

# Lawyers on the move: the consequences of mobility for legal careers

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**ABSTRACT** *While the legal profession was traditionally conceived of as geographically bounded, recent decades have witnessed a surge in the movement of lawyers across geographic boundaries. This mobility has transformed the paths through which legal careers are built and sustained. Relying on Bourdieu's concept of capital, this paper focuses on the effects of geographic mobility within the legal profession in order to explore how moving can alter the forms and value of capital—human, social, or symbolic—necessary for professional advancement. Drawing on two unique datasets, we find that geographic mobility can be a source for the emergence of new inequalities within the profession, so that lawyers moving from one jurisdiction to another do not receive full value for their credentials. We also find that geographic mobility can exacerbate existing inequalities in the profession, and finally, our analyses suggest that understanding the effects of capital assets equally requires attention to the functional form of capital within professional fields.*

## Introduction

From Toronto to London, from New York to Berlin, the movement of lawyers across cities, countries, and settings can be frenetic. This movement, particularly of lawyers in private practice, lies in stark contrast to the classical model of legal careers in which partnership in a law firm was a lifetime career (e.g. Smigel, 1964; Heinz *et al.*, 2001; Hillman, 2002). This traditional model conceived of the profession as geographically bounded, with lawyers expected to remain not only within their firms but within their communities as well (cf. Hillman, 2001; ABA, 2002)—a tendency to localism that infuses all aspects of the profession. Lawyers contribute to local institution-building, and accrue professional benefits through strong community ties (Heinz & Laumann, 1982; Heinz *et al.*, 1997, 2001; Stager & Arthurs, 1990). Professional regulation is also rooted in the local, with lawyers joining the bar in the state or province within which they practise—and with the strict rules governing interjurisdictional mobility reinforcing the local vision of lawyer's work (ABA, 2002).

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Legal practice, however, is changing dramatically. Lawyers are now sought out as free agents with “portable books of business” (Hillman, 2002), and even client matters, whether corporate or personal, are redefined as no longer fitting neat jurisdictional boundaries (Federation of Law Societies in Canada, 2002b). The worldwide movement of lawyers and legal services is immense: in 1996, US cross-border exports of legal services totalled \$1.91 billion, marking a 323% increase over 7 years (World Trade Organization, 2000).<sup>1</sup> This increased mobility is bound up with larger trends in global economic transformations, with lawyers negotiating international mobility agreements through the WTO and the General Agreement on Trade in Services. At the same time, this mobility is posing a challenge for local professional governance, with commissions in the US and Canada now seeking ways to ease the barriers to interjurisdictional practice (ABA Commission on Multijurisdictional Practice, 2002; Federation of Law Societies in Canada, 2003).

Research on the legal profession has already documented the explosive increase in the number of lawyers (Nelson, 1994), with nearly 50,000 lawyers joining the ranks of a US state bar annually.<sup>2</sup> But there is now also a heady movement of lawyers across jurisdictions: each year, another 5,000 already practising lawyers are admitted to a new jurisdiction ‘on motion’, and an additional 700 lawyers are admitted to a new jurisdiction through an ‘attorney exam’ (NCBE, 2004). Taken together, this accounts for over 10% of annual admissions: and these numbers are merely the most conservative estimates of lawyer mobility, since they do not include the myriad ways in which lawyers engage in interjurisdictional legal practice (Gillers, 2004), such as lawyers who write more than one bar exam from the outset of their careers, or even the one-third of law graduates who take jobs outside of the state in which they attended law school (NALP, 2001, p. 65).

Some of this geographic movement is bound up with the rise in the lateral mobility of lawyers between firms and practice settings. In *Urban Lawyers*, Heinz *et al.* (2005) estimate that lawyers beginning their careers in small private firms experience one move every 7.7 years, while the American Bar Association’s Young Lawyers Division (1991) finds that within 6 years of graduating law school, nearly half of the lawyers in private practice and almost two-thirds of those working in government are no longer working for their first employer. Similarly, the National Association for Law Placement (NALP Foundation, 2003) reports that 8.4% of new associates depart their initial employers within 16 months, with over half leaving within 5 years; furthermore, NALP finds that one in five lateral lawyers had departed from their law firm employers within their second year of employment. Geographic mobility is a driving force in much of this lateral movement, with nearly one in five associates changing jobs precisely in order to pursue their geographic preferences.

Mobility is increasingly, then, part of the fabric of modern legal practice.<sup>3</sup> Yet the challenges posed by mobility—and the global exchange of lawyers—extend beyond regulation and governance. If law was classically structured as a more local career, the surge in lawyer mobility has transformed the paths through which legal careers are built and sustained. Studying the career consequences of mobility—including

the mechanisms through which mobility can shift and leverage career options within a professional field, such as legal practice—thereby requires a broader understanding of the social structure of the profession.

### **Social capital, geographic mobility, and lawyer careers**

While law enjoys an elite position in the professional status hierarchy (Abbott, 1988), it is itself internally stratified, and characterised by high levels of inequality (Hagan *et al.*, 1988; Heinz & Laumann, 1982; Sandefur & Heinz, 1999). This inequality is particularly salient for women (Hagan & Kay, 1995; Reichman & Sterling, 1998; Epstein, 1993) and minorities (Wilkins, 1999), but can also be traced to other markers such as religious affiliation (Auerbach, 1976; Dezalay, 1995; Dinovitzer, 2006), type of practice (Seron, 1996; Van Hoy, 1997), and city of practice (London, 1990).

