals form the basis of comparisons across the cells of the tables and allow tests of statistical significance. A positive standardized residual indicates more people in the cell than would be expected if the variables were independent of one another, while a negative entry indicates fewer people than would be expected under conditions of independence. Under the assumptions of log-linear models, entries greater than or equal to 1.96 are significant at the .05 level. The term *disproportionate* as used in the analyses refers to a statistically significant departure from the independence that is assumed in tests of log-linear models.

III. CLASS DISTRIBUTIONS OF LEGAL PRACTICE

We noted above that the boundaries between classes can be altered by relaxing or constraining operational criteria. Table 3 presents best, minimum, and maximum estimates of the distributions of lawyers among classes in a manner that parallels Wright's analysis of the overall class structure. Because in that analysis, as in ours, these boundary choices influence both macrostructural description and multivariate analysis, we present the various estimates here and in some of the multivariate tables that follow.[7]

Perhaps the most striking finding in Table 3 is that the largest class category is composed of just over a quarter of our sample of lawyers (25.6%) who are semiautonomous employees. This group is an example of what Wright (1982: 710) calls a "contradictory class location" with a "dual class content." He notes that semiautonomous employees include "most professionals, who, like the petty bourgeoisie, have substantial control over the direction of their own activity within production, and yet are dispossessed of the means of production (nonowners within appropriation relations) and partially dominated." The result, according to Wright (ibid., 718*n*), is that "most semiautonomous employees and supervisors are probably in locations within which the working class aspects are the predominant ones." On the one hand, this is an argument for constraining the operational definition of the manager/supervisor categories to their minimum levels, which results in a maximum estimate of the semiautonomous class of lawyers as 31.8 percent. When added to our best estimate of the working class of lawyers, at 8.7 percent, the result is a grouping of lawyers

[7] While there may be other instances than those reported below in which use of the minimum or maximum criteria make a difference, the instances reported involving gender and ethnoreligious background are the only ones we discovered that were of substantive importance.

Table 3. Ranges for the Estimate of the Class Distribution of Toronto Lawyers, 1984*

Class	Best Estimate	Minimum Estimate	Maximum Estimate
Capitalists	4.5%	2.7%	12.0%
Managerial bourgeoisie	12.4%	11.4%	13.8%
Supervisory bourgeoisie	11.9%	11.8%	21.9%
Small employers	15.7%	5.9%	19.0%
Petty bourgeoisie	9.1%	5.0%	N.A.
All managers/supervisors	12.1%	11.0%	36.4%
Managers	7.6%	7.0%	19.9%
Advisory managers	3.6%	3.4%	15.4%
Supervisors	.9%	.6%	1.1%
Semiautonomous employees	25.6%	9.1%	31.8%
Working class	8.7%	2.9%	26.2%

* $N = 995$. Ranges were based on the following criteria:

Capitalists:
- Minimum = employer + more than 30 employees + elite firm + task and sanctioning authority + participates directly in policy making + no level above respondent + 2 or more levels below respondent.
- Maximum = employer + more than 30 employees + task or sanctioning authority + 2 or more levels below respondent.

Managerial bourgeoisie:
- Minimum = employer + 10 or more employees + task and sanctioning authority + 2 or more levels below respondent + participates directly in policy making.
- Maximum = employer + 10 or more employees + task or sanctioning authority + 2 or more levels below respondent.

Supervisory bourgeoisie:
- Minimum = employer + 10 or more employees + 2 or more lawyers (including self) + 1 or more levels below respondent.
- Maximum = employer + 2 or more employees.

Small employers:
- Minimum = employer + 2 or more employees.
- Maximum = employer + 1 or more employees.

Petty bourgeoisie:
- Minimum = sole practitioner + 0 employees.
- Maximum = not available

Manager:
- Minimum = employee + decision maker + task and sanctioning authority + 2 or more levels below respondent.
- Maximum = employee + decision maker.

Advisory managers:
- Minimum = employee + advisor on decision making + task and

(*continued*)

sanctioning authority + 2 or more levels below respondent.

Maximum = employee + advisor on decision making.

Supervisors:

Minimum = employee + non-decision maker + task and sanctioning authority + 2 or more levels below respondent.

Maximum = employee + non-decision maker + 2 or more levels of authority.

Semiautonomous employees:

Minimum = employee + high autonomy + minimum criteria for managers.

Maximum = employee + limited autonomy + minimum criteria for managers.

Working class:

Minimum = employee + no autonomy + minimum criteria for managers and semiautonomous employees.

Maximum = employee + some autonomy + minimum criteria for managers and semiautonomous employees.

that is predominantly working class and that makes up more than 40 percent of the sample. Alternatively, if the operational definition of semiautonomous employees is constrained to include only lawyers who have high levels of autonomy, the size of the lawyer working class is increased to over a quarter (26.2%) of the sample. In any case, our combined best estimates of semiautonomous and working class lawyers includes just over one-third (34.3%) of the sample, a finding that suggests the legal profession is surprisingly proletarianized, albeit with a proletariat that is much better paid and has much better class prospects than proletariats normally considered.

We find further evidence that the legal profession is highly stratified in the size of the capitalist class and the managerial and supervisory bourgeoisie. Our best estimate is that 4.5 percent of the lawyers in our sample are in the capitalist class, which contains the managing partners of large elite firms. If *elite* firm membership is removed from our operationalization, that is, if we define capitalist class lawyers as simply managing partners of large firms, this estimate increases to 12 percent. The latter figure is comparable to the size of the managerial (12.4%) and supervisory (11.9%) bourgeoisie. So between a quarter and a third of our sample is made up of bourgeois/capitalist lawyers who are partners in firms with more than ten persons. Another 15.7 percent are small employers, mostly partners in small firms of two to ten persons, while the petty bourgeoisie makes up 9.1 percent of the sample. Note, however, that if this latter class is restricted to lawyers practicing alone with no employees, a precisely defined petty bourgeoisie, the figure decreases to 5.0 percent.

Finally, note that employees are in the minority in our sample: Together the manager/supervisor, semiautonomous employee, and working classes are 46.4 percent of the sample. Since the manager/supervisor class makes up only 12.1 percent of this figure, the majority of lawyer employees assume roles that may be predominantly working class, albeit, as we discuss further below, a working class with unique rewards and prospects. Still, the legal profession is clearly rather highly concentrated in disparate class relations: the capitalist/bourgeoisie at one extreme, and the semiautonomous employee/working classes at the other.

A. Class and Type of Employment, Specialization, and Clientele

In this section we consider the relationship between our class categories and the more traditional ways of distinguishing among lawyers in terms of type of employment, specialization, and clientele. These alternative approaches vary from the class emphasis on relations of appropriation and domination by in turn concentrating on the organizational setting in which the work is done, the technical content of the work, and the composition of the client population. In some instances there is an operational overlap between these ways of classifying lawyers. For example, employment typologies (Q68C) typically distinguish among lawyers in various sized firms, including large firms, and our operational definition of the capitalist class includes only those in these firms. However, not all large firm lawyers are in this class. Indeed, in Table 4, where we cross-classify type of employment by class, we see that only 14.5 percent of the large firm lawyers are classified as capitalists, while more than a third (35.3%) are classified as semiautonomous employees or workers. This is consistent with our assumption that type of employment, specialization, and clientele are dimensions of social structure that differ from class. We should expect to find class heterogeneity within categories of these dimensions as well as evidence of relationships between these dimensions and class.

In Table 4, an interesting example of class variation within what is usually regarded as a single type of legal employment occurs among those who reported they worked with a solo practitioner or alone. Some of the pioneer sociological research on the legal profession involved solo practitioners (e.g., Ladinsky, 1963; Carlin, 1962). This table makes clear what we briefly noted above, namely that this is a more diverse and entrepreneurial grouping than commonly is assumed. For example, more than a third (37.9%) of those lawyers who reported that they worked alone, and thus thought of themselves as solo practitioners, actually are small employers who have two or more persons working for them, while a few (5%) are members of the bourgeoisie, with more than ten persons working for them. Just over half (57%) are petty

Table 4. Class Distributions Within Types of Legal Employment and Standardized Residuals (in brackets) for Type of Employment by Class Association

