High-Status Deviance or Conformity? Professional Purity or Impurity? Silicon Valley Law Firms' Engagement in Family and Personal Injury Law[1]

Damon J. Phillips
University of Chicago Graduate School of Business
damon.phillips@gsb.uchicago.edu

Ezra W. Zuckerman
MIT Sloan School of Management
ewzucker@mit.edu

[1] Authorship is alphabetical. We benefited greatly from the comments of Joel Brockner, Rodrigo Canales, Barry Cohen, Jared Curhan, Jason Davis, Zev Eigen, John-Paul Ferguson, Bob Freeland, Fiona Murray, Elena Obukhova, Kelly Patterson, Hayagreeva Rao, Carroll Seron, Susan Silbey, Alan Zuckerman, and audiences at MIT, the University of Chicago, and the American Sociological Association. The fault for any remaining errors lies entirely with the authors.

* Manuscript

High-Status Deviance or Conformity? Professional Purity or Impurity? Valley Law Firms' Engagement in Family and Personal Injury Law

Abstract

We help to resolve two longstanding and seemingly unrelated puzzles concerning status and action: (a) why high-status actors sometimes display greater deviance, and sometimes greater conformity, than lower-status actors; and (b) why intraprofessional status seems to be driven by "purity," or removal from nonprofessional actors and actions (Abbott 1981). We resolve the first puzzle by distinguishing between two qualitatively different kinds of norms, which correspond to the categorization and selection stages of choice: *membership norms*, which prescribe certain actions and proscribe others to signal whom the audience should consider for evaluation; and *quality norms*, which proscribe actions that contradict an audience's standards for quality. Membership norms can be ignored by high-status actors because their status implies full membership. By contrast, no actor can afford publicly to violate quality norms and retain her status, and the fall from grace is particularly severe for the high-status actor (Adut 2005). This resolution of the first puzzle also clarifies the second puzzle. Purity is not valued per se, but only insofar as a professional's membership is ambiguous. Accordingly, high status professionals often engage in otherwise impure actions. We validate our theoretical framework through an application to the (Silicon Valley) legal services market. We argue and show that while Personal Injury and Family Law are both at the bottom of the U.S. legal status hierarchy, practicing the former violates a quality norm (and is thus eschewed by high-status, corporate firms) while practicing the latter violates a membership norm (and is thus avoided by middle-status but not high-status firms).

In *The Human Group* I said that a man of high status would conform to a high degree to all the norms of his group, but this was certainly an overstatement… To keep his high status a man must provide rare and valuable services to others, but so long as he does that, the other members may allow him some leeway in lesser things… Mere slavish conformity to an old norm may put him back among the masses instead of keeping him set apart from them, where he belongs.
-- Homans (1961: 339)

… the problems that fundamentally challenge basic professional categories are impure and professionally defiling. It is at once clear why Laumann and Heinz (1977) find that legal practice involving corporations in nearly all cases stands above that of private individuals. The corporation is the lawyers' creation. The muck of feelings and will is omitted from it *ab initio*. Where feelings are highest and clients are most legally irrational-- in divorce-- intra-professional status is lowest.
-- Abbott (1981: 824)

I. Introduction: Two Puzzles

Puzzle #1: High-status deviance and conformity. The two epigraphs above provide a gateway into two confounding puzzles involving status and action. The first is the following: Do actors of higher status tend to conform to a greater or lesser extent than their lower-status peers? At first blush, the answer to this puzzle seems straightforward. In his classic *The Human Group* (1950), Homans posits (1950: p.140) the "fundamental hypothesis that the higher the rank of a person within a group, the more nearly his activities conform to the norms of the group," where a norm is "an idea that can be put in the form of a statement specifying what group members or other men should do (and for which) … departure of real behavior.. is followed by some punishment (Homans 1950: 123)." The logic underlying this hypothesis seems irrefutable: for a commonly recognized status hierarchy to exist, the "audience" conferring status must employ a common standard for evaluating the actors who populate that hierarchy (e.g., Heinz et al. 2005: 82-83; Zhou 2005). Such standards need not pertain to actions at all. For instance, an audience may confer status on the basis of physical appearance or lineage. But insofar as an audience regards certain actions as normative, it appears tautologically true that actors gain status from adhering to them and lose status from violating them. Accordingly, it is easy to call to mind many examples of "falls from grace," by which high-status actors become stigmatized or infamous when it is publicly revealed that they violated the norms of their community or group, suffering greater penalties than lower-status actors would

for the same violations (e.g., Adut 2005; Alvarez 1968; Fine 1997; Giordano 1983). Thus, the incentives for conformity by anyone, and perhaps especially for high-status actors, seem quite strong.

Yet as indicated by the first epigraph, Homans retreated from his fundamental hypothesis in *Social Behavior* (1961). In the decade between the two books, several studies had been published (Blau 1960; Dittes and Kelley 1956; Hollander 1958, 1960; Kelley and Shapiro 1954; Menzel 1960) that suggested that high-status actors deviate from group norms to a greater degree than do middle-status actors. As Hughes had noted (1946: 517):

> Here is an apparent paradox: Admittance to the group may be secured only by adherence to the established definitions of the group, while unquestioned membership carries the privilege of some deviant behavior. This is, of course, not a paradox at all; for it is characteristic of all social groups to demand of the newcomer a strict conformity which will show that he accepts the authority of the group; then, as the individual approaches the center of the group and becomes an established member, they allow him a little more leeway.

Thus the well known irony that many U.S. citizens could not pass the citizenship exam given to immigrants, or that the convert often must learn more about a religion's tenets and rituals than those who are born into it. In sum, just as it is easy to think of norm violations that caused the downfall of high-status actors, the notion that "rank has its privileges (Black 1976)" seems intuitive as well.

The first puzzle then reemerges as the following conundrum: *How can both conformity and deviance be expected of high-status actors?* The answer that seems to have gained consensus is that provided by Blau (1963: 201-202 cf., Alvarez 1968; Becker 1970; Giordano 1983; Menzel 1960), who distinguished between "basic" or "explicit norms that … protect the group's fundamental interests" and those that are akin to "folkways" and are of "lesser saliency" even if favored by "majority opinion." While everyone in a group must adhere to the former, "one of the rewards from (achieving high status) is a secure position that permits him to follow his own inclinations in disregard" of the latter ("lesser things" [Homans 1961: 339] or "idiosyncracies" [Hollander 1958]). Thus this commonly accepted resolution of the first puzzle involves distinguishing norms in terms of their *degree of importance* to a group.

Puzzle #2: (Im)purity and Professional Status. But while seemingly unquestioned by previous scholars, this answer is unsatisfactory. The basis for such dissatisfaction can be appreciated by first

contemplating a second, and seemingly unrelated, puzzle. In particular, Abbott (1981, 1988, 2001; see also Sandefur 2001) argues that the basis for intraprofessional status (i.e., the relative status of a professional or subcategory of professionals relative to one another) differs from (and in some sense contradicts) the basis for extraprofessional status (i.e., the relative status of professions in the eyes of the public). Whereas extraprofessional status stems from the profession's mastery of difficult problems or threats faced by the public (Abbott 1981; Abbott 1988; Shils 1965; cf., Zhou 2005), intraprofessional status derives from professional "purity," or distance from the "messiness" of public problems. The argument that intraprofessional status derives from purity seems compelling, and is familiar from status hierarchies within academic disciplines (e.g., the relative status of the theorist versus the empiricist, or the doctoral advisor versus the undergraduate lecturer; Abbott 2001). But it raises the second puzzle: Why might extraprofessional and intraprofessional status hierarchies be based on different principles? Put differently, insofar as audiences generally confer status based on the (socially validated) quality of their attributes or performances (e.g., Goode 1978; Gould 2002b; Podolny 2005; Ridgeway, Correll, and Zuckerman 2008), it is unclear why they should care about purity. *What is so great about purity, and why might it be valued within professions or disciplines and not in other settings?*

Linking and Deepening the Puzzles. A recent empirical finding deepens this second puzzle and reopens the first. In particular, Phillips and Zuckerman (2001) show that the tendency for a Silicon Valley law firm to have a family law (principally, divorce) practice is curvilinear in status, such that the highest and lowest status firms are most likely to have such a practice. This result clearly poses difficulties for the thesis that intraprofessional status reflects an actor's purity. As indicated by the second epigraph, and as discussed below, lawyers consider divorce law to be the most impure legal practice in the U.S. bar. But if that is the case, why are high-status firms willing to engage in it? More generally, and as discussed below, high-status professionals often engage in seemingly impure actions (e.g., engage in "public sociology") and sometimes even parlay such actions into *higher* status within their profession. So, our theoretical puzzle concerning why purity is so valued among professionals is now compounded by the fact that sometimes it is not. Under what circumstances does purity lead to higher status?

Furthermore, the patterns of conformity and deviance reported by Phillips and Zuckerman (2001) also contradict the accepted resolution to the first puzzle, which holds that high-status deviance (conformity) occurs with respect to less (more) important norms. According to this account, engagement in family law must involve the violation of a relatively minor norm. But in fact, family law has repeatedly been shown to be the lowest status practice area in the U.S. bar (Heinz and Laumann 1982: 68, Heinz et al., 2005: 87-88), which thus suggests that it concerns a very important norm. We might try to resolve this apparent anomaly by insisting that family law involves the transgression of a relatively minor norm. But such an interpretation merely recasts the empirical puzzle-- i.e., why can high-status law firms get away with the violation of a seemingly important norm-- as a theoretical one: *Why do middle-status actors suffer disproportionately when they violate minor norms (and are accordingly more likely to conform to such norms)?* If the norms are of little importance, they should exact relatively limited penalties on any violator, regardless of the actor's status. In short, the existing resolution to the first puzzle falters because it focuses on variation in the *degree* of a norm's importance. The reversal in the relative penalties (and corresponding proclivities towards conformity), whereby high-status actors experience harsher reaction to some violations and middle-status actors to others, instead suggests a difference in *kind*.

Plan of the paper. Accordingly, and as developed in the next section of the paper, we aim to resolve the first puzzle by distinguishing between two distinct kinds of norms-- "membership norms" and "quality norms"-- that correspond to two characteristic stages of audience choice: categorization and selection. Adherence to membership norms (which *prescribe certain actions and proscribe others to signal whom the audience should consider* as a category member) helps an audience resolve ambiguity as to whether an actor belongs in the category from which it selects. But since their high status implies "unquestioned membership" (Hughes 1946: 517) in such a category, high-status actors can often afford to violate membership norms. And since membership norms often bear only incidental relationship to quality, such actors often find it in their interest to engage in such deviance. Yet all actors face penalties if they publicly violate quality norms, which *proscribe actions that contradict an audience's standards*

for quality or value. Moreover, since high status implies knowledge of norms, the violation cannot be plausibly denied; and since high status implies unquestioned categorical membership, this further implies that the high-status actor *represents* the category to the audience and to its audiences. As such, the audience often feels pressure to repudiate the quality-norm violator publicly and completely in order to demonstrate that it does not endorse such violations (Adut 2005).

This resolution to the first puzzle provides the basis for resolving the second puzzle. In particular, we argue that a concern with purity reflects a concern with membership. Professionals worry about the purity of their colleagues not because they value purity *per se,* but because it complicates the challenge of deciding whom they should evaluate (e.g., for jobs within the profession). But once membership in the set of actors to be evaluated is established, the basis for status is the same as it is in any domain--the socially validated quality of actors' performances (e.g., Goode 1978; Gould 2002b; Podolny 2005; Ridgeway and Correll 2006). Thus, a scientist's status does not give him the license to engage in fraud or plagiarism. To the contrary, a public violation of professional ethics (quality norms) by a high-status professional represents a contradiction that demands public denunciation. Accordingly, we sharpen and extend Phillips and Zuckerman's (2001) analysis of the Silicon Valley legal market, by showing that high-status deviance in engaging in family law (divorce) occurs alongside high-status conformity in avoiding personal injury law, with the latter representing a practice area that is purer but involves violations of professional ethics. The accepted answers to either of the two puzzles cannot account for this pattern. But we can readily understand such findings (as well as corresponding patterns in the penalties suffered due to engaging in these practice areas) once we recognize: (a) two different types of norm conformity, which are associated with two stages of choice-- categorization and selection; and (b) that the attainment of high status implies both knowledge of local norms and unquestioned category membership.

II. Puzzle #1: High-Status Deviance or Conformity?

Status via Quality

To clarify whether we should expect greater conformity or deviance from actors of varying status, it is useful to first follow a second shift from Homans's (1950) "fundamental hypothesis," which was proposed by both Blau (1963) and Homans (1961). In particular, they note that one cannot gain in status relative to others through "sheer conformity." Conformity can "forestall disapproval" but cannot "earn (one)… the respect or deference of others (Blau 1963: 202)." Put differently, conformity does not set one apart from other conformists. Rather, achieving status requires that one distinguish oneself by offering "rare and valuable services (Homans 1961: 339)." In short, status is achieved through *differentiation*-- i.e., demonstrating that one is superior to category peers according to the standards of quality used by a given audience. And public acts by audience members to give priority to some actors over others constitute the acts of honor or deference that comprise status hierarchies (e.g., Goode 1978; Gould 2002b; Podolny 2005; Ridgeway and Correll 2006; Weber 1946).

If the basis for status lies in acts of differentiation, why then do we ever see conformity among actors who wish to gain favor in the eyes of some audience? Blau provides the first reason for conformity-- i.e., to "forestall disapproval." In short, just as the demonstration of superior quality promotes an actor's status, demonstrations of inferior quality will lower one's status in the eyes of the audience. And nothing demonstrates low quality like an action that one's audience deems contemptible. For instance, while one cannot gain status from conforming to a norm like Thou Shalt Not Kill, the violation of such a norm invites severe penalties for the very reasons that underlie Homans's "fundamental hypothesis:" it is illogical for an audience to confer high ranking on an actor if he engages in actions that harm or contradict its basic interests and (hence) its values.

We label such norms "quality norms," and define them as actions that are *proscribed* because they contradict the standards the audience uses to assess quality. Examples of quality norms include proscriptions against murder, adultery, incest, or rape. Of course, even such seemingly universal proscriptions take different forms in different societies (e.g., Levi-Strauss 1969), and are tolerated and

even appreciated depending on the context (e.g., if in war on behalf of the audience). More generally, standards of quality are audience- and context-specific. For instance, while fans of rock groups may tolerate (and even appreciate) the violation of norms held by the rest of society (e.g., drug abuse, destroying property), they will downgrade such groups if they fail to show up for concerts (Giordano 1983). At the same time, even an audience that is constituted for a narrow purpose will demand adherence to quality norms that reflect more general values to which its members commonly subscribe. For example, performing artists risk falling out of favor if they express political views that their fans regard as anathema, especially during times of political tension (Bromberg and Fine 2002; Rossman 2004). More generally, an actor who seeks the favor (i.e., high status) of a particular audience must *demonstrate quality* as defined by that audience. And this involves: (a) active efforts at differentiating one's actions from others according to the audience's quality standards; while (b) taking care to conform, by refraining from violating quality norms (i.e., actions that contradict such quality standards).

*Membership via Conformity***.** Our discussion to this point does not entail variation in pressures to conform. And yet, as discussed in the introduction, such variation seems evident, with high-status actors sometimes experiencing less pressure to conform and sometimes more pressure. As examples of high-status deviance, consider that the chief surgeon seems more likely than the resident to joke around during surgery (Goffman 1961) and that a tenured professor seems more likely than a PhD who works in industry to forgo the use of his title or to wear informal attire at the workplace. By contrast, the chief surgeon and the tenured professor seem more likely to become infamous if they violate professional ethics-- e.g., by performing surgeries while intoxicated or by fabricating data. Such stigmatization makes sense in that such actions seem to be clear violations of quality norms, though they raise the question of why high-status actors face greater penalties for such violations. Before address this question, we first explain the high-status deviance observed in the former cases.

As discussed above, the accepted answer to this puzzle focuses on variation in a norm's importance, with high-status actors receiving an implicit license to violate less important norms. But this answer cannot explain why lower-status actors face such severe penalties for violating seemingly

unimportant norms. Actions that are not countenanced when undertaken by low-status actors, but are tolerated and sometimes even venerated when undertaken by high-status actors-- e.g., informality (or other aspects) of one's dress, speech, or title (cf., Lieberson 2000)-- seem to be mere "idiosyncracies" (Hollander 1958) that should not matter. But they clearly do matter, sometimes to the point of preventing the norm-violator from being able to contend for the favor of an audience. Consider the remark of a headhunter in late 20th century Atlanta: "It never helps to wear an ankle bracelet (Finlay and Coverdill 2002: 153)." It is hard to argue that the wearing of a piece of jewelry constitutes the violation of a "minor" norm, especially when such nonconformity can override attributes that are obviously more relevant to the job (e.g., how the candidate interacts with clients) in removing a candidate from being considered further. Rather, such examples suggest the existence of a second reason for conformity-- i.e., to *demonstrate membership* in the category from which the audience selects. Dressing up for a job interview can hardly be said to be a strategy for "forestalling disapproval" due to the violation of a quality norm. One does not waste disapproval on a candidate who deviates from such norms. Instead, one simply eliminates the candidate from further consideration and forgets him. Thus, to reduce the likelihood of being screened out in such a fashion, the candidate conforms to "membership norms" that *prescribe* actions that indicate membership in the category from which the audience selects (e.g., wearing a business suit), while proscribing actions that indicate nonmembership (e.g., wearing an ankle bracelet).

