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**Attorneys' Career Dissatisfaction  
in the New Normal**

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## ATTORNEYS' CAREER DISSATISFACTION IN THE NEW NORMAL

### ABSTRACT

The 2008 economic recession had a seismic impact on the legal profession. This Article is the first to empirically assess whether the recession has made law an unsatisfying career.

Relying on survey data from over 11,000 active members of the State Bar of Texas, we find that only 13.5% of all attorneys and 11.5% of full-time attorneys are dissatisfied with their careers. Newer attorneys report greater career dissatisfaction than more experienced attorneys, yet they too are largely satisfied.

We also determine using logistic regression that three factors are highly predictive of lawyers' career dissatisfaction: 1) comparatively low incomes; 2) working in private practice as opposed to in government or in a non-profit/public interest setting; and 3) law firm employment in a non-partnership role. Law school debt and lower class rank have only minor effects on career dissatisfaction whereas race, gender, years of practice experience, practice area, and firm size have no independent effects.

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# ATTORNEYS' CAREER DISSATISFACTION IN THE NEW NORMAL

Milan Markovic\* & Gabriele Plickert\*\*

## I. INTRODUCTION

Legal scholars and social scientists have long investigated the lives of lawyers.<sup>1</sup> One particular point of focus has been whether lawyers are unhappy in their careers. Although specific methods vary, with some researchers concerned with attorneys' career and job setting satisfaction and others concerned with broader measures of fulfillment, empirical research has consistently found that - contrary to the popular conception<sup>2</sup> - law is not an unhappy profession.<sup>3</sup>

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<sup>1</sup> See, e.g., JOHN P. HEINZ & EDWARD O. LAUMANN, CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR 1 (1994); Richard L. Abel, *Comparative Sociology of Legal Professions* in LAWYERS IN SOCIETY: COMPARATIVE PERSPECTIVES 80 (1989).

<sup>2</sup> See, e.g., JEAN STEFANCIC & RICHARD DELGADO, HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS 3 (2005); Martin Seligman, Paul R. Verkuil, and Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, 34 (2001); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 874-78 (1999).

<sup>3</sup> See, e.g., Jerry Organ, *What Do We Know About the Satisfaction and Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L. REV. 225, 225 (2011); John Monahan and Jeffrey Swanson, *Lawyers at Mid-Career: A 20-Year Longitudinal Study of Job and Life Satisfaction*, 6 J. EMPIRICAL L. STUD. 451, 474 (2009); Ronit Dinovitzer & Bryant G. Garth, *Lawyer Satisfaction in the Process of Structuring Legal Careers*, 41 LAW & SOC'Y REV. 1, 6-8 (2007); see also Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 UMKC L. REV. 239, 243 (2000) (reporting 79% satisfaction among law firm associates in Texas).

Organ's 2011 meta-analysis of the existing empirical research concludes that 70-80% of attorneys are satisfied in their professional lives.<sup>4</sup>

The 2008 economic recession has given rise to new doubts about pursuing legal careers. In the face of massive layoffs during the recession<sup>5</sup> and tepid growth in the demand for legal services since<sup>6</sup> commentators have argued that the recession has permanently altered legal practice such that the legal profession has entered a "dark and depressing new normal."<sup>7</sup> In this "new normal," lawyers are allegedly struggling to maintain stable employment and to service significant debt loads.<sup>8</sup> Structural changes such as increasing commoditization and de-professionalization in the legal services market have also

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<sup>4</sup> Organ, *supra* note 3, at 274.

<sup>5</sup> According to the Bureau of Labor Statistics, overall employment in the legal sector declined by 71,000 from May 2007 to December 2009. See Craig Stalzer, *Careers in Law Firms*, Bureau of Labor Statistics (Sept. 2014), at <https://www.bls.gov/careeroutlook/2014/article/careers-in-law-firms.htm>. This figure includes lawyers and non-lawyers. *Id.*

<sup>6</sup> See Georgetown Center for the Legal Profession, *2016 Report on the State of the Legal Market*, p. 3 (2016), at [https://www.law.georgetown.edu/news/upload/2016\\_PM\\_GT\\_Final-Report.pdf](https://www.law.georgetown.edu/news/upload/2016_PM_GT_Final-Report.pdf) ("Demand for legal services . . . was essentially flat in 2015 . . . this continues a pattern seen over the last six years. . .").

<sup>7</sup> Bernard A. Burk, *What's New About the New Normal: The Evolving Market for New Lawyers in the 21<sup>st</sup> Century*, 41 FLA. ST. L. REV. 541, 543 (2014); see BENJAMIN A. BARTON, A GLASS-HALF FULL: THE DECLINE AND REBIRTH OF THE LEGAL PROFESSION 214-225 (2015).

<sup>8</sup> See works cited in Ronit Dinovitzer, Bryant G. Garth and Joyce S. Sterling, *Buyer's Remorse? An Empirical Assessment of the Desirability of a Legal Career?*, 63 J. LEGAL ED. 211, 211 N.2 (2013) and in Atinuke Adediran, John O. Hagan, Patricia Parker, and Gabriele Plickert, *Making the Best of a Bad Beginning: Young New York Lawyers Confronting the Great Recession*, LSAC GRANTS REPORT SERIES, pp. 1-2 (2016), available at [http://www.lsac.org/docs/default-source/research-\(lsac-resources\)/gr-16-01.pdf](http://www.lsac.org/docs/default-source/research-(lsac-resources)/gr-16-01.pdf).

purportedly made it difficult for lawyers to enjoy the traditional economic and non-economic benefits of their professional degrees.<sup>9</sup> Even researchers whose work has depicted lawyers as predominately positive about their careers have conceded that the recession may have reshaped attorneys' attitudes.<sup>10</sup>

Post-recession empirical research provides an incomplete picture of lawyers' career satisfaction. The third wave of the longitudinal *After JD Study* finds that 76% of lawyers are moderately or extremely satisfied with their decisions to become lawyers, virtually unchanged from previous waves.<sup>11</sup> However, *After the JD* focuses only on individuals who passed a state bar exam in 2000, and it is possible that other attorneys, especially those who began their careers after the recession, are much less satisfied. A 2012 study commissioned by the Oregon State Bar similarly finds little change in the mean career satisfaction of lawyers from 2007 (3.8 v. 3.9 on a five-point scale), but Oregon has relatively few lawyers, and the study

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<sup>9</sup> See, e.g., Barton, *supra* note 7, at 12; ROBERT A. BROOKS, CHEAPER BY THE HOUR: TEMPORARY LAWYERS AND THE DEPROFESSIONALIZATION OF LAW 21-24 (2011) (exploring possible causes for de-professionalization of legal work).

<sup>10</sup> See David L. Chambers, *Satisfaction in the Practice of Law: Findings from a Long-Term Study of Attorneys' Careers*, U. OF MICH. PUBLIC LAW RES. PAPER, No. 330, p. 40 (2013), at [http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1025&context=alumni\\_survey\\_scholarship](http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1025&context=alumni_survey_scholarship).

<sup>11</sup> See RONIT DINOVIETZ ET AL., AFTER THE JDIII: THIRD RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS 17 (2014).

does not specifically track lawyers' dissatisfaction.<sup>12</sup> Moreover, even if these two studies' findings are broadly applicable, and lawyers on the whole remain largely positive about their careers, it is certainly possible that the recession has made specific groups of attorneys - such as those who did not establish their careers prior to the recession - far less satisfied.<sup>13</sup>

In this Article, we empirically assess lawyers' career satisfaction and dissatisfaction in the aftermath of the recession drawing on 2015 survey data from over 11,000 members of the State Bar of Texas ("State Bar"). This is also the first research to use data from a large cross-sectional sample of lawyers to specifically examine the determinants of attorneys' career dissatisfaction. By identifying and quantifying the factors that increase the likelihood that attorneys will be dissatisfied with their careers, we seek to ascertain trends that may be problematic for the future of the legal profession.

We describe our methodology and data collection methods in Part II below. Active State Bar members were asked to rate their career satisfaction, as well as their satisfaction with their decision to

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<sup>12</sup> As noted by Organ, a survey conducted by the South Carolina Bar in October 2008 reports that only 59.1% of attorneys are very satisfied or satisfied with their careers. *See* Organ, *supra* note 3, at 259 (citation omitted). However, the survey was focused exclusively on newer attorneys. *See id.*

<sup>13</sup> *See generally*, Michael Simkovic & Frank McIntyre, *The Economic Value of a Law Degree*, 43 J. LEGAL. STUD. 249, 272 (2014) (noting that entry-level workers are particularly vulnerable during difficult economic cycles).

attend law school, on a five - point scale.<sup>14</sup> The survey instrument also solicited substantial information about, *inter alia*, these attorneys' demographic characteristics, incomes, occupational job settings, and law school debt.

In Part III, we set out the percentages of respondents who were dissatisfied, neutral, or satisfied with their careers. Overall our results do not support the notion that the recession has made lawyers unhappy in their careers. Only 13.5% of all State Bar respondents and 11.5% of State Bar respondents employed full-time are either very dissatisfied or dissatisfied with their careers. Dissatisfaction is somewhat higher among attorneys who began their careers after the recession, but these attorneys too are largely satisfied.