Employment[b]	Capitalists	Managerial Bourgeoisie	Supervisory Bourgeoisie	Small Employers	Petty Bourgeoisie	Managers/ Supervisors	Semiautonomous Employees	Working Class	Total	N[c]
Firm (20+ lawyers)	14.5%	15.1%	24.6%	0%	0%	10.6%	24.4%	10.9%	100%	284
	[7.8][a,d]	[1.3]	[6.2][a]	[−6.6][a]	[−5.1]	[−.7]	[−.4]	[1.2]		
Firm (10–20 lawyers)	2.1%	33.0%	20.0%	0%	0%	8.3%	29.1%	7.6%	100%	62
	[−.9]	[4.6][a]	[1.8][e]	[−3.1][a]	[−2.4][a]	[−.9]	[.5]	[−.3]		
Firm (3–9 lawyers)	0%	26.4%	15.6%	22.9%	0%	5.3%	23.4%	6.4%	100%	163
	[−2.7][a]	[5.1][a]	[1.4]	[2.3][a]	[−3.8][a]	[−2.5][a]	[−.6]	[−1.0]		
With solo practitioner	0%	5.0%	0%	58.4%	.7%	5.7%	23.8%	6.4%	100%	60
	[−1.6]	[−1.6]	[−2.7][a]	[8.3][a]	[−2.1][a]	[−1.4]	[−.3]	[−.6]		
Alone	0%	2.3%	2.7%	37.9%	57.0%	0%	0%	0%	100%	128
	[−2.4][a]	[−3.2][a]	[−3.0][a]	[6.4][a]	[18.0][a]	[−3.9][a]	[−5.7][a]	[−3.4][a]		
With new lawyers	0%	1.9%	15.2%	61.6%	1.9%	0%	19.4%	0%	100%	22
	[−1.0]	[−1.4]	[.4]	[5.5][a]	[−1.1]	[−1.6]	[−.6]	[−1.4]		
Corporation	0%	4.3%	0%	4.9%	1.1%	34.6%	40.2%	14.9%	100%	110
	[−2.2][a]	[−2.4][a]	[−3.6][a]	[−2.9][a]	[−2.8][a]	[6.8][a]	[3.0]	[2.2][a]		
Government	0%	0%	0%	0%	0%	25.6%	57.4%	17.0%	100%	103
	[−2.2][a]	[−2.4][a]	[−3.6][a]	[−2.9][a]	[−2.8][a]	[6.8][a]	[3.0]	[2.2][b]		
Other	4.5%	9.6%	6.3%	24.6%	23.7%	13.6%	12.2%	5.5%	100%	63
	[0]	[−.6]	[−1.3]	[1.8][e]	[3.9][a]	[.4]	[−2.1][a]	[−.9]		

[a] Significant at the .05 level. Given the assumptions of log-linear models, the residuals $(O-E)$ have an asymptotic normal distribution with standard errors equal to the square root of E. Thus the standardized residuals $[(O - E)/\sqrt{E}]$ are significant at the .05 level, if their absolute value is greater than or equal to 1.96.

[b] Self-reported.

[c] The Ns in this and following tables are the weighted Ns used in calculating the distributions.

[d] Bracketed entries in this and following tables are the standardized residuals in the log-linear model of independence for the variables cross-classified in the table. A positive entry indicates that there are more than the expected number of people in the cell under the assumption that there is no association between the variables; a negative entry indicates that there are fewer than the expected number of people.

[e] Significant at .10 level.

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bourgeoisie. Meanwhile, the "with solo practitioner" category gives us some further idea of the working arrangements devised by the other half of this employment group. More than half of the lawyers who indicate that they are working with a solo practitioner are themselves small employers who appear to be sharing overhead expenses with another solo practitioner, while about 30 percent are employed by a solo practitioner and occupy positions as semiautonomous employees (23.8%) or workers (6.4%). Overall, about 13 percent of our sample indicate that they are working alone, although we have seen that often this is not literally true. It may nonetheless be significant to note that this figure corresponds very closely to the percentage of lawyers (12.4%) who reported they were solo practitioners in a survey of the Toronto legal profession done more than fifteen years ago (Arthurs *et al.*, 1971). Larson (1977: 170; see also Halliday, 1986; Curran, 1986) observes that partnerships began to replace solo practice in the United States in the 1820s and that the large metropolitan firms have developed through this century. This parallels the more general decline of the petty bourgeoisie as a class. However, our data suggest that in the legal profession this decline may have slowed or perhaps entered a period of more diverse small practice arrangements. These possibilities deserve further study.

Finally with regard to type of employment, we note that it is in the corporate and government sectors that the classes of managers and supervisors (34.6% and 25.6%, respectively), semiautonomous employees (40.2% and 57.%, respectively), and workers (14.9% and 17.0%, respectively) find their largest representations. It is clear, then, that there is a relationship between class and type of employment, but there is also considerable class variation within these types of employment. The large firms are the most disparate in their class composition, with the capitalist class, the bourgeoisie, the semiautonomous employees, and the working class all well represented. A related set of findings emerges as we turn to the tables cross-classifying class with specialization and clientele.

Because area of specialization is the concept that most closely corresponds to occupation in the status attainment literature, if status and class are to be equated, they should correlate strongly. They do not. We asked respondents both to state their predominant area of specialization (Q6) and to rank specializations on a ten-point scale of prestige (Q7).[8] The mean rankings are indicated in parentheses in the left-hand column of Table 5. There is extensive class variation within areas of specialization, with some of the most extensive variation occurring in the highest status areas: tax-

[8] Four areas of practice (municipal, air and marine, immigration, and landlord-tenant law) involved less than 10 respondents each and are therefore not considered in this table. Forty-five other respondents could not identify a predominant area of work, and therefore also are not considered.

Table 5. Class Distributions Within Areas of Legal Practice and Standardized Residuals (in brackets) for Area of Practice by Class Association

Area[b]	Capitalists	Managerial Bourgeoisie	Supervisory Bourgeoisie	Small Employers	Petty Bourgeoisie	Managers/ Supervisors	Semiautonomous Employees	Working Class	Total	*N*
Taxation (7.180)	3.7%	22.4%	17.9%	0%	0%	10.0%	31.2%	14.8%	100%	41
	[−.3]	[1.7][c]	[1.1]	[−2.6][a]	[−2.0][a]	[−.2]	[−.8]	[1.3]		
Corporate and commercial	9.9%	11.7%	13.7%	11.4%	6.1%	14.6%	19.9%	12.7%	100%	277
(6.987)	[3.8][a]	[−.6]	[.8]	[−2.0][a]	[−1.7]	[1.8][c]	[−1.7][c]	[2.3][a]		
Civil (6.837)	4.3%	19.8%	10.9%	12.9%	7.7%	9.0%	28.1%	7.4%	100%	215
	[−.4]	[2.8][a]	[−.5]	[−1.2]	[−.8]	[−.9]	[.9]	[−.6]		
Administrative (5.915)	.9%	24.6%	15.2%	0%	0%	19.5%	35.0%	4.8%	100%	42
	[−1.2]	[2.1][a]	[.6]	[−2.6][a]	[−2.0][a]	[1.7][c]	[1.3]	[−.8]		
Labor (5.871)	0%	1.7%	10.4%	1.7%	0%	23.7%	56.3%	6.2%	100%	25
	[−1.1]	[−1.6]	[−.2]	[−1.8]	[−1.5]	[1.9][c]	[3.1][a]	[−.4]		
Patents (5.804)	0%	19.9%	19.9%	0%	0%	0%	57.3%	2.9%	100%	15
	[−.8]	[.8]	[.9]	[−1.6]	[−1.2]	[−1.3]	[2.5][a]	[−.8]		
Estates (5.432)	3.7%	11.3%	52.1%	0%	5.2%	5.3%	15.7%	6.7%	100%	15
	[−.2]	[−.2]	[4.5][a]	[−1.6]	[−.5]	[−.7]	[−.7]	[−.3]		
Family (5.370)	6.2%	.9%	8.3%	26.6%	24.4%	7.8%	18.7%	7.0%	100%	21
	[.3]	[−1.5]	[−.5]	[1.2]	[2.3][a]	[−.4]	[−.6]	[−.3]		
Criminal (5.349)	0%	1.0%	0%	6.8%	34.8%	16.8%	34.2%	6.4%	100%	44
	[−1.5]	[−2.2][a]	[−2.3][a]	[−1.5]	[5.5][a]	[1.2]	[1.2]	[−.5]		
Real estate (4.848)	2.9%	14.1%	16.6%	8.5%	7.6%	6.8%	35.4%	8.2%	100%	70
	[−.7]	[.3]	[1.1]	[−1.6]	[−.5]	[−1.1]	[1.7]	[−.1]		
Debtors (4.755)	0%	26.7%	35.2%	0%	0%	0%	34.7%	3.4%	100%	11
	[−.7]	[1.3]	[2.2][a]	[−1.3]	[−1.0]	[−1.1]	[.6]	[−.6]		
General (4.753)	1.7%	4.7%	4.1%	49.0%	17.2%	6.3%	11.7%	5.3%	100%	156
	[−1.8][c]	[−2.9][a]	[−2.9][a]	[10.2][a]	[3.2][a]	[−1.7]	[−3.3][a]	[−1.4]		

[a] Significant at the .05 level.
[b] Respondents are located in terms of *predominant* area of practice. Scores in parentheses in first column are the mean area rankings of prestige provided by respondents.
[c] Significant at the .10 level.

ation, corporate and commercial law, and civil litigation. The connection of these findings to those for type of employment is, of course, that these are the "bread and butter" areas for the large firms. The corporate and commercial specialization is of particular interest because it combines high status with size, being the largest area of practice ($N = 277$) in our sample. This area, like the large firms in which it flourishes, contains both a disproportionate concentration of capitalist (9.9%) and working (12.7%) class lawyers. The former finding is presumably of no surprise, but the latter may be.