In recent years, research on the profession has expanded this study of stratification and inequality among lawyers, drawing in particular on Bourdieu's analysis of capital (1986). This work has investigated stratification through a wide range of capital assets that are differentially distributed within the profession—including the social capital derived from personal and professional networks (cf. Heinz *et al.*, 2005; Kay & Hagan, 1999), the symbolic capital gained from either an elite or a local law school credential (Heinz & Laumann, 1982; Parikh & Garth, 2005; Hagan *et al.*, 1988), or the cultural capital that allows one a 'feel for the game', whether it be through a homology of tastes and preferences, the willingness (and ability) to defer gratification, or the intuition of how to engage with colleagues and clients within and beyond the firm (Kay & Hagan, 1999; Dixon & Seron, 1995; Dinovitzer & Garth, forthcoming 2007; Dezalay, 1995; Garth, 2004; Wilkins, 1999).

What often goes unstated, however, is that these forms of capital, and the value that is attached to them, are themselves usually rooted in the *local* (cf. Dezalay & Garth, 1996). This is not only to say that social capital is often derived from family networks and local social origins—it is also to be aware that the *worth* of a particular form of symbolic capital is based on its recognition as valuable in local settings. This insight is intimately tied to what Bourdieu refers to as the "rate of conversion" of different forms of capital (e.g. Bourdieu, 1996, 1998), so that the worth of a credential or social network cannot be determined outside of the local perceptions that endow it with its value. The importance of these 'conversion rates' is particularly apparent when studying the legal profession, where so much of the symbolic capital marshalled by lawyers is locally defined: so that, for instance, graduates of a local law school in Chicago can incur professional advantage within the local job market, because of that school's ethnic and social connections to a specific set of lawyers and firms, while that same credential would likely be heavily discounted outside of the city (cf. Heinz *et al.*, 2005). The same is true of the professional advantages—such as the creation and maintenance of client networks—enjoyed through interactions with local social and professional organisations (Seron, 1996; Carlin, 1994). In an emerging context of increased professional mobility, then, understanding the role of capital requires attention to geographic migration as a meaningful

“career contingency” and professional transition (Duncan *et al.*, 1972; cf. Elder, 1985; Hagan *et al.*, 1996), that can potentially modify the value of one’s symbolic capital necessary for advancement in the field.

### **Studying lawyer mobility**

This paper, then, focuses on the effects of geographic mobility within the legal profession in order to explore how moving can alter the forms of capital necessary for professional advancement. We explore this question by relying on, and integrating, two unique datasets of lawyer careers. The first draws on a study of Canadian lawyers who moved from Montreal to Toronto; the second dataset is drawn from a study of lawyers who all built their legal careers in Toronto. Montreal and Toronto are Canada’s most populous cities, with more lawyers than in any other Canadian city. Toronto is an ideal setting for studying the effects of geographic migration on legal careers: Toronto is one of an international list of ‘global cities’ that enjoys a ‘cross-border geography’ (Sassen, 1997, 1998), is Canada’s financial capital, and is home to one in five of the nation’s lawyers (Federation of Law Societies in Canada, 2002a; LSUC, 2002).

The first dataset derives from a study of lawyers who moved from Montreal to Toronto between 1975 and 1990. We located these lawyers through archival research of the Bar Admission records in Toronto. Respondents were asked to complete a mail-back survey, which resulted in a 56.4% response rate. The final sample of 216 respondents was comprised of lawyers who all completed their legal education at McGill University’s Faculty of Law, an elite Canadian institution located in Montreal.<sup>4</sup> Eligibility requirements were employed to ensure that the final sample excluded law graduates who were living in Quebec solely for their legal education (the eligibility criteria required that only those lawyers who were born in Quebec, grew up in Quebec, or had parents living in Quebec at the time of their move were included in the migrant sample). The second dataset draws on a longitudinal survey of the legal profession in Toronto (see Hagan, 1990), which followed a cohort of lawyers over an 11-year period beginning in 1985. The first wave of surveys had a 65.3% response rate with 1,051 respondents, the second wave resulted in 815 respondents, and the third wave had 652 respondents.

The two datasets were merged after matching on bar admission years, gender and sample size, resulting in a final sample of 192 (drawn equally from each dataset). The lawyers in the merged sample were all admitted to legal practice between 1975 and 1984, with all sample members residing in Toronto. Prior to merging the datasets, eligibility criteria based on law school attended ensured that there was no overlap between the two samples. This design is well suited to our purpose, as prior sociological research (Duncan *et al.*, 1972; Rossi, 1980) on migration has properly insisted that the career outcomes of migrants should be compared with non-migrants in the communities of destination (rather than with non-migrants in the community of origin), to ensure that the groups being compared share the same ultimate opportunity structure.