The imperative to demonstrate membership derives from a challenge that inheres in the valuation process. In particular, for an audience to evaluate and select from a set of candidates, such candidates must be *comparable* to one another. Thus, when evaluating athletes, sports buffs first group them by sports, and then by position, and then perhaps by era (Purcell 1996). When sociologists evaluate our colleagues, we group them by subfield, by methodology, and by cohort. And when we are shopping for the tastiest apples, we ignore anything that looks like an orange. These two stages of selection-- categorization and selection-- in turn induce two stages of action undertaken by candidates in an effort to be selected (Phillips and Zuckerman 2001; Zuckerman 1999, Zuckerman, Kim, von Rittmann, and Ukanwa 2003; 2004; cf., Shocker et al., 1991; Urban, Weinberg, and Hauser, 1993). We discussed the

second stage above: given that the audience selects on the basis of quality, one strives to demonstrate relative quality by conforming to quality norms while differentiating through superior performance. But one may not even get a chance to demonstrate quality if it is unclear to the audience that one belongs in the category from which it selects. Accordingly, the primary imperative is to demonstrate category membership through conformity to membership norms.

While membership norms often seem arbitrary or trivial, they can typically be defended as indirect indicators of quality. More generally, membership norms range from reasonable-but-crude heuristics for screening out lower quality candidates, to those that function as signals of membership merely because it is common knowledge (i.e., everyone knows that everyone knows; see Chwe 2001) that they are "established definitions" of membership (Hughes 1946: 517). As an example of the former, consider experience-based typecasting in labor markets, whereby employers screen out candidates who have worked in a wide variety of jobs because they assume that most skills are specialized (Zuckerman et al. 2003; Zuckerman 2005). Such a heuristic is reasonable but it is also crude in that it prevents the consideration of workers who truly are Renaissance Men. Note that even would-be Renaissance Men will specialize (thereby becoming specialists) if they know that the audience screens on the basis of specialism. Similar self-fulfilling processes can create membership norms from seemingly arbitrary and meaningless actions such as a candidate's style of dress. Once it has become common knowledge that an action connotes (non)membership, it will make sense for candidates who wish to be recognized as members to undertake (avoid) such actions. Audiences reasonably (but crudely!) construe deviance as indicating that the actor either does not have, or is not committed to obtaining, the knowledge, skills, or "tastes" necessary for achieving high-quality.

Variation in Conformity. Having distinguished between membership and quality norms, and identified their foundations in the categorization and selection stages of audience choice, we are now in position to explain why high-status actors enjoy greater leeway with respect to membership norms. In particular: *status implies membership*. Categorization is a prelude to evaluation, a tool for deciding who should be evaluated. Accordingly, once it is common knowledge that an actor is a member-- and an

actor's high status implies such membership,[1] the audience reasonably focuses only on any changes in indicators of an actor's (publicly recognized) quality, but ignores questions of membership. As discussed above, membership norms concern actions that hold at best indirect implications for quality, but which the audience uses to separate members from nonmembers when *category membership is ambiguous*. Everyone agrees that the quality of the surgery has nothing to do with the banter in the operating room, and that the quality of the science has nothing to do with what the scientist calls himself or what he wears. And so an actor who has already gained recognition for high quality-- i.e., someone form whom it is common knowledge that she is high-status-- need not concern herself with conforming to membership norms. The audience ceases to focus on the question of her membership, but only on her quality. To the contrary, overcoming the need to demonstrate membership can serve as a source of differentiation from other actors and provide other benefits as well. For example, an informal atmosphere can relieve tension (cf., Goffman 1961). An actor can become renowned for his artistic range (Zuckerman et al., 2003). And finally, the advantages of violating membership norms are captured by the expression "Only Nixon could go to China." Having established himself as an anti-Communist, Nixon could afford to take an action that might otherwise be construed as kowtowing to the Chinese regime, in an effort to build an alliance against the Soviet Union.

By contrast, any actor has much to lose from violating quality norms. In the first instance, all actors face punishment as a result of such transgressions. Yet two related reasons interact to produce a more severe reaction when the miscreant is of high status. First, since high status implies knowledge of the audience's values, claims of ignorance of its norms are less believable when made by high-status actors. For example, while plagiarism on the part of a graduate student may lead to his dismissal from academia, his indiscretion might even be treated as a "rookie mistake" or "youthful indiscretion" that is part of the development process. By contrast, the prominent academic cannot "plausibly deny" knowing

[1] Note that we are assuming a relatively high degree of stability in the status hierarchy. If the status hierarchy is volatile or even if the specific actor's status is uncertain, it will not be common knowledge that she is high-status and she will not have the security necessary to deviate on membership norms (see Phillips and Zuckerman 2001: 387-9)

the rules of the game (see Giordano 1983: 330). Second, since high status implies membership, the high status actor *represents*—i.e., serves as a model or prototype for-- the category. As such, when a high-status actor takes actions that directly contradict the very preferences that underlie the audience's support for the category, such actions threaten the standing of the entire category in the eyes of the audience. And so the threat presented when someone, for whom it is common knowledge that they represent a category, contradicts the principles that underlie support for that category, is that the entire category will be downgraded. Consider your reaction when a member of your ethnic group, profession, or organization (cf., Canales 2007) commits a crime, especially when it is clear and highly publicized. Such acts create pressure for other representatives of the category to disavow the miscreant and cast him as representing the opposite of the principles upon which the category stands (Adut 2005). But this threat is less salient insofar as the miscreant is lower status, as it will be less clear to all concerned that she represents the category. Disavowal of her actions may not even be necessary. Thus, even if plagiarism threatens a graduate student with ejection from her field, she will not become infamous. And this, coupled with the more "plausible deniability" of their violations, gives lower-status actors more leeway with respect to quality norms than is enjoyed by high-status actors. In sum:

Proposition 1: Ceteris paribus, and relative to lower status peers, high-status actors should face greater penalties, and thus display greater conformity, with respect to quality norms. But high-status actors should face lower penalties, and thus display less conformity, with respect to membership norms.

Low-Status Deviance. Proposition 1 focuses on the contrast between high-status actors and lower status peers. Following Phillips and Zuckerman (2001: 387-389), we use the term "peers" to refer to actors who have at least some degree of membership in the category in question, and thus can generally be expected to identify with the category (i.e., seek the favor of the category's audience). In some cases, such actors are the lowest status actors. But in other cases such actors can be considered middle status because still lower status actors occupy another category that is below the first. In such contexts, the

lowest status actors have little or no opportunity to gain audience recognition once they have become commonly known as members of the lower-status category. As a result, they can be expected to identify with (i.e., compete for status with respect to) the audience for the lower-status category rather than the audience for the higher-status category. Accordingly, if we focus on the norms held by the audience for the higher-status category, we should expect to see the greatest deviance, both on membership and quality norms, by the lowest-status actors. Put differently, the basis for deviance changes as one moves down a status hierarchy. At the top, adherence to quality norms becomes more important than adherence to membership norms because membership increasingly becomes taken for granted, and the audience pays keen attention to actions that imply high and low quality among actors who are members. But insofar as *nonmembership* becomes taken for granted as one descends a status hierarchy, there is no reason for the lowest status actors to conform, either to membership or to quality norms.

Scope Conditions. We conclude this section by noting two important scope conditions on our proposed resolution to the first puzzle. First, proposition 1 can be expected to hold insofar as the norm-violation is: (a) publicized in such a way that it becomes common knowledge; and (b) clear in its implications for quality and membership. The importance of publicity reflects the fact that status hierarchies derive their stability and their influence on decision-making (i.e., biasing decisions in favor of high status actors) less from the fact that audience members believe that the highest status actor is the highest quality, than from their belief that *most other* audience members hold this belief (Ridgeway and Correll 2006; Ridgeway et al. 2008). What matters is what everyone knows about what everyone knows (Chwe 2001; Swidler 2001). Accordingly, Adut (2004, 2005) shows that even widespread violation of quality norms (such as homosexuality in Victorian England) may not lead to a lowering of an actor's status unless the action becomes publicized in such a way that it is common knowledge that the violation has occurred (cf., Fine 1997), and there are norm or moral entrepreneurs (Becker 1963) who gain from the publicity, and work to ensure that the violation is impossible to ignore (cf., Zerubavel 2006). And yet, even well-publicized violations may have limited effects on the actor's status if the violation is ambiguous. While ideal-typical membership and quality norms can be readily identified in any culture

(e.g., in the contemporary United States, speaking languages other than English violates a membership norm; while committing rape violates a quality norm), the distinction between the two is often unclear and contested. Combined, the two factors of publicity and ambiguity imply that even a high-status actor may risk transgressing quality norms if she expects that the transgression is likely to remain unpublicized (cf., Centola, Willer, and Macy 2005) and/or that she can justify the transgression as justifiable based on extenuating circumstances (i.e., contradicting one value held by the audience in order to fulfill a more important one). Of course, such beliefs often turn out to be mistaken, which is one reason why scandals routinely break out.

A second scope condition concerns control over norms. Proposition 1 depends on the assumption that the actors concerned cannot change the norms. But in fact, actors often attempt, and sometimes succeed, at changing norms, and high-status actors seem most likely to succeed at such moral entrepreneurship. As Gould stresses, competition for status is often competition for *dominance*-- i.e, "the right to decide what goes on" in a system (Gould 2002a: 40). The leaders of communes and cults (Martin 2002), whose leaders may be given the right to determine the beliefs and preferences by members, exemplify such dominance. The American high school (Coleman 1961), in which a "leading crowd" shapes the norms for the school; and the formal organization, where managers are given the right to shape the culture of the organization (Selznick 1957), represent milder forms of dominance. Yet while status involves dominance in many cases, such dominance is typically limited. Except insofar as the subordinate actors depend on the dominant actor for life-giving resources, the latter will need to legitimate his authority (Weber 1946). And he risks departures and rebellion (cf., Hirschman 1970) if he violates the established rules, even if he was the one to establish them. Moreover, if there are limits to high-status dominance in such cases, this is certainly true in the many cases where status and dominance are effectively decoupled. In particular, it is useful to contrast "social" contexts such as the group, organization, or school, in which the audience and the candidates are the same actors, with market-like contexts where candidates and audience consist largely of different sets of actors. In market-like contexts, candidates inherently depend on the audience for resources and thus are heavily constrained in

how much they can shape audience values.[2] More generally, proposition 1 should apply insofar as high-status actors are not so dominant that they can change norms to justify any act of deviance. And such cases of status/dominance decoupling are exemplified by markets in which sellers (e.g., producers, employees, professionals) compete for the favor of buyers (e.g., consumers, employers, clients).

Before turning to our second puzzle, it is important to note why the foregoing restrictions on our proposed resolution to the first puzzle do not narrow its scope to the point that it is exceedingly narrow. In particular, while this resolution holds limited value insofar as the actions in question are (believed by the actor to be) hidden from view and/or ambiguous, and insofar as the actor is able to adjust norms as he sees fit, *it is equally true that the puzzle only applies within such conditions*. That is, it is no mystery that a supremely dominant actor can violate norms. Nor is it a mystery when actors violate norms in private or when the norms are unclear. The puzzle is that high-status actors are penalized sharply (by audiences upon whom they depend) for public and unambiguous violations of some norms (and thus can expected to publicly conform to them), whereas lower status actors face sharper penalties for other norms. We have argued that this reversal in penalties and corresponding proclivities towards conformity cannot be explained by variation in norm importance. Rather, this pattern makes sense if we posit two kinds of norms, which derive from the two stages of choice, and which apply differently depending on the degree to which actors are commonly accepted as category members.

III. Puzzle #2: High Status Purity or Impurity?

We now use the foregoing theoretical framework to help resolve the second puzzle that animates this paper: why and under what circumstances is purity an important basis for status, as suggested by Abbott (1981, 1988, 2001; Sandefur 2001)? To answer this question, consider which of the following two actions you would recommend to a PhD student in sociology: (a) writing an article for a third-tier sociological journal (i.e., one that has 'sociology' in the title but you never read); and (b) writing a trade

---

[2] The fact that there are typically multiple high-status actors reinforces such limits because they will face coordination challenges in agreeing on the new norms.

book aimed at the general reader? Abbott's argument sensitizes us to the fact that whereas action (a) helps build a young sociologist's status within the profession, it does little to develop her status in the eyes of the public (to whom the article is largely invisible and assumed to be valuable only within the "ivory tower").[3] By contrast, action (b) has greater potential to increase her public status (e.g., more likely to become a source for journalists), it threatens to *damage* her status within the profession.[4] As such, it would seem that action (a) conveys lower status than does action (b). Yet now consider which of these two actions you would recommend to a senior colleague, one who is already secure in her standing as a professional sociologist. Suddenly, the status-implications of the two actions seem reversed, as reflected by the many prominent sociologists (see e.g., Burawoy 2005: 13) who have engaged the public without loss of intraprofessional status.[5] By contrast, publications in lower-tier journals do little to increase the standing of such sociologists and may even threaten their status, as continued publication in such journals rather than a "flagship" journal could signal that the scholar's work has become less central to the discipline.

But why does action (a) convey lower status than action (b) for the novice, whereas the reverse is true for the established scholar? Resolving the first part of this question seems particularly vital given recent calls for more "public sociology" and accompanying laments that such work is "ostracized in the academy (Burawoy 2005: 14)," seemingly due to rank prejudice or snobbery.[6] We argue that while professionals often appear to value purity *per se*, they do not. Rather, in evaluating professional work,

---

[3] While Abbott (2001: Ch.5) points out key differences between the system of professions and the (U.S.) system of disciplines, the argument is unchanged when it comes to status and professional/disciplinary purity.

[4] As Burawoy (2005: 15; cf., Brady 2004: 1632) puts it, while many graduate students enter sociology programs expecting to do sociology that is oriented towards the public, "Many of the 50% to 70% of graduate students who survive to receive their PhD, sustain their original commitment by doing public sociology on the side-- often hidden from their supervisor. How often have I heard faculty advise their students to leave public sociology until after tenure…" This advice is based on the importance of purity in conveying membership for those whose membership is yet to be established. After all, "the heart of our discipline is its professional component (ibid.)."

[5] Examples from other fields include prominent economists such as Gary Becker, who wrote a regular column for *Businessweek* with no apparent loss of status in the profession; and prominent (male) scientists who become entrepreneurs even though they thereby trespass on the divide between Science and Mammon (Stuart and Ding 2004: 138; see also Murray 2007).

[6] These laments are echoed in many other fields, including the absence and low status of "translational research" in medicine (Cole 2005) or research devoted to 'management problems' in business schools (e.g., Bennis and O'Toole 2005; Schmalensee 2006).

both professionals and the public accord greater status to those professionals who seem to solve difficult problems (as defined by each audience) with greater success. Yet as discussed above, categorization is the first crucial step in the valuation process and there is naturally a key difference between the categories professionals use to organize their valuations of one another and those used by the public to evaluate professional performances. In particular, the public compares performances *in general,* whereas professionals evaluate performances *within their profession*. For instance, sociologists focus on the question of "Who is a greater or lesser sociologist?" (e.g., for the purpose of hiring; see Abbott 2001: Ch.5) whereas the public focuses on 'Who has something new and relevant to say?'" (e.g., for the purpose of quoting in the press). Thus, whereas the public (typically represented by journalists or government officials) puts sociologists in the same category as (though often lower status than) other social scientists and even non-academicians (perhaps Washington think-tank scholars), sociologists focus on one another.

Thus, professionals do not value purity *per se*, but only indirectly because impure work makes it unclear whether the worker merits evaluation as a member of the profession.[7] Purity conveys *membership* rather than quality. As such, the answer to the question posed in the prior paragraph follows from our framework. In particular, the two actions mean different things when taken by a novice relative to an established professional because membership norms lose their salience once the actor reaches a sufficiently high status within a given field such that her membership in it is common knowledge.[8] By contrast, quality-norm ("professional ethics") violations produce even more severe penalties. Accordingly, while an article in a low-tier publication involves a relatively small penalty on an established scholar's status (i.e., does not serve the scholar's goal of differentiating his work), established scholars are no more protected than novices from the consequences of being exposed as a plagiarist or a

---

[7] In the discussion below, we note a key implication of this idea—i.e., purity is as relevant to extraprofessional status as it is to intraprofessional status. The difference lies merely in the different choices made by the public and by professional, and thus the different categories employed.

[8] As Calhoun (2005: 356) puts it, it is easy to extol the virtues of "public sociology" when one is a "professor at America's top sociology department, one very professionally determined to place his students in other top departments, emphatic that they should publish in the most professionally prestigious journals, etc."

fraud. To the contrary, such violations occasion "falls from grace" should they become public.[9] Whereas the novice may simply have to leave the profession and may even be excused as having committed the error in ignorance, the established scholar risks becoming *infamous*—i.e, someone who represents low quality in the eyes of his peers and risks devaluing the profession, especially to the extent that the profession competes with other professions and thus lacks a jurisdictional monopoly. In sum, we may translate proposition 1 into the following more specific proposition regarding professionals (with the same scope conditions as above):

Proposition 2: Ceteris paribus and relative to lower-status peers (who are middle-status when there is a lower-status category), high-status professionals should face greater penalties, and thus display greater conformity, with respect to professional ethics. But high-status actors should face lower penalties, and thus display less conformity, with respect to actions that connote professional purity.