Sometimes called the "junior drones," the working class of corporate and commercial lawyers is composed in large part of new associates in large firms. Table 6 makes this point by separately presenting the class distributions of corporate and commercial lawyers in practice up to five years and for six or more years.[9] (Associates usually are selected for partnership after six or more years with a firm.) Nearly a third (31.8%) of these lawyers in practice less than six years are working class, while less than 2 percent in practice longer than six years are still working class. However, after six years in the profession, 17 percent of the corporate and commercial lawyers are still only semiautonomous employees. That is, after six years nearly one in five are still in positions that may be predominantly working class. Many of these lawyers will probably become permanent associates. These associates, whether they are in their early or later years with large firms, are subject to a very explicit kind of exploitation. Consider the following:

> To determine billing rates, the top firms generally use a formula: they double associates' salaries and divide by 1,000. Thus, a new associate who is paid $43,500 per year would be billed to the client at a rate of $87 per hour. If that associate bills 2,500 hours in a year (a large but fairly typical figure), he will generate $217,500 in revenue for the firm. Generously assuming that overhead per associate (rent, secretarial, etc.) is about the same as the associate's salary of $43,500, the firm is left with $130,500 in profit per new associate (Stewart, 1983: 376).

Many stories, most presumably apocryphal, circulate as to how hard associates must work to accumulate their "billable hours." One of the most frequently heard is probably the following:

> Two associates at Cravath, Swaine and Moore, one of Manhattan's most prestigious firms, were said to have bet about who could bill the most hours in a day. One worked around the clock, billed 24 hours, and felt assured of victory. His competitor, however, having flown to California in the course of the day and worked on the plane, was able to bill 27 (Machlowitz, 1980: 327).

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[9] Years in practice was measured as years since having been "Called to the Bar," the formal right of admission to the bar in Ontario.

Table 6. Class Distributions of Corporate and Commercial Lawyers Within Years of Practice[a]

Years of Practice	Capitalists	Managerial Bourgeoisie	Supervisory Bourgeoisie	Small Employers	Petty Bourgeoisie	Managers/ Supervisors	Semiautonomous Employees	Working Class	Total	*N*
0–5	3.0%	9.9%	2.7%	3.8%	3.4%	19.5%	25.8%	31.8%	100%	100
	[−2.2][b]	[−.6]	[−2.9]	[−2.3][b]	[−.7]	[1.2]	[1.2]	[5.3][b]		
6+	14.2%	13.0%	19.7%	16.1%	6.0%	12.0%	17.0%	1.9%	100%	172
	[1.7][a]	[.4]	[2.2][c]	[1.7][c]	[.6]	[−.9]	[−.9]	[−4.0][b]		

[a] Standardized residuals in brackets.
[b] Significant at the .05 level.
[c] Significant at the .10 level.

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Equally outrageous tales are told elsewhere (e.g., Swaine, 1948; Hoffman, 1982), but even allowing for puffery, it seems clear that this is a hard-driven group. The pay is good, and the prospects are enticing, but there also are high costs. In terms of the operational definition of the working class position, one explicit cost is autonomy. We pursue these points further below.

The corporate role in creating a legal working class is finally confirmed in Table 7, where class distributions are presented within categories of clientele. We asked respondents to report what proportion of their clients were corporate (Q27A). Grouped by quartile, this table confirms that those lawyers who have few corporate clients are disproportionately the small entrepreneurs (47.2%) and the petty bourgeoisie (18.1%), while those with mostly corporate clients are again disproportionately the capitalists (8.0%), managers and supervisors (14.5%), semiautonomous employees (29.4%), and working class (11.4%). This table suggests that the new corporate bar is quite class heterogeneous, and much more so than the older individual-centered bar. Neither employment type, area of specialization, nor category of clientele alone explains this class diversity, although each may help us to better understand it. The class categories add a new dimension to our understanding of the profession, an understanding based on relations of power. We turn now to a consideration of the role of gender and ethnoreligious categories in further clarifying the distribution of power within the legal profession.

B. Class, Gender, and Legal Practice

Although there is an increasing awareness of the importance of issues of stratification and gender in the sociological literature, and although the rapid influx of women into the legal profession is noted widely in the feminist literature, there is relatively little empirical research on the entry and advancement of women in law, and no attention to the relationship between gender and class in this profession or others. There were too few women in the profession in the 1960s and 1970s to allow attention to issues of gender in the studies of Erlanger (1980), Heinz and Laumann (1982), or Arthurs *et al.* (1971) (but see White, 1967; Adam and Baer, 1984; Curran, 1986). Epstein (1981) and Chester (1985) provide qualitative data that begin to fill this void, but quantitative analyses of the kinds of issues we have raised are not possible in either of these studies. The importance of such analyses is underlined by Epstein's (1981: 95) observation that for women the 1970s marked "the beginning of a new era of access to jobs within the profession, still tentative in some places, but nevertheless far wider than could have ever been imagined a generation before."

The question, of course, is how equal this access has been. Although Chester and Epstein leave no doubt that this access was

Table 7. Class Distributions Within Proportion of Corporate Clients[a]

Proportion of Corporate Clients	Capitalists	Managerial Bourgeoisie	Supervisory Bourgeoisie	Small Employers	Petty Bourgeoisie	Managers/ Supervisors	Semiautonomous Employees	Working Class	Total	*N*
0%–25%	.6%	7.4%	6.2%	47.2%	18.1%	5.0%	11.9%	3.6%	100%	165
	[−2.6][b]	[−2.5][b]	[−2.8][b]	[8.8][b]	[4.1][b]	[−1.7][c]	[−2.6][b]	[−2.1][b]		
26%–50%	1.8%	14.2%	14.7%	31.0%	15.0%	6.0%	10.5%	6.8%	100%	149
	[−1.9][c]	[−.2]	[.0]	[3.7][b]	[2.7][b]	[−1.3]	[−2.8][b]	[−.7]		
51%–75%	8.0%	24.8%	19.7%	11.3%	5.3%	1.7%	21.4%	7.9%	100%	113
	[1.2]	[2.8][b]	[1.4]	[−1.7][c]	[−1.2]	[−2.6][b]	[.1]	[−.2]		
76%–100%	8.0%	15.2%	16.7%	1.9%	2.9%	14.5%	29.4%	11.4%	100%	372
	[2.3][b]	[.2]	[1.1]	[−7.3][b]	[−3.8][b]	[3.4][b]	[3.5][b]	[2.0][b]		

[a] Standarized residuals in brackets.
[b] Significant at the .05 level.
[c] Significant at the .10 level.

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often denied in earlier eras, Epstein (ibid., p. 188) also indicates that today "blatant discrimination has been done away with. Where prejudice continues to exist, its expression is subtle." The quantitative data presented in Tables 8 and 9 are recent enough to address this issue. We do so by cross-classifying type of legal employment and then class categories with gender in the first two panels of Table 8. We do this in part to demonstrate that our class categories are more revealing than the more traditional categorizations of type of employment. We should note first, however, that we have added a class category, the surplus population, because we suspect that women are less likely to be fully employed than men and that this may be an important difference in their experiences (see ibid., p. 99). The surplus population consists of persons who are not employed full-time (for a more extensive discussion of the surplus population as a class category, see Hagan and Albonetti, 1982).

Table 8 reveals that women lawyers are much more likely than men to be employed in government (21.8% compared to 8.1%). However, this is the only significant departure from an independence model observed in this cross-classification. Women and men are about equally represented in all other settings, with both most highly represented in large firms. Alternatively, when we turn to the class typology, we find far more interesting results. Women are significantly and disproportionately underrepresented among the managerial bourgeoisie, supervisory bourgeoisie, and small employers, while they are significantly and disproportionately overrepresented among semiautonomous employees, the working class, and the surplus population. If the latter three classes are combined, 61.8 percent of the women are included, as compared to 32.5 percent of the men. So women are about twice as likely as men to be found in this combined "underclass."