**Table 1.** Demographic characteristics by migrant status (mean values)

|              | From Ontario | Moved | T-value for difference |
|--------------|--------------|-------|------------------------|
| Age          | 44           | 45    | -2.54                  |
| Male         | 76.04        | 76.04 | 0.00                   |
| Married      | 79.17        | 93.68 | -2.98                  |
| Any children | 81.05        | 87.64 | -1.22                  |
| Protestant   | 36.50        | 20.20 | 2.51                   |

Table 1 illustrates demographic characteristics across the two samples. Since the two datasets were matched by gender, women comprise about one quarter of each sample. The migrants are, on average, somewhat older than the Toronto sample ( $t = -2.54$ ,  $p < 0.05$ ), and are also more likely to be married ( $t = -2.98$ ,  $p < 0.05$ ), though no more likely to have children. In terms of their religious identification, about 20% of migrants report a Protestant affiliation, compared with over one third of the non-migrants ( $t = 2.51$ ,  $p < 0.05$ ).

Studies of the legal profession consistently demonstrate that the settings in which lawyers work—such as large private firms, sole practice, or government—result in major cleavages within the Bar, and represent a major line of demarcation for determining which clients lawyers serve, the fields of law in which they practise, and the professional rewards they enjoy (cf. Heinz *et al.*, 2005). While studies of the legal profession focus mainly on lawyers in private practice, Table 2 displays the proportion of respondents from five different practice settings and those no longer practising law, thereby allowing for a fuller understanding of migration and professional outcomes. Breakpoints for firm size follow prior research, particularly in the Canadian context (Kay, 1997; Hagan *et al.*, 1991; see also Curran *et al.*, 1985; Abel, 1989; Adam & Baer, 1984; Heinz & Laumann, 1982). The data in Table 2 indicate that there are no significant differences between the samples in the proportion of respondents across a range of practice settings.

Studies of professional rewards—and in particular, the incomes that lawyers enjoy—demonstrate that the allocations of financial rewards in the profession are strongly related to gender (Hagan & Kay, 1995), school eliteness (Dinovitzer *et al.*,

**Table 2.** Practice setting by migrant status

|                        | From Ontario |       | Moved |       | T-value for difference |
|------------------------|--------------|-------|-------|-------|------------------------|
|                        | Count        | %     | Count | %     |                        |
| Not in law             | 15           | 15.63 | 13    | 13.68 | 0.38                   |
| In house/gov't/public  | 24           | 25.00 | 24    | 25.26 | -0.04                  |
| Solo                   | 15           | 15.63 | 25    | 26.32 | -1.82                  |
| Small (2-5)            | 5            | 5.21  | 4     | 4.21  | 0.32                   |
| Mid firm (6-19)        | 10           | 10.42 | 5     | 5.26  | 1.32                   |
| Large firm (20 and up) | 27           | 28.13 | 24    | 25.26 | 0.45                   |

2004; Heinz *et al.*, 2005), and other credentials, such as law school grades. Yet, although research in other domains indicates a positive effect of migration on professional outcomes of this sort, the financial implications of lawyers' geographic mobility are virtually unknown. As indicated in Table 3, there is no significant difference between the incomes of migrant and non-migrant lawyers (despite the \$26,000 gap in this sample), and there are also no significant differences (given the size and variance) in income, hours worked or years of experience when comparing migrants and non-migrants by practice settings.

**Table 3.** Means, medians and standard deviations (in parentheses) for income, hours worked and years of experience by selected variables

|                              |                        | From Ontario |        | Moved |        | T-value for difference |     |       |
|------------------------------|------------------------|--------------|--------|-------|--------|------------------------|-----|-------|
|                              |                        | Mean         | Median | Mean  | Median |                        |     |       |
| Not in law                   | Income<br>(in 1000s)   | 96           | (112)  | 45    | 97     | (112)                  | 88  | -0.02 |
|                              | Hours worked           | 36           | (38)   | 24    | 48     | (39)                   | 35  | -0.52 |
|                              | Years of<br>experience | 19           | (3)    | 19    | 20     | (3)                    | 20  | -0.41 |
| Non private<br>practice      | Income<br>(in 1000s)   | 122          | (38)   | 125   | 133    | (51)                   | 125 | -0.79 |
|                              | Hours worked           | 44           | (7)    | 45    | 41     | (15)                   | 43  | -1.53 |
|                              | Years of<br>experience | 19           | (2)    | 20    | 20     | (2)                    | 20  | -0.88 |
| Solo                         | Income<br>(in 1000s)   | 131          | (124)  | 99    | 121    | (54)                   | 125 | 0.34  |
|                              | Hours worked           | 44           | (16)   | 45    | 41     | (13)                   | 45  | 0.17  |
|                              | Years of<br>experience | 20           | (3)    | 21    | 21     | (2)                    | 21  | -0.84 |
| Small<br>(2-5)               | Income<br>(in 1000s)   | 99           | (103)  | 65    | 142    | (94)                   | 93  | -0.56 |
|                              | Hours worked           | 45           | (9)    | 45    | 54     | (25)                   | 54  | -0.95 |
|                              | Years of<br>experience | 20           | (3)    | 19    | 23     | (2)                    | 24  | -2.17 |
| Mid firm<br>(6-19)           | Income<br>(in 1000s)   | 232          | (129)  | 213   | 143    | (38)                   | 150 | 1.32  |
|                              | Hours worked           | 40           | (14)   | 44    | 46     | (4)                    | 47  | 1.18  |
|                              | Years of<br>experience | 20           | (2)    | 21    | 20     | (3)                    | 19  | 0.29  |
| Large<br>firm (20<br>and up) | Income<br>(in 1000s)   | 301          | (125)  | 350   | 260    | (95)                   | 250 | 1.26  |
|                              | Hours worked           | 49           | (8)    | 50    | 47     | (7)                    | 45  | 1.48  |
|                              | Years of<br>experience | 20           | (3)    | 20    | 21     | (2)                    | 20  | -0.98 |
| Overall<br>income            |                        | 186.90       | 133.91 |       | 160.90 | 94.72                  |     | -0.02 |