IV. Illustrative Case: Family vs. Personal Injury Law

The foregoing propositions are joined, and thus may both be empirically validated, in the case we examine-- i.e., the contrast in the tendency for Silicon Valley law firms to publicly announce that they practice family law (FL) and personal injury, plaintiffs law (PI). As indicated in the second epigraph to this paper, FL, and divorce law in particular, occupies a very low-status position in the U.S. bar, even below that of PI. Accordingly, Sandefur's (2001) analysis of the second Chicago Lawyer Study, which was conducted in 1995 (see Heinz et al. 2005), shows that divorce was the lowest status field among 42 fields of law and personal injury (plaintiffs) was 32nd. Whereas 14% of the sample thought that PI had "above average" prestige or higher, only 4% of the sample think this of divorce law. Both the relative and absolute rankings of these two fields were similar in the first Chicago Lawyers Study, conducted in 1975 (see Heinz et al. 2005: 82).

[9] An important exception is if the fraud is revealed after the work has already been established as the theoretical foundation for a new line of work, and thus are unassailable as high-quality (see Leifer 1992).

The low status attributed to each of these fields, and to FL in particular, seems to imply that status-seeking lawyers will avoid these types of law. Heinz and Laumann's (1982; cf., Carlin 1962, 1966) notion of "two hemispheres" of legal practice has been widely accepted among students of the bar (see e.g., Abel 1989; Kritzer 2004), with the accompanying recognition that lawyers are divided sharply between those who engage in high-status work for wealthy individuals and corporations (e.g., securities, tax, intellectual property; international) and those who cater to (less well-to-do) individuals (e.g., landlord/tenant, immigration, consumer protection, criminal defense; PI; and FL).[10] In addition to the lack of overlap in their clientele, the sharp division between the "corporate" and "personal-plight" hemispheres appears salient in at least three related respects: (a) the almost complete absence of lawyers whose work involves practice areas from both hemispheres (Heinz et al., 2005: 32-45); (b) the tendency for members of each hemisphere to develop sharply different professional identities and social networks (Heinz et al., 2005: 54-57) and (c) the domination of the corporate hemisphere by graduates of elite, nationally-competitive law schools, with the personal plight hemisphere graduates being populated by graduates of regional law schools (Heinz et al. 2005: 57-60).

Yet while the separation between the two hemispheres seems "greatly overdetermined (Sandefur 2001: 384)," it is not immediately obvious why this should be. In particular, insofar as the legal issues presented in the personal-plight hemisphere tend to be relatively uncomplicated (Heinz et al., 2005: 87-88), one might expect high-status *law firms*-- if not individual *lawyers*-- to compete successfully in both hemispheres, even if low-status firms can succeed only at the legal work in the personal-plight hemisphere. Moreover, insofar as corporate clients are represented by wealthy individuals, and insofar as these individuals also suffer from "personal plight" (e.g., divorce or personal injury), it would seem to make strategic sense for high-status firms to cater to these clients. Furthermore, it is not clear why high-

[10] Heinz et al.'s (2005) analysis of their 1995 survey suggests a bit more differentiated picture of the (Chicago) bar than had been apparent in Heinz and Laumann's (1982) 1975 survey. While the corporate and "personal-plight "hemispheres" continue to occupy the extremes in the status hierarchy and are even more specialized than they had been in the 1970s, more intermediate segments are visible as well. In particular, they identify a "personal/small business" segment (consisting of such fields as personal tax, personal real estate, probate) and a "political" segment (criminal prosecution and municipal law).

status firms would not parlay their access to the personal-plight business of wealthy individuals into a strategy for catering to poorer clients as well. That is, the general question raised by Podolny (1993, 2005) applies to the specific legal services market: why don't the high-status firms exploit their status to take over the entire market?

Podolny's answer to this question seems apt as well: "status leakage." That is, by diversifying into a practice area that is considered low-status, and by extending one's client base to include lower-prestige work and clients,[11] a high-status law firm risks experiencing a form of "guilt by association" whereby elite law school graduates and corporate clients begin to regard the firm as lower status than they had previously. This logic seems salient in the case of PI and FL. Yet as discussed above, Phillips and Zuckerman (2001) show that high-status Silicon Valley law firms often engage in FL. Why do these high-status firms engage in actions that should seemingly cause "status leakage"? And if PI is higher status than FL, would they have an even easier time escaping status leakage were they to engage in PI?

The framework developed above clarifies the answers to these questions. We argue that (a) engagement in FL does not lower the status of a high-status firm because association with FL represents a violation of a membership norm rather than a quality norm. Since it conveys impurity and thereby suggests exclusion from the comparative frame of the corporate hemisphere, FL generally implies very low status. But the high-status law firm that is unambiguously a member of the corporate hemisphere need not worry about signaling membership. As such, it can engage in FL with no loss of status. By contrast, while PI is in fact somewhat purer and therefore conveys higher status than FL generally, it involves the violation of quality norms due to its association with practices that have long been deemed unethical (especially by corporate clients). As such, engagement in PI has a direct impact on the status of any law firm, and is particularly damaging for a high-status firm. That is, a law firm's association with FL is akin to a sociologist's publishing a trade book, whereas association with PI is tantamount to fraud or

[11] Note that this threat would seem to be operative whether we regard status of a subfield as resting ultimately with the nature of the work (Abbott 1981, 1988) or the status of the clientele in society (Heinz and Laumann 1982). Sandefur (2001) attempts to adjudicate between these two positions.

plagiarism. And as such, while law firms generally earn low status for engaging in PI and even less for FL, high status law firms can get away with engaging in FL but are severely punished for PI.

The notion that PI and FL have qualitatively different implications for a law firm's status does not appear in the sociology of the legal profession. This literature follows the wider scholarship on social stratification in implicitly assuming status-conferral to be actor-independent—i.e., if an audience generally attributes greater status to action (a) than to action (b), this will be true regardless of what else the audience knows about the actors undertaking those actions or the circumstances under which those actions are taken. Yet this assumption is clearly problematic, as illustrated by our comparison of the publication of a third-tier journal article with the publication of a trade book.[12] Thus, the fact that the previous literature does not depict FL as a membership norm and PI as a quality norm should not surprise us. At the same time, it is incumbent upon us to justify our interpretation.

Personal Injury as Violation of Quality Norms/Professional Ethics. Two key factors underlie our argument that PI conveys violation of quality norms ("gives a stinking aroma to the bar" [corporate lawyer quoted in Reichstein 1965: 12]) to a degree that is not paralleled in FL. First, PI is associated with two practices-- the contingency fee and soliciting or "ambulance chasing"-- that have long been held in very low repute by lawyers and society at large, and in fact were criminalized under common law and at various times and states in U.S. history. These two practices have long been associated with plaintiffs' personal-plight work in general and personal injury, plaintiffs' work in particular. Whereas lawyers in virtually all fields are paid by the hour, lawyers in PI are paid through a contingency fee, in which the

---

[12] Hints of our distinction do appear in the literature, however. For example, in discussing the few links between the corporate and personal-plight hemispheres, Heinz et al. (2005: 7) note that "Some large law firms have probate departments, many handle individual income tax problems for favored clients, and *a few will even work on clients' divorces* (italics added)." This statement is noteworthy because no mention is made here or elsewhere of such firms' willingness to engage in PI plaintiffs' work despite the fact that it is regarded as higher status than divorce law (ibid., p.84)

lawyer earns a share of the civil penalty exacted on the defendant and awarded to the plaintiff.[13] And whereas most lawyers engage in at least subtle forms of solicitation (e.g., handing out business cards at a country club), there was nothing subtle about the practice, which became common around the turn of the last century (see Bergstrom 1992; Karsten 1998), of enlisting “runners,” “chasers,” and even policemen and hospital employees in the pursuit of accident victims.

The juxtaposition of these two practices in PI work reflects the complementarity between them. As demonstrated in accounts of late 19th century New York (Bergstrom 1992) and late 20th century Wisconsin (Kritzer 2004), the nature of the PI practice and the contingency fee in particular creates the need to actively market the lawyer’s services through advertisements and sales practices that effectively mobilize someone who might not otherwise be a client for legal services (Reichstein 1965: 7). The reasons are two-fold. First, personal injuries presumably occur randomly throughout the population and thus, cannot (or *should not*) be the source of repeat business. As Kritzer emphasizes (2004: 46), this stands in direct contrast both with “the ‘corporate hemisphere’ of legal practice,” which “depend(s) heavily on continuing business from clients (and) even … the personal services sector of the bar,” which “generate much of their business from ongoing or repeat clients with property, divorce, and estate matters.” As a result, “the contingency fee lawyer is the archetypical one-shot player (Galanter 1974)… (who has) a constant need to find new clients.” Moreover, since the contingency fee lawyer does not earn money on most cases, it is in his interest to develop a large portfolio of clients and thereby hedge his risk across a wide variety of cases-- in effect, subsidizing his service of losing cases with the few winning ones.[14]

[13] The association between PI and the contingency fee is clear in Kritzer’s survey of Wisconsin lawyers who do at least some contingency fee billing (Kritzer 2004). Whereas the median respondent who specialized in PI said that 90% of his business was CF, the range in the other specialties was from 10% to 25% (Kritzer 2004: 29).

[14] Note that this cross-subsidization is yet another reason for the low-repute of the contingency fee because it suggests that the lawyer does not represent the interests of the client (i.e., winning clients implicitly subsidize the lawyer’s losing clients). Kritzer points out that this seems hypocritical because exactly such cross-subsidization is the basis for *pro bono* work, though it seems straightforward for corporate lawyers to reconcile the difference-- i.e., *pro bono* work can be justified on the basis of the lawyer’s larger claim to uphold social order.

But why are the contingency fee and ambulance chasing, which were the crimes of *champerty*[15] and *barratry*[16] respectively under common law, held in such low regard? George Warvelle's discussion of the contingency fee in his *Essays in Legal Ethics* (1902; quoted in Karsten 1998: 255-6) captures the two reasons: "the contingency fee turned a professional man into a 'sordid huckster,' (with) 'lowered professional character,' and its effect was 'to block the calendar with speculative and experimental suits,' and 'groundless and vexatious litigation.'" The first of these reasons is crucial because it undercuts the very basis for the lawyer's status in the eyes of the public-- i.e., that "the lawyer is a "'hired gun' who does not judge the client but vigorously asserts all the client's claims of right, limited only by legal ethics (Macaulay 1979: 116)." In short, lawyers are supposed "to place their clients' interests before their own (ibid.; cf., Abel 1989)." Accordingly, the contingency fee threatens to "corrupt lawyers to have an interest in the outcome of the case" (Bergstrom 1992: 90), and even to *select* clients for their earnings-potential.[17] And this charge of corruption with economic self-interest lies at the heart of objections to ambulance chasing as well. Accordingly, Milwaukee Presiding Circuit Court Judge Charles Aaron justified his objections to solicitation as due to the fact that such lawyers may "pose as friends of the poor

---

[15] A legal definition of champerty is: "A bargain by a stranger with a party to a suit, by which such third person undertakes to carry on the litigation at his own cost and risk, in consideration of receiving, if successful, a part of the proceeds or subjects sought to be recovered (*Black's Law Dictionary* 1968, quoted in Karsten 1998:232). The contingency fee continues to be outlawed in Britain and most other common law countries. In the U.S., the practice had been practiced as early as colonial times and was formally legalized in the mid-19th century, but never lost the stain of disrepute (Bergstrom 1992; Karsten 1998). As Bergstrom (1992: 90) notes, legalization meant only that "What was before not only illegal but disreputable is now lawful, if not respectable."

[16] A legal definition of barratry is "the offense of frequently exciting and stirring up suits and quarrels between ... (people) at law or otherwise (William Blackstone's *Commentaries on the Laws of England* 1966, quoted in Marchushamer 2005)**."** Karsten (1998) discusses the struggles by state jurists with the legal status of ambulance chasing around the turn of the last century, with some states sanctioning the practice and others outlawing it, and still others changing its legal status over time. Enforcement has also been uneven, as discussed below. Note that the related ban on advertising, which was adopted in 1908 as part of the American Bar Association's *Canons of Professional Ethics*, was overturned in the 1977 U.S. Supreme Court case *Bates v. State Bar of Arizona*.

[17] It is noteworthy that contingency-fees or commissions are problematic even in professions that do not enjoy the high status enjoyed by lawyers. Consider in this regard the bad press suffered by real estate agents due to the publication of evidence showing that real estate agents close sales quickly to earn their fees rather than let houses find the highest possible price, as they do when selling their own homes (Levitt and Dubner 2005). If such news generates outcry against an occupation that makes no claim to status (and even in the U.S., where the public seemingly expects such intermediaries to pursue their self-interest), it is *a fortoriori* more damaging for lawyers, who make much more ambitious status-claims. The salience of this tension is illustrated well in Galanter's (1998b) analysis of lawyer jokes, the key theme of which is that the lawyer is really out for himself rather than pursuing the client's interests. That this is a tension for lawyers due to their status claims can be seen in the absence of real-estate agent jokes from our culture.

and unfortunate," they were more accurately described as the advance men in 'a business to get as much money as possible (quoted in Karsten 1998:258; cf., University of Chicago Law Review 1958: 681).'"

The second reason for the ill-repute of these practices, and particularly that of ambulance chasing, stems from the medieval English prohibition against "stirring up litigation" and stems from the contemporary fear that "the courts of the time were easily corrupted (ibid., p.675; cf., Reichstein 1965: 8). Yet despite the fact that the U.S. court judicial system has seemingly been less corrupt, critics have frequently voiced fears about "stirring up litigation" throughout the last 150 years, most prominently in response to the "tort explosion" of the late 19th century (Bergstrom 1992) and in calls for various forms of "tort reform" in the late 20th and early 21st century (Kritzer 2004). The basis for this fear appears to reflect the widespread recognition that the boundary between what is a dispute that is properly taken up in the courts and what is best handled informally is extremely blurry (Felstiner, Abel, and Sarat 1980/1). Moreover, since the costs of litigation can be quite high, the blurriness of this boundary means that actors can strategically use the "court as a battleground to impose heavy losses upon one another (Reichstein 1965: 8)." Accordingly, businessmen and women attempt to conduct their affairs without recourse to contracts and the law (Macaulay 1963). Moreover, critics have decried the contingency fee and ambulance chasing not only because they generated many more litigants than might otherwise pursue lawsuits, but because they involved many others in the hunt for a piece of the settlement pies, ensnaring even such respected professionals as policemen and physicians.

Yet despite the problematic nature of the contingency fee and ambulance chasing: (a) each of these practices has largely been decriminalized in the U.S.; (b) PI law (and the plaintiffs' bar more generally) has risen in income and even in status during the latter half of the twentieth century (Parikh and Garth 2005; Sugarman 2000); and (c) even if "its legitimacy within the legal profession and even society at large remains suspect (Parikh and Garth 2005: 301)," *PI law is still regarded as being higher status than FL.* The relatively *high* status of PI derives from the fact that, rather than being universally condemned, the contingency fee and ambulance chasing have been the source of significant ambivalence, with *positive* aspects of these practices often recognized (e.g, Bergstrom 1992; Galanter 1998a; Karsten

1998; Reichstein 1965). In particular, while these practices may generate frivolous law suits, they also help indigent and/or unsophisticated (potential) claimants to bring *legitimate* suits and earn justified recompense for negligence on the part of others, and particularly powerful corporations. Payment via a contingency fee allows a lawyer to represent the many indigent claimants who would otherwise face significant pressure to settle for small sums, especially given long delays before trial and when the claimants' earnings power has been diminished or eliminated by the injury (e.g., Bergstrom 1992; Reichstein 1965). Similarly, the corrupting associations with ambulance chasing are considerably mitigated when we consider that such chasing is a *race* against insurance adjustors (or representatives of other defendants), with the latter seeking to minimize or eliminate claims entirely. As one PI attorney relates: "Chasing after [claims] releases [by insurance adjustors] is worse than chasing after cases. At least the chaser has the client's interests in mind (quoted in Bergstrom 1965: 13)." Thus, the two reasons for disapprobation of PI law also represent reasons for their approbation-- the contingency fee and ambulance chasing mobilize *both frivolous and legitimate claims* on behalf of the portion of society that is least able and knowledgeable in using the legal system. [18] If the public regards PI law as an evil, it also regards it as "a necessary evil (Monaghan 1936: 498)."

This ambivalence about the status of PI brings us to the second and most important factor that distinguishes PI as a violation of quality norms for the status-seeking law firm. In particular, while the U.S. public and courts have been ambivalent about PI law, a key part of the legal market has no use whatsoever for PI: corporations. Corporations represent the principal targets for PI suits, in part because so much of contemporary society involves contact between individuals and large corporations, and in part because corporations hold most of the valuable assets in our society, such that lawsuits targeting corporations are more likely to bear significant fruit. Accordingly, corporations and the insurance companies that represent them (as well as aggregations of individuals) have long led opposition to the

[18] In this respect, the rationale for these practices closely resembles the justification for legal aid societies and *pro bono* work. Accordingly, Bergstrom (1992:92) notes that legal aid societies have traditionally not engaged in PI representation in part due to their contention that this area is already well-served by PI lawyers through the use of the CF.

contingency fee and solicitation (see e.g., Monaghan 1936). Thus, while the public may be ambivalent about PI law, this ambivalence holds little relevance for the status-seeking corporate law firm. Rather, it is the attitude of the law firm's main clients that matters most.[19] And corporate clients regard the practice of PI law as a source of substantial expense (and negative exposure) with no corresponding benefit. Rather than engage in PI, it makes more sense for corporate law firms to lead the charge in *opposing* it and such practices as the contingency fee and ambulance chasing, which facilitate PI (see e.g., Bergstrom 1992; Kritzer 2004; cf., Macaulay 1979). In short, while PI has mixed associations for the public, it represents a clear violation of quality norms when undertaken by corporate law firms. It is tantamount to biting the hand that feeds them.