We also conduct a series of logistic regression analyses in Part III to discern the factors that affect attorneys' career dissatisfaction. Among surveyed full-time attorneys, we determine that three factors are particularly significant: 1) Comparatively low earnings; 2) working in private practice and not in the government or a non-profit / public interest setting; and 3) for private practitioners, whether they are employed as associates, of counsel or in other non-partnership roles. Debt and academic performance in law school also have minor

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<sup>14</sup> Dissatisfaction with the decision to attend law school will be addressed separately in a forthcoming work.

effects that are limited to attorneys who began practicing prior the recession whereas gender, race, years of practice experience, firm size, and practice area do not impact career dissatisfaction to a statistically significant degree.

Part IV situates our results in the context of previous empirical legal profession research. Our data are consistent with the majority of research that finds low career dissatisfaction among practicing lawyers. However, we ascertain key differences between lawyers who began practicing before and after the recession. In addition, previous research may have over-emphasized differences in career satisfaction between private practitioners and other attorneys by not accounting for tradeoffs between higher incomes and more satisfying workplace settings and that private practitioners occupy roles of varying levels of autonomy within law firms.

Our findings from Texas's large and diverse legal market should assuage some of the concerns regarding the recession's effect on career satisfaction of lawyers.<sup>15</sup> Nevertheless, career dissatisfaction could rise in the future if newer attorneys do not see the income gains of their predecessors and do not obtain equivalent opportunities to ascend to partnership and managerial roles. These trends bear

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<sup>15</sup> Since this research focused only on active members of the State Bar, we do not presume to assess the career satisfaction of law school graduates who never became members of the State Bar or resigned from the Bar.

particular scrutiny as the legal market continues to reorganize itself after the recession.

## II. METHOD

Much of the previous research on attorneys' careers has focused on relatively small groups such as graduates of specific law schools or lawyers practicing in major urban centers such as Chicago and Toronto.<sup>16</sup> Other studies - such as *After the JD* and that of Krieger and Sheldon<sup>17</sup> - rely on multi-state surveys that aggregate data from lawyers located in different jurisdictions. Studying the State Bar membership allows for the examination of a wide variety of legal careers while minimizing the likelihood that variances in dissatisfaction can be attributed to the legal markets in which lawyers practice.

### A. THE STATE BAR SURVEY

The State Bar of Texas ("State Bar") is the second-largest active-member bar association in the United States.<sup>18</sup> All lawyers who

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<sup>16</sup> See e.g., Monahan & Swanson, *supra* note 3, at 451; Heinz & O. Laumann, *supra* note 1, at 1; Fiona M. Kay & John Hagan, *The Persistent Glass Ceiling: Gendered Inequalities in the Earnings of Lawyers*, 46 BRITISH J. SOCIOLOGY. 279, 284 (1995).

<sup>17</sup> Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 571 (2014).

<sup>18</sup> See State Bar of Texas, *Frequently Asked Questions*, at <https://www.texasbar.com/Content/NavigationMenu/AboutUs/AboutUsFAQs/default.htm>.

are currently practicing law in Texas must be active members of the State Bar.<sup>19</sup>

The State Bar, through its Department of Research and Analysis (“Department of Research”), periodically conducts an anonymous survey of its active members’ earnings from law practice and produces a report detailing median income for all full-time lawyers by occupation, gender, race/ethnicity, age, years of practice experience, and region. Private practitioners receive additional questions concerning their firms’ size, roles within their firms, and practice areas. The survey is sent via email to all active State Bar members who have not opted out of receiving surveys. The Department of Research does not solicit information about its members’ law schools as part of this survey but separately reports that 71% of its total membership graduated from law schools in Texas.<sup>20</sup>

The authors collaborated with the Department of Research on the most recent version of the survey. Questions pertaining to law school debt (both debt incurred from law school as well as remaining debt), education (college major, college and law school rank), and

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<sup>19</sup> Tx. Gov. Code § 81.051.

<sup>20</sup> See State Bar of Texas, *State Bar of Texas Membership: Attorney Statistical Profile* (2015-2016), at [https://www.texasbar.com/AM/Template.cfm?Section=Demographic\\_and\\_Economic\\_Trends&Template=/CM/ContentDisplay.cfm&ContentID=32670](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=32670).

satisfaction (both satisfaction with the decision to attend law school and career satisfaction) were added to the initial State Bar survey.

In terms of career satisfaction, respondents were asked to determine how satisfied they are with their careers on a five-point scale, with 1 being very dissatisfied and 5 being very satisfied. For purposes of analyzing career dissatisfaction, this was converted to a dichotomous measure, distinguishing only between respondents who are very dissatisfied or dissatisfied (coded 1) and respondents who are very satisfied or satisfied (coded 0).<sup>21</sup> A copy of the full seven-page survey is available on the State Bar's website.<sup>22</sup>

#### B. SURVEY RESPONDENTS

On March 21, 2016, the Department of Research disseminated a link to the survey to 94,150 active State Bar members. Recipients were incentivized to complete the survey by the possibility of winning tickets to high profile sporting events as well as gift cards. Data collection was complete on April 18, 2016. A total of 11,793 lawyers completed the survey during the one-month time period, which

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<sup>21</sup> While career satisfaction is a 5 category variable, we found it more meaningful to apply a binary estimation than a multinomial estimation. One advantage to this approach is that we can distinctively compare satisfaction and dissatisfaction without the potential noise of the category that places respondents in neither category. See Paul Allison, *Comparing Logit and Probit Coefficients Across Groups*, 28 SOCIOLOGICAL METH. & RESEARCH 186, 186-87 (1999).

<sup>22</sup> See State Bar of Texas, *2015 Income Fact Sheet*, pp. 26-33, at [https://www.texasbar.com/AM/Template.cfm?Section=Demographic and Economic Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183).

resulted in a response rate of 12.5%. This response rate compares favorably to other recent large-scale surveys of lawyers.<sup>23</sup> Additional analysis was conducted to ensure that survey respondents and nonrespondents would be unlikely to differ in their career satisfaction.<sup>24</sup>

Of the survey respondents, 86% are employed full-time and 7% are working part-time; 1% are unemployed and seeking work. Most respondents (73%) are located in one of Texas's four largest metropolitan statistical areas; an additional 11% practice outside of

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<sup>23</sup> Krieger and Sheldon report a response rate of 12.7%, with one state having a response rate of 8.8%. *See supra* note 17, at 571; *see also* Adediran et al., *supra* note 8, at 3 (reporting at 10.8% response rate).

<sup>24</sup> Surveys featuring relatively low response rates can be subject to nonresponse bias when respondents differ from nonrespondents in certain respects and respond differently on these bases. *See, e.g.*, Jack Siemiatycki & Sally Campbell, *Nonresponse Bias and Early Versus All Responders in Mail and Telephone Surveys*, 120 AM. J. OF EPIDEMIOLOGY 291, 297 (1984); Robert Groves & Emilia, Petcheva, *the Impact of Nonresponses Rates on Nonresponse Bias: A Meta-Analysis*, 72 PUBLIC OPINION Q. 167, 169, 180 (2008). Nonresponse bias is far more likely to occur when survey participation is linked to the measure of interest (i.e. when respondents complete the survey *because* they are disposed to a certain outcome). *See id.* at 181. As set out *infra*, respondents and nonrespondents are substantially similar in gender, race/ethnicity, years of experience, and occupation; in addition, respondents were queried concerning their career satisfaction as part of an income survey that, in previous years, did not include questions concerning career satisfaction. Lastly, one method to ascertain the existence of nonresponse bias is to use late responders as surrogates for nonrespondents and to compare this group to early responders. *See, e.g.*, James R. Lindner, Tim Murphy & Gary E. Briers, *Handling Nonresponse in Social Science Research*, 42 JOURNAL AG. EDUC. 43, 51-52 (2001); J. Scott Armstrong & Terry S. Overton, *Estimating Nonresponse Bias in Mail Surveys*, 14 J. MARKETING RESEARCH 396, 397 (1977). Using this method, we find no significant differences in either career satisfaction or satisfaction with the decision to attend law school between early and late responders, suggesting that the results are unaffected by nonresponse bias.

the state. The median gross personal income was \$115,000 for survey respondents who worked full-time in 2015.<sup>25</sup>

The demographics of the survey respondents are similar to those of the State Bar membership as a whole, with the exception of women and younger, less experienced attorneys being slightly overrepresented in the survey. Among the survey respondents, 41% are female, 19% are non-white, 45% are forty and younger, and 44% of respondents have been practicing for ten years or less.<sup>26</sup> The State Bar membership as a whole is 35% female, 19% non-white, 36% forty and younger, and 30% of members have been practicing for ten years or less.<sup>27</sup>

In terms of occupational practice settings, approximately 65% of respondents work in private practice, 16% in government, and 11% in-house for for-profit corporations. The remaining respondents work in non-law related fields, for non-profit companies, and in public interest capacities. These figures closely track those of the State Bar

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<sup>25</sup> Among full-time private practitioners, the median income was \$125,000.