Of course, much of the above disparity may be accounted for by the recent entry of women into the profession. Table 8 addresses this possibility by separating those in the profession less than six years from those in the profession six to eleven years (there were too few women in the weighted sample more than 11 years to allow meaningful comparisons). Of those lawyers in the profession less than six years, more than 21 percent of the women and about 14 percent of the men are in the working class. This overrepresentation of women is statistically significant at the .10 level if the surplus population is removed from this table and only slightly less so when the surplus population is included. As is apparent above and below, it is important to have the surplus population in the analysis at this stage. Meanwhile, this table also reveals a great deal of mobility for both men and women. After six years, almost identical proportions of men (8.2%) and women (7.9%) are in the capitalist class and the managerial bourgeoisie (10.8% and 9.2%), respectively, while few of either gender remain in the work-

Table 8. Types of Legal Employment by Gender, Class Distributions by Gender, and Class Distributions by Gender with Years of Practice Held Constant[a]

Type of Employment	All Men	All Women	Class Categories	All Men	All Women	Men with 0–5 Years of Practice	Women with 0–5 Years of Practice	Men with 6–11 Years of Practice	Women with 6–11 Years of Practice
Firm	29.7%	24.7%	Capitalists	4.8%	2.4%	1.3%	.6%	8.2%	7.9%
(20+ lawyers)	[.5]	[−1.0]		[.6]	[−1.3]	[.4]	[−.6]	[.0]	[.0]
Firm	6.6%	5.6%	Managerial bourgeoisie	13.7%	3.6%	5.8%	1.8%	10.8%	9.2%
(10–20 lawyers)	[.2]	[−.4]		[1.6]	[−3.3][b]	[1.0]	[−1.5]	[.1]	[−.3]
Firm	16.9%	13.4%	Supervisory bourgeoisie	12.4%	4.9%	3.9%	3.2%	17.0%	9.5%
(3–9 lawyers)	[.4]	[−1.0]		[1.2]	[−2.6][b]	[.2]	[−.3]	[.5]	[−1.1]
With sole	5.9%	4.8%	Small employers	16.8%	6.9%	9.0%	5.1%	19.8%	10.4%
practitioner	[.2]	[−.5]		[1.4]	[−2.9][b]	[.7]	[−1.1]	[.6]	[−1.2]
Alone	13.1%	10.9%	Petty bourgeoisie	8.5%	8.0%	11.0%	6.1%	8.3%	12.7%
	[.3]	[−.7]		[.1]	[−.2]	[.9]	[−1.3]	[−.4]	[.8]
With new	2.4%	1.7%	Managers/supervisors	11.3%	12.4%	14.1%	11.9%	10.9%	12.9%
lawyers	[.2]	[−.5]		[−.2]	[.3]	[.3]	[−.5]	[−.2]	[.3]
Corporate	10.7%	13.2%	Semiautonomous	22.1%	34.3%	38.7%	40.1%	18.4%	21.6%
	[−.4]	[.8]	employees	[−1.3]	[2.8][b]	[−.1]	[.2]	[−.2]	[.4]
Government	8.1%	21.8%	Working class	6.4%	17.0%	13.7%(43.3)	21.4%(56.7)	4.9%(13.5)	6.4%(23.5)
	[−2.1][b]	[4.6][b]		[−2.0][b]	[4.1][b]	[−1.0][−1.0][c]	[1.5][1.5][c]	[−.2][−.6]	[.4][1.4]
Other	6.7%	4.0%	Surplus population	4.0%	10.5%	2.4%	9.8%	1.6%	9.3%
	[.5]	[−1.2]		[−1.6]	[3.3][b]	[−1.8][c]	[2.7][b]	[−1.1]	[2.5][b]
N	813	172		849	192	297	133	208	45

[a] Standardized residuals in brackets; maximum working class estimates in parentheses.
[b] Significant at the .05 level.
[c] Significant at the .10 level.

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Table 9. Percentage of Women Lawyers Denied Responsibility for a Case or File Because of Client or Employer Objection Based on Gender[a]

Class	Client Objection	Employer Objection	*N*
Capitalists	20.8%	4.2%	24
	[.1]	[−.8]	
Managerial bourgeoisie	31.6%	15.8%	19
	[1.1]	[1.0]	
Supervisory bourgeoisie	28.9%	15.8%	38
	[1.2]	[1.5]	
Small employers	41.9%	3.2%	31
	[2.7][b]	[−1.0]	
Petty bourgeoisie	31.6%	2.6%	38
	[1.6][c]	[−1.3]	
Managers/supervisors	21.3%	16.0%	75
	[.3]	[2.1][b]	
Semiautonomous employees	14.3%	8.5%	189
	[−1.8][c]	[−.1]	
Working class	12.1%	4.4%	91
	[−1.7][c]	[−1.4]	
Total	20.0%	8.7%	505

[a] Standard residuals in brackets.
[b] Significant at the .05 level.
[c] Significant at the .10 level.

ing class, at least as indicated by our "best estimates" (4.9% and 6.4%, respectively). However, mindful of our earlier observation that these class categories are sensitive to their exact operationalization and that much of the semiautonomous class may have working class characteristics, we also include in Table 8 maximum estimates of the working class by gender. Up to the six-year point, more than half the women (56.7%) and over 40 percent of the men (43.3%) are included in the maximum working class estimates. By the same estimation, after six years in the profession, 23.5 percent of the women are still in the working class, compared to 13.5 percent of the men, a departure from the independence model that is nearly significant at the .10 level. Women relative to men lawyers are significantly and disproportionately in the surplus population, both before (2.4% compared to 9.8%) and after (1.6% compared to 9.3%) the six-year point.

These data suggest that women may be gaining on men in getting to the *top* of the legal profession, if time in the profession is taken into account. Of course, this is only preliminary evidence for such a conclusion, based on attention to class categories alone. Meanwhile, our data also indicate that problems may remain at

the *lower* end of the profession, in the working class and the surplus population. Since women are still highly represented in these classes, this is a matter of some concern. We further address the disproportionate representation of women in the working class in a multivariate logit analysis below. Before doing so, however, we consider several other issues, including another context within which issues of class, gender, and legal practice may be usefully addressed.

This framework is made explicit in Table 9 where we present data on the reports of women lawyers that they had been denied responsibility for a case or file because of a client (Q22) or employer (Q23) objection based on gender. Overall, 20 percent of the women reported such a denial resulting from a client, while 8.7 percent reported a denial by an employer. As Heinz and Laumann (1982) might argue, the problems of gender discrimination in law may be as much or more centered in the client as in the firm. Beyond this, it is of interest that women who are small employers (41.9%) and members of the petty bourgeoisie (31.6%) are disproportionately vulnerable to these problems. So it is probably individual clients who are most likely to be the source of gender discrimination in law. Women in small practices are particularly dependent on referral networks, and must therefore engage in the extensive face-to-face work that both maintains such networks and exposes these women to overt gender discrimination that they might avoid or be diverted from in more bureaucratic settings. Meanwhile, women lawyers who are in the managerial/supervisory class are the most likely to report being denied cases or files on the basis of gender by their employers. Women in this class may be sufficiently highly placed to see this avoidance or diversion occur, but still lack the power, for example of partnership, to do anything about it. These are only hints of the explanatory tasks that remain before us. It will be important to sort out the roles of work history and changes in the structure of the profession in accounting for the class and gender patterns we have found. This point is made in a different context in the analysis we present next.

C. Class, Ethnoreligious Background, and Legal Practice

Although never addressed in class terms, the relationship between ethnoreligious background and legal practice has been explored extensively (see, for example, Auerbach, 1976a,b; Spector, 1972; Ladinsky, 1963; Carlin, 1962, 1966; Yale Law Journal, 1964). One view is that anti-Semitism in the legal profession is largely a thing of the past. In his recent and widely read book, *A Certain People: American Jews and Their Lives Today*, Silberman (1985: 97–98) writes that

> for a time the old-line firms resisted change. They did hire a few Jewish associates early in the postwar period to relieve the shortage of lawyers that the wartime draft had created. But when the Jewish associates came up for partnership in the early 1950s, they were usually blackballed by the old-timers. Within a relatively few years, however—the turning point varied from city to city and firm to firm—the all-WASP firms found themselves falling behind on what had become a very fast track . . . . Both Jewish and Gentile firms now hire and promote on the basis of merit alone, without regard to religious or ethnic background.

Smigel (1969), in an up-date to his important study *Wall Street Lawyers* (1964), agrees that in America's most important corporate law firms discrimination against Jews is "about finished." Epstein (1981) adds that "although ethnic status once was a barrier to access to prestigious careers in law, it has become less important, even unimportant in the last thirty years."

Erlanger's (1980) and Heinz and Laumann's (1982) studies are the only extensive efforts to gather quantitative data on this issue, which is complicated by the fact that they reach opposite conclusions with data sets that are now more than a decade old. Erlanger essentially finds no evidence of ethnoreligious discrimination, while Heinz and Laumann (1982: 126) reach the rather different conclusion that

> in sum, while there appears to have been some improvement in the position of Jews within the Chicago bar, that improvement has not been as great as one might have expected. . . . While the percentage of Jewish respondents in the large firms increases in the younger groups, Jews are still underrepresented—by a full 10 percentage points, even in the youngest age group. . . . From these data, it would be hard to argue that the vestiges of anti-Semitism have disappeared.

All of the above sources agree that anti-Semitism has an established history in the legal profession, but Erlanger and Heinz and Laumann reach opposite conclusions about its current existence. It might be tempting to conclude that since Erlanger's data constitute a national sample while Heinz and Laumann's come from Chicago, the disparity in findings is a local aberration. However, Heinz and Laumann (ibid., p. 28) point out that "the salience of religious background in the patterns of stratification among Detroit and New York lawyers, documented by Ladinsky [1963] and Carlin [1962] respectively, are generally consistent with our own observations."