Family Law as a Membership (Purity) Indicator. Each of the two factors that make PI a quality-norm violation, especially from the perspective of corporate clients, applies at best weakly to FL. In particular, divorce lawyers are paid by the hour rather than via a contingency fee. And while divorce lawyers historically were more apt to solicit business, and critics even argued that such solicitation was partly responsible for rising divorce at the turn of the twentieth century (Epstein 2002), two key factors mitigate this seeming threat of legal encroachment. First, while divorce lawyers were more apt to solicit business, the practice apparently never reached the same frequency as it did in PI; nor did it involve the teams of runners, chasers, and other operatives, with the corresponding connotation that such activities threatened to corrupt other occupations.[20] Second, any blame of divorce lawyers for stimulating divorce rates dissipated over the second-half of the twentieth century due to the legitimization of divorce, which was both reflected and reinforced by the diffusion of no-fault divorce laws (which went into effect in

[19] More generally, the mid-century conflict-theoretic critique of functionalist sociology as not begin sufficiently attentive to the interests served by prevailing norms and practices (e.g., Tumin 1953) is nicely instantiated in this case. As Carlin (1966) stressed, whatever one thinks of legal ethics, they certainly serve the interests of corporate lawyers more than they do those who serve individuals suffering from personal plight.

[20] This makes sense since: (a) divorce is not event-driven to the degree that PI is, and so the need to act quickly to obtain clients is mitigated; (b) there is similarly no threat that the other side will 'chase' down the client before she can become a client; (c) the importance of referrals in divorce mean that solicitation is a less important source of business. Referrals are likely more important in divorce due to factor (a). Since the events leading up to the divorce typically unfold over a longer period of time and in a more public fashion, this allows information to flow through networks more efficiently.

California in 1970). While PI lawyers, and trial or plaintiffs' lawyers generally, continue to be attacked for imposing costs on society through needless litigation, contemporary discourse no longer treats divorce as a major social problem and insofar as it does, critics blame the law or the culture rather than divorce lawyers (see Gusfield 1981: 4-6). Finally, and most importantly, divorces are between individuals rather than corporations. And this means that the key reason why PI connotes low quality-- i.e., it typically involves attacking corporate clients-- does not apply to divorce law, and to FL in general.

And yet, lawyers generally regard FL as even lower status than PI. The reason is that it is even more impure, for the reasons hinted at in the second epigraph to this paper. As argued above, a concern with purity reflects a concern with membership. If we are in the business of evaluating lawyers, we must first tackle the question of Who is a lawyer? In this regard, the problem with FL lies not in its violation of professional ethics but in the fact the work involves little that is "specifically legal" (Abbott 1981: 825)." Divorce lawyers themselves share this view. Mather, McEwen, and Maiman's (2001) survey of divorce lawyers shows that they regard "the ability to listen sensitively to clients and to effectively negotiate problems" (p.66) to be the two most important skills required to be successful, with expertise in divorce law ranking a distant third. As several of their respondents put it, "there just isn't much law' governing divorce, and such law is 'not that complicated' (p.72)."

Of course, PI should be seen as highly impure as well. In particular, both the solicitation process described above and the adjudication of its cases by juries rather than lawyers or jurists (cf., Sandefur 2001) call upon skills that are not "specifically legal." At the same time, PI is considerably purer than FL. In particular, lawyers monopolize PI law, while non-lawyers also handle divorces. For example, a 1990 survey of Los Angeles County divorces showed that cases were divided into three equal-sized groups, where one-third of the cases involved two attorneys, one-third involved one attorney, and one-third involved no attorney at all. Surveys in other localities produced very similar results. Moreover, even when [divorcing couples] hire attorneys, they often use them only to resolve some issues," while handling the divorce issues themselves (see Pearson 1993: 281-282). Nothing can be more defiling for a profession than to face competition from low-status quasi-professionals (e.g., mediators) and even from

"do-it-yourselfers." Such competition implies that the professional holds no particular expertise but is hired simply when the client faces a high opportunity cost for his time (cf., Zuckerman 2007).[21] And the heavy involvement of FL lawyers with non-lawyers reinforces the impurity. As Mather et al. (2001: 73), "Negotiating for a client against a *pro se* spouse (involves) a very different kind of approach, one generally not viewed by lawyers as part of their professional skillset."

In sum, the low status of FL (relative to PI) derives not from practices that connote low quality but from the fact that FL work is not *specifically legal*. As such, it constitutes a classic membership norm violation, much as is publishing a trade book for a sociologist. All things being equal, such practices consign the actor to the boundaries of the field. However, the status connotations of such practices are transformed when the actors undertaking them are unquestionably field members. Just as high status sociologists can publish trade books or engage in public sociology and expect little penalty (and perhaps additional acclaim), high-status corporate law firms face few risks from practicing FL. In both cases, the high-status actor implicitly attaches a disclaimer to such otherwise-defiling actions (Hewitt and Stokes 1975). In the case of the high-status sociologist, the disclaimer is in the vita-- the work is classified in different categories, with trade books separated from academic publications, and with public engagements (e.g., media mentions, testimony, etc.) distinguished from service to the ASA. Similarly, high-status corporate law firms attach a disclaimer to their FL work by assigning such work to a different division of the firm and by focusing only on the cases of wealthy clients. But such disclaimers do not work if the actors have yet to achieve high status. Audiences (other sociologists; law firms and law students) might infer that the actor is in fact not a true sociologist or law firm. Moreover, the vita holds no place for declaring acts of fraud or plagiarism, nor do high-status law firms have any place for a PI practice. These practices unambiguously convey low quality, and public association with them threatens a sharp fall from

[21] Note that while there are non-legal alternatives even to high-status work like contracts (Macaulay 1963), these are rival processes to the law. But in the case of divorce, *the disputants themselves can use the law on their own*. Analogously, consider an area of sociology has at least one parallel subfield in another social science. Such a subfield is not impure, especially if those other disciplines are higher status than sociology. But what does make a subfield impure is if research in that subfield cannot be distinguished between that of non-academics. Consider in this regard the epithet "journalistic."

grace. In sum, propositions 1 and 2 may be translated into the following prediction regarding US law firms:

Hypothesis: Ceteris paribus and relative to middle status law firms, high-status law firms should face greater penalties from publicly engaging in, and thus display a greater tendency to avoid, (plaintiffs) personal injury law. But high-status law firms should face lower penalties from publicly engaging in, and thus display less avoidance of, family (divorce) law.

IV. Testing the Hypothesis

This hypothesis has two components. The first involves differential tendencies for law firms to associate themselves with PI and FL. In particular, we predict high-status deviance (and middle-status conformity) in announcing a FL practice; and we predict high-status conformity (relative to both middle and low status low firms) with respect to PI law. Note that the latter prediction should be particularly salient when we restrict our sample to law firms that do corporate work. Insofar as the reason that PI constitutes the violation of a quality norm is because PI threatens corporate clients, high-status *corporate* law firms are most apt to avoid associations with PI. The second component of the hypothesis concerns the penalties that result from association with PI and FL. As discussed below, we measure such penalties in terms of the law firm's failure to attract elite lawyers to their firm. We predict that association with FL will compromise the middle-status firm's ability to attract elite lawyers, but will have relatively little impact on the high-status firm's ability to attract such lawyers. By contrast, we predict that association with PI will exact particularly heavy penalties on the high-status (corporate) firm.

Data. Following Phillips and Zuckerman (2001), we test each component of our hypothesis by analyzing data from the annual Martindale-Hubbell Law Directories from 1946 through 1996 for the Silicon Valley region of California. The directories list attorney and law firm characteristics and, when followed across time, provide information on law firm practice areas and attorney mobility. As Suchman (1993, 2000),

Escher and Morze (1998), and Phillips (2001, 2002) have noted, Silicon Valley is a relatively self-contained market for legal services, with scant legal activity before World War II. In our analysis, Silicon Valley comprises the following ten cities: Redwood City, Menlo Park, Palo Alto, Los Altos, Mountain View, Sunnyvale, Santa Clara, Cupertino, Campbell, and San Jose. For each law firm, we coded its founding date (its first appearance in the directory) to alleviate any left-censoring. In all, we collected data on 512 law partnerships across the fifty years, which include every firm listed with more than one active attorney. Solo practitioners were excluded because they constitute a qualitatively distinct organizational form (Carlin 1962; Ladinsky 1963; Seron 1996).

Analysis 1: Likelihood of practicing family or personal injury law

Method of Estimation. Following Phillips and Zuckerman (2001), we test the first component of our hypothesis by estimating piecewise constant exponential models of the likelihood of listing a FL or PI practice (as acts of deviance) in year *t* based on a law firm's status and a series of control variables measured in year *t-1*. Twenty percent (134) of the (512) firms listed a FL practice at least once during the period under study, while twenty-one percent (146) listed a PI law practice. The dependent variables are dichotomous variables, which equal zero in each year that a law firm does not practice PI or FL, and 1 otherwise. Once a firm lists either type of law, it exits the risk set. In these models, we split the time axis into time periods according to firm age. The models give an age-dependent constant (a "y-intercept") for each time piece of the model. The null model is an exponential model without time periods, in which it was assumed that rates were time invariant. A chi-square model-improvement test indicated that the y-intercepts included in the model were statistically significant. However, support for our hypothesized effects does not depend on the time pieces selected.

Two aspects of the way the Martindale-Hubbell directories report a firm's practice areas imply that the test of our hypothesis will be conservative. First, the data derive from self-reports rather than objective data on which areas of law a firm practices. Accordingly, insofar as FL and PI convey low status, we would expect that middle and high status firms (who seek status within the corporate hemisphere) would

underreport the degree to which they actually practice these types of law. Second, while our hypothesis focuses on PI-plaintiffs work, the Martindale-Hubbell directories (at least during our observation period) do not ask firms to distinguish between PI- plaintiffs work and PI-defense. Thus even if all high-status corporate firms avoid PI-plaintiffs work, some proportion of such firms may do PI-defense work, but list themselves as having a PI practice—i.e., overreporting PI precisely where we hypothesize that it should not be reported. At the same time, the stigma associated with PI likely limits this problem. In particular, corporate law firms that do PI-defense may avoid listing PI for fear that it will be interpreted as PI-plaintiffs work. We will thus proceed by assuming that PI refers to PI-plaintiffs work, while bearing in mind that PI may be somewhat overreported (especially among firms that are hypothesized not to report it).

Independent Variables

Law Firm Status. We measure a law firm's status with both continuous and categorical measures. The construction of each of these measures begins by coding the proportion of associates and partners from the following elite law schools: Chicago, Columbia, Harvard, NYU, Stanford, and Yale (see Phillips and Zuckerman 2001: 400-1 for the method of data collection and variants of this approach; cf., Smigel 1969; Heinz and Laumann 1982; Phillips 2001). The continuous measure of status is then the proportion of a firm's attorneys that graduated from the six law schools. We use this specification to test whether conformity (i.e., avoidance of the practice area) is curvilinear in status for FL and linear in status for PI, by testing the statistical significance of the quadratic term: our hypothesis implies a negative linear association between status and deviance for both PI and FL, but a positive quadratic effect for FL. We also test our hypothesis with a categorical measure of status, whereby law firms are divided into three groups depending on the proportion of their lawyers that graduated from the elite law firms: low-status (fewer than 33%); middle-status (between 33% and 66%), and low-status (66% and higher). The disadvantage of this categorical operationalization is that the cut-off points are arbitrary and they may vary in their validity over the 50 year observation period. Yet this approach has two advantages that recommend it as a useful complement to the continuous measure. First, it relates more directly to our

theoretical model, which divides law firms between those that are unquestionably members of the corporate hemisphere; those that are clearly in the personal-plight hemisphere; and those that straddle the boundary. Second, quadratic specifications are more difficult to interpret and less intuitive when interacted with other variables, as we do in Analysis 2.[22]

Control Variables. In formulating our hypothesis, we have assumed that apart from status differences, all law firms have the same capability and incentive to practice FL and PI. As discussed above, the assumption that all law firms are capable of entering PI or FL seems reasonable since the legal knowledge and skills required for each area of law is widely believed to be low. We have also pointed out that insofar as wealthy individuals get divorced and suffer from personal injuries, corporate law firms face incentives to include such personal-plight practices as well (either to earn additional revenue from corporate clients or to add corporate clients who begin as personal clients). And yet, there is good reason to think that law firms vary, both in their capabilities and incentive to enter PI and FL, and such differences may be correlated with the firm's status. First, a law firm that focuses on other areas of personal plight (e.g., criminal, bankruptcy) is more likely to have the internal structure necessary for managing multiple, high-turnover clients; to be equipped to be compensated via contingency-fee; and to have lawyers with exposure to other personal-plight clientele. Second, a law firm that has chosen to be highly specialized in a particular area of law (e.g., intellectual property) should be less likely to move into additional areas than should a more generalist firm. Third, the geographic location of a firm likely corresponds to differences in a law firm's strategy and opportunities. In particular, while the north end of Silicon Valley (Palo Alto, Menlo Park, and Redwood City) hosts Stanford University and many of Silicon Valley's successful venture capitalists, the southern end (anchored by San Jose) is larger but skewed towards small, personal-plight oriented law firms. And finally, apart from differences in scope and location, a firm's size may indicate a greater capacity and interest in expansion.

---

[22] The results reported here were successfully replicated (and were in fact somewhat stronger) with the continuous measure of status.

Based on these considerations and following Phillips and Zuckerman (2001), we include four sets of control variables: (a) 17 dummy variables for major practice areas;[23] (b) the firm's scope, which is measured as the number of practice areas that it already practices; (c) dummy variables for whether the firm's headquarters is located in one of four key cities: Menlo Park, Palo Alto, Redwood City, and San Jose; and (d) several measures of firm size. The main measures of size are the number of full-time partners and the number of full-time associates, each of which is logged because they are highly skewed. In addition, we include a dummy variable for whether a firm was a branch office (which suggests the firm has greater resources than indicated by its local presence). And finally, we follow Phillips (2002) in including indicators for: (a) whether the firm had fewer than 6 attorneys; and (b) whether a firm lacked associates. These variables are designed to distinguish qualitatively different firms that are less interested in hiring elite associates and thus would be less sensitive to the potential market penalties from practicing PI or FL.

We also include five sets of additional control variables: (a) two indicators of a firm's health-- the proportion of partners in a firm at the beginning of year *t* who had departed by the end of year *t;* and the number partners who were added by the end of *t* relative to the number present at the beginning of *t*; (b) the ratio of associates to partners, a key measure of the hierarchical structure of the firm (see Sherer 1995); (c) the age of the firm, which was captured by time pieces (effectively, different y-intercepts) in our hazard rate models; (d) dummies for three time periods (see Phillips 2001): 1946-64 (the early rise of the Silicon Valley legal market); 1965-73 (the period in which the region became initially populated with semiconductor and other technologically-oriented firms); and 1973-86 (the rapid increase until the stock market crash in 1987, which impacted the founding and failure rates of Silicon Valley law firms; and (e) two measures that capture trends in the demand for PI and FL: (i) the number of previous FL and PI listings that have occurred in the population; and (ii) the three-year change in the number of previous FL and PI listings.

---

[23] The practice areas we control for are corporate, estate planning/probate, criminal, labor/employment, malpractice, tort, environmental, health, taxation, securities, intellectual property, business, real estate, commercial, insurance, professional liability, and bankruptcy.

Analysis 1 Results

Table 1 presents the summary statistics for the variables for all of our analyses. An examination of pairwise correlations among our covariates (not reported here due to space constraints) showed no correlations above 0.40 with our independent (i.e., status) or dependent variables from Analysis 1 (FL and PI). And while several of the size measures used in Analysis 2 exhibited correlations exceeding 0.70, our results are not sensitive to the inclusion or exclusion of these variables.

The patterns in figures 1a and 1b provide initial evidence of whether firms respond as expected to membership and quality norms. In figure 1a, we display the distribution of PI and FL by the three categories of status for all of the firms in our sample. In figure 1b, we include only the subset of firms that also list corporate law as a practice area. The figures yield two observations. First, these raw (i.e., without controls) patterns are in line with our hypothesis. While we see high-status deviance in the case of FL, we see high-status conformity in the case of PI. At the same time, there appears to be some curvilinearity with respect to PI in figure 1a, such that (contrary to our hypothesis) high-status firms list PI slightly more often than do middle-status firms. We will see shortly, however, that this curvilinearity disappears once control variables are included. Moreover, even the raw results are in line with our hypothesis if we focus on those firms that we argued should be most at risk from practicing PI: corporate law firms. We thus see in figure 1b a clear linear relationship between status and avoidance of PI (and a curvilinear relationship between status and avoidance of FL). Note finally that we measure whether a firm is a corporate law firm not based on its clientele but based on whether it lists corporate law as one of its practice areas. Thus, it should not be surprising that some low-status corporate law firms practice PI since such firms focus on small businesses that are not the targets of PI suits. By contrast, high-status corporate firms tend to cater to large corporations for whom PI is anathema. Put differently, these results suggest (and the results below support) the idea that the incompatibility between PI and corporate work reflects an incompatibility in the interests of corporate clientele rather than in the nature of the work.