<sup>26</sup> The over-representation of newer attorneys, who, according to our data, are generally less satisfied with their careers than their more experienced counterparts, provides additional support for our analysis in *supra* note 24 that our results do not overestimate the career satisfaction of active State Bar members.

<sup>27</sup> See State Bar of Texas, *State Bar of Texas Membership: Attorney Statistical Profile* (2015-2016), at [https://www.texasbar.com/AM/Template.cfm?Section=Demographic and Economic Trends&Template=/CM/ContentDisplay.cfm&ContentID=32670](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=32670).

generally, although government attorneys are slightly over-represented among respondents (16% to 11%).<sup>28</sup>

### III. RESULTS

#### A. CAREER SATISFACTION AND DISSATISFACTION

As shown below in Table 1, only 13.5% of State Bar respondents and 11.5% of State Bar respondents employed full-time are either very dissatisfied or dissatisfied with their careers. Table 1 also indicates that dissatisfaction is somewhat higher among attorneys who began their careers after the 2008 recession (i.e., have been practicing for six years or less) than among attorneys who began practicing previously. Among the former, 17.8% are either very dissatisfied or dissatisfied with their careers. If only full-time attorneys who began their careers after the recession are considered, 14.7% are dissatisfied.<sup>29</sup> Career satisfaction information for subgroups of respondents who are employed full-time can be found in the Appendix.

Table 1: Respondents' career satisfaction

	All lawyers	All lawyers ≤ 6 years of experience	All lawyers > 6 years of experience	All full-time lawyers	Full-time lawyers ≤ 6 years of experience	Full-time lawyers >6 years of experience
Very dissatisfied	4.8%	6.7%	3.8%	3.6%	4.3%	3.2%

<sup>28</sup> Compare to *id.*

<sup>29</sup> See Appx. Table 3.

Dissatisfied	8.7%	11.1%	7.6%	7.9%	10.4%	6.8%
Neutral	22.0%	25.3%	20.5%	22.1%	25.6%	20.5%
Satisfied	34.4%	35.0%	34.2%	35.9%	36.8%	35.5%
Very satisfied	30.1%	21.8%	33.9%	30.5%	23.0%	34.0%
Means	3.76	3.54	3.89	3.82	3.64	3.90
Number	10894	3465	7429	2920	6438	10081

## B. PREDICTORS OF CAREER DISSATISFACTION

In addition to collecting descriptive data concerning respondents' career satisfaction and dissatisfaction, we use logistic regression analyses to investigate the likelihood of career dissatisfaction among respondents who are employed full-time and to assess the determinants of lawyers' career dissatisfaction. Logistic regression models are appropriate for binary outcomes and allow for both continuous and categorical independent variables.<sup>30</sup>

First, Table 2(a) examines career dissatisfaction among the sample of all full-time lawyers across occupational job setting (i.e. whether a lawyer works in private practice, government, non-profit/public interest etc.). Second, Table 2(b) estimates career dissatisfaction among full-time lawyers who are private practitioners while adding role (i.e., associate, equity partner, non-equity partner, etc.) to the equation. Table 2(c) considers effects of practice area on full-time private practitioners' career dissatisfaction. The final Table

<sup>30</sup> See Allison, *supra* note 21, at 199.

- Table 3 - compares the career dissatisfaction of full-time lawyers who started practicing before and after the recession.

In Table 2(a), income and to a lesser extent remaining law school debt and law school class rank significantly affect lawyers' career dissatisfaction. Comparisons across occupations also reveal that private practitioners have significantly higher odds of dissatisfaction than lawyers in government or non-profit/public interest settings.

Table 2(b) focuses only on lawyers in private practice - the largest group of respondents. Similar to the logistic regression results in Table 2(a), income and remaining debt continue to significantly affect career dissatisfaction. However, we find that employment in an of counsel, associate, or "other" non-partnership role also greatly increases dissatisfaction. Merely being employed as an of counsel increases one's odds of career dissatisfaction by 186.7%. For associates, dissatisfaction is correlated with years of experience; controlling for other factors, the more experienced the associate, the higher the likelihood of career dissatisfaction. Firm size does not affect career satisfaction under this particular model.

Table 2(c) presents the odds of career dissatisfaction for all full-time private practitioners by main practice area. Only the five

most popular main practice areas are analyzed; that is family, criminal, litigation/personal injury, litigation/commercial, and business. Income and remaining debt continue to affect dissatisfaction whereas none of the selected practice areas has a significant effect on career dissatisfaction. As with the model in Table 2(b), firm size has no effect.<sup>31</sup>

To assess any differences in dissatisfaction among lawyers who began practicing before and after the 2008 recession, we conduct separate logistic regression analyses for lawyers with six or fewer years of practice experience and lawyers with more than six years of experience. Table 3 illustrates the results.

Consistent with our previous analyses, income has a continuously significant effect on career dissatisfaction for both groups of attorneys. Occupation also has a significant effect, with lawyers in government and especially non-profit/public interest settings demonstrating lower likelihood of dissatisfaction than those in private practice. Class rank and remaining debt have effects only on the career dissatisfaction of attorneys who began practicing before the recession. For lawyers who began their careers after the recession,

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<sup>31</sup> We explored two measures of firm size, a continuous and a categorical measure. For the categorical measure of firm size, we tested a measure somewhat similar to the *AJD study*. However neither of the two firm size measures reaches significance in predicting career satisfaction. Thus our logistic regression models include the non-transformed continuous measure of firm size.

working in non-law related settings is associated with a large increase in the odds of career dissatisfaction (162.8%) whereas debt and class rank have no effect.

**Table 2(a): All full-time Texas lawyers (N=10081)**

All sampled full-time lawyers			
Variables	<i>Estimates</i>	<i>Odds</i>	<i>95% C.I.</i>
Female <sup>a</sup>	.043	1.044	[.880 – 1.237]
Minority <sup>b</sup>	-.196	.822	[.630 – 1.072]
Years of experience	.037	1.037	[.985 – 1.092]
<i>Class rank<sup>c</sup></i>			
10 <sup>th</sup> percentile	-.169	.844	[.670 – 1.064]
25 <sup>th</sup> percentile	-.247*	.781	[.641 – .952]
75 <sup>th</sup> percentile	.066	1.068	[.820 – 1.392]
Income (logged)	-.454***	.635	[.574 – .703]
Metropolitan Area <sup>d</sup>	.136	1.146	[.920 – 1.425]
Debt remaining	.128***	1.136	[1.079 – 1.198]
<i>Occupation<sup>e</sup></i>			
In-house counsel	-.179	.836	[.637 – 1.096]
Non-profit/ public interest	-1.137***	.321	[.172 – .597]
Government	-.492***	.612	[.479 – .781]
Non-law	.344	1.411	[.947 – 2.103]
Constant		2.743	
-2 log likelihood		4153.25	
Nagelkerke R Square		.061	

**Note:** †  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$  (two-tailed test).

<sup>a</sup>Reference is male

<sup>b</sup>Minority = 1 and White = 0

<sup>c</sup>Class rank, reference is 50<sup>th</sup> percentile class rank

<sup>d</sup>Metropolitan = 1 and not metropolitan = 0

Years of experience = coding from less than two through more than 25 years

<sup>e</sup>Occupation, reference group is private practice

**Table 2(b): Full-time private practice lawyers by role**

Variables	<i>Estimates</i>	<i>Odds</i>	<i>95% C.I.</i>
Female <sup>a</sup>	.006	1.006	[.815 – 1.241]
Minority <sup>b</sup>	-.255	.755	[.554 – 1.085]
Years of experience	.016	1.016	[.913 – 1.130]
<i>Class rank<sup>c</sup></i>			
10 <sup>th</sup> percentile	-.139	.870	[.659 – 1.149]
25 <sup>th</sup> percentile	-.190	.827	[.651 – 1.051]

75 <sup>th</sup> percentile	.029	1.029	[.731 – 1.449]
Income (logged)	-.431***	.650	[.573 – .737]
Metropolitan Area <sup>d</sup>	.011	1.011	[.779 – 1.312]
Debt remaining	.127***	1.135	[1.065 – 1.210]
<i>Private Practice Characteristics</i>			
Firm Size	-.001	.999	[.996 – 1.002]
<i>Role<sup>f</sup></i>			
Associate	-.402	.669	[.360 – 1.245]
Equity Partner	-.689	.502	[.126 – 1.993]
Non-Equity Partner	-.524	.592	[.124 – 2.830]
Managing Partner	-1.295	.274	[.068 – 1.100]
Of counsel	1.053	2.867	[.595 – 13.807]
Other	.901	2.463	[.826 – 7.342]
<i>Interactions</i>			
Yrs of exp*Associate	.355***	1.426	[1.181 – 1.722]
Yrs of exp*Equity Partner	.075	1.078	[.846 – 1.374]
Yrs of exp*non-equity partner	.154	1.166	[.865 – 1.572]
Yrs of exp*managing partner	.236 <sup>†</sup>	1.266	[.997 – 1.609]
Yrs of exp*of counsel	-.065	.937	[.696 – 1.261]
Yrs of exp*other	-.022	.978	[.784 – 1.221]
Constant		2.490	
-2 log likelihood		-	
Nagelkerke R Square		.074	