The history of anti-Semitism in Toronto's legal profession is consistent with that in these other cities. A survey of 1960 Toronto law school graduates (Osgoode Hall Law School, 1967: 5) reported that "Jews . . . tend to feel that certain firms will not hire them, and 1/4th of the Jewish respondents felt that they were refused

jobs because of religious reasons." Arthurs *et al.*'s (1971: 517) Toronto survey, from the same approximate period as the Erlanger and Heinz and Laumann studies, reports that while Jews made up about a quarter of the city's legal community, "there are no Catholic members at all in firms of over 25, while only 8 percent of the Jewish lawyers are members of such firms."

Our own data reported in Tables 10 and 11 take us into the 1980s. Table 10 cross-classifies class position by ethnoreligious background (Q64 and Q65). These data indicate that Jewish lawyers are underrepresented in the capitalist class and overrepresented among the managerial bourgeoisie and small employers. Less than 1 percent of the Jewish lawyers are included in our "best estimate" of the capitalist class, compared to 8.3 percent of white Anglo-Saxon Protestant (WASP) and 9 percent of other Protestant lawyers. If we remove the requirement that the firm involved include an executive or board member of a dominant corporation, 19.1 percent of the Anglo-Saxon Protestant lawyers are included in a "maximum estimate" of the capitalist class, compared to 9.3 percent of the Jewish lawyers. These data, which indicate that Jewish lawyers are outside the highest circle of corporate legal power in Toronto, are consistent with the findings of Heinz and Laumann for Chicago, Ladinsky for Detroit, and Carlin for New York, that Jewish lawyers continue to be concentrated in smaller firms.

However, there is also a postscript that is revealed in Table 11. It is often noted that the occupational concentration of Jewish lawyers in smaller practices results from a mixture of prejudice and preference (see, for example, Yale Law Journal, 1964: 626; Osgoode Hall Law School, 1967: 5; Heinz and Laumann, 1982: 203) and that both are changing. Yet, as Heinz and Laumann note, to date there is little hard evidence that such change is occurring. Table 11 finally provides data of such change. This table breaks our sample into groups of Jews and WASPs who entered the profession before 1960 and during the 1960s, the 1970s and the 1980s. None of the Jewish lawyers in our sample who entered before 1960 wanted to join a large firm (Q24), while 16.9 percent of the WASPs did. But the aspirations of both Jews and WASPs to do so increased in each decade that followed, so that in the 1980s 37.5 percent of the entering Jewish lawyers wanted to join a large firm, compared to 45.4 percent of the WASPs. WASPs who wanted to join these firms have always been relatively successful in doing so, with 63.3 percent hired prior to 1960 and 77.2 percent in the 1980s. What is more striking, however, is the increased ability of Jewish lawyers to realize such aspirations. While none wanted or was able to join a large firm prior to 1960, almost 60 percent who wanted to do so could by the 1980s. The results of these changing fortunes are also revealed in the table. The proportions of Jews hired initially into large firms and who are now in large and elite firms has increased

Table 10. Class Distributions Within Ethnoreligious Groups[a]

Group	Capitalists	Managerial Bourgeoisie	Supervisory Bourgeoisie	Small Employers	Petty Bourgeoisie	Managers/ Supervisors	Semiautonomous Employees	Working Class	Total	*N*
Roman Catholic	2.9% (8.9%) [−.9][−1.1]	6.2% [−2.1][b]	16.8% [1.7][c]	13.8% [−.6]	6.2% [−1.1]	13.8% [.6]	31.1% [1.3]	9.1% [.2]	100%	140
Jewish	.6% (9.3%) [−2.8][b][−1.2]	20.9% [3.7][b]	10.6% [−.6]	23.3% [2.9][b]	12.0% [1.5]	9.9% [−1.0]	16.8% [−2.7][b]	5.9% [−1.4]	100%	235
Anglo-Saxon Protestant	8.3% (19.1%) [2.7][b][3.2][b]	12.2% [−.1]	17.2% [2.3][b]	12.5% [−1.3]	5.3% [−1.9][c]	12.8% [.3]	21.7% [−1.2]	10.1% [.7]	100%	237
Other Protestant	9.0% (14.1%) [2.5][b][.7]	11.8% [−.2]	15.0% [1.1]	14.9% [−.2]	3.1% [−2.3][b]	9.0% [−1.0]	30.9% [1.2]	6.2% [−1.0]	100%	139
Other Anglo-Saxon	3.5% (8.7%) [−.5][−.9]	9.4% [−.8]	6.0% [−1.6]	8.3%[c] [−1.8]	13.9% [1.5]	15.1% [.8]	28.9% [.6]	14.8% [2.0][b]	100%	91
Other minorities	2.7% (7.8%) [−1.1][−1.5]	7.6% [−1.7][c]	2.0% [−3.5][b]	15.7% [.0]	15.7% [2.7][b]	13.8% [.6]	33.2% [1.9][c]	9.2% [.2]	100%	152

[a] Maximum estimate for capitalists in parentheses; standard residuals in brackets.
[b] Significant at the .05 level.
[c] Significant at the .10 level.

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Table 11. Jews and WASPs by Year of Entry Wanting to Join, Hired, and Now in Large and Elite Firms

	Percent Wanting to Join Large Firms		Percent of Those Wanting to Join Who Are Hired by Large Firms		Percent Overall Hired by Large Firms		Percent Now in Large Firms		Percent Now in Large and Elite Firms			
Year of Entry	Jews	WASPS	Jews	WASPS	Jews	WASPS	Jews	WASPS	Jews	WASPS	*N* Jews	*N* WASPS
1980–84	37.5%	45.4%	59.7%	77.2%	34.5%	35.9%	33.4%	33.5%	15.7%	18.9%	66	68
1970–79	33.3%	50.5%	32.8%	65.3%	21.8%	37.9%	23.3%	46.7%	3.00%	26.7%	100	68
1960–69	17.8%	32.7%	18.0%	65.3%	3.2%	31.8%	17.0%	36.3%	.02%	33.0%	41	36
1930–59	0%	16.9%	0%	63.3%	15.3%	16.6%	4.7%	32.2%	0%	10.2%	28	64

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in each decade after 1960. Meanwhile, our data indicate some decline in the fortunes of WASPs in the 1980s, with lower representation in large and elite firms compared to the 1970s. However, the larger picture is one of growing equality. About equal proportions of Jewish and WASP lawyers hired in the 1980s are now in large (33.4% and 33.5%, respectively) and elite firms (15.7% and 18.9%, respectively). Note that if our data stopped in the early 1970s, as previous data sets have, our conclusions would be quite different. Indeed, they would parallel those of Heinz and Laumann. These recent changes in patterns of entry into the profession may have important long-term consequences.

D. Class, Credentials, and Legal Practice

We turn now to the role of educational credentials in determining the class structure of legal practice. The sociological literature emphasizes the significance of such credentials on stratification outcomes (e.g., Collins, 1975; Bordieu and Boltanski, 1978). The American literature on the legal profession similarly notes that law schools differ in power and position and that these differences influence the career prospects of graduates. Canada does not have the same variation in type and prestige of law schools as the United States. For example, there are neither night nor clearly established national law schools in Canada. Nonetheless, the University of Toronto Law School and the Osgoode Hall Law School of York University are the elite schools in Ontario, and probably nationally.

Table 12 presents the class distributions of respondents who are graduates of each of the Ontario law schools. This table reveals a clear hierarchy in current class positions. Among graduates of these schools, those from the University of Toronto are the most likely to be in the capitalist class (7.1%), those from Osgoode Hall are the most likely to be in the managerial bourgeoisie (19.0%), while graduates of the universities of Windsor and Western Ontario are the most likely to be in the working class of lawyers (22.3% and 17.3%, respectively). Law school credentials thus do make a difference, and an expected class hierarchy of outcomes prevails.

IV. A MULTIVARIATE REPRISE

Many of the preceding results can now be placed in a multivariate context. We say "many" because class position is a nominal variable and to consider each class separately would be more cumbersome than is useful or necessary. In terms of our interest in the legal profession, it is ultimately the top (i.e., capitalist) and bottom (i.e., working) classes that are of primary concern. We therefore can recode our class variable in two ways, with those in the capitalist class separated from all others and with those in the

Table 12. Class Distributions Within Law Schools Attended

School	Capitalists	Managerial Bourgeoisie	Supervisory Bourgeoisie	Small Employers	Petty Bourgeoisie	Managers/ Supervisors	Semiautonomous Employees	Working Class	Total	*N*
Osgoode	3.6%	19.0%	11.1%	21.0%	12.8%	11.0%	17.8%	3.7%	100%	406
Hall	[−1.0]	[3.6][b]	[−.5]	[2.8]	[2.7]	[−.6]	[−3.1][b]	[−3.5]		
University	3.5%	7.0%	9.7%	8.7%	7.0%	7.0%	42.2%	14.9%	100%	49
of Ottawa	[−.4]	[−1.1]	[−.4]	[−1.2]	[−.4]	[−1.0]	[2.3][b]	[1.4]		
Queen's	6.7%	3.5%	4.9%	13.8%	5.5%	21.6%	29.7%	14.3%	100%	61
University	[.8]	[−2.0][b]	[−1.6]	[−.3]	[−.9]	[2.1][b]	[.6]	[1.4]		
University of	7.1%	10.7%	17.1%	13.1%	7.4%	11.8%	24.5%	8.2%	100%	245
Toronto	[1.8][c]	[−.8]	[2.4][b]	[−1.0]	[−.7]	[−.1]	[−.3]	[−.3]		
University of	5.1%	5.3%	10.8%	4.8%	6.7%	15.2%	34.7%	17.3%	100%	89
Western	[.2]	[−1.9][c]	[−.3]	[−2.6][c]	[−.7]	[.9]	[1.7]	[2.7][b]		
Ontario										
University	.4%	0%	1.2%	24.2%	.8%	5.7%	45.4%	22.3%	100%	53
of Windsor	[−1.4]	[−2.6]	[−2.3][b]	[1.6]	[−2.0][b]	[−1.3]	[2.8][b]	[3.3][b]		
McGill/Dalhousie	3.8%	11.7%	12.3%	7.4%	4.6%	13.1%	35.4%	11.6%	100%	74
Universities	[−.3]	[−.2]	[.1]	[−1.8][c]	[−1.2]	[.3]	[1.7][c]	[.8]		

[a] Standard residuals in brackets.
[b] Significant at the .05 level.
[c] Significant at the .10 level.