## Data and findings

The data above suggest that migration does not appear to mark a significant turning point in lawyer careers—compared with Toronto-rooted lawyers, migrants work in the same practice settings, they earn the same incomes, and they work the same number of hours. But to fully assess the impact of migration on career outcomes these bivariate relationships are not sufficient. We must further consider whether these results are consistent across the range of lawyer demographics, and identify the mechanisms that account for these outcomes. To do so, we estimate an OLS regression which models the effects of migration on income, considering not only the effects of important lawyer demographics, but also the wide range of capital assets they have to marshal in building their careers.

One of the more significant challenges in this analysis is operationalising the different forms of capital that may be drawn upon for professional advancement; Bourdieu's (1986) formulation of the concept is multifaceted, and includes a full range of possible assets that may provide individuals with advantage, and place them in particular positions in social space (cf. Dezalay & Garth, 1996; Portes, 1998). In developing measurable forms of capital specific to lawyers' careers, we rely on Kay and Hagan (1999, p. 532), whose analysis of promotions to partnership in corporate law firms delineates at least three forms of social capital, representing "the sum of the actual and potential resources that a lawyer can mobilize through membership in social networks of colleagues, family, and clientele". This includes *inherited* capital, which stems from family origins; *networking* capital, which stems from participation in institutions, clubs, and networks; and *time-dependent* capital, which reflects 'face time' working on professional matters. Following Kay and Hagan's (1999) formulation, our measure of *networking* capital represents the number of social or sports clubs to which respondents belong, and which ranges from zero to three (see generally Belliveau *et al.*, 1996; De Graaf & Flap, 1988; Kono *et al.*, 1998; Useem, 1980, p. 56). The measure of *inherited* capital reflects whether respondents' fathers owned their own business (see Wright *et al.*, 1982, p. 712; Kay & Hagan, 1999, p. 533), while the third measure, *time-dependent* capital, is defined by the number of hours worked in the office per week.<sup>5</sup> As Kay and Hagan (1999, p. 535) argue, time is a form of capital that is critical to the formation and maintenance of social networks and access to resources, in addition to acting as a measure of workplace effort.

We also include a measure of human capital, represented by the number of years since the respondent was admitted to the Ontario bar, and controls for practice setting:<sup>6</sup> one dummy variable represents respondents who are not currently practising law, and the second identifies respondents working in large firms; the reference category is lawyers working in all other settings including small and medium firms, and government or in-house counsel lawyers. A measure of prestige of area of practice is also included; this measure is derived from Hagan (1990), in which Toronto lawyers were asked to rank predominant areas of legal specialisations (e.g. taxation, corporate commercial, criminal, real estate, etc.) on a 10-point scale (with 0 scores assigned to those not currently practising law).

Research on the legal profession, and on other occupations more generally, finds that measures of hierarchical aspects of work settings are important determinants of income because these are related to the social structure of power in the workplace (Hagan & Kay, 1995; Wright *et al.*, 1982). We include three such variables. ‘Hierarchy’ is a measure which represents the number of levels of individuals below the respondent (ranging from none to two) in the occupational structure. ‘Autonomy’ indicates whether respondents design no, a few, some, all or most aspects of their work, and whether they put these ideas into practice. We also examine respondents’ ‘decision-making’, measured by a five-point scale indicating the respondent’s degree of participation in decision- and policy-making within the workplace.

Finally, we also control for a number of demographic variables including gender (male), marital status, whether respondents have any children, and religious affiliation (Protestant); all are coded as dummy variables with 1 indicating presence and 0 absence. Measures of age and age squared are also included to control for both the linear and quadratic effects of age on income. The linear term captures the expected income rise in middle age, and the quadratic form picks up the income decline expected in lawyers’ later life stage.

## Results

The results of the OLS model for the combined samples are presented in Table 4. Migrant status, as reflected in the first model, does not appear to lead to a statistically significant difference in earnings (despite an apparent earnings gap, in the sample, of about \$23,700). Yet we find that there are several lines that demarcate the stratification of financial rewards: as demonstrated in the first and second models, there is a large and statistically significant gender gap of approximately \$70,000 among this combined set of lawyers. We also find that respondents in large firms are earning over \$100,000 more than those in other practice settings, that each level of professional hierarchy nets lawyers an additional \$22,500 per year, and that respondents working in areas of law with greater prestige earn significantly more than those working in lower prestige fields ( $b = 31.35$ ,  $p < 0.001$ ).