FIGURES 1A AND 1B ABOUT HERE

The models with controls are presented in tables 2 and 3. In the former (latter), we display piecewise maximum likelihood hazard rate models to test our hypothesis that the likelihood of a law firm listing FL (PI) is lowest for middle (high) status law firms. The first model in each table includes the control variables only and serves as a baseline model against which to assess the explanatory value of the status measures added in the next models. Results from each of these baseline models indicate that the tendency to add either PI or FL is significantly greater: (a) for firms that are already broad in their scope; and (b) in times when the legal market for these services has been growing. In addition, we see that law firms that practice one of these two practices is significantly more likely than other firms to enter the other practice. This reflects the general tendency in past research to see these practice areas as classic personal-plight fields that are essentially the same in their status-implications. Accordingly, we also see that corporate firms tend not to move into either PI or FL.[24] Finally, larger firms (as measured by the number of partners) and those with many associates relative to partners are less likely to practice PI and FL, though the results for the latter are not statistically significant at conventional levels. In general, little in these baseline models suggests that FL and PI have different implications for a Silicon Valley law firm.

TABLES 2 AND 3 ABOUT HERE

And this impression persists in model 2, which adds the continuous measure of status. In both tables, we see a significant improvement in fit from the baseline model, with the tendency to add either PI or FL reduced for higher-status firms. But in line with our hypothesis, the patterns in the tables diverge in model 3 and in subsequent models. In the case of PI (table 3), the quadratic specification is insignificant, which implies that the tendency to practice PI is linear in status. By contrast, the quadratic specification is the best fitting model in table 2. Consistent with the results reported by Phillips and Zuckerman (2001), the inflection point (where the curve would be lowest) is mid-ranged at 0.56. And results from model 4 reinforce the conclusion that avoidance of FL is curvilinear in status, while avoidance of PI is linear in status. Using the low-status category as a reference, we find in table 2 that the middle status

[24] This effect is only marginally significant for PI (p=.07), again suggesting that the nature of PI work per se is not incompatible with corporate work (or perhaps that the PI practiced by some of these firms is PI-defense work)

firms exhibit the lowest likelihood of claiming a FL practice ($p<.01$). By contrast, model 4 in table 3 provides further evidence of a linear trend: high status law firms are the least likely to practice PI, followed by middle-status law firms.[25] Finally, in models 5 and 6, we run the best-fitting models for the continuous and categorical measures of status respectively, but now restrict the analysis to the subsample that lists corporate law as one of their areas of practice. As expected, the hypothesized patterns are even clearer for this subsample (the fit of models 5 and 6 were better than the baseline corporate law model at the 0.01 level: -189.78 vs. -184.69 and -185.53, respectively), with greater improvements in fit relative to models that exclude the status variables.[26] In sum, PI and FL emerge from these results as qualitatively different actions. If one compares model 6 of tables 2 and 3, we see a striking switch in the relative tendency of middle- and high-status firms to practice each type of law. This reversal is difficult to understand if we persist in seeing the two areas as alike in being low-status, personal-plight areas of the bar; but it follows from our argument that practicing PI involves the violation of a quality norm (that is especially important in the corporate hemisphere) whereas FL involves the violation of a membership norm.

Analysis 2: Model and Results

Our hypothesis, and the argument upon which it rests, understands variation in conformity by status as driven by differences in (expected) penalties for deviance. Our first analysis focused on variation in conformity. We now turn to variation in penalties for deviance. In particular, we expect a linear relationship between a law firm's status and the penalty it suffers from engaging in PI, and an inverted-U

[25] Recall that in the raw data presented in figure 1a, high-status law firms seemed about equally likely to practice PI as middle-status firms. The models in Table 2 are unequivocal however. In additional analysis we found that firm size suppresses the effect in models without controls. Although the particular specification of firm size did not alter the results (we estimated models with various specifications and transformations), including any measure of firm size effectively put aside a set of very small firms that had some proportion of attorneys from top law schools and also happened to list PI. In particular, there appear to be small, "boutique" law firms with, for example, two out of the three attorneys having graduated from an elite law school. These firms are qualitatively different than larger law firms, and may be very competitive in the personal plight hemisphere. Once these cases are controlled for, the linear effect becomes clearer.

[26] While not reported here, we ran each our analyses for law firm's not listing corporate law as an area of practice. As expected, there was no statistically significant relationship between status and conformity or this subset of law firms.

shaped relationship between status and the penalty from engaging in PI. Such penalties should be visible in demand for a law firm's services by corporate clients. All things equal, corporate clients can be expected to screen a firm out of consideration if it practices FL because such a practice signals membership in the personal-plight hemisphere. But if the firm has already achieved high-status, association with FL will not lead corporate clients to question its membership in the corporate hemisphere. By contrast, corporate clients are likely to react very negatively to a (high-status, corporate) law firm's entry into PI, as this represents an assault on corporate interests. Unfortunately, we cannot directly test these implications with available data. Most firms choose not to list any clients (which is appropriate for certain types of practice areas) and those firms that do tend to only list a subset of clients (called "representative clients"). Moreover, there are many unobservable factors that affect client ties.

As an alternative, we test this component of our hypothesis with respect to the second key audience faced by law firms: the labor market for lawyers. In particular, we test for whether a firm's entry into PI or FL impairs its ability to attract elite associates—i.e., graduates of the six law schools listed above. We expect that a firm's ability to recruit elite associates will be lower if it enters either PI or FL; but that the impairment due to PI will be highest for middle-status firms while the impairment due to FL will be highest for high-status firms. Such an analysis is attractive both for methodological and for theoretical reasons. Methodologically, we can model any penalties more cleanly by examining the growth or decline in the hiring rate than by looking at the acquisition and retention of clients. In particular, we can control for other factors that would affect the hiring rate of elite law school associates, such as the hiring rate of associates from non-elite law schools (to capture the overall hiring rate), the turnover of elite law school associates, the opening of vacancy chains through the turnover of partners or the opening of new partnership positions. In addition, the dummy variables for practice areas proxy for the set of human capital skills that the law firm should attempt to recruit from law schools.[27]

---

[27] The print and online versions of the Martindale-Hubbell Law Directories (the source of our data) is one of the sources of information that law students consult in obtaining information about prospective employers, but there are certainly a host of sources of information that students employ. Our analysis assumes that these multiple sources

Theoretically, we need to make three reasonable assumptions to justify this approach. First, we assume that elite law school graduates tend to prefer working for firms in the corporate hemisphere (see Smigel 1969; Heinz and Laumann 1982: 90; Heinz et. al. 1995). Second, we assume that elite law graduates understand that corporate clients are likely to avoid firms that practice FL (unless the firm is high-status) and PI (especially if the firm is high-status) and that their decision to join a law firm is informed by such an understanding. Finally, our interpretation of the decline in the number of elite associates as a penalty reflects the assumption that law firms targeting the corporate hemisphere tend to prefer elite law school graduates.[28]

Modeling Strategy. Given that we are considering the hiring of a subset of a firm's employees--elite associates--and that in nearly three-fourths of the cases, there is no change in the number of elite associates hired from one year to the next, it would be inappropriate to estimate traditional firm growth models (cf. Beckman and Phillips 2005). Instead, we use two different sets of models to test this aspect of our hypothesis. First, we perform an ordinary-least squares regression (OLS) model (with clustered standard errors), which tests the proportional change in the number of elite associates hired from year t (the year of the listing) to $t+1$. We test our hypothesis through interactions of the categorical specification of status with whether the firm lists PI or FL as a practice area. One shortcoming of OLS regression models is that our dependent variable is characterized by a large number of zeros (mean = -.03, std dev = .32, with 74% of the cases equal to zero). Thus, while we present these results and examine the relative magnitude of the coefficients, we are cautious in interpreting them as point estimates. Accordingly, as a supplement to the OLS models, we also ran and report logistic regressions which

---

reflect the information embedded in the law directories. To the extent that there are inconsistencies, students would have noisier information, weakening our hypothesized effects.

[28] While this may appear self-evident, scholars of the profession have noted that firms have increasingly hired associates from non-elite law schools to perform the more routine legal work done in the firm (with no prospect of promotion to partner), thus preserving the share of the profits for the current partners (e.g., Abel 1989). Thus, to test the validity of this second assumption, we conducted supplemental analyses in which we estimated the hazard rate of law firm dissolution for firms in our sample (see Phillips 2001 for a similar analysis). In particular, we estimated whether the number of associates hired from elite schools reduced the hazard rate of failure, controlling for the number of associates hired from non-elite schools. We found that, supporting our assumption, the greater the number of associates hired from elite law schools, the lower the hazard rate ($p<.05$). However there was no effect for the number of associates from non-elite schools.

estimate the likelihood that the law firm hires fewer elite associates in year *t+1* than they did in year *t*. Together, these models help test our prediction that middle-status law firms are penalized the greatest for listing FL, while high-status law firms receive the greatest penalty for listing PI.[29]

Additional Control Variables. Given that many of the variables are the same as those in Analysis 1, we only highlight those that are new to this analysis. In particular, since the models in Analysis 2 examine the loss and gain of a subset of the firm (elite attorneys), we include three additional variables to better insure that the effect of status and type of law listed is not driven by other hiring dynamics: (1) the number of associates from elite law schools hired in the previous year; (2) the number of associates from elite law school that left in the previous year; and (3) the number of associates from non-elite law schools that were hired in the previous year.

Analysis 2 Results. In tables 4 and 5, we present the results for the models estimating the labor market penalties due to listing FL and PI respectively. Each table includes four models in total: two models estimating the proportional change using OLS and two logistic regression models estimating whether there is a decrease in hiring. The results are in line with our hypothesis. Setting aside a discussion of the control variables (as there are no unexpected findings), we see in model 1 of table 4 that middle-status law firms experience the greatest penalty ($p<.05$) from entering PI, followed by high status firms (not significant). We also see that this pattern persists throughout the table regardless of whether the penalty is measured as the number of elite law associates hired (models 1 and 2) or as an indicator for whether a reduction in such associates occurred (models 3 and 4); and regardless of whether we analyze all firms (models 1 and 3) or restrict the sample to corporate law firms (models 2 and 4). And just as the results in these models show that middle-status firms suffer the greatest penalty from entering FL, the results in table 5 show that high-status firms suffer the most from entering PI. The results in these tables do not appear stronger for the corporate subsample. However, models (not reported) that focused only on

[29] Another reason for presenting the linear (OLS) and logistic (MLE) regression specifications is that they were more robust than a host of alternative models with which we experimented. In particular, we attempted to rerun all of our analysis using zero-inflated Poisson regressions with a count variable as the dependent variable. However, these models were highly sensitive to the inclusion of key variables. And while the results were largely consistent with the models reported here, about 40% of the models, especially for PI, did not converge.

the subset of law firms not listing corporate law showed that these non-corporate law firms were *not* penalized by the labor market.[30]

TABLES 4 AND 5ABOUT HERE

The graphs in figures 2 and 3 illustrate the substantive significance of the effects in tables 3 and 4. In figure 2a, we display the average annual change in the proportion of new associates from elite law schools due to listing FL, both for the entire sample (from Tables 4 and 5, Model 1) and the subsample of corporate law firms (from Tables 4 and 5, Model 2). This graph indicates that middle-status firms receive the greatest penalty for practicing FL, and that this penalty is particularly sharp for firms that do corporate work. The penalty for high-status firms appears negative as well. However, as the findings in Table 4 indicate, the penalty for high-status law firms is not statistically distinguishable from zero.[31] Figure 2b is based on the logistic regressions in models 3 and 4 of table 4. As with figure 2a, figure 2b demonstrates that the penalty for listing FL is greatest for middle-status firms. In fact, the middle light gray bar, which plots the middle-status firm penalty, suggests that the odds of experiencing a decline in the number of elite law school associates hired is (exp(.87) =) 2.39 times higher than for a low-status firm not listing FL (this is the reference category, see table 4, last column). Given that middle-status firms that do not list FL have a log-odds of -.39 (again, see Table 4), we may calculate the odds of a penalty for a middle status firm that lists FL against one that does not:

$$\exp(.87)/\exp(-.39) = 2.39/0.68 = 3.53$$

In other words, a middle-status firm that lists FL experiences an increase of 353% in the odds of suffering a decline in the number of new elite associates hired.

FIGURES 2 AND 3 ABOUT HERE

Finally, the patterns in figures 3a and 3b, which parallel those in figures 2a and 2b, but with PI replacing FL, are perhaps even more dramatic. In particular, the results in model 4 in table 5 suggest that

---

[30] As noted earlier, all results using the non-corporate subset of law firms can be made available to readers upon request. There exclusion here is merely to preserve space for what are insignificant results.

[31] Because of the distribution of the DV, the point estimate rarely reflects observed values. Thus we have more confidence in the direction and significance of the effect than in the magnitude of the effect.

when a high-status corporate law firm lists PI, the odds of hiring fewer elite law school associates increases by exp(2.91) = 18.36 compared to the reference category of low status corporate law firms. This may be compared to a high-status corporate law firm not practicing PI, which has an exp(.16) = 1.17 or 17% odds of hiring fewer associates from elite law school. Thus the odds that a high status firm faces a decrease in hiring due to listing PI increases by

$$\exp(2.91) / \exp(.16) = 18.36/1.17 = 15.64.$$

-- i.e., 1564% increase. By contrast, and while FL is a lower-status area of law than is PI, the odds of a high-status firm experiencing a decrease in hiring due to entering FL is statistically indistinguishable from zero.

Conclusion

The two sets of analyses strongly support our hypothesis. Results from Analysis 2 indicate that relative to middle-status law firms, high-status law firms face greater penalties for listing PI law (a quality norm violation) and essentially no penalty for listing FL (a membership norm violation) despite the fact that FL is the lower-status area of law. And findings from Analysis 1 suggest that these audience reactions drive high-status firms to avoid FL less often than middle status, but avoid PI more often. As we noted, these findings are robust to various specifications, and are driven by the subset of firms that do corporate work. These findings do not consistently hold among law firms that do not also list corporate law, as the higher status firms among them are not oriented to the corporate hemisphere.

More generally, the foregoing analyses help to validate our argument that audience response, and the actions taken in anticipation of such response, differs substantially depending on whether the action concerns the violation of a membership norm or a quality norm. The distinction between these two types of norms, and how audiences and actors relate to them, is not always so straightforward. But we believe that some such distinction is crucial if we are to make progress in understanding the interlocking puzzles that animate this paper. It bears reminding what is so vexing about these puzzles. First, while mid-century sociologists came to recognize that high-status actors were given leeway to deviate from certain

norms and standards, they were hard-pressed to explain why these same actors were punished so severely for other deviations. And while the answer seemed to involve in the severity of the violation, we pointed out that this answer is unsatisfactory. If more severe punishments are meted out as the degree of the norm-violation increases, it is unclear why middle-status actors are eliminated for mere "idiosyncrasies." The second puzzle concerns intraprofessional status. In particular, it seems odd that purity, or removal from nonprofessional affairs, should be the basis for the status of a professional or a subfield in the eyes of peers, when the status of professionals and subfields in the eyes of external audiences is conferred in response to perceived demonstrations of quality. Moreover, the examples of many high-status professionals who seem to lose little status due to forays in nonprofessional work suggest that impure actions do not always harm one's status.

Our distinction between quality and membership norms helps to resolve each of these puzzles and, in so doing, shows how the two puzzles relate to one another. The basis for this resolution lies in the two-stage decision process that inheres in any act of valuation for the sake of choice: categorization, to frame the set of options to be considered; and selection of the preferred option (Zuckerman 1999; cf., Shocker et al., 1991; Urban et al., 1993). And these two stages induce two distinct different action imperatives-- the need to demonstrate membership by, in the first instance, conforming with the standards that the audience uses to decide who belongs to the category in question; and second, the need to demonstrate quality, by distinguishing the quality of one's actions from other category members, while taking care not to pursue such differentiation by using means that contradict the quality standards used by that audience. With an appreciation of these two stages of choice and corresponding action imperatives, it becomes clear that the conditions under which we should expect high-status conformity or deviance reflect a difference in kind rather than in degree. In particular, high-status actors should not be excused if they violate quality norms. Insofar as such actions are public and clear (and the actor is not so powerful that she controls the norms and how they are interpreted), they will lead to a derogation of the actor's status. More, if the violation represents a clear violation of quality norms, the actor may be stigmatized as *representing* low quality. Anyone who could be construed as supporting the actor's membership in the

category will feel pressure to disavow such membership. Yet as long as the high-status actor continues to demonstrate quality, or at least does not clearly violate quality standards, his membership is not questioned and he is thus free to engage in actions that would otherwise signal nonmembership– i.e., to deviate on membership norms.

The key to this freedom is that while categorization logically precedes selection, it is only a means to the latter. Membership norms are *critical yet trivial*. Actors who have not established themselves as category members must demonstrate membership. But this imperative loses salience for those whose status (or tenure [see Zuckerman et al., 2003) implies membership. Accordingly, the high-status professional can afford to associate with actors or affairs that are outside the confines of the profession. By contrast, *quality norms are fundamental*. While an act of plagiarism may earn the novice sociologist a stern lecture, it can lead to the stigmatization of the senior sociologist.