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working class separated from all others. Because these dependent variables are binary, we use a logistic regression technique. Because the space available for this analysis at our computer installation (as at others; see Robinson and Garnier, 1985) has limits that restrict the number of variables we can include, we were required to work through a data reduction process that led to the models presented below.[10] No variables of substantive importance have been omitted.

Logit estimates represent the change in the natural log of the odds of being in a particular category of a dependent variable (e.g., the capitalist class) associated with a unit change in an independent variable (e.g., years since Call to the Bar). Note that controlling for the latter variable is crucial, since it systematically brings into the analysis the class trajectory of professional careers. For example, in the analysis of working class positions that follows, the upward trajectory of most legal careers is taken into account.

Since log odds have no intuitive meaning, we exponentiate the logistic coefficients in our discussion of the results (see Stolzenberg, 1979: 473–476). This allows us to speak of the relative odds of being in a particular class position that are associated with a unit change in an independent variable, with the other variables in the model held constant. The analysis is organized in a series of reduced form and structural equations, beginning with Equation 1, which includes only the exogenous status characteristics of our respondents. For this analysis, two dummy variables, Jew and WASP, represent ethnoreligious background (others are the omitted category), and another dummy variable represents gender (males = 0, females = 1).

Equation 2 considers the results of obtaining an elite law degree. Our earlier results suggested that a University of Toronto law degree might be of unique importance in attaining a capitalist class position, while both University of Toronto and Osgoode Hall law degrees might be significant in avoiding working class positions. We therefore code a University of Toronto law degree as

[10] The procedure we used built on the fact that when we compared OLS (ordinary least squares) and Logit results for the capitalist and working class analyses, there were no substantive differences in outcomes. We took advantage of this in using OLS regression to establish which variables considered above had substantively important effects on location in the capitalist and working classes. We did this by adding the following to Equation 4 (see text below): dummy variables representing the civil litigation and taxation specializations, a variable formed out of the area of specialization prestige rankings, a measure indicating whether the respondent worked in a firm with more than 20 lawyers, and a variable indicating the proportion of corporate clientele in the respondent's practice. Of the above, only the measure indicating that the respondent worked in a firm with more than 20 lawyers produced a significant effect on capitalist class position, and none significantly affected working class position. Since the definition of capitalist class position contains as a criterion that the respondent is in a firm with more than 30 employees, this finding seemed uninteresting and perhaps tautological. All of the above variables are omitted from the analysis that follows.

elite in the capitalist class analysis, and both degrees as elite in the working class analysis. In addition to providing a measure of the influence of school certification, with gender and ethnoreligious background held constant, comparisons of the estimates from Equations 1 and 2 will also allow us to determine how much, if any, of the influence of gender or ethnoreligious background is explained by school certification.

Equation 3 adds in the effects of specializing in the corporate and commercial area, after being called to the bar, while Equation 4 considers the effects of legal experience by introducing year of Call to the Bar as a continuous variable. These equations are used to assess direct and indirect effects in ways analogous to those indicated above. Finally, recall that specialization in the corporate and commercial area showed evidence of interacting with years of legal experience to affect working class position; that is, it was the early years of corporate and commercial practice that were most likely to involve working class location. An interaction term formed by multiplying year of call by corporate specialization is therefore added to a final equation estimated for working class position.

Table 13a presents the working class results. Equation 1 reveals that being a woman more than triples ($e^{1.140} = 3.1$), or increases by more than 200 percent, the chances of being among the working class of lawyers, while ethnoreligious background makes no significant difference. Equation 2 indicates that those with elite law degrees from the University of Toronto or Osgoode Hall are about one-third as likely ($e^{-1.163} = .313$) as those from other schools to be in the working class. However, such certification plays almost no role in mediating the effect of gender (1.140 – 1.068 = .072).

The results of estimating Equation 3 indicate that specialization in the corporate and commercial area increases the likelihood of being in the working class by just over 100 percent, but also in and of itself makes little difference in the gender effect. Equation 4 indicates that recency of Call to the Bar also significantly increases the chances of being in the working class, by an average of 19 percent with each advancing year. What is particularly notable, however, is that the latter measure of experience also alters the effects of gender, elite degree certification, specialization, and WASP background. Most notably, the effect of being a woman on working class location is reduced (from 1.135 to .692) by nearly 40 percent, indicating that women are experiencing considerable mobility in the profession. However, the gender effect remains statistically significant: With years of experience held constant, women are still 100 percent more likely than men to be in working class positions. Similarly, the effect of an elite law degree is reduced by approximately one-third when year of Call to the Bar is controlled. This is a reflection of the fact that because elite law schools are also the older law schools, their graduates have bene-

Table 13a. Reduced and Structural Equation Estimates of the Log Odds of Working Class Location of Toronto Lawyers[a]

Independent Variable	Equation 1	Equation 2	Equation 3	Equation 4
Constant	2.570	2.007	2.277	16.218
	(.180)[c]	(.202)[c]	(.230)[c]	(2.498)[c]
Gender	1.140	1.068	1.135	.692
	(.248)[c]	(.254)[c]	(.257)[c]	(.265)[c]
Jewish	−.353	−.150	−.090	−.043
	(.321)	(.327)	(.330)	(.336)
WASP	.142	.312	.280	.536
	(.271)	(.279)	(.280)	(.294)[b]
Elite law degree		−1.163	−1.159	−.771
		(.242)[c]	(.243)[c]	(.253)[c]
Corporate specialization			.711	.896
			(.245)[c]	(.256)[c]
Call to Bar				.175
				(.031)[c]
df	334	333	332	331
Chi-square	299.72	276.12	267.97	213.81

[a] $N = 902$. Standard errors are in parentheses. Variables are defined in the text.
[b] Significant at the .10 level.
[c] Significant at the .01 level.

fited more from their longer tenure in the profession. Still, elite law school graduates remain less than half as likely as graduates from other schools to be in the working class of lawyers.

Two interesting suppression effects also become apparent from the estimation of Equation 4. When the tendency of WASP lawyers to have entered the profession earlier is held constant, their greater likelihood (71%) of being in the working class emerges. This may reflect the recent decline in WASP fortunes noted above. Similarly, when the tendency of corporate and commercial lawyers to have entered the profession earlier is held constant, the likelihood of this specialization to produce working class location increases by 26 percent. However, to more fully understand this finding, we turn to the estimation of a final equation that adds to Equation 4 a term representing the interaction of corporate and commercial specialization with year of Call to the Bar. This interaction term is significant (.359; $p < .01$), and its addition to Equation 4 results in a reversal of the sign of the main effect for corporate and commercial specialization. The implication is that the tendency of corporate and commercial specialization to result in working class location is restricted to new entrants to the profession. We will explore this finding in greater detail with our

Table 13b. Reduced and Structural Equation Estimates of the Log Odds of Capitalist Class Location of Toronto Lawyers[a]

Independent Variable	Equation 1	Equation 2	Equation 3	Equation 4
Constant	2.855	3.068	3.595	1.949
	(.217)[d]	(.252)[d]	(.308)[d]	(1.148)[b]
Gender	−.702	−.669	−.563	−.379
	(.504)	(.505)	(.510)	(.528)
Jewish	−2.083	−2.014	−1.866	−1.902
	(.845)[d]	(.846)[c]	(.848)[c]	(.849)[c]
WASP	.595	.615	.583	.440
	(.316)[b]	(.317)[c]	(.322)[b]	(.340)
Elite law degree		.628	.513	.536
		(.320)[c]	(.326)	(.328)[b]
Corporate specialization			1.256	1.254
			(.319)[d]	(.320)[d]
Call to Bar				−.022
				(.015)
df	334	333	332	331
Chi-square	218.88	215.22	199.37	197.29

[a] $N = 902$. Standard errors are in parentheses. Variables are defined in the text.
[b] Significant at the .10 level.
[c] Significant at the .05 level.
[d] Significant at the .01 level.

qualitative interview data below. Next, however, we turn to our logit analysis of the capitalist class of lawyers.