**Note:** <sup>†</sup>  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$  (two-tailed test).

<sup>a</sup>Reference is male

<sup>b</sup>Minority = 1 and White = 0

<sup>c</sup>Class rank, reference is 50<sup>th</sup> percentile class rank

<sup>d</sup>Metropolitan = 1 and not metropolitan = 0

Years of experience = coding from less than two through more than 25 years

<sup>f</sup>Role = reference group is solo practitioner

Table 2(c): Full-time private practice lawyers by practice area

Variables	All sampled full-time lawyers		
	<i>Estimates</i>	<i>Odds</i>	<i>95% C.I.</i>
Female <sup>a</sup>	.006	1.006	[.815 – 1.241]
Minority <sup>b</sup>	-.255	.755	[.554 – 1.085]
Years of experience	.016	1.016	[.913 – 1.130]
<i>Class rank<sup>c</sup></i>			
10 <sup>th</sup> percentile	-.139	.870	[.659 – 1.149]
25 <sup>th</sup> percentile	-.190	.827	[.651 – 1.051]
75 <sup>th</sup> percentile	.029	1.029	[.731 – 1.449]
Income (logged)	-.431***	.650	[.573 – .737]

Metropolitan Area <sup>d</sup>	.011	1.011	[.779 – 1.312]
Debt remaining	.127***	1.135	[1.065 – 1.210]
<i>Private Practice Characteristics</i>			
Firm Size	.001	1.001	[.998 – 1.004]
<i>Practice Area<sup>e</sup></i>			
Family	-.042	.959	[.710 – 1.295]
Criminal	-.261	.771	[.530 – 1.121]
Litigation/Personal	.168	.958	[.683 – 1.342]
Litigation/Commercial	-.043	1.183	[.875 – 1.601]
Constant		2.730	
-2 log likelihood		2831.58	
Nagelkerke R Square		.054	

**Note:** †  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$  (two-tailed test).

<sup>a</sup>Reference is male

<sup>b</sup>Minority = 1 and White = 0

<sup>c</sup>Class rank, reference is 50<sup>th</sup> percentile class rank

<sup>d</sup>Metropolitan = 1 and not metropolitan = 0

Years of experience = coding from less than two through more than 25 years

<sup>e</sup>Practice Area = reference is Business

Table 3: Full-time lawyers by years of experience

	Full-time lawyers ≤ 6 years of experience N=2920			Full-time lawyers > 6 years of experience N=6438		
	Model 1			Model 2		
	Estimates	Odds	95% C.I.	Estimates	Odds	95% C.I.
Female <sup>a</sup>	.223	1.250	[.957 – 1.633]	-.119	.888	[.708 – 1.112]
Minority <sup>b</sup>	-.011	.989	[.679 – 1.442]	-.392*	.676	[.461 – .992]
Years of experience	.222	1.248	[.948 – 1.643]	.006	1.006	[.925 – 1.094]
<i>Class rank<sup>c</sup></i>						
10 <sup>th</sup> percentile	-.241	.786	[.525 – 1.176]	-.122	.885	[.666 – 1.177]
25 <sup>th</sup> percentile	-.120	.887	[.646 – 1.218]	-.321*	.725	[.562 – .934]
75 <sup>th</sup> percentile	-.041	.960	[.633 – 1.456]	.165	1.180	[.833 – 1.666]
Income (logged)	-.389***	.678	[.571 – .804]	-.522***	.594	[.520 – .670]
Metropolitan Area <sup>d</sup>	.170	1.185	[.811 – 1.731]	.101	1.107	[.847 – 1.454]
Debt remaining	.047	1.048	[.978 – 1.123]	.214***	1.238	[1.148 – 1.335]
<i>Occupation<sup>e</sup></i>						
In-house counsel	-.231	.793	[.489 – 1.288]	-.148	.863	[.619 – 1.202]
Non-profit/ Public interest	-1.025*	.359	[.153 – .840]	-1.256**	.285	[.114 – .711]
Government	-.334	.716	[.482 – 1.064]	-.596***	.551	[.402 – .755]
Non-law	.966***	2.628	[1.558 – 4.431]	-.369	.691	[.348 – 1.373]
Constant		1.805			3.674	
-2 log likelihood		1510.17			2602.74	

Nagelkerke R  
Square

.049

.080

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*Note:* †  $p < .10$ ; \*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$  (two-tailed test).

<sup>a</sup> Reference group is male.

<sup>b</sup> Reference group is white.

<sup>c</sup> Class rank, reference group are respondents in the 50<sup>th</sup> percentile.

<sup>d</sup> Reference group is non-metropolitan areas.

<sup>e</sup> Reference group is Private Practice.

#### IV. DISCUSSION

This Article has used data from a large cross-sectional sample of Texas lawyers to examine lawyers' career dissatisfaction in the post-recession period. Our results show that most practicing lawyers view their careers as satisfying and that factors such as income, practice setting, class rank, and remaining law school debt affect career dissatisfaction whereas attorneys' demographic characteristics, practice areas, and firms' size do not. The economic recession may have impacted the legal profession, but the overall incidence of dissatisfaction remains low, and many of the factors that impacted lawyers' assessments of their careers prior to the recession continue to be salient. Our results also shed new light on the challenges faced by newer attorneys and highlight that attorneys' roles within firms are central to career satisfaction and dissatisfaction.

##### A. PRE- AND POST-RECESSION LAWYERS

Active State Bar members are predominately satisfied with their careers. As Table 1 illustrates, 64.5% of respondents and 66.4% of respondents employed full-time report that they are either very

satisfied or satisfied with their careers, despite the “dark and depressing new normal.”<sup>32</sup> Only 13.5% of the former and 11.5% of the latter are either very dissatisfied or dissatisfied. It is possible that satisfaction would be even higher if not for the recession, but, based on respondents’ subjective assessments of their careers, law continues to be a satisfying career.

Our results also point to marked differences among lawyers who began their careers before and after the recession. Of the lawyers who have been practicing for over six years, 68.1% are either very satisfied or satisfied with their careers. Dissatisfaction is also quite low among this group, with only 11.4% in either the very dissatisfied or dissatisfied category. Conversely, only 56.8% of lawyers who have been practicing for six or fewer years report positive career satisfaction, and 17.8% report negative satisfaction.<sup>33</sup> Even confining the analysis to full-time attorneys, the less experienced group has lower career satisfaction (59.8% to 69.5%) and higher dissatisfaction (14.7% to 10%).

Some of this disparity can be attributed to the fact that experienced attorneys tend to be more satisfied with their careers than

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<sup>32</sup> Burk, *supra* note 7, at 423.

<sup>33</sup> These differences are particularly striking because some of the less experienced group (those with 0 to 2 years of practice experience) decided to embark on legal careers during the recession and therefore, unlike more experienced colleagues, should not have been caught unaware by the recession.

less experienced ones.<sup>34</sup> Nevertheless, our results, when considered in light of previous research, provide some support for the notion that attorneys who began practicing after the recession are finding their legal careers less satisfying than their predecessors did when starting out.

First, pre-recession studies have observed substantially higher satisfaction among full-time attorneys in the first few years of their careers. A longitudinal study of University of Michigan Law School alumni who graduated from 1992-2001 indicates that 74% of respondents were at least mildly satisfied with their careers five years out of law school.<sup>35</sup> Similarly, the first wave of *After the JD* has found that 79% of respondents from the Class of 2000 were at least moderately satisfied with their decisions to become lawyers in 2003.<sup>36</sup> While these studies examined very different populations and used different methodologies, that a much lower percentage of early-career attorneys in this study are satisfied with their careers (59.8% among

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<sup>34</sup> See Organ, *supra* note 3, at 264 (“[S]urveys consistently indicate that, across time, newer attorneys are less satisfied than more experienced attorneys.”). One of the main reasons is income. Income is highly correlated with years of practice experience. According to our analysis that will be featured in a forthcoming work, 38% of variance in Texas lawyers’ incomes can be explained by practice experience. See also Michael Simkovic & Frank McIntyre, *Populist Outrage, Reckless Empirics: A Review of Failing Law Schools*, 108 NW. U. L. REV. ONLINE 176, 184 (2014) (“[L]awyer earnings typically peak at middle age, between fifty and fifty-five.”).

<sup>35</sup> See Chambers, *supra* note 10, at 10.

<sup>36</sup> See Dinovitzer & Garth, *supra* note 3, at 22.

full-time lawyers with six or fewer years of experience) is suggestive of the recession's impact.<sup>37</sup>

Second, as scholars have documented, the recession has forced more lawyers to begin their careers in non-law related fields.<sup>38</sup> Our analysis indicates that, even though relatively few State Bar members work in non-related fields, those that do and began their careers after the recession are 162.8% more likely to be dissatisfied with their careers than their peers in private practice.<sup>39</sup> Rewarding job opportunities for lawyers exist outside of traditional law offices, but it appears that many of the non-law related jobs that employ newer attorneys do not fall into this category and may have only been pursued because of a dearth of opportunities in the post-recession period.<sup>40</sup> Conversely, working in a non-law related field leads to a slight, statistically insignificant decrease in the odds of career dissatisfaction for more experienced attorneys, presumably because

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<sup>37</sup> The comparatively low level of satisfaction is not unprecedented. As Chambers reports, five year graduates of the University of Michigan School of Law were least satisfied with their careers in the aftermath of the recession that lasted from July 1990 to March 1991. See Chambers, *supra* note 10, at 40 (noting that percentage of attorneys reporting high career satisfaction had dropped by ten percent among private practitioners).