Discussion

We conclude, first by noting some implications of our resolution to the second puzzle, for professional stratification; and then by elaborating on broader aspects of the distinction between membership and quality norms.

Implications for Professional Stratification

Our resolution of the second puzzle has two important implications for our understanding of professional regression, each of which involves a modification of Abbott's (1981, 1988, 2001) model. First, insofar as professionals do not value purity *per se* but only because it clarifies who is a member of their profession, Abbott's predictions regarding "professional regression" must be tempered, at least somewhat. To recall, Abbott argues that status-seeking leads professionals to work on problems that are increasingly abstract and distant from the problems faced by the profession's clients. This thereby leads the profession to concede "space" that can be claimed by a rival profession. Our model suggests that such regression may not be as powerful a tendency as Abbott suggests. Insofar as high-status professionals can involve

themselves with extraprofessional problems and concerns, the profession is less likely to lose its hold over an area of work. This check on professional regression may explain the relative stasis that we in fact observe, with professions retaining fairly consistent hold on their jurisdictions over time.

Second, while our framework suggests that purity concerns are less important than they seem, a key implication of this same framework is that *purity concerns inhere in all acts of valuation and do not reflect issues that pertain specifically to intraprofessional status-systems.* To the contrary, purity issues seem quite relevant for extraprofessional status as well. As Gusfield (2001) points out, societies commonly regard certain occupations not simply as low status but as *excluded* from the occupational status hierarchy-- they are literally “pariahs” or untouchables, and this is typically because their work immerses them in “dirt” (see Douglas 1966: 36) or waste.[32] And for certain purposes, the public may wish to distinguish between different types of occupations, and thus require demonstrations of membership/purity in those occupations. For example, while the scientist who vies for status within academia demonstrates membership by publishing in academic journals but does not worry about the formality of his dress or whether he is addressed by his title, the scientist who vies for dominance in the industrial firm tends to be more concerned with such demonstrations of membership (in the high-status category of scientist). In sum, the difference between intraprofessional and extraprofessional status does not lie in the fact that purity is more important in one domain than in the other, but rather in the difference in the choices that the public and the professional must make. The sociologist needs to know who is a sociologist. The aspiring corporate lawyer needs to know who is a corporate law firm. But the public may want merely to separate the scientist from the non-scientist, or someone who can handle a divorce from someone who cannot.[33]

[32] Yet like all membership norms, even contact with waste will not lower an actor’s status if that status is well-established. This affords the possibility of the contemporary practice (which is unimaginable in almost any other time and place), whereby elite Americans follow their dogs and pick up their feces without any loss of status.
[33] It is reasonable to take this a step further back and ask why the professional is so concerned to separate fellow-professionals from outsiders, whereas the public focuses on the “more important” question of who can do the job. The answer lies in the professional closure projects (Weeden 2002) that constitute the professions/disciplines and give them their staying-power. A key reason for a profession’s attractiveness to novices lies in its ability to close off non-professionals from certain areas of work. Giving jobs to outsiders is thus self-defeating.

Difference of Kind vs. Degree. We have argued that the difference that explains why high-status deviance is seen in some cases and high-status conformity in others, reflects a difference in the kind of norm involved, rather than a difference in the degree of a norm's importance. And yet, especially given the triviality of many of the membership norms discussed, it would still seem to be the case that the norms vary in their degree of importance, roughly along the lines of the traditional interpretation of the first puzzle. Given this perception, we conclude by noting two senses in which distinguishing the two norms by their importance or severity fails to capture the essential difference involved.

First, as discussed above, quality-norm violations are rarely so clear and public that they cannot be plausibly denied, at least to a degree sufficient to stave off a complete loss of status. We stressed that high-status actors experience greater difficulty in defending a quality-norm violation because they are presumed to be less ignorant of such norms. However, they (and lower status actors) can often defend their action as being inadvertent or as justifiable due to extenuating circumstances. After all, even killing can be justified when it is done in self-defense, and it may be praised when done in defense of the audience or its values. Such justifications do not always work, but they may work for some audience members, and especially when the norm in question stands in basic tension with others (e.g., corporal punishment can be defended as consistent with the parent's role as disciplinarian; sleeping with one's student can be justified as love between consenting adults, etc.). Accordingly, many communities harbor (many) members who are commonly known to have transgressed on quality norms. Such actors often suffer a loss of status but not complete ejection and infamy, either because the violations do not clearly contradict community values or because pleas for forgiveness are accepted (perhaps because the miscreant knows where other community members' skeletons are buried).

If membership norms were simply more minor norms, it would seem to follow *a fortiori* that violations of membership norms should be even easier to excuse. But the problem with membership-norm deviance, for the actor whose membership is not well-established, is that *there will be no one to hear such excuses*, however plausible they may be. Insofar as the failure to adhere to membership norms

leads an actor to be screened out of consideration, apologies for deviance on such norms will be ignored, much are the actor's other actions. Accordingly, the same communities that are filled with quality-norm violators demand strict adherence to membership norms on the part of newcomers. In sum, while the penalties associated with quality norms are *harsher* (i.e., "punishment" and "stigmatization," which involve a public degradation in status) and especially when the violator is of high status; the penalties associated membership norms (elimination from consideration) are more *reliable* because the very failure to adhere to the such norms means that justifications of such deviance will not be heard. And this factor transforms seemingly trivial norms into commanding imperatives for the actor who wishes to gain consideration and compete for status.

The second reason not to view membership norms as more minor norms emerges from the observation that deviance from membership norms sometimes evokes penalties that are as great or greater than evoked by the violation of quality norms. Consider for example how a thief (violator of a quality norm) would have been treated, as compared to a Jew in Nazi-controlled Europe or an American Indian in much of US history (violators of membership norms). Accordingly, his high status would hardly have given a prominent Nazi the freedom to convert to Judaism. Put differently, an additional scope condition on our argument beyond those discussed above (i.e,. that the violation is clear and public and that high-status actors cannot change norms as they see fit) is that in some cases, no one-- including high-status actors-- is free to violate membership norms.

Of course, this begs the question of why the violation of category boundaries sometimes seems so important and sometimes so forgivable. Given space constraints, we can only sketch an answer to this question here (see Zuckerman and Turco 2007 for elaboration). This answer turns on the distinction discussed above, between "market"-like contexts, in which the audience (e.g., consumers) and actors (e.g., producers) are different set of actors versus "social" or group contexts, in which the actors in a domain are their own audience. We argued above that our argument applies principally to the former context because candidate dependence on (a separate set of actors who constitute) the audience implies that candidates cannot control norms. A second distinction between such contexts is also important. In

particular, the violation of membership norms is relatively unproblematic in a market-like context: the product or firm that does not fit is simply screened out of consideration. While the violator may suffer a penalty (lower demand), there is no sense in which he is "punished," in the manner of quality-norm violators (see Hannan, Pólos, and Carroll 2007 for a different view). But in a social context, actors simultaneously compete with one another for dominance, or the right to control and define others (Gould 2002a). Insofar as membership is a prerequisite for claims to status and therefore dominance, any dominance order relies upon on a preferred way of determining membership. This means that violators of membership norms cannot simply be ignored, as they are in a market context. Insofar as they are tolerated, their very presence and incorporation as "citizens" threatens the entire system upon which the current system of dominance is predicated. Consider, for example, how granting full citizenship rights to American Indians at the beginning of the European colonial project would have impaired this project.

In short, the basis for this final scope condition on our proposition concerns the extent to which displays of nonmembership threaten the status of the audience. In the typical market context, products or firms that do not fit do not threaten the audience in any way. The law firm that practices FL poses no threat to corporate clients, and the sociologist who publishes trade books poses no threat to sociologists. In the first instance, they are merely screened out as unfit for providing the services that are sought. And if these actions are performed by an actor who has already achieved high status, they may tend to be excused and even appreciated. By contrast, the problem that the American Indian posed is that he stood for an incompatible way of organizing, using, and laying claim to land (cf., Espeland 1998). The very presence of nomadic indigenous populations among European settlements posed an intolerable challenge because the Indian use of space could not be reconciled with that of the European settlers. The solution was in some sense a "screening out," but one that necessarily involved removing them, via forcible expulsion, reservation/ghettoization, and genocide (cf., Bauman 1989 on the Holocaust). In sum, violation of membership norms have much more serious implications than quality-norm violations in such contexts of zero-sum competition over the very organizing principles or codes that organize valuation (Swidler 2001), such that even the attainment of high status does not permit (public) deviance.

References

Abbott , Andrew. 1981. "Status and Status Strain in the Professions." *American Journal of Sociology* 86: 819-835.

Abbott, Andrew. 1988. *The System of Professions: An Essay on the Division of Expert Labor*. Chicago: University of Chicago Press.

Abbott, Andrew. 2001. *Chaos of Disciplines*. Chicago: University of Chicago Press.

Abel, Richard L. 1989. *American Lawyers*. New York: Oxford University Press.

Adut, Ari. 2004. "Scandal as norm entrepreneurship strategy: Corruption and the French Investigating Magistrates." *Theory and Society* 33: 529-578.

Adut, Ari. 2005. "A Theory of Scandal: Victorians, Homosexuality, and the Fall of Oscar Wilde." *American Journal of Sociology* 111: 213-248.

Alvarez, Rodolfo. 1968. "Informal Reactions to Deviance in Simulated Work Organizations: A Laboratory Experiment." *American Sociological Review* 33: 895-912.

Becker, Howard. 1963. *Outsiders: Studies in the Sociology of Deviance*. New York: The Free Press of Glencoe.

Beckman, Christine M. and Damon J. Phillips. 2005. "Interorganizational Determinants of Promotion: Client Leadership and the Promotion of Women Attorneys" *American Sociological Review* 70: 678-701.

Becker, Marshall H. 1970. "Sociometric Location and Innovativeness: Reformulation and Extension of the Diffusion Model." *American Sociological Review* 35: 267-82.

Bennis, Warren G. and James O'Toole. 2005. "How Business Schools Lost Their Way." *Harvard Business Review* May: 96-104.

Bergstrom, Randolph E. 1992. *Courting Danger: Injury and Law in New York City, 1870-1910*. Ithaca: Cornell University Press.

Black, Donald. 1976. *The Behavior of Law*. New York: Academic Press.

Blau, Peter M. 1960. "Patterns of Deviation in Work Groups." *Sociometry* 23: 245-61.

Blau, Peter M. 1963. *Dynamics of Bureaucracy: A Study of Interpersonal Relations in Two Government Agencies*. Chicago: University of Chicago Press.

Brady, David. 2005. "Why Public Sociology May Fail." *Social Forces* 82: 1629-1638.

Bromberg, Minna and Gary Alan Fine. 2002. "Resurrecting the Red: Pete Seeger and the Purification of Difficult Reputations." *Social Forces* 80: 1135-1155.

Burawoy, Michael. 2004: "Presidential Address: For Public Sociology." *American Sociological Review* 70: 4-28.

Calhoun, Craig. 2005. "The Promise of Public Sociology." *British Journal of Sociology* 56: 355-363.

Canales, Rodrigo. 2007. "From Ideals to Institutions: Institutional Entrepreneurship in Mexican Small Business Finance." Unpublished manuscript, MIT Sloan School of Management.

Carlin, Jerome E. 1962. *Lawyers on Their Own*. New Brunswick, NJ: Rutgers University Press.

Carlin, Jerome E. 1966. *Lawyers' Ethics: A Survey of the New York City Bar*. New York: Russell Sage Foundation.

Chwe, Michael Suk-Young. 2001. *Rational Ritual: Culture, Coordination, and Common Knowledge*. Princeton, N.J. : Princeton University Press.

Cole, Andrew. 2005. "NHS Research Programme to be Transformed." *British Medical Journal* 331: 368.

Coleman, James S. 1961. *The Adolescent Society: The Social Life of The Teenager and its Impact on Education*. New York: Free Press of Glencoe.

Dittes, James E. and Harold H. Kelley. 1956. "Effects of Different Conditions of Acceptance Upon Conformity to Group Norms." *Journal of Abnormal and Social Psychology* 53: 100-7.

Douglas, Mary. 1966. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Routledge & Kegan Paul.

Epstein, Michael M. 2002. "Victorian Divorce Anxiety and the Lawyer-Statesman in 'Fin de Siecle' Advertising, Literature, and Debate." *Law and Literature* 14: 143-168.

Escher, W. Jon and Suzanne L. Morze 1998. *Building a Silicon Valley Office*. A Major, Hagen & Africa White Paper.

Espeland, Wendy Nelson. 1998. *The Struggle for Water: Politics, Rationality, and Identity in the American Southwest*. Chicago: University of Chicago Press.

Felstiner, William L.F., Richard L. Abel, and Austin Sarat. 1980/1981. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . ." *Law & Society Review*15: 631-654.

Finlay, William and James E. Coverdill. 2002. "Headhunters: Matchmaking in the Labor Market." Ithaca, N.Y.: IRL Press.

Galanter, Marc. 1974. "Why the 'Haves' Come out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9: 95-160.

Galanter, Marc. 1998a. "Anyone Can Fall Down a Manhole: The Contingency Fee and Its Discontents." *DePaul Law Review* 47:457-77.

Galanter, Marc. 1998b. "The Faces of Mistrust: The Image of Lawyers in Public Opinion, Jokes, and Political Discourse." *University of Cincinnati Law Review* 66: 805-845.

Giordano, Peggy C. 1983. “Sanctioning the High-Status Deviant.” *Social Psychology Quarterly* 46: 329-42.

Goffman, Erving. 1961. *Encounters: Two Studies in the Sociology of Interaction*. New York: Bobbs-Merrill.

Goode, William J. 1978. *The Celebration of Heroes: Prestige as a Control System*. Berkeley, Calif.: University of California Press.

Gould, Roger V. 2002a. *Collision of Wills: How Ambiguity about Social Rank Breeds Conflict*. Chicago: University of Chicago Press.

Gould, Roger V. 2002b. “The Origins of Status Hierarchies: A Formal Theory and Empirical Test.” *American Journal of Sociology* 107: 1143-1178.

Gusfield, Joseph R. 1981. *The Culture of Public Problems: Drinking-Driving and the Symbolic Order*. Chicago: University of Chicago Press.

Gusfield, Joseph R. 2001. Review of *The Untouchables of India* by Robert Neliege. *Contemporary Sociology* 30: 119-120.

Fine, Gary Alan. 1997. “Scandal, Social Conditions, and the Creation of Public Attention: Fatty Arbuckle and the "Problem of Hollywood.” *Social Problems* 44: 297-323.

Hannan, Michael T., László Pólos, and Glenn R. Carroll. 2007. *Social Codes and Ecologies: Logics of Organization Theory*. Princeton: Princeton University Press.

Heinz, John P. and Edward O. Laumann. 1982. *Chicago Lawyers: the Social Structure of the Bar*. Evanston, IL: Northwestern University Press.

Heinz, John P., Robert L. Nelson, Rebecca L. Sandefur, and Edward O. Laumann. 2005. *Urban Lawyers: The New Social Structure of the Bar*. Chicago: University of Chicago Press.

Hewitt, John P. and Randall Stokes. 1975. “Disclaimers.” *American Sociological Review* 40: 1-11.

Hirschman, Albert O. 1970. *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge, Mass.: Harvard University Press.

Hollander, E. P. 1958. “Conformity, Status, and Idiosyncrasy Credit.” *Psychological Review* 65:117-27.

Hollander, E. P. 1960. “Competence and Conformity in the Acceptance of Influence.” *Journal of Abnormal and Social Psychology* 61: 365-9.

Homans, George C. 1950. *The Human Group*. New York: Harcourt, Brace.

Homans, George C. 1961. *Social Behavior: Its Elementary Forms*. New York: Harcourt, Brace, and World.

Hughes, Everett Cherrington. 1946. “The Knitting of Racial Groups in Industry.” *American Sociological Review* 11: 512-9.

Karsten, Peter. 1998. “Enabling the Poor to Have Their Day in Court: The Sanctioning of Contingency Fee Contracts, a History to 1940.” *DePaul Law Review*, 47, 231-260.

Kelley, Harold H. and Martin M. Shapiro. 1954. “An Experiment on Conformity to Group Norms Where Conformity is Detrimental to Group Achievement.” *American Sociological Review* 19: 667-677.

Kritzer, Herbert M. 2004. *Risks, Reputations and Rewards: Contingency Fee Legal Practice in The United States*. Stanford, CA: Stanford Law and Politics.

Ladinsky, Jack. 1963. "Careers of Lawyers, Law Practice, and Legal Institutions." *American Sociological Review* 28: 47-54.

Leifer, Eric M. 1992. “Denying the Data: Learning from the Accomplished Sciences. *Sociological Forum* 7: 283-299.

Levi-Strauss, Claude. 1969. *The Elementary Structures of Kinship*. Translated from the French by James Harle Bell, John Richard von Sturmer, and Rodney Needham, editor. Boston: Beacon Press.

Levitt, Steven D. and Stephen J.Dubner. 2005. *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*. New York: William Morrow.

Lieberson, Stanley. 2000. *A Matter of Taste: How Names, Fashions, and Culture Change*. New Haven: Yale University Press.

Macaulay, Stewart. 1963. "Non-Contractual Relations in Business: A Preliminary Study," *American Sociological Review*, 28: 1-19.

Macaulay, Stewart. 1979. “Lawyers and Consumer Protections Laws.” *Law & Society Review*, 14: 115-171.