The third model introduces the variable representing networking social capital. Confirming Kay and Hagan’s analysis (1999), we find that networking social capital is a positive and significant predictor of income ( $b = 17.83$ ,  $p < 0.05$ ): that is, respondents who report a greater number of club memberships earn larger salaries. The introduction of this variable also moderates a number of the relationships in the model. For example, the differential between male and female incomes is reduced by \$6,000, and the effect of specialisation is also somewhat reduced ( $b = 30.40$ ,  $p < 0.001$ ). But controlling for networking also amplifies some of the prior relationships. For example, the effect of ‘face time’ increases and approaches significance at the 0.10 level, with earnings increasing as respondents spend more time working in the office. Most importantly, in this final model, the income difference between movers and non-movers *increases and becomes significant*, with the final model indicating a statistically significant earnings gap of \$27,000.



**Table 4.** *Regression estimates of the effects of migration, demographic and work characteristics, and social and human capital on income (n = 192)*

|                                      | Model 1 |         | Model 2 |                  | Model 3 |                  |     |
|--------------------------------------|---------|---------|---------|------------------|---------|------------------|-----|
|                                      | B       |         | B       |                  | B       |                  |     |
| <i>Migrant Status</i>                |         |         |         |                  |         |                  |     |
| Movers                               | -23.71  | (15.81) | -21.83  | (13.16)          | -27.17  | (13.32)          | *   |
| <i>Demographics</i>                  |         |         |         |                  |         |                  |     |
| Married                              | 6.12    | (25.92) | -2.13   | (20.95)          | -1.66   | (20.77)          |     |
| Any children                         | 22.55   | (24.38) | -5.08   | (19.70)          | -4.63   | (19.53)          |     |
| Male                                 | 70.24   | (17.83) | ***     | 39.32 (14.68)    | **      | 33.24 (14.87)    | *   |
| Protestant                           | 6.21    | (17.24) |         | -7.18 (14.14)    |         | -8.09 (14.02)    |     |
| <i>Practice Setting</i>              |         |         |         |                  |         |                  |     |
| Not in law                           |         |         | 5.59    | (18.86)          |         | 10.71 (18.87)    |     |
| Large firm                           |         |         | 109.01  | (15.36)          | ***     | 107.66 (15.24)   | *** |
| Hierarchy                            |         |         | 22.54   | (10.22)          | *       | 21.84 (10.14)    | *   |
| Decision-making                      |         |         | 6.99    | (3.90)           |         | 5.97 (3.90)      |     |
| Autonomy                             |         |         | 11.55   | (7.85)           |         | 13.43 (7.84)     |     |
| <i>Human Capital</i>                 |         |         |         |                  |         |                  |     |
| Years of experience                  |         |         | 31.65   | (35.43)          |         | 35.28 (35.17)    |     |
| Experience squared                   |         |         | -0.69   | (0.87)           |         | -0.78 (0.86)     |     |
| Specialisation                       |         |         | 31.35   | (7.38)           | ***     | 30.40 (7.34)     | *** |
| <i>Time Dependent Social Capital</i> |         |         |         |                  |         |                  |     |
| Face time                            |         |         | 0.77    | (0.50)           |         | 0.94 (0.51)      |     |
| <i>Inherited Capital</i>             |         |         |         |                  |         |                  |     |
| Dad owned                            |         |         | 23.14   | (15.30)          |         | 19.28 (15.29)    |     |
| Dad managed                          |         |         | 16.59   | (16.36)          |         | 16.04 (16.22)    |     |
| Dad self-employed                    |         |         | -12.41  | (20.23)          |         | -17.79 (20.23)   |     |
| <i>Networking Social Capital</i>     |         |         |         |                  |         |                  |     |
| Social clubs                         |         |         |         |                  |         | 17.83 (8.89)     | *   |
| (Constant)                           | 107.08  | (27.44) | ***     | -524.89 (366.19) |         | -563.98 (363.57) |     |
| R squared                            | 0.07    |         |         | 0.44             |         | 0.45             |     |

Notes: \* $p < 0.05$ ; \*\* $p < 0.01$ ; \*\*\* $p < 0.001$  (one tailed), standard errors in parentheses.

This pattern suggests the following form of a suppression effect: the first two models did not control for social capital, and in those models we found no significant relationship between migrant status and income. Yet once the effect of social capital is held constant in model three, we do in fact find a significant earnings gap between the migrants and non-migrants. This thereby indicates that respondents who experienced geographic mobility *do* experience a negative effect on their income, but that they have suppressed this negative effect by drawing on networking social capital to mitigate, or buffer, this disadvantage. In other words, controlling for the positive effect of networking social capital reveals the suppressed negative effect of migration on financial rewards, which were not evident in the early statistical models.

These findings are particularly salient given the strictness of our research design: the respondents in the sample who moved from Montreal to Toronto all graduated from an elite law school. Yet notwithstanding their elite education, the independent, negative effect of migration on income in the final model suggests that the value of the migrants' credentials does not fully translate and transmit in the local market. Migrants, to earn the same as non-migrants, have to compensate for the discount they incur by being outsiders—so that they have to buffer the cost of moving by networking and gaining social capital at a higher rate than those who are 'insiders' to the Toronto profession. Thus, we find that even for a group with strong credentials, migration is indeed related to a significant loss in income, with social capital working as an important resource for buffering this transition (see also Hagan *et al.*, 1996).<sup>7</sup>

### Social capital and income

The patterns described above establish that migrants receive lower financial rewards than the Toronto-rooted lawyers—but this financial penalty is buffered by their reliance on networking social capital. What the models above do not explore, however, is whether the pecuniary returns to social capital are the same for migrants and non-migrants: in other words, whether the effects of social capital are conditioned on a lawyer's migrant status.