<sup>38</sup> See Burk, *supra* note 7, at 577-78; Deborah Jones Merritt, *What Happened to the Class of 2010? Empirical Evidence of Structural Change in the Legal Profession*, 2015 MICH. ST. L. REV. 1043, 1083 (2015).

<sup>39</sup> Our sample of Texas lawyers included 158 who both began their careers after the recession and work in non-law related fields.

<sup>40</sup> See also Merritt, *supra* note 38, at 1079 (noting that “Almost half (45.6%) of the 2010 graduates holding business jobs were seeking other work compared to just 28.8% in that category a decade earlier.”).

many of these attorneys chose to transition to these positions. Future research should examine the types of non-law related positions that are realistically available to attorneys at different stages in their careers.

Lastly, substantial evidence exists that attorneys who began practicing after the recession are earning less than their predecessors did, even without adjusting for inflation.<sup>41</sup> According to State Bar data, the median income of all full-time lawyers with 0-2 or 3-6 years of experience was \$91,765 and \$106,681 in 2009.<sup>42</sup> In 2015, median incomes were \$70,000 and \$98,000 for lawyers with the same experience.<sup>43</sup> As our logistic regression analyses indicate, higher incomes for lawyers are generally predictive of lower career dissatisfaction, with every unit (\$10,000) increase in income associated with a 36.5% decrease in the odds of career dissatisfaction for all lawyers and 32.2% for the cohort that began practicing after the

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<sup>41</sup> NALP collects entry-level salary data for law school graduates and has reported that the median starting salary for 2008 law school graduates was 72,000. For 2013 graduates, it was \$64,800. See NALP, *Employment for the Class of 2015-Selected Findings*, p. 3 (2016), at <http://www.nalp.org/uploads/Membership/EmploymentfortheClassof2015SelectedFindings.pdf>.

<sup>42</sup> See State Bar of Texas, Dep't of Research and Analysis, *2009 Income Fact Sheet*, p. 4 (2010), at <https://www.texasbar.com/AM/Template.cfm?Section=Archives&Template=/CM/ContentDisplay.cfm&ContentID=11241>.

<sup>43</sup> See State Bar of Texas, Dep't of Research and Analysis, *2015 Income Fact Sheet*, p. 7 (Aug. 2016), at [https://www.texasbar.com/AM/Template.cfm?Section=Demographic\\_and\\_Economic\\_Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183).

recession.<sup>44</sup> Consequently, all things being equal, lower pay for newer attorneys would tend to lead to greater career dissatisfaction in their ranks.

Much of the recent commentary concerning lawyers' careers has focused on debt loads although empirical research has not uncovered a nexus between high debt and career dissatisfaction.<sup>45</sup> Our analysis indicates that debt does have an effect on career dissatisfaction but only for attorneys who have been practicing for more than six years.<sup>46</sup> For these attorneys, having remaining law school debt increases the likelihood of dissatisfaction by 23.8%.

Why would debt impact only the careers of attorneys who started practicing before the recession? One possibility is that the debt financing of higher education - and post-graduate education in particular - has become so ubiquitous that newer lawyers do not consider it unusual or especially daunting to carry substantial debt.<sup>47</sup>

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<sup>44</sup> See Tables 2(a) and 3. It should be noted, however, that the effect becomes insignificant above \$70,000 as other factors become more salient.

<sup>45</sup> See Dinovitzer & Garth, *supra* note 3, at 20; Dinovitzer, Garth & Sterling, *supra* note 8, at 222 (“[W]e find that educational debt (both initial debt and debt remaining . . . ) has no significant relationship to any of the dimensions of job satisfaction that we investigated.”).

<sup>46</sup> Debt has an effect on the career satisfaction of private practitioners as well as those in government, public interest, and non-profit settings. Having remaining debt increases the odds of dissatisfaction for the former by 12.4% and the latter groups by 22.9%.

<sup>47</sup> As Glater points out, the number of students borrowing rose to ten million in 2012 from 5.9 million a decade earlier. See Jonathan D. Glater, *Student Debt and Higher Education Risk*, 103 CAL. L. REV. 1561, 1577 (2015). Our data indicate that

These lawyers may also be more optimistic about repaying their loans and may take for granted the availability of generous government repayment programs that were instituted relatively recently.<sup>48</sup> More experienced attorneys have fewer repayment options, may be more likely to have peers who are unburdened by student loan debt, and have had the unhappy experience of making student loan payments for years after they completed their legal studies.<sup>49</sup>

The relationship between lawyers' academic performance in law school and career satisfaction has also been the subject of recent inquiry.<sup>50</sup> While excelling in law school may affect a lawyer's career in numerous ways, including by facilitating access to desirable entry-level employment opportunities,<sup>51</sup> class rank has no independent effect on the career dissatisfaction of lawyers who have been

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80% of lawyers who have been practicing for six years or less graduated with \$50,000 or more in law school debt.

<sup>48</sup> Students that graduated in 2012 or later may qualify for "Pay as You Earn" that allows them to lower their monthly loan payments to 10% of their discretionary income and then have the remainder of their student loan debt forgiven after twenty years of timely payments. *See generally* Eryk J. Wachnik, *The Student Debt Crisis: The Impact of the Obama Administration's "Pay as You Earn" Plan on Millions of Current or Former Students*, 24 LOY. CONSUMER L. REV. 442, 450-53 (2012) (discussing benefits and drawbacks of Pay as You Earn).

<sup>49</sup> Among attorneys with more than 25 years of practice experience, debt has no significant effect on career satisfaction, but few practicing attorneys with this level of experience have remaining debt.

<sup>50</sup> This was one of the primary focal points of Krieger and Sheldon. *See supra* note 17, at 576-78.

<sup>51</sup> *See generally*, Richard Sander and Jane Bambauer, *the Secret of My Success: How Status, Eliteness, and School Performance Shape Legal Careers*, 9 J. EMPIRICAL L. STUD. 893, 920 (2012) (suggesting the law school grades are the strongest predictor of attorneys' incomes).

practicing for six years or less. Interestingly, finishing in the top quarter of one's law school class *does* have a significant effect on career dissatisfaction for more experienced lawyers; such lawyers are 27.6% less likely to be dissatisfied with their careers compared to their peers who finished in the middle of their law school classes. Finishing in the top ten percent of one's class also decreases the odds of dissatisfaction although the effect is not significant.

One possible explanation for this observation is that high-achieving students are better equipped to transition to practice and therefore derive greater satisfaction from their work. However, this possibility would seem to be foreclosed by the fact that law school rank has no effect on the career satisfaction of lawyers who began their careers most recently. An alternative possibility is that students who perform well in law school have other traits such as superior self-efficacy or grit that serve them well in the long-term even though such traits may not be as central to career satisfaction in the short-term.<sup>52</sup> Whatever the precise mechanism, as with debt, class rank has

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<sup>52</sup> Researchers have found that students with high self-efficacy and grit tend to perform better academically in different contexts. *See, e.g.*, Angela L. Duckworth, Christopher Peterson, Michael D. Matthews & Dennis R. Kelly, *Grit: Perseverance and Passion for Long-Term Goals*, 92 J. PERSONALITY & SOC. PSYCH. 1087, 1093 (2007) (concluding that there is a correlation between grit and undergraduate performance); Martin Chemers et al., *Academic Self-Efficacy and First-Year College Performance and Adjustment*, 91 J. ED. PSYCH 55, 61 (2001) (finding strong correlation between first year students' self-efficacy and adjustment to college). Researchers have also begun to explore the impact of such traits in the law

only a minor effect on career dissatisfaction and its effect is limited to more experienced attorneys.

## B. DISSATISFIED LAWYERS IN THE NEW NORMAL

Although career dissatisfaction is low among State Bar members, the two factors that are most associated with career dissatisfaction are earning lower incomes and working in private practice as opposed to in government or non-profit/public interest. Private practitioners who are employed as associates, of counsel, or in other non-partnership roles also have a much higher likelihood of dissatisfaction than equity partners, non-equity partners, and solo practitioners. Factors that have no effect include demographic traits such as gender, race, and years of practice experience, and for private practitioners, practice area and firm size. These findings are discussed in turn below.

### 1) Significant Factors

Most empirical legal profession research has found that income and practice setting affect lawyers' career satisfaction.<sup>53</sup>

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school context. See Emily Zimmerman & Leah Brogan, *Grit and Legal Education*, 36 PACE L. REV. 114, 114 (2015).