Martin, John Levi. 2002. “Power, Authority, and the Constraint of Belief Systems.” *American Journal of Sociology* 107: 861-904.

Martindale and Hubbell, Inc. 1945-1996. *Martindale and Hubbell Law Directory*. Summit, NJ: Martindale and Hubbell.

Mather, Lynn M., Craig A. McEwen, and Richard J. Maiman. 2001. *Divorce Lawyers at Work: Varieties of Professionalism in Practice.* New York: Oxford University Press.

Menzel, Herbert 1960. “Innovation, Integration, and Marginality: A Survey of Physicians.” *American Sociological Review* 25: 704-13.

Monaghan, Robert 1936. “The Liability Claim Racket.” *Law and Contemporary Problems*, *Financial Protection for the Motor Accident Victim* 3: 491-504.

Murray, Fiona. 2007. "The Oncomouse that Roared: Resistance & Accomodation to Patenting in Academic Science." Unpublished manuscript, MIT Sloan School of Management.

Parikh, Sara, and Bryant Garth 2005. "Philip Corboy and the Construction of the Plaintiffs' Personal Injury Bar", *Law & Social Inquiry* 30, 269.

Pearson, Jessica. 1993. "Ten Myths about Family Law." *Family Law Quarterly* 27: 279-299.

Phillips, Damon J. 2001. "The Promotion Paradox: The Relationship Between Organizational Mortality and Employee Promotion Chances in Silicon Valley Law Firms, 1946-1996." *American Journal of Sociology* 106: 1058-1098.

Phillips, Damon J. 2002. "A genealogical approach to organizational life chances: The parent-progeny transfer among Silicon Valley law firms, 1946-1996." *Administrative Science Quarterly* 47: 474-506.

Phillips, Damon J. and Ezra W. Zuckerman. 2001. "Middle-Status Conformity: Theoretical Restatement and Empirical Demonstration in Two Markets." *American Journal of Sociology* 107: 379-429.

Podolny, Joel M. 2005. *Status Signals*. Princeton, N.J.: Princeton University Press.

Podolny, Joel M. 1993. "A Status-Based Model of Market Competition." *American Journal of Sociology* 98: 829-72.

Reichstein, Kenneth J. 1965. "Ambulance Chasing: A Case Study of Deviation within the Legal Profession." *Social Problems* 13: 3-17.

Ridgeway, Cecila L. and Shelley J. Correll. 2006. "Consensus and the Creation of Status Beliefs." *Social Forces* 85: 431-453.

Ridgeway, Cecila L., Shelley J. Correll, and Ezra W. Zuckerman. 2008. "Accounting for Status: Theoretical Reconstruction of a Core Sociological Concept." Unpublished manuscript, MIT Sloan School of Management.

Rossman, Gabriel. 2004. "Elites, Masses, and Media Blacklists: The Dixie Chicks Controversy." *Social Forces* 83: 61-79.

Sandefur, Rebecca L. 2001. "Work and Honor in the Law: Prestige and the Division of Lawyers' Labor." *American Sociological Review* 66: 382-403.

Schmalensee, Richard. 2006. "Where's the 'B' in B-Schools?" *BusinessWeek* November 27: 118.

Selznick, Phillip. 1957. *Leadership in Administration: A Sociological Interpretation*. Evanston, Ill., Row, Peterson.

Seron, Carroll. 1996. *The Business of Practicing Law: The Work Lives of Solo and Small-Firm Attorneys*. Philadelphia: Temple University Press.

Sherer, Peter D. 1995. "Leveraging human assets in law firms: human capital structures and organizational capabilities." *Industrial & Labor Relations Review,* 48: 671-691.

Shils, Edward A. 1965. "Charisma, Order, and Status." *American Sociological Review* 30: 199-213.

Shocker, Alan D., Moshe Ben Akiva, Bruno Boccara, and Prakash Nedungadi. 1991. "Consideration Set Influences on Customer Decision Making and Choice Issues, Models, and Suggestions." *Marketing Letters* 2 (August): 181-98.

Smigel, Erwin O. 1969. *The Wall Street Lawyer*. Indiana University Press: Bloomington & London.

Stuart, Toby E. and Waverly W. Ding. 2004. "When Do Scientists Become Entrepreneurs? The Social Structural Antecedents of Commercial Activity in the Academic Life Sciences." *American Journal of Sociology* 112: 97-144.

Suchman, Mark C. 1993. *On the Role of Law Firms in the Structuration of Silicon Valley.* Working Paper, Series 11, Presented to the 1993 Annual Meeting of the Law and Society Associated in Chicago, IL.

Suchman, Mark C. 2000. "Dealmakers and Counselors: Law Firms as Intermediaries in the Development of Silicon Valley." Pp. 71-97 in *Understanding Silicon Valley*, edited by Martin Kenney,. Stanford: Stanford University Press.

Sugarman, Stephen D. 2000. *A Century of Change in Personal Injury Law*, Boalt Working Papers in Public Law, paper 109, University of California, Berkeley.

Swidler, Ann. 2001. *Talk of Love: How Culture Matters*. Chicago: University of Chicago Press.

Tumin, Melvin M. 1953 "Some Principles of Stratification: A Critical Analysis." *American Sociological Review* 18: 387-394.

University of Chicago Law Review. 1958. "A Critical Analysis of Rules against Solicitation by Lawyers." *University of Chicago Law Review* 25: 674-685.

Urban, Glen L., Bruce D. Weinberg, and John R Hauser. 1996. "Premarket Forecasting of Really-New Products." *Journal of Marketing* 60 (January): 47-60.

Weber, Max. 1946. H. H. Gerth and C. Wright Mills eds., *From Max Weber: Essays in Sociology*.

Weeden, Kim A. 2002. "Why Do Some Occupations Pay More than Others? Social Closure and Earnings Inequality in the United States." *American Journal of Sociology* 108: 55-101.

Whyte, William F. 1943. *Street Corner Society: the Social Structure of an Italian Slum*. Chicago: University of Chicago Press.

Zelenko, Daniel L. 1996. "Do You Need a Lawyer? You May Have to Wait 30 Days: The Supreme Court Went Too Far in Florida Bar v. Went for It, Inc." *American University Law Review* 45: 1215-20.

Zerubavel, Eviatar. 2006. The *Elephant in the Room: Silence and Denial in Everyday Life*. New York : Oxford University Press

Zhou, Xueguang. 2005. "The Institutional Logic of Occupational Prestige Ranking: Reconceptualization and Reanalyses." *American Journal of Sociology* 111:90-140.

Zuckerman, Ezra W. 1999. "The Categorical Imperative: Securities Analysts and the Illegitimacy Discount." *American Journal of Sociology* 104: 1398-1438.

Zuckerman, Ezra W. 2004. "Structural Incoherence and Stock Market Activity." *American Sociological Review* 69: 405-432.

Zuckerman, Ezra W. 2005. "Typecasting and Generalism in Firm and Market: Genre-Based Career Concentration in the Feature-Film Industry." *Research in the Sociology of Organizations* 23 (Special Issue on Transformation in Cultural Industries): 173-216.

Zuckerman, Ezra W. and Tai-Young Kim. 2003. "The Critical Trade-Off: Identity Assignment and Box-Office Success in the Feature Film Industry." *Industrial and Corporate Change* 12: 27-66.

Tables

Table 1. Descriptive Statistics. 513 Law Firms, 1946-1996 (4108 cases)

Variables	Mean	Std Dev.	Min	Max
Status (continuous)	.24	.27	0	1
Categorical High Status (status > .65)	.10	.30	0	1
Categorical Mid Status (.66 > status > .34)	.17	.38	0	1
Categorical Low Status (.35 > status)	.72	.45	0	1
Proportion Change in Elite Asso Hired (year t to t+1)	-.03	.32	-1	6
Elite Asso Hired in Year t	.22	1.25	0	35
Elite Asso Leaving in Year t	.10	.69	0	23
Non-elite Asso Hired in Year t	1.06	2.53	0	37
Log(# Partners)	1.29	.75	0	4.47
Log(# Associates)	.90	.96	0	5.33
Small Firm (Size < 6)	.58	.49	0	1
Ratio of Associates to Partners	.63	.81	0	7
Firm has no Associates	.39	.49	0	1
Partner Growth	.54	1.37	0	19
Partner Attrition	.11	.30	0	4.33
Scope (annualized)	.15	.10	.01	.63
Firm age	9.79	9.58	0	51
Branch Office	.24	.43	0	1
Personal Injury Law	.21	.40	0	1
Family Law	.20	.40	0	1
Corporate Law	.62	.48	0	1
Previous # of PI Announcements	30.19	16.42	0	52
Avg Increase in PI Announcements	.19	.23	-.14	1
Previous # of FL Announcements	28.83	13.85	0	44
Avg Increase in FL Announcements	.11	.29	-.19	1

Descriptives of additional practice areas, location, and time period not presented to preserve space (available upon request).

Table 2. Piecewise Exponential Model of Hazard Rate (MLE) for Listing Family Law, by Status. Silicon Valley Law Firms. 513 Law Firms Total (259 Corporate Law Firms), 1946-1996 (3274 cases). * p < .05, ** p<.01; one-sided tests for hypothesized variables

Variables	**[1] All Firms**	**[2] All Firms**	**[3] All Firms**	**[4] All Firms**	**[5] Corp Law Firms**	**[6] Corp Law Firms**
Firm age: < 10 yrs	-6.22 (.86)	-6.06 (.85)	-6.03 (.85)	-6.04 (.85)	-7.45 (1.26)	-7.64 (1.28)
Firm age: 10+ yrs	-7.52 (.92)	-7.36 (.92)	-7.31 (.92)	-7.36 (.92)	-8.40 (1.31)	-8.70 (1.33)
Status (continuous)		**-.86 (.41) ***	**-2.72 (1.00) ****		**-3.58 (1.39) ****	
Status-Sq (continuous)			**2.42 (1.16) ***		**2.69 (1.60) ***	
Categorical High Status (status > .65)				**-.21 (.34)**		**-.52 (.46)**
Categorical Mid Status (.66 > status > .34)				**-.73 (30) ****		**-1.04 (.40) ****
Log(# Partners)	-.63 (.33)	-.63 (.33)	-.58 (.33)	-.73 (.34) *	-.27 (.43)	-.38 (.44)
Log(# Associates)	.09 (.43)	.12 (.43)	.13 (.43)	.19 (.44)	.40 (.49)	.44 (.50)
Small Firm (Size < 6)	-.44 (.36)	-.44 (.36)	-.47 (.36)	-.48 (.36)	-.15 (.43)	-.14 (.44)
Ratio of Associates to Partners	-.59 (.37)	-.64 (.38)	-.65 (.38)	-.72 (.39)	-.60 (.50)	-.63 (.50)
Firm has no Associates	.29 (.39)	.28 (.38)	.27 (.38)	.34 (.39)	.53 (.50)	.60 (.51)
Partner Growth	.30 (.11) **	.28 (.11) *	.27 (.11) *	.30 (.11) **	.09 (.15)	.13 (.14)
Partner Attrition	-1.65 (.68) *	-1.64 (.69) *	-1.64 (.69) *	-1.69 (.68) *	-.1.19 (.91)	-.1.33 (.91)
Scope (annualized)	7.30 (1.74) **	7.75 (1.78) **	7.32 (1.79) **	7.34 (1.80) **	8.92 (2.46) **	8.80 (2.48) **
Branch Office	-.02 (.33)	-.02 (.33)	.02 (.33)	.01 (.33)	.34 (.39)	.36 (.39)
Previous # of FL Announcements	.08 (.02) **	.08 (.02) **	.08 (.02) **	.08 (.02) **	.08 (.02) *	.09 (.02) *
Avg Increase in FL Announcements	3.09 (.83) **	3.08 (.83) **	3.12 (.83) **	3.08 (.83) **	3.38 (1.11) *	3.35 (1.11) *
Personal Injury Law	.93 (.21) **	.88 (.21) **	.87 (.21) **	.88 (.21) **	.80 (.30) **	.89 (.30) **
Corporate Law	-.56 (.23) *	-.53 (.23) *	-.48 (.23) *	-.51 (.23) *		
Dummies for 14 additional practice areas	Yes	Yes	Yes	Yes	Yes	Yes
City Dummies (Palo Alto, San Jose, etc.)	Yes	Yes	Yes	Yes	Yes	Yes
Time period Controls	Yes	Yes	Yes	Yes	Yes	Yes
Log-likelihood (df)	-347.80 (33)	-345.40 (34)	-343.30 (35)	-344.34 (35)	-184.69 (34)	-185.53 (34)
χ^2 (df) vs. previous model	-----	4.80 (1) *	**4.20 (1) ***	-----	-----	-----

Table 3. Piecewise Exponential Model of Hazard Rate (MLE) for Listing Personal Injury Law, by Status. Silicon Valley Law Firms. 513 Law Firms Total (259 Corporate Law Firms), 1946-1996 (3274 cases), one-sided t-tests for hypotheses. * p < .05, ** p<.01.

Variables	**[1] All Firms**	**[2] All Firms**	**[3] All Firms**	**[4] All Firms**	**[5] Corp Law Firms**	**[6] Corp Law Firms**
Firm age: < 10 yrs	-3.41 (.80)	-3.18 (.80)	-3.16 (.80)	-3.27 (.80)	-3.68 (1.28)	-3.95 (1.28)
Firm age: 10+ yrs	-4.89 (.89)	-4.58 (.89)	-4.54 (.89)	-4.70 (.89)	-4.79 (1.35)	-5.09 (1.34)
Status (continuous)		**-1.00 (.39) ****	**-2.06 (1.04) ***		**-1.54 (.34) ****	
Status-Sq (continuous)			**1.35 (1.20)**			
Categorical High Status (status > .65)				**-.73 (.27) ***		**-1.26 (.58) ***
Categorical Mid Status (.66 > status > .34)				**-.60 (.31) ***		**-.41 (.41)**
Log(# Partners)	-.87 (.30)**	-.88 (.31)**	-.84 (.31)**	-.93 (.30)* *	-.61 (.46)	-.64 (.47)
Log(# Associates)	.04 (.43)	.12 (.43)	.12 (.43)	.13 (.43)	-.09 (.60)	-.11 (.60)
Small Firm (Size < 6)	-.48 (.37)	-.45 (.37)	-.44 (.37)	-.44 (.37)	-.17 (.51)	-.15 (.52)
Ratio of Associates to Partners	-.88 (.32) **	-.88 (.32) **	-.96 (.34) **	-.97 (.32) **	-.58 (.53)	-.55 (.53)
Firm has no Associates	-.04 (.37)	.02 (.37)	-.02 (.37)	.00 (.37)	-.19 (.58)	-.15 (.58)
Partner Growth	.13 (.21)	.12 (.21)	.12 (.21)	.14 (.21)	.03 (.20)	.04 (.20)
Partner Attrition	-1.75 (1.01)	-1.77 (1.01)	-1.76 (1.01)	-1.80 (1.01)	-.41 (.80)	-.41 (.80)
Scope (annualized)	5.26 (1.61) **	5.58 (1.64) **	5.54 (1.65) **	5.78 (1.66) **	3.36 (2.74)	3.57 (2.70)
Branch Office	-.57 (.31)	-.60 (.31)	-.60 (.31)	-.59 (.31)	-.82 (.45)	-.77 (.45)
Previous # of PI Announcements	.04 (.01) **	.04 (.01) **	.04 (.01) **	.04 (.01) **	.04 (.02) *	.04 (.02) *
Avg Increase in PI Announcements	1.58 (.54) **	1.59 (.55) **	1.59 (.55) **	1.60 (.55) **	1.54 (.76) *	1.56 (.77) *
Family Law	.80 (.20) **	.74 (.20) **	.72 (.20) **	.74 (.20) **	.84 (.32) **	.89 (.32) **
Corporate Law	-.43 (.24)	-.37 (.24)	-.35 (.24)	-.38 (.24)		
Dummies for 14 additional practice areas	Yes	Yes	Yes	Yes	Yes	Yes
City Dummies (Palo Alto, San Jose, etc.)	Yes	Yes	Yes	Yes	Yes	Yes
Time period Controls	Yes	Yes	Yes	Yes	Yes	Yes
Log-likelihood (df)	-397.76 (33)	-394.05 (34)	-393.42 (35)	-393.92 (35)	-173.32 (33)	-173.64 (34)
χ^2 (df) vs. previous model	-----	**7.42 (1) ****	1.26	-----	-----	-----

Table 4. Linear Regression (OLS) of Proportional Change in Elite Law School Associates Hired from year t to t+1 (Models 1 – 2) and Logistic Regression (MLE) of Reduction in Elite Law School Associates Hired (Models 3 – 4) in Firms Listing Family Law, by Status. 1946-96, clustered std. err. by firm, one-sided t-tests for hypotheses. * p < .05, ** p<.01