Since we hypothesise that migration may alter the worth of one's capital assets—so that, as with educational credentials, the social capital of one group may be worth less than for the other—we split the sample into two groups based on migrant status, and separately modelled income within each group. This approach is informed by Blau and Duncan's (1967) methodical analysis of the returns to achieved and ascribed status in the earnings of blacks and whites in the labour market. We can similarly assess whether the same factors that determine the incomes of migrants also influence (and in the same direction and degree) the incomes of non-migrants. We begin by discussing the results of the earnings regressions for each sub-group separately, and then turn to a comparison of the two groups.

Among the non-migrant Toronto lawyers, we find no gender gap in earnings in contrast to the large and significant gap we find when predicting income for the full sample. The stratification among these non-migrant lawyers instead turns on workplace attributes: there are significant payoffs related to working in large firms ( $b = 117.87$ ,  $p < 0.001$ ), to working in high prestige areas of practice ( $b = 38.16$ ,  $p < 0.01$ ), and for those whose jobs are characterised by increased workplace autonomy ( $b = 43.53$ ,  $p < 0.05$ ). These findings are presented in Model 1 of Table 5.

Among the migrant lawyers in Toronto, we find different forms of stratification which are related to individuals' demographic profiles, rather than their workplace settings. We find that migration is especially difficult for women with the data indicating a significant gender gap in favour of male lawyers ( $b = 52.97$ ,  $p < 0.001$ ), which is not apparent among the Toronto-rooted lawyers ( $Z = -1.58$ ,  $p < 0.10$ , two tailed). Further analysis suggests that this gender gap may be related to the gendered patterns of access to networking social capital: we find that women in the migrant sample report

**Table 5.** Regression estimates of the effects of migration, demographic and work characteristics, and social and human capital on income (n = 96 in each sample)

|                                      | Toronto sample |          |         |         | Movers   |         |         |          | Z test for comparison of coefficients |         |          |       |       |       |
|--------------------------------------|----------------|----------|---------|---------|----------|---------|---------|----------|---------------------------------------|---------|----------|-------|-------|-------|
|                                      | Model 1        |          | Model 2 |         | Model 1  |         | Model 2 |          | Model 1                               | Model 2 |          |       |       |       |
|                                      | B              |          | B       |         | B        |         | B       |          |                                       |         |          |       |       |       |
| <i>Demographics</i>                  |                |          |         |         |          |         |         |          |                                       |         |          |       |       |       |
| Married                              | -17.57         | (34.08)  | -16.09  | (34.28) | -12.22   | (29.76) | -11.95  | (28.98)  | -0.12                                 | -0.09   |          |       |       |       |
| Any children                         | 15.51          | (33.07)  | 17.38   | (33.31) | -50.02   | (24.53) | *       | -44.92   | (23.99)                               | 1.59    | 1.52     |       |       |       |
| Male                                 | 4.60           | (25.56)  | 3.85    | (25.68) | 52.97    | (16.73) | ***     | 55.72    | (16.33)                               | ***     | -1.58    | -1.70 |       |       |
| Protestant                           | -16.81         | (23.29)  | -19.31  | (23.66) | 6.60     | (17.36) |         | 8.64     | (16.92)                               |         | -0.81    | -0.96 |       |       |
| <i>Practice Setting</i>              |                |          |         |         |          |         |         |          |                                       |         |          |       |       |       |
| Not in law                           | -2.79          | (31.51)  | -0.46   | (31.81) | -15.74   | (21.67) |         | -10.46   | (21.22)                               |         | 0.34     | 0.26  |       |       |
| Large firm                           | 117.87         | (26.67)  | ***     | 112.54  | (27.91)  | ***     | 90.61   | (17.22)  | ***                                   | 90.30   | (16.76)  | ***   | 0.86  | 0.68  |
| Hierarchy                            | 36.47          | (19.55)  |         | 37.36   | (19.66)  |         | 15.32   | (11.15)  |                                       | 14.30   | (10.87)  |       | 0.94  | 1.03  |
| Decision-making                      | 13.85          | (11.00)  |         | 12.33   | (11.27)  |         | -0.32   | (5.99)   |                                       | 0.61    | (5.85)   |       | 1.13  | 0.92  |
| Autonomy                             | 43.53          | (19.17)  | *       | 45.38   | (19.43)  | *       | 2.44    | (8.12)   |                                       | 0.27    | (7.96)   |       | 1.97  | 2.15  |
| <i>Human Capital</i>                 |                |          |         |         |          |         |         |          |                                       |         |          |       |       |       |
| Years of experience                  | 53.44          | (58.22)  |         | 55.44   | (58.50)  |         | -14.81  | (43.66)  |                                       | -15.27  | (42.51)  |       | 0.94  | 0.98  |
| Experience squared                   | -1.14          | (1.44)   |         | -1.20   | (1.45)   |         | 0.35    | (1.05)   |                                       | 0.34    | (1.02)   |       | -0.83 | -0.87 |
| Specialisation                       | 38.16          | (13.11)  | **      | 40.27   | (13.52)  | ***     | 23.77   | (7.97)   | ***                                   | 19.91   | (7.94)   | **    | 0.94  | 1.30  |
| <i>Time Dependent Social Capital</i> |                |          |         |         |          |         |         |          |                                       |         |          |       |       |       |
| Face time                            | 1.19           | (0.92)   |         | 1.27    | (0.93)   |         | 0.68    | (0.53)   |                                       | 0.75    | (0.51)   |       | 0.48  | 0.49  |
| <i>Inherited Capital</i>             |                |          |         |         |          |         |         |          |                                       |         |          |       |       |       |
| Dad owned                            | 31.69          | (29.94)  |         | 29.05   | (30.31)  |         | 27.41   | (16.01)  |                                       | 24.90   | (15.63)  |       | 0.13  | 0.12  |
| Dad managed                          | -2.01          | (24.63)  |         | -1.86   | (24.71)  |         | 35.70   | (21.58)  |                                       | 31.54   | (21.09)  |       | -1.15 | -1.03 |
| Dad self-employed                    | -31.25         | (35.71)  |         | -30.92  | (35.84)  |         | 16.26   | (22.10)  |                                       | 26.60   | (21.99)  |       | -1.13 | -1.37 |
| <i>Networking Social Capital</i>     |                |          |         |         |          |         |         |          |                                       |         |          |       |       |       |
| Social clubs                         | 31.77          | (16.47)  |         | 68.52   | (57.13)  |         | 6.99    | (9.24)   |                                       | -43.62  | (23.82)  |       | 1.31  | 1.81  |
| Clubs squared                        |                |          |         | -20.84  | (31.01)  |         |         |          |                                       | 26.00   | (11.33)  | *     |       | -1.42 |
| (Constant)                           | -905.72        | (582.69) |         | -939.24 | (586.87) |         | 89.40   | (472.79) |                                       | 122.10  | (460.58) |       |       |       |
| Adjusted R square                    | 0.44           |          |         | 0.44    |          |         | 0.48    |          |                                       | 0.51    |          |       |       |       |