<sup>53</sup> See, e.g., Kenneth G. Dau-Schmidt and Kaustik Mukhopadhyaya, *the Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Across the Legal Profession*, J. LEGAL EDUC. 342, 362-63 (1999); John P. Heinz, Kathleen Hull, and Ava A. Harter, *Lawyers and their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L. J. 735, 754 (1999) ("The variables that were significantly associated with higher satisfaction were income and practicing setting."); Krieger & Sheldon, *supra* note 17, at 579, 591 (reporting moderate

However, researchers have differed on the magnitude of these effects. Krieger and Sheldon ascertain only a modest correlation between attorneys' incomes and well-being and emphasize that "service lawyers" report higher well-being than their counterparts in prestigious private practice positions.<sup>54</sup> Conversely, Monahan and Swanson conclude that only income is predictive of lawyers' job satisfaction and that, aside from lawyers working full-time for firms with over one hundred lawyers, job setting has no impact.<sup>55</sup> A middle ground is suggested by Dau-Schmidt and Mukhopadhaya who assert that there is a tradeoff between higher incomes and satisfaction with job settings.<sup>56</sup>

Our findings are consistent with the notion of a tradeoff. The median full-time private practitioner in Texas earns \$125,000 a year whereas the median government attorney and public interest attorney earn \$88,000 and \$60,000 respectively.<sup>57</sup> As noted, each unit (\$10,000) increase in income tends to reduce the odds of career dissatisfaction by over 36.5%. However, private practitioners' more

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correlation between income and "well-being" and higher satisfaction among "service lawyers" versus "prestige lawyers").

<sup>54</sup> Krieger & Sheldon, *supra* note 17, at 591.

<sup>55</sup> Monahan & Swanson, *supra* note 3, at 475.

<sup>56</sup> See Dau-Schmidt and Mukhopadhaya, *supra* note 53, at 363.

<sup>57</sup> See State Bar of Texas, Dep't of Research and Analysis, *2015 Income Fact Sheet*, p. 2 (Aug. 2016), at

[https://www.texasbar.com/AM/Template.cfm?Section=Demographic and Economic Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183).

satisfying incomes are offset by less satisfying work settings. Employment in private practice increases a lawyer's odds of career dissatisfaction by 38.8% compared to being employed in government and 67.9% compared to being employed in a non-profit/public interest setting. Government and non-profit/public interest attorneys face tradeoffs as well because their inherently more satisfying work settings may leave them with incomes that increase their odds of career dissatisfaction.<sup>58</sup>

That all attorneys make tradeoffs explains why similar percentages of attorneys report to be satisfied with their careers regardless of the practice setting. In our sample, 65.5% of full-time private practitioners are either very satisfied or satisfied with their careers; only slightly higher percentages of government attorneys (68.5%) and non-profit/public interest attorneys (73.9%) report positive career satisfaction.<sup>59</sup>

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<sup>58</sup> Although some research has postulated that income has no effect on the career satisfaction of government and non-profit/public interest attorneys, *see* Chambers, *supra* note 10, at 35, according to our analysis, each unit increase in income decreases odds of career dissatisfaction by 21.8% for full-time government and public interest/non-profit attorneys. However, the effect for private practitioners is larger (38.3%).

<sup>59</sup> *See* Appx. Table 4. Dau-Schmidt and Mukhopadhaya have maintained that lawyers who take positions with large law firms and as in-house counsel generally make wise trade-offs, *see* Dau-Schmidt and Mukhopadhaya, *supra* note 53, at 363, and our data point to low career dissatisfaction among these groups of attorneys. Among lawyers who are employed by law firms with more than 400 lawyers nationwide, only 9% report being very dissatisfied or dissatisfied. For in-house counsel, career dissatisfaction is likewise 9%. *See* Appx. Tables 4 & 8.

Our analysis also highlights the importance of private practitioners' roles. As set out in the Appendix, few equity and non-equity partners are dissatisfied with their careers.<sup>60</sup> Only 6% and 8.4% of these lawyers report that they are either very dissatisfied or dissatisfied with their careers. It is primarily associates, of counsel, and other attorneys who report negative career dissatisfaction: 15.3% of associates, 19.3% of of counsel, and 17.5% of other (non-partner) attorneys are either very dissatisfied or dissatisfied with their careers.<sup>61</sup>

The results of our logistic regression in Table 2(b) indicate the extent to which these three groups are dissatisfied vis à vis equity partners, non-equity partners, and solo practitioners. For example, controlling for other factors, associates are 42.6% more likely to be dissatisfied with their careers than solo practitioners are for every additional year they spend as associates. Of counsel have 186.7% greater odds of career dissatisfaction than solo practitioners whereas those in the "other" category such as staff attorneys have 146.3% great odds. Practice settings undoubtedly affect career satisfaction and

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<sup>60</sup> See Appx. Table 9. Krieger & Sheldon posit no difference in the well-being of associates and partners, but their analysis is based on a sample of 193 partners and 163 associates. See Krieger & Sheldon, *supra* note 17, at 597. For reasons that are unclear, they did not include in their analysis lawyers who worked in firms with fewer than 15 attorneys. *Id.*

<sup>61</sup> *Id.*

dissatisfaction, but, as our analysis has shown, generalizations about private practice versus other occupational settings are of limited utility because of the variety of roles in which private practitioners are employed.

How to account for the dramatically higher odds of career dissatisfaction among associates, of counsel, and “other” law firm attorneys? Lower professional autonomy may play a role. Regan has defined professional autonomy as “the ability to exercise discretion and judgment in performing one's work,”<sup>62</sup> and, as several empirical researchers have observed, associates and others in non-partnership roles tend to have less of this type of autonomy.<sup>63</sup> Of course, all lawyers function as their clients’ agents and are subject to their clients’ whims (as well as those of their colleagues). But partners in law firms and solo practitioners will generally have more control over how work is completed.<sup>64</sup>

Psychological research has also suggested that people who are drawn to the legal profession generally have “greater needs for assuming leadership roles . . . and appear to be less subordinate or

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<sup>62</sup> Milton C. Regan, *Ethics, Law Firms, and Legal Education*, 55 ME. L. REV. 363, 366 (2000).

<sup>63</sup> See, e.g., Krieger & Sheldon, *supra* note 17, at 597; John Hagan, Marie Huxter, and Patricia Parker, *Class Structure and Legal Practice: Inequality and Mobility Among Toronto Lawyers*, 22 LAW & SOC'Y REV. 9, 28-30 (1988).

<sup>64</sup> See Hagan et al., *supra* note 63, at 15, 17-18.

deferential.”<sup>65</sup> Lawyers are also purportedly highly competitive and possess a strong need for achievement.<sup>66</sup> Assuming that these characterizations are accurate, they would help to explain why our analysis points to increased odds of career dissatisfaction for more senior associates, of counsel, and “other” attorneys within firms. Promotion to partnership has been famously characterized as a “tournament,”<sup>67</sup> and for every winner who becomes an equity or non-equity partner, there are frequently several losers who are left as potentially disaffected senior associates and of counsel unless or until they are able to locate alternative employment. Law firms have also long hired staff attorneys and others who are not even eligible to enter the tournament and compete for partnership.<sup>68</sup>

Some commentators have characterized the entire model of lawyer partners owning and operating law firms as outmoded.<sup>69</sup> We do not purport to assess this claim here, but the comparative career

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<sup>65</sup> Susan Daicoff, Lawyer, *Know Thyself, A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1354 (1997).

<sup>66</sup> *Id.* at 1417.

<sup>67</sup> See MARC GALANTER & THOMAS PALAY, *TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM* 99-102 (1991).

<sup>68</sup> See *id.* at 65-66; Vincent R. Johnson & Virginia Coyle, *On the Transformation of the Legal Profession: The Advent of Temporary Lawyering*, 66 NOTRE DAME L. REV. 359, 370-01 (1990).

<sup>69</sup> Jonathan T. Molot, *What's Wrong with Law Firms? A Corporate Finance Solution to Law Firm Short-Termism*, 88 S. CAL. L. REV. 1, 8 (2014). For an analysis of non-lawyer-owned firms in the United Kingdom and Australia, see Nick Robinson, *When Lawyers Don't Get All the Profits: Non-Lawyer Ownership, Access and Professionalism*, 29 GEO. J. OF LEGAL ETHICS 1 (2016).

dissatisfaction of associates, of counsel, and “other” firm attorneys vis à vis solo practitioners’ and equity and non-equity partners signifies that substantial growth in the ranks of the former would likely lead to more dissatisfaction in the legal profession as a whole.

## 2) Insignificant Factors

Consistent with previous legal profession research, our analysis suggests that race, gender, and other demographic factors do not have an independent effect on career dissatisfaction.<sup>70</sup> In fact, belonging to a racial minority group appears to have a modest positive effect, lowering their odds of dissatisfaction by 32.4% for full-time attorneys who have been practicing more than six years.<sup>71</sup>

These findings do not signify that all demographic groups have the same career satisfaction. For example, as set out in the Appendix, the career satisfaction of lawyers in Texas generally increases as they gain practice experience even though experience has no independent effect on career dissatisfaction in any of our models; similarly, full-time female and non-white attorneys have lower mean

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<sup>70</sup> See, e.g., Heinz, Hull, and Harter, *supra* note 53, at 754 (noting that neither race, gender, or practice experience was correlated with either high career satisfaction or low career satisfaction); Dau-Schmidt & Mukhopadhaya, *supra* note 53, at 362 (“[T]here is little relationship between job satisfaction and gender or minority status.”).