Equation 1 in Table 13b reveals that while gender does not have a significant effect on capitalist class location, ethnoreligious background does: Jewish lawyers are about one-eighth ($e^{-2.083} = .125$) as likely as members of other groups to be among the capitalists, while WASP lawyers are more than 80 percent more likely to be in such positions. Equation 2 indicates that the elite certification of a University of Toronto law degree increases the likelihood of being in the capitalist class by about 87 percent. However, the estimation of Equation 3 suggests that this effect of school certification is reduced (from .628 to .513) just below statistical significance by controlling for corporate and commercial specialization, which has a strong positive effect on capitalist class location. This reflects an historical role the University of Toronto Faculty of Law has played in producing Bay Street lawyers, the Canadian counterparts to Wall Street lawyers. Controlling for this fact by adding year of Call to the Bar in Equation 4 reveals a mild suppression effect, with the effect of school certification slightly strengthening and regaining statistical significance ($e^{.536} = 1.709$; $p < .10$). The

effect of Call to the Bar itself only borders on statistical significance ($p = .14$), but it has the further consequence of reducing the effect of being WASP by 25 percent and below statistical significance. That is, much of the greater likelihood of WASP lawyers being in the capitalist class is explained by their tendency to have entered the profession earlier. This is in contrast with the effect of being Jewish, which remains strong and significant: With all other variables held constant, Jewish lawyers are still about one-seventh as likely as others to be among the capitalist class.

V. QUALITATIVE DATA ON CORPORATE AND COMMERCIAL PRACTICE

Perhaps the most striking of all the above results is that the early years of corporate and commercial practice often involve work that by our operationalization is working class. These individuals disproportionately appear to be what in the literature are often called "mental workers" or part of a "professional proletariat." To get a fuller sense of what this work involves and of how it fits into the structure of the profession, we conducted fifty interviews in 1985 with what is best described as a "snowball sample" of key informants. All were Toronto lawyers known directly or indirectly to the authors of this paper. Our purpose was not to generate a random sample but rather to gather further evidence and insight into the patterns observed in our quantitative data.

In approximately the middle of the interviews,[11] which ranged over a variety of topics covered in the survey, we informed our respondents of our finding that a disproportionate number of the younger corporate and commercial lawyers in our sample answered our items about authority and autonomy by indicating that they had little of either. We asked our respondents to indicate whether they found such a pattern unlikely or surprising. Few did, and many agreed that the early years of corporate and commercial practice could involve a large element of drudgery. A partner in the civil litigation department of a large firm reflected that

> when you're younger you're more at the beck and call of the more senior members of the firm. . . . As I get more senior I can work on those parts of the case that I feel need my attention or would interest me, and I can ask one of the juniors to do what you might say is the more tedious work. . . . The more junior people in the corporate department, when you're putting together the agreement, they read the agreement to make sure the commas are in the right places, the periods are in the right places, etc. . . .

Two elements stand out in this kind of comment (which we heard often), the first involving the hierarchical structure of firms

[11] The interview schedule is available on request from the senior author.

and the second the somewhat unique character of corporate and commercial transactions. The more general element of hierarchical structure is made explicit, with a certain sense of ambivalence, in the following excerpt from an interview with a more recently arrived partner in another large firm:

> Hierarchy in law firms comes from two sources, one that's appropriate, and one that's totally inappropriate, but present. The appropriate one is economics. It's just not economic, for a firm or for a client, for a very senior person to be researching law or to be drafting a very simple document that a student can be doing. . . . The hourly rates mean that everyone's going to be unhappy if senior people do that, and I think that's appropriate. The other thing is there's a strong power hierarchy, at least in the big firms I know about, and I think in any firm bigger than three people who are equal partners. And that reflects itself in a desire not just to delegate work because it makes sense, but to delegate it as a show of strength, because in a large way there isn't so much to differentiate people, four corner offices per floor, and that tells you who's different, but the other thing that tells you who's different is the ability of people to command the firm's human resources, and as you move up the ladder you have more control, . . . because whatever comes in you shuffle off to other people, and it's appropriate you should too. You tend to be dealing, as you do in any large organization, with decisions, and the actual work gets done by other people, so you're dealing more with refined things, and a series of them; you become more removed, for better or worse. . . . My opportunity to get control over my own life has improved as I've moved along here and I expect that it will continue to do so.

Equally important, however, are some of the more unique characteristics of corporate and commercial practice. Here the elements of hierarchy and work activity combine, with consequences that uniquely characterize this, the most rapidly growing area of large firm practice. As the following excerpt from an interview with a corporate and commercial partner in a large firm suggests, the form of this work is greatly influenced by its "deal/transaction" focus:

> I guess that the control problems are an inability to set your own priorities because of the nature of what I do, . . . mine's a very deal/transaction oriented practice, so you're largely reacting to deals that people are doing, . . . you don't get much pick when those deals come, you don't get much pick as to what becomes urgent from one time to another. . . . If interest rates change, or the market or something, or just the fact that three of your clients happen to have good ideas at the same time, means that they all want their deals done today; well it's gotta get done today. . . . What I do here is quite intense.

The task of keeping the legal work involved in such deals on

track lends itself to a hierarchically structured resolution, with consequences for those at the bottom as well as for those higher up:

> I guess the lower you are the more your priorities are determined by other people. . . . You're [as a partner] called on to be involved in the following three deals and one of them doesn't go, nothing happens for a while, so you get called on for another one, and then the fourth one that you had picks up again and you're buried in that, you go to meetings all day, but somebody's got to do the paper at night—it's you [a junior associate]. It's probably that, certainly in my practice anyway, there's a meeting function, there's an answering the telephone function, and there's a paperwork function. . . . Dealing with the clients tends to go more to the senior people, in terms of structuring or more sophisticated things. . . . The actual generation of paper tends to go to the junior people, and even with word processors and routine and everything, it's a major time-consuming task, and so if you come around here at night, that's mostly what the junior people do, so, you know, at the end of meetings apart from other things I do, I could in theory go home. They come back and do the work and my involvement would be review of that. It might take me a half-hour to review something it takes them ten hours to produce. And I guess that's the difference.

This work and the time and drudgery it involves are noticed, but also expected. The above respondent continues:

> There is a progression . . . that goes through, I think for the first couple of years, being a lackey, because really all you can do is work, work . . . . I look at our juniors and see the kind of hours they put in and I find it amazing that they do it and put up with it. . . . It is a tremendous sacrifice in terms of their health, in terms of outside interests and family life. It really does get decimated, and it is, certainly in the rest of the firm, [there] . . . is unquestioned acceptance of the premise that they should be doing this. . . . It would be thought of as a bad thing if more people were going home at five o'clock. And it would be a bad thing because there is no conceivable way you can do enough work . . . with an eight-hour day. . . . It would not produce the kind of economic returns people expect.

This interview raises the lingering question of why younger associates accept such work arrangements, and in doing so, of how they regard them. An associate in her second year in the corporate and commercial area with a large firm responds to the latter issue, in answer to being asked how satisfied she is with her current work situation:

> Professionally, I'm not where I hoped I would be. Financially, yes, it has been very rewarding in that regard, so naturally I'm probably ahead of where I thought I would be a couple of years ago. Professionally I think I thought I would be doing bigger deals and that I would have more

> experience at this point. It's probably a function of the junioring system that we have here, and that you're basically a junior lawyer for five years, and you assist more than you take charge. I guess that part of the process of law school . . . is that you assume when you come out that you are going to be in charge and that you are going to be doing mega-deals, that you know everything that there is to know. So for myself the first few years have been somewhat frustrating, because you realize that you don't know anything, and that the training process has really only just begun, you know, that law school was just the first step and you're not going to be the best lawyer that has hit Bay Street right away. It's going to take a long time to get there.

This same respondent went on to provide a revealing account of how many associates experience, understand, and attempt to adapt to the demands that are placed on them during these first years of practice in large law firm settings. This account comes in response to a question about the problems of maintaining a personal life in the face of the demands of the work place:

> My first two years I really screwed up, no question about it whatsoever. My spouse left me, last October, as a result of the amount that I was working; he said he couldn't handle that anymore. He left, I sort of looked around at that point and said, you know, "What am I doing?" I had gained, from the time that I had started practicing, thirty pounds, and that was from sitting at my desk eating chocolates, cookies, you know, and whatever fast munchy food, and not looking after myself. Not exercising. . . . So, when my spouse left, sort of like closing the gate after the horse is gone, but I started reevaluating it and, you know, there has to be some room for balance and if I have to give this much time to my career, then maybe I shouldn't be doing it. Maybe I'm not cut out for this. So, in the past ten months, I guess, I've made a concerted effort to get a better balance. I've gone to the fitness club, I've lost the thirty pounds. . . . Now I try to exercise regularly, although I keep getting these colds, so I go weeks without doing it. And I've tried to take one day of the weekend off, for sure. [So you work one day of the weekend?] Yes. [Here or home?] Here, usually. . . . It's really hard. [Do you work evenings?] Yes. [Late?] Yes. [And you obviously get in early.] I'm not a morning person, I try to get here by 8:30, but I don't always make it. Some mornings I'm here by 7:30. . . . The work just keeps coming. And notwithstanding the fact that I do have a partner, sort of more or less my mentor, the person I junior for, kind of looking after me, I got caught in a kind of Catch-22 because he's an absolute workaholic, so he just sends out copious amounts of work, and at the same time, although we have a junioring system, you can't be, you don't want to cut yourself off from the rest of the firm, because that one person is not going to be, when the vote comes to be a partner, isn't go-

> ing to be enough to swing it, so you've got to do work for other people so they get to know you and get to know the quality of the work that you can do.