Notes: \* $p < 0.05$ ; \*\* $p < 0.01$ ; \*\*\* $p < 0.001$  (one tailed), standard errors in parentheses.

significantly fewer memberships in social clubs than do men, while there is no gender difference in networking social capital in the Toronto sample.<sup>8</sup> Finally, the data also indicate a significant drop in income for migrant lawyers with children ( $b = -50.02$ ,  $p < 0.05$ ). These findings are presented in the third column of Table 5 (Model 1).

The financial returns to networking social capital, however, are more difficult to parcel out. Despite our finding above, we find that increasing one's social capital does not appear to influence the incomes of either the Toronto-rooted or the migrant lawyers. As we demonstrate below, the challenge facing migrants cannot be overcome through mere increments to one's social networks. Instead, it is *exponentially* increasing one's social capital—by developing what Nan Lin (1999) calls *extensive* social ties—that provides migrant lawyers with greater financial rewards.

We demonstrate this finding by modelling an additional regression equation which includes an exponential form of social capital,<sup>9</sup> presented in Model 2 of Table 5. For migrant lawyers, the square of social capital has a significant and positive effect on income ( $b = 26.0$ ,  $p < 0.05$ ); migrant lawyers who have extensive social ties enjoy an earnings boost of \$26,000. And in comparison, the Toronto-rooted lawyers do not enjoy any earnings boost for extensive social ties ( $Z = -1.42$ ,  $p < 0.10$ , one tailed). This difference is significant for a directional hypothesis at the 0.10 level; given the relatively small sub-samples in each model, this level of significance is a reasonably strict test.

In contrast, while migrant lawyers enjoy financial returns to their extensive social capital, mere linear increments produce a negative effect on their income (this approaches significance at the  $p < 0.10$  level), and a significant net loss compared with the income of non-migrants ( $Z = 1.81$ ,  $p < 0.10$ , two tailed). A likely interpretation of this finding is that those migrant lawyers who increase their networks somewhat become increasingly embedded in their existing (and undervalued) networks, resulting in a loss of opportunities and a pecuniary penalty.

These data demonstrate that the value of social ties depends on one's position in social space and on the very form of those ties. While much important work has explored the importance of *strong* or *weak* ties (e.g. Granovetter, 1995; cf. Lin, 1999), for these migrant lawyers having a close network of ties may do no more than reinforce their existing professional disadvantages. Precisely because their social capital will often be external to the local market, migrants instead require access to an *extensive* range of networks, confirming Nan Lin's (1999) conclusion that "extensity or size of network ties are significantly related to richness or diversity in social resources" (p. 483). Of course, not all migrants enjoy a wide network of ties on which to draw. As a result, this becomes a mark of success and distinction: those 'outsiders' who can successfully marshal extensive social ties find themselves enjoying returns to their social capital that outstrip the returns enjoyed by the Toronto-rooted lawyers.