<sup>71</sup> See *supra* Table 3.

career satisfaction than male and white attorneys even though being female and non-white does not increase the odds of dissatisfaction.<sup>72</sup>

The main reason that female and non-white attorneys lag in career satisfaction is that they earn less than male and white counterparts. Our income data indicate that the median male attorney who is practicing full-time earned \$130,000 in 2015 whereas the median female attorney earned \$97,000; the median white attorney earned \$120,000 compared to \$92,500 and \$90,000 for Hispanic and Black attorneys. Although explanations of these earning disparities are beyond the scope of this Article, the low incidence of career dissatisfaction among female and non-white attorneys may be attributable to the fact that, consistent with the analysis in the previous section, they are able to partly offset any increase in the odds of career dissatisfaction associated with their lower incomes by working in more satisfying job settings.<sup>73</sup>

We also do not find any evidence that certain substantive practice areas are more satisfying than others. While there has been very little research conducted on the effects of lawyers' practice areas

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<sup>72</sup> See Appx. Tables 1-3.

<sup>73</sup> See also Dau-Schmidt & Mukhopadhaya, *supra* note 53, at 362-63 (suggesting that minority and female attorneys are “shunted” to less remunerative but more satisfying job settings); Chambers, *supra* note 10, at 33 (“[W]omen in much greater numbers than men were willing to earn somewhat less and forego the prestige of firm partnership in order to obtain a more satisfying professional life in other ways.”).

on their career satisfaction, what little there is points to minimal impact.<sup>74</sup> This stands to reason as lawyers mostly self-select their practice areas and presumably will eschew areas that they do not find appealing.<sup>75</sup> However, there are two important limitations to our analysis of this factor.

First, we have assessed only the effects of attorneys' main practice areas on their career satisfaction. Lawyers commonly engage in many different substantive practice areas, all of which could have an effect.<sup>76</sup> Second, our survey instrument requested practice area information only from private practitioners and therefore other attorneys are excluded from the analysis. Considering government, non-profit/public interest and other attorneys may well alter the findings.

Perhaps this Article's most unexpected result is that firm size does not affect lawyers' career dissatisfaction. A whole literature documents colorfully the alleged horrors of working in one of the

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<sup>74</sup> Krieger and Sheldon found a small negative effect on well-being with increasing amounts of litigation in lawyers' practices. Krieger & Sheldon, *supra* note 17, at 599.

<sup>75</sup> See Lawrence R. Richard, *Personality Type and Job Satisfaction Among Practicing Lawyers in the United States*, 29 CAP. U. L. REV. 979, 983-84 (2002) (positing a correlation between lawyers' personality types and their practice area choices).

<sup>76</sup> 70% of lawyers interviewed as part of the Chicago Lawyers Study identified as "specialists," even though only 22% of research subjects practiced exclusively in one area. See Heinz & Laumann, *supra* note 1, at 33-34. Economic researchers have found that specialization tends to increase with the size of the legal market. See Luis Garicano, *Firms' Boundaries and the Division of Labor: Empirical Strategies*, J. EUR. ECON. ASS'N 495, 500 (2003).

nation's largest firms.<sup>77</sup> Empirical research, although hardly confirming the stereotype of the miserable large firm lawyer, has also suggested that firm size is negatively correlated with career satisfaction.<sup>78</sup> For example, Dinovitzer and Garth conclude based on *After the JD* data that "For lawyers working in private law firms, the pattern is clear: the larger the firm, the lower the expressions of career satisfaction, with satisfaction decreasing as firm size increases."<sup>79</sup>

Our finding of no effect for firm size may derive from a different methodological approach. This Article focuses on the predictors of career dissatisfaction for attorneys who are active State Bar members whereas previous research, including *After the JD*, focuses on the career satisfaction of very different populations from various legal markets. We cannot exclude the possibility that firms operate differently in Texas or that State Bar members have differences expectations for their careers than attorneys admitted to

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<sup>77</sup> See, e.g., Schiltz, *supra* note 2, at 888-906; Lance McMillian, *Tortured Lawyers through the Lens of Film*, 19 SETON HALL J. SPORTS & ENT. L. 31, 66-67 (2009); see also PAUL HOFFMAN, *LIONS IN THE STREET: THE INSIDE STORY OF THE GREAT WALL STREET LAW FIRMS* 129 (1973) ("The apocrypha of legal literature is filled with horror stories about the exhausting hours associates once had to put in.").

<sup>78</sup> See Krieger & Sheldon, *supra* note 17, at 596 (reporting small decrease in well-being as firm size increases); Dau-Schmidt & Mukohpadhaya, *supra* note 53, at 362 ("[L]awyers in all other types of practice find their work intrinsically more satisfying than their counterparts in large firm private practice."); see also SUSAN SAAB FORTNEY, *NALP FOUNDATION IN PURSUIT OF WORK-LIFE BALANCE: BEST PRACTICES MANAGEMENT* 17 (2005) (noting that among associates at medium and large Texas law firms, only 36.8% reported having good balance between their work and personal lives). *But see* Heinz, Hull, and Harter, *supra* note 5353, at 754 (noting that firm size is not a significant predictor of career dissatisfaction).

<sup>79</sup> Dinovitzer & Garth, *supra* note 3, at 22.

practice in other jurisdictions. Moreover, since the vast majority of attorneys are satisfied with their careers, it is possible that working in a large firm could decrease the likelihood of career satisfaction without actually increasing the odds of career dissatisfaction. Indeed, Heinz, Hull, and Harter specifically found this phenomenon in their study of Chicago lawyers.<sup>80</sup>

Other methodological choices are also relevant. Whereas Dinovitzer and Garth group together law firms with 2 lawyers and firms with 20 lawyers and use this as their reference group,<sup>81</sup> we use smaller ranges for firm size because of our larger dataset. This choice was likely meaningful because, according to our data, firms with 2-5 attorneys employ the most attorneys next to solo offices; firms with 6-10 attorneys and 11-24 attorneys also employ far more attorneys than the largest law firms.<sup>82</sup> Comparing the career satisfaction of the small number of attorneys who work in firms with either 101-250 attorneys or over 251 attorneys nationwide with that of attorneys who work in 2-20 firms could lead to differences in results, especially when attorneys' roles within these firms are not considered as part of the analysis. In Table 2(b), our analysis treats firm size as a continuous

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<sup>80</sup> Heinz, Hull, and Harter, *supra* note 5353, at 754.

<sup>81</sup> Dinovitzer & Garth, *supra* note 3, at 24.

<sup>82</sup> See Appx. Table 8.

variable and determines that it is an attorney's role within a firm, and not firm size, that affects career dissatisfaction.

Lastly, it is possible that the economic recession has made attorneys in larger firms more satisfied with their careers. Career expectations are not formed in a vacuum,<sup>83</sup> and, as Burk has demonstrated, the economic recession disproportionately affected hiring at the nation's largest law firms.<sup>84</sup> In a time of prosperity, lawyers - and especially those from more elite backgrounds - may not have fully appreciated the advantages of working in these generally high-paying and prestigious positions.<sup>85</sup> However, in the new normal, securing and maintaining a position with a large law firm is no small feat, and the lawyers who are successful in doing so may be more satisfied with these positions than the cohorts who preceded them. This would account both for our finding that firm size does not affect career dissatisfaction and that higher percentages of lawyers working in large law firms report career dissatisfaction in pre-recession surveys.<sup>86</sup>

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<sup>83</sup> See PIERRE BOURDIEU, *THE STATE NOBILITY: ELITE SCHOOLS IN THE FIELD OF POWER* 122 (1998); Dinovitzer & Garth, *supra* note 3, at 32.

<sup>84</sup> See Burk, *supra* note 7, at 576-77.

<sup>85</sup> See generally Dinovitzer & Garth, *supra* note 3, at 33-40 (documenting the differing expectations and career satisfaction of lawyers from more elite and less elite backgrounds).

<sup>86</sup> Compare Appx. Table 8 with Dau-Schmidt and Mukhopadhyaya, *supra* note 53, at 362 (reporting 18% negative job dissatisfaction among fifteen-year graduates of University of Michigan School of Law who practice in large private practices).

## V. CONCLUSION

This Article has presented evidence that the economic recession has not caused practicing lawyers to be unhappy in their careers. Most State Bar members are very satisfied or satisfied with their careers, and few are dissatisfied. Nevertheless, attorneys who began practicing after the recession report greater dissatisfaction and may face challenges that their predecessors did not. In particular, they appear to be earning lower incomes and working in non-law related jobs that dramatically increase their odds of career dissatisfaction.

Consistent with previous research, this Article has found that lawyers' incomes are predictive of their career dissatisfaction. Occupational job settings have effects as well, with lawyers in government and especially non-profit/public interest settings having lower odds of dissatisfaction than private practitioners. However, generalizations about private practice versus other practice settings elide that associates, of counsel, and "other" firm attorneys are far more likely to be dissatisfied with their careers than equity partners, non-equity partners, and solo practitioners. Debt and class rank have weaker effects that are limited to the career dissatisfaction of attorneys who began practicing before the recession.