The last part of the above quote begins to answer the question that lingers: Why do young associates accept the great demands placed on them? Apparently they feel this is a necessary, if not justified, part of achieving partnership. The competitive aspect of this pursuit provides further explanation, as is suggested in an excerpt from an interview with a partner of a smaller firm. We asked this respondent whether he thought the younger associates in large firms might not feel exploited:

> I don't think so. I think now they're so grateful to work there, that there's nothing you could do to them that would make them feel exploited. There are so many people in the marketplace, that even if they all have jobs, the perception is that there are so many of them out there that I think if someone were hired by a large firm and worked to death, they would die happy. [laughter] . . . They're grateful to have the opportunity. [more laughter] "Thank you for exploiting me."

The same interview also produced a provocative explanation for how the great increase in new law graduates has facilitated the hierarchical development of large firms and an acceptance of their working conditions. This explanation, which focuses on the role large firms have played in encouraging a dramatic growth in the number of new lawyers over the past decade and a half, begins with the observation that

> it's actually in their [the large firm's] interest to increase the number of lawyers in the profession, to just let it increase . . . because it will not affect their client base and it will create a situation where they will have a great deal of control over the people whom they choose to work for them. . . . In the late sixties, when the balance was not the way it is today, when arguably there might not even have been enough lawyers to service the market, the older people in the larger firms were very much at the mercy of the younger people in their own firms. If you had a large firm and four or five of your corporate people announced that unless things changed they were leaving, you had a very serious problem. You didn't have the people to replace them. That will not happen today because, as I said, the number of people who would line up to take these positions would be enormous. And if you're an older person the last thing in the world you want is to work twelve or fifteen hours a day, or whatever insane regime you would have to endure, to cope with all the work. . . . It also creates a situation where they [the large firms] can pay what they want to pay to attract the better people. The smaller firms, especially the one- and two-man firms, certainly cannot compete financially. So they'll get people at what they can afford to pay, but they won't be the top people. So if

> you continually employ the best, then you just further increase the qualitative difference. You eventually reduce it to a half-dozen [large firms] fighting among themselves.

If the above observations have validity, they do much to explain the pattern that many of our interview subjects confirm: Corporate and commercial practice often leads to an early experience that is in some respects exploitative. Inequality as well as mobility are key parts of this experience.

VI. CONCLUSION

This study is the first to demonstrate that the legal profession, or so far as we can tell any other profession, is stratified by classes that are defined in terms of power relations. We have done so with a class typology originally developed by Wright (1982). We have modified this typology to analyze a professional group, acknowledging that in some categories, such as the lawyer working class we identify, there will be differences as well as similarities when comparisons are made with members of parallel groupings in the larger society. Indeed, a purpose of this study is to facilitate and encourage an exploration of what these similarities and differences may be. As we have emphasized, the kind of positional analysis here undertaken is a logical precondition to this task.

Thus far we have addressed the issue of the correspondence between our lawyer class groupings and those similarly designated in more general class models solely in terms of a lawyer working class. However, related issues may be raised, for example, with regard to capitalist class membership. Do our lawyer capitalists have the same degree of power beyond their professional hierarchy as capitalists who dominate, for example, the banking, pharmaceutical, or electronics industries? Again, this is a question of similarities and differences, in this case with regard to power relationships that are *external* to the profession. Like other recent efforts (see Wright, 1982; Robinson, 1984; Robinson and Garnier, 1985; Aldrich and Weiss, 1981) to analyze classes with survey data, we have (with only one exception) limited our operationalization to power relations formed *within* the legal profession. The single exception involves our criteria for capitalist class membership that managing partners of firms with more than thirty partners must have one or more partners who sit on the boards of dominant corporations. The question remains as to the extent to which the lawyer capitalists that we have identified possess or exercise power outside their firms. Are lawyer capitalists in this sense more or less powerful than other kinds of capitalists? The literature has often implied that such lawyers are a uniquely powerful group in Western capitalist societies, but this nonetheless remains an important issue for further empirical analysis.

The research presented takes the first steps in an effort to an-

swer for at least one profession a question that has troubled sociologists since Marx, namely, can professional groups be incorporated within class analyses? It seems that lawyers can be incorporated, and it is likely that other professions can be as well, although further modifications of this or another class typology may be required to make this possible.

More specifically, we have found that the class structure of legal practice in Toronto is dominated by older, WASP males with law degrees from the University of Toronto and Osgoode Hall law schools, who are practicing corporate and commercial law for predominantly corporate clients. Yet there is also considerable mobility within this profession, and the access of women and Jews to positions of power seems to be improving. We speculate further about these possibilities below. First, a broader summary of our findings is in order.

The Toronto legal profession is highly concentrated in disparate class relations, with a capitalist/bourgeoisie at one extreme and semiautonomous/working classes at the other. On the one hand, more than half of all Toronto lawyers exercise rights of ownership, with from 4 percent to 12 percent in the capitalist class and from 9 percent to 16 percent in the managerial/supervisory and petty bourgeoisie, respectively. On the other hand, the largest single class in our sample consists of semiautonomous employees. This is a contradictory class location in Wright's scheme, with a dual class content that is predominantly working class. In terms of some aspects of their work experiences, the Toronto legal profession may be as much as 40 percent underclass.

As a proportion of employment groups, semiautonomous employees and workers are most highly represented among corporate and government lawyers. However, semiautonomous and working class lawyers are also well represented in the corporate and commercial areas of large firms with predominantly corporate clients. Since these are the largest and also fastest growing areas of legal practice, this is where the largest absolute numbers of working class lawyers are found. Sometimes called the "junior drones," these associates in large firms form part of a new "professional proletariat." We have argued that the exploitation of this group is as clear as are their relatively high salaries and promising prospects to share in the power relations that are a source of their present domination and presently limited autonomy. It is presumably the combination of high salaries, good prospects, and a highly competitive environment that allows this group to be exploited with little prospect of rebellion. Indeed, their positions are highly prized by new entrants into the profession, including—most notably—women.

Overall, more than 60 percent of all women lawyers now in the Toronto legal profession are in an underclass of semiautonomous employees, workers, and the surplus population. The compa-

rable figure for men lawyers is almost exactly half this. Of course, women are newer entrants into the profession, and if time in the profession is taken into account, our data indicate that women may be getting to the top of the profession in increasing numbers. Nonetheless, women are still overrepresented at the bottom of the profession, especially if the underclass is broadly defined and includes persons not employed full-time. Beyond this, we found evidence that clients more than employers may be the primary sources of gender-based discrimination, with women practicing on their own particularly susceptible to such experiences.

Concerning the issue of ethnoreligious background, our data indicate very clearly that despite their large representation in the profession, Jews are nearly entirely excluded from the capitalist class, which Protestant lawyers dominate. Consistent with earlier studies in Chicago, Detroit, and New York, Jewish lawyers in Toronto are disproportionately represented as partners in smaller practices. However, we also report for the first time systematic evidence of change over the last several decades, particularly in the 1980s, as new Jewish and WASP lawyers have entered the large and elite firms at comparable rates. Although these changes are too recent to have had much impact in our overall multivariate analysis, they nonetheless hold the promise of future improvement.

These findings raise interesting questions about the future. In particular, it will be important to learn if the prospects we have seen for the equal treatment of women and Jews continue and are replicated in other settings and groups. Structural Marxists (e.g., Balbus, 1977) presumably would not be surprised to encounter the evidence of progress for women and Jews we have found, given the emphasis on equality in the legal profession and the increasingly apparent bad record of the past. Nonetheless, the progress is important to observe and understand, and questions like the following emerge: How have particular groups, like women and Jews, made the gains they have achieved? To what limit, if any, can these gains continue? Can and will these gains be replicated in other groups? Where do gaps remain and what forms do they take? Is the proletarianization of professional groups increasing? It is now clear that the new corporate bar is quite class heterogeneous, apparently more so than the individual-centered bar. None of the traditional ways of looking at lawyers—in terms of type of employment, area of specialization, or category of client—captures this class diversity, although they do help us to locate and understand it. Class analysis opens new possibilities in the comparative and historical study of lawyers and other professional groups, including the development of systematic knowledge about the consequences of class position in terms of income, attitudes and behaviors inside and outside the profession, and in relation to the larger

class structure. The purposes of class analysis are thus ultimately explanatory, and not simply taxonomic.

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