## Conclusions

Lawyers in the twenty-first century are moving at a rapid pace across geographic boundaries, whether at the very beginning of their careers—as did the lawyers in

this study—or as they gain more experience, including lateral moves across firms, practice sectors, cities and even countries. This study emphasises three ways in which moving matters to lawyers, and the mechanisms that help and hinder their careers as they experience these moves.

First, we find that geographic mobility can be a source for the emergence of new inequalities within the profession. We find that capital is valued differentially across local legal markets, so that lawyers moving from one jurisdiction to another do not receive full value for their credentials; this emphasises the importance of accounting for local “exchange rates” (Bourdieu, 1998) in studying the career implications of an increasingly mobile profession. These inequalities are not evident at first glance, since their discounted human capital may be compensated for through networking social capital. In the context of an increasingly transnational profession, however, it may be that these inequalities are ever harder to overcome: while the migrant lawyers in the present study were successfully able to draw on their social capital, it remains to be seen whether this conversion would be more difficult in an international context, where capital such as educational credentials or social networks could be more difficult to harness and mobilise. In short, given the sociopolitical context of this internal migration, and the unique sample on which we draw, further study is needed to determine the role of migration in shaping career outcomes across locales.

Second, geographic mobility can exacerbate existing inequalities in the profession. In particular, we find that women suffer negative career consequences as a result of migration compared with men. While research on mobility more broadly suggests negative outcomes for women who move (see e.g. Bielby & Bielby, 1992; Boyle *et al.*, 2001; but see LeClere & McLaughlin, 1997), these findings are of particular concern given the tendency toward increased geographic mobility in the legal profession, a trend that may reinforce a broader pattern of disadvantage for women lawyers (cf. Hagan & Kay, 1995; Kay & Brockman, 2000; Reichman & Sterling, 2002).

Third, these data suggest that understanding the effects of capital assets equally requires attention to the functional form of capital within professional fields. We find that for lawyers who move, exponential social networks lead to increased rewards—while simply increasing one’s network incrementally, likely leading to deeper embeddedness within a narrow (and undervalued) network, results in greater disadvantage.

This paper demonstrates that the dramatic transformations currently underway in the legal profession have important consequences for lawyers as they build their careers. Understanding these effects requires attention to the full range of resources available to lawyers. While researchers are increasingly calling attention to the effects of social capital, we emphasise the importance of its fungibility, forms and formats. For the lawyers in this study, particular forms of social capital were necessary to overcome the barriers they faced due to their migration from one city to another. These findings suggest that a sociology of the legal profession needs to be dynamic: to pay attention to the increasing movement of lawyers, and the implications for inequality and the structure of the bar. To ignore this is to impose a coherence of the ‘local’ on an increasingly mobile profession—we must instead pay attention to the more subtle and diverse ways through which the profession values some while it places a professional discount on others.

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## Notes

- [1] Even when accounting for inflation (using a GDP deflator) this amounts to over a 250% increase over the 7-year period (the value of exports in 1990 was \$451 million in 1990 dollars).
- [2] While annual statistics for attrition are not available, a comparison of cohort data indicates that the number of new entrants outstrips attrition in the profession due to mortality or disbarments (see Carson, 2004, pp. 1–3).
- [3] This is not to suggest that any geographic mobility of lawyers is new. As Lewis (1988, p. 12) notes, elite British lawyers in the nineteenth century had moved to practise law in the colonies, with effects for the profession in these countries. Yet as Lewis further notes, “warnings to English practitioners not to try their luck in the colonies” grew as time went on.
- [4] For example, the students admitted to McGill Law School have similar undergraduate GPAs to those attending the elite Ontario schools of the University of Toronto and Osgoode Hall Law School (LSAC, 2006).
- [5] While prior studies have relied on hours billed, we instead rely on hours worked, for two reasons. First, billable hours are relied on solely in the domain of private practice, and not all respondents in this sample are working in private practice. Second, this measure reflects the number of hours worked in the office; as such, it represents the extent to which respondents invest time in their work, and balance it with their personal time (see also Kay & Hagan, 1999).
- [6] Kay and Hagan (1999) identify practice setting as an additional source of social capital, suggesting that working in different practice settings provides lawyers with differential opportunities. Because the present paper focuses on work settings both within and outside of private law practice (including outside of law altogether), we here rely on a measure of practice setting without identifying it as a form of capital.
- [7] Separate analyses on the sub-sample of Toronto lawyers indicate that in contrast, the most elite Toronto-based school, the University of Toronto’s Faculty of Law, does produce an independent, positive effect on income.
- [8] The data also indicate that only 36% of women who moved to Toronto moved together with their spouse compared to 42% of men, and that almost all the women (91%) in the migrant sample obtained jobs prior to their move. Further analyses employing an interaction term between gender and having moved with a spouse indicate that women who moved to Toronto with their spouse are not earning significantly different salaries than those who moved to Toronto when they were single. Taken together, these patterns suggest that the occupational disadvantages suffered by women are likely related to the gender differential in networks rather than to their marital status at the time of their move (see generally Bielby & Bielby, 1992; Boyle *et al.*, 2001).
- [9] As part of our analysis, we returned to the equations presented in Table 4, to include this exponential form of social capital. For the full sample of lawyers, we found that this extensity of ties bears no significant relationship with income.

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