Equally important, although Texas lawyers' assessments of their career satisfaction vary by race, gender, and years of practice experience, none of these demographic characteristics has an independent effect on career dissatisfaction. Private practitioners' odds of dissatisfaction are also unaffected by their firms' size and by their practice areas.

Ultimately our analysis of attorneys' career dissatisfaction suggests that the legal profession has weathered the economic recession and that legal careers continue to be satisfying. The 2008 recession may have altered lawyers' career trajectories, but the new normal is hardly "dark and depressing" for the vast majority of attorneys. This conclusion may seem difficult to reconcile with the negative rhetoric surrounding the legal profession and claims of structural change, but it is possible that in impacting lawyers' careers, the recession also moderated lawyers' expectations of their careers. In more prosperous times, attorneys may have sought both high incomes and satisfying job settings whereas in the new normal one or the other may suffice to generate career satisfaction. Indeed, for newer attorneys, who appear to have been disproportionately impacted by the recession, merely being able to work as lawyers and not in non-law related fields may suffice.

Whether the legal profession will maintain its relatively low level of career dissatisfaction depends on two main factors: First, whether attorneys that entered the legal profession after the economic recession will eventually be able to earn incomes equivalent to those earned by attorneys who began their careers earlier, and second, whether they will have the same opportunities to advance that their predecessors did or whether they will be forced to remain in less satisfying associate, of counsel, and other such positions. These trends are likely to determine if law will continue to be a satisfying career not only in the new normal, but beyond.

## Appendix

Table 1: Career satisfaction by gender (full-time workers only)

Career satisfaction	Women	Men
Very satisfied	29.5%	31.4%
Satisfied	35.7%	36.0%
Neutral	22.5%	21.8%
Dissatisfied	8.4%	7.6%
Very dissatisfied	3.9%	3.3%
<b>Mean</b>	<b>3.97</b>	<b>4.03</b>
Valid N	3782	5471

Table 2: Career satisfaction by race/ethnicity (full-time workers only)

Career satisfaction	Asian	White	Black	Hispanic	Other
Very satisfied	22.2%	31.4%	27.1%	33.2%	26.0%
Satisfied	39.5%	35.8%	31.7%	33.7%	38.3%
Neutral	25.2%	21.7%	26.0%	21.4%	22.9%
Dissatisfied	9.0%	7.7%	9.6%	9.4%	10.2%
Very dissatisfied	4.1%	3.4%	5.8%	2.3%	2.6%
<b>Mean</b>	<b>3.67</b>	<b>3.84</b>	<b>3.65</b>	<b>3.86</b>	<b>3.75</b>
Valid N	266	8041	417	1036	420

Table 3: Career satisfaction by years of experience (full-time workers only)

Career satisfaction	2 or less years	3-6 years	7-10 years	11-15 years	16-20 years	21-25 years	> 25 years
Very satisfied	24.4%	21.9%	24.1%	25.9%	30.5%	32.1%	46.0%
Satisfied	36.5%	36.8%	37.2%	37.9%	35.5%	38.8%	32.0%
Neutral	24.6%	26.2%	26.1%	23.8%	23.6%	19.4%	14.8%
Dissatisfied	10.1%	10.9%	8.0%	8.9%	7.2%	6.6%	4.9%
Very dissatisfied	4.4%	4.1%	4.5%	3.5%	3.2%	3.1%	2.4%
<b>Mean</b>	<b>3.66</b>	<b>3.61</b>	<b>3.68</b>	<b>3.74</b>	<b>3.83</b>	<b>3.90</b>	<b>4.14</b>
Valid N	1196	1699	1220	1128	894	936	2199

Table 4: Career satisfaction by occupation (full-time workers only)

Career satisfaction	Private Law Practice	For-Profit Corporate/In- house Counsel	Non-Profit/ Public Interest	Government Attorney	Non-Law Related
Very satisfied	30.1%	27.7%	33.6%	30.8%	27.2%

Satisfied	35.4%	41.5%	40.3%	37.7%	27.2%
Neutral	22.3%	21.7%	20.6%	22.6%	26.5%
Dissatisfied	8.3%	6.9%	4.5%	6.6%	11.2%
Very dissatisfied	3.9%	2.1%	0.9%	2.2%	7.8%
<b>Mean</b>	<b>3.80</b>	<b>3.86</b>	<b>4.01</b>	<b>3.88</b>	<b>3.54</b>
Valid N	5458	1024	330	1478	294

Table 5: Career satisfaction by class rank (full-time workers only)

Career satisfaction	10 <sup>th</sup> Percentile	25 <sup>th</sup> Percentile	50 <sup>th</sup> Percentile	75 <sup>th</sup> Percentile	Don't know
Very satisfied	34.8%	32.9%	26.9%	26.7%	30.3%
Satisfied	36.0%	36.8%	36.9%	35.0%	32.0%
Neutral	19.5%	20.6%	23.9%	23.6%	24.0%
Dissatisfied	6.8%	7.1%	8.8%	8.9%	8.7%
Very dissatisfied	3.0%	2.6%	3.5%	5.8%	5.1%
<b>Mean</b>	<b>3.93</b>	<b>3.90</b>	<b>3.75</b>	<b>3.68</b>	<b>3.74</b>
Valid N	1727	2714	2880	795	1173

Table 6: Career satisfaction by Texas counties (full-time workers only)

Career satisfaction	Dallas-Fort Worth MSA	Houston- MSA	Austin- MSA	San Antonio- MSA	Non- Metropolitan
Very satisfied	28.2%	29.2%	28.0%	32.6%	36.9%
Satisfied	35.1%	35.8%	39.6%	34.4%	34.2%
Neutral	24.3%	22.0%	22.2%	22.2%	19.8%
Dissatisfied	8.5%	9.3%	7.8%	7.7%	6.9%
Very dissatisfied	4.0%	3.7%	2.4%	3.1%	2.1%
<b>Mean</b>	<b>3.75</b>	<b>3.78</b>	<b>3.83</b>	<b>3.86</b>	<b>3.97</b>
Valid N	2377	2322	1236	688	333

Table 7: Career satisfaction by practice area (full-time private practitioners only)

Career satisfaction	Family	Litigation Personal Injury	Litigation Commercial	Criminal	Business
Very satisfied	31.8%	29.6%	25.9%	36.6%	25.7%
Satisfied	32.7%	34.0%	37.5%	28.3%	38.4%
Neutral	22.0%	23.8%	24.8%	22.7%	23.4%
Dissatisfied	8.8%	8.8%	8.9%	8.7%	9.6%
Very dissatisfied	4.7%	4.0%	2.9%	3.7%	2.8%
<b>Men</b>	<b>3.78</b>	<b>3.76</b>	<b>3.75</b>	<b>3.85</b>	<b>3.75</b>
Valid N	701	626	560	481	354

Table 8: Career satisfaction by firm size (full-time private practitioners only)

Career satisfaction	Solo	2-5 attorneys	6-10	11-24	25-40	41-60	61-100	101-200	201-400	> 400 attorneys
Very satisfied	33.5%	32.0%	27.2%	25.1%	27.0%	27.0%	24.3%	29.0%	27.5%	28.7%
Satisfied	32.4%	32.0%	37.5%	39.7%	39.1%	37.2%	41.4%	36.0%	47.7%	42.5%
Neutral	22.1%	23.1%	23.4%	24.0%	20.8%	20.3%	21.6%	24.0%	15.4%	19.6%
Dissatisfied	7.5%	9.0%	9.1%	7.4%	8.5%	12.8%	8.1%	7.0%	4.7%	6.7%
Very dissatisfied	4.4%	4.0%	2.8%	3.8%	4.6%	2.7%	4.5%	4.0%	4.7%	2.3%
<b>Mean</b>	<b>3.83</b>	<b>3.79</b>	<b>3.77</b>	<b>3.76</b>	<b>3.73</b>	<b>3.73</b>	<b>3.79</b>	<b>3.89</b>	<b>3.89</b>	<b>3.80</b>
Valid N	1541	1526	646	526	307	148	111	100	149	341

Table 9: Career satisfaction by role (full-time private practitioners only)

Career satisfaction	Solo	Associate	Equity Partner	Non- Equity Partner	Managing Partner	Of Counsel	Other
Very satisfied	34.2%	20.1%	40.1%	26.7%	48.7%	18.8%	21.9%
Satisfied	32.3%	38.3%	38.1%	44.7%	29.1%	35.5%	29.2%
Neutral	21.6%	26.3%	15.9%	20.1%	14.4%	26.4%	31.5%
Dissatisfied	7.7%	11.0%	4.2%	6.3%	4.4%	14.7%	10.2%
Very dissatisfied	4.2%	4.3%	1.8%	2.1%	3.4%	4.6%	7.3%
<b>Mean</b>	<b>3.85</b>	<b>3.59</b>	<b>4.10</b>	<b>3.88</b>	<b>4.15</b>	<b>3.49</b>	<b>3.48</b>
Valid N	1598	1673	741	333	526	197	343