Variables	**[1] OLS: All Firms**	**[2] OLS: Corp Law Firms**	**[3] MLE: All Firms**	**[4] MLE: Corp Law Firms**
Elite Asso Hired in Year t (Lagged DV)	-.21 (.04) **	-.21 (.04) **	2.34 (1.05) *	1.90 (.86) *
Elite Asso Leaving in Year t	.17 (.04) **	.17 (.04) **	-1.34 (.46) **	-1.21 (.39) **
Non-elite Asso Hired in Year t	.05 (.02) **	.06 (.02) **	-.47 (.14) **	-.38 (.12) **
Categorical High Status (status > .65)	-.06 (.03) *	-.04 (.04)	.48 (.54)	.21 (.57)
Categorical Mid Status (.66 > status > .34)	.02 (.02)	.05 (.03)	-.22 (.29)	-.39 (.29)
Family Law	-.002 (.018)	.004 (.026)	-.01 (.33)	.17 (.32)
High Status*Family Law	**-.03 (.04)**	**-.04 (.05)**	**.99 (.74)**	**.46 (.69)**
Mid Status*Family Law	**-.09 (.03) ****	**-.11 (.05) ***	**1.12 (.48) ***	**.87 (.45) ***
Firm age	.000 (.001)	.001 (.001)	-.01 (.01)	-.01 (.01)
Log (# Partners)	.01 (.03)	.03 (.04)	-.16 (.42)	-.27 (.53)
Log (# Associates)	-.01 (.03)	.01 (.05)	1.01 (.44) *	.94 (.53)
Firm Size: < 6	.07 (.03) *	.08 (.04) *	-.55 (.38)	-.36 (.42)
Firm has no Associates	.05 (.03)	.09 (.04) *	-1.43 (.51) **	-1.64 (.62) **
Ratio of Associates to Partners	.01 (.02)	.03 (.05)	-.38 (.30)	-.39 (.36)
Partner Growth	.04 (.02) *	.035 (.017) *	-.25 (.24)	-.17 (.28)
Partner Attrition	-.13 (.04) **	-.14 (.04) **	1.09 (.42) *	1.04 (.54)
Scope (annualized)	.25 (.20)	.24 (.25)	2.36 (2.16)	3.57 (2.44)
Branch Office	-.08 (.03) *	-.09 (.05) *	.50 (.39)	.60 (.41)
Personal Injury Law	.02 (.01)	.02 (.02)	-.72 (.39)	-.99 (.50)
Corporate Law	-.01 (.02)	-----	-.33 (.34)	-----
Previous # of FL Announcements	-.000 (.001)	-.001 (.001)	-.01 (.02)	-.01 (.02)
Avg Increase in FL Announcements	-.04 (.06)	-.01 (.09)	-.38 (.67)	-.83 (.77)
Dummies for 14 additional practice areas	Yes	Yes	Yes	Yes
City Dummies (Palo Alto, San Jose, etc.)	Yes	Yes	Yes	Yes
Time period Controls	Yes	Yes	Yes	Yes
Constant	-.10 (.09)	-.13 (.13)	-3.19 (.92) **	-3.67 (1.12) **
N	3342	2128	3342	2128
R^2 (Pseudo R^2 for Models 3 and 4)	.21	.22	.45	.42

Table 5. Linear Regression (OLS) of Proportional Change in Elite Law School Associates Hired from year t to t+1 (Models 1 – 2) and Logistic Regression (MLE) of Reduction in Elite Law School Associates Hired (Models 3 – 4) in Firms Listing Personal Injury Law, by Status. 1946-96, clustered std. err. by firm, one-sided t-tests for hypotheses. * p<.05, ** p<.01

Variables	[1] OLS: All Firms	[2] OLS: Corp Law Firms	[3] MLE: All Firms	[4] MLE: Corp Law Firms
Elite Asso Hired in Year t (Lagged DV)	-.21 (.04) **	-.21 (.04) **	2.33 (1.06) *	1.88 (.86) *
Elite Asso Leaving in Year t	.17 (.04) **	.17 (.04) **	-1.35 (.47) **	-1.21 (.39) **
Non-elite Asso Hired in Year t	.05 (.02) **	.06 (.02) **	-.46 (.14) **	-.38 (.12) **
Categorical High Status (status > .65)	-.04 (.02) *	-.03 (.03)	.33 (.49)	.16 (.48)
Categorical Mid Status (.66 > status > .34)	.01 (.02)	.04 (.03)	-.15 (.27)	-.34 (.27)
Personal Injury Law	.03 (.01) *	.04 (.02) *	-1.95 (.49) **	-1.57 (.48) **
High Status*Personal Injury	**-.15 (.06) ** **	**-.14 (.08) * **	**3.41 (.73) ** **	**2.91 (1.19) ** **
Mid Status*Personal Injury	**-.04 (.03)**	**-.06 (.06)**	**1.67 (1.33)**	**1.37 (1.47)**
Firm age	.000 (.000)	.001 (.001)	-.01 (.02)	-.01 (.01)
Log (# Partners)	.01 (.03)	.03 (.04)	-.11 (.43)	-.27 (.53)
Log (# Associates)	-.01 (.04)	.01 (.05)	.86 (.46)	.93 (.53)
Firm Size: < 6	.07 (.03) *	.08 (.04) *	-.56 (.38)	-.35 (.41)
Firm has no Associates	.05 (.03)	.09 (.04) *	-1.58 (.50) **	-1.67 (.58) **
Ratio of Associates to Partners	.01 (.02)	.03 (.04)	-.31 (.30)	-.38 (.37)
Partner Growth	.04 (.02) *	.035 (.017) *	-.25 (.24)	-.17 (.28)
Partner Attrition	-.12 (.04) **	-.14 (.04) **	1.10 (.43) *	1.01 (.54)
Scope (annualized)	.27 (.20)	.30 (.25)	1.78 (2.11)	2.57 (2.38)
Branch Office	-.08 (.03) *	-.09 (.05)	.50 (.40)	.62 (.41)
Family Law	-.02 (.02)	-.02 (.02)	.48 (.22) *	.56 (.21) *
Corporate Law	-.01 (.02)	-----	-.19 (.32)	-----
Previous # of PI Announcements	.001 (.001)	.001 (.001)	-.002 (.016)	-.01 (.02)
Avg Increase in PI Announcements	.004 (.030)	.04 (.04)	.07 (.53)	-.28 (.59)
Dummies for 14 additional practice areas	Yes	Yes	Yes	Yes
City Dummies (Palo Alto, San Jose, etc.)	Yes	Yes	Yes	Yes
Time period Controls	Yes	Yes	Yes	Yes
Constant	-.15 (.08)	-.20 (.11)	-3.54 (.89) **	-3.84 (1.14) **
N	3342	2128	3342	2128
R^2 (Pseudo R^2 for Models 3 and 4)	.21	.22	.45	.42

Figures

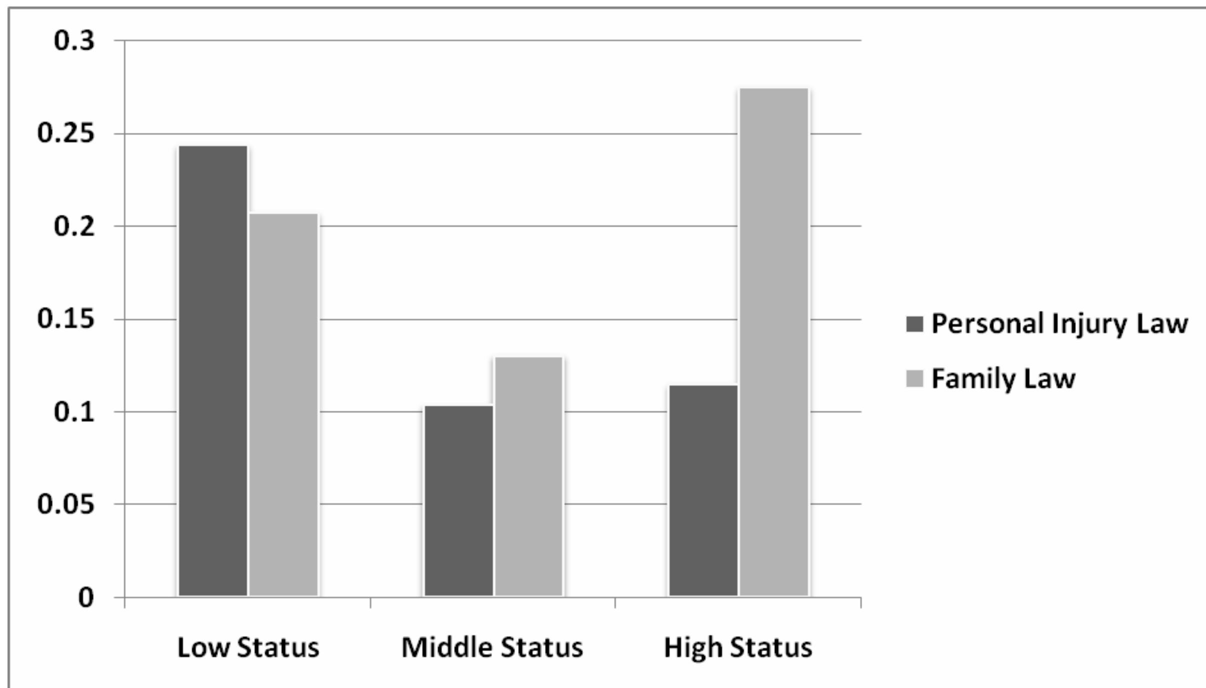

Figure 1a. Proportion of Firms Listing Personal Injury and Family Law, by Status (All Firms)

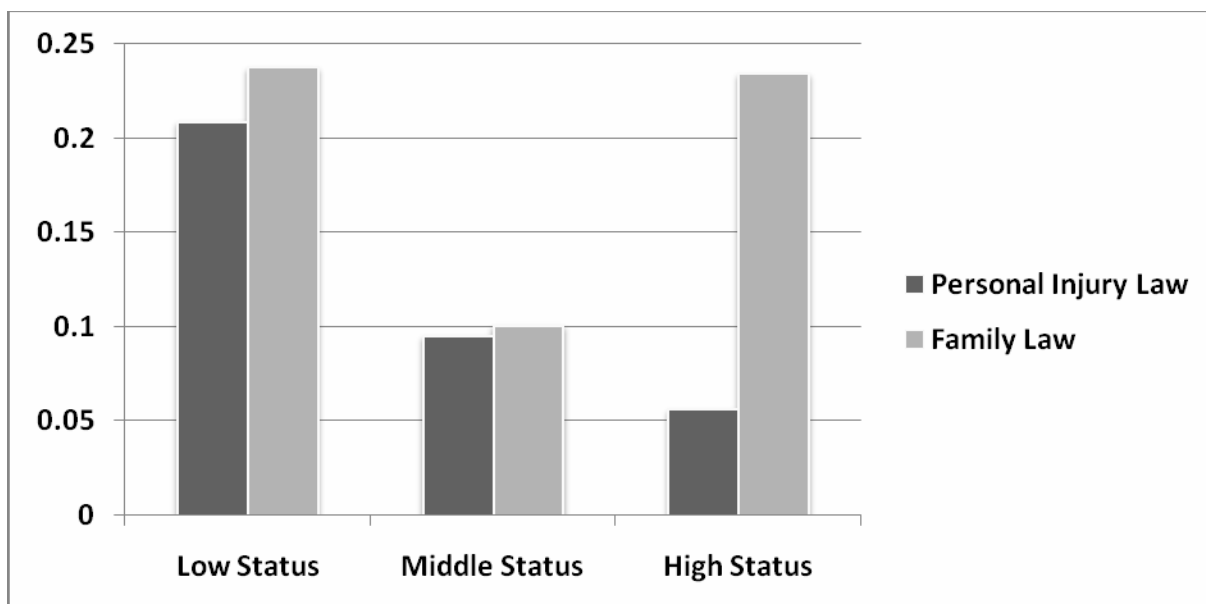

Figure 1b. Proportion of Firms Listing Personal Injury and Family Law, by Status (Corporate Firms Only)

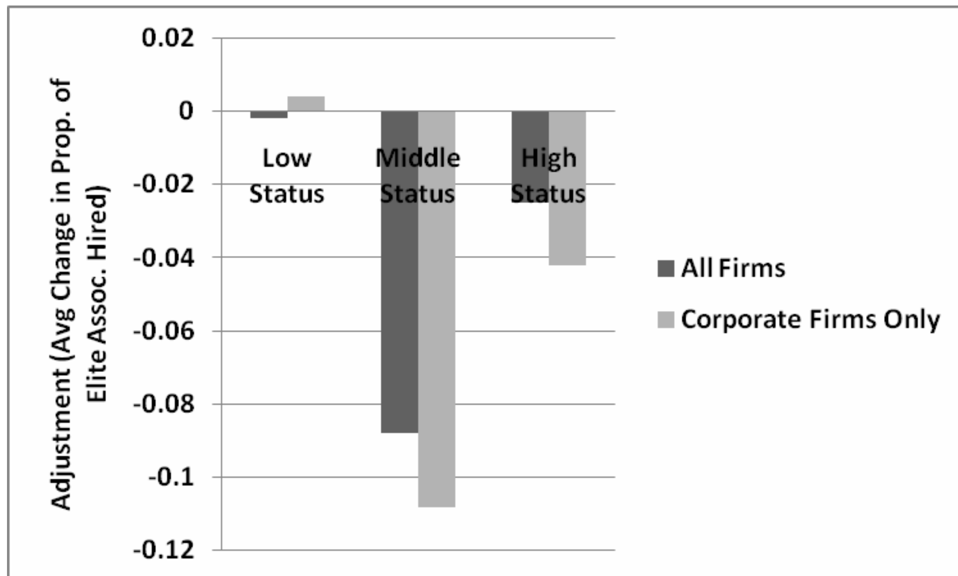

Figure 2a: Average Annual Change in Proportion of Elite Associates Hired When Family Law is Listed (Table 4, Models 1 and 2).

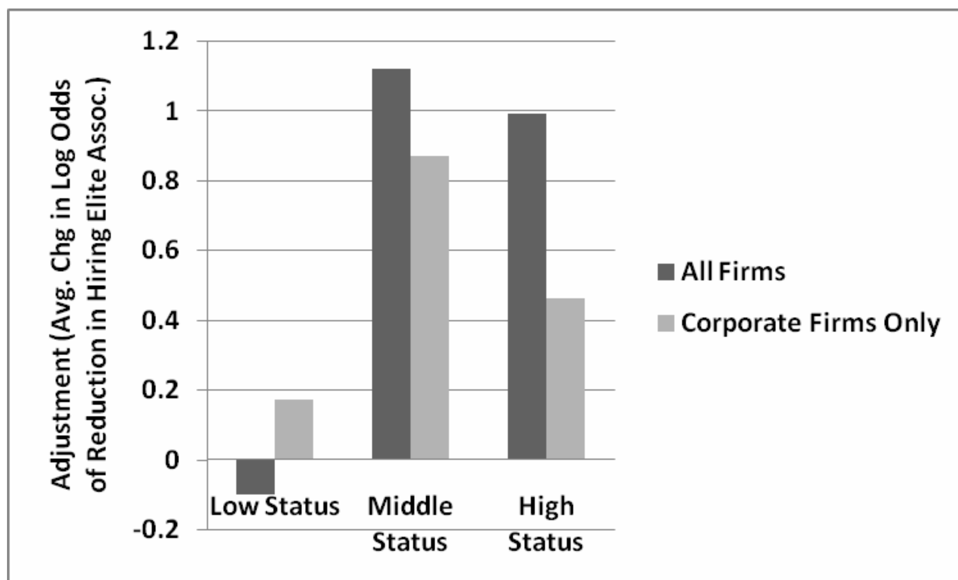

Figure 2b: Average Annual Change in Log Odds of Hiring Fewer Elite Associates When Family Law is Listed (Table 4, Models 3 and 4).

Figure 3a: Average Annual Change in the Proportion of Elite Associates Hired When Personal Injury Law is Listed (Table 5, Models 1 and 2).

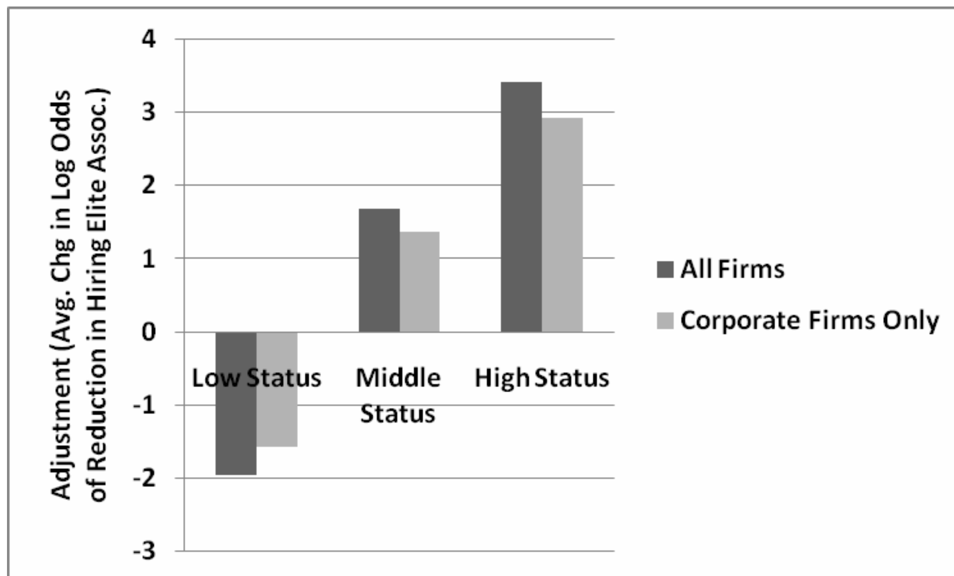

Figure 3b: Average Annual Change in Log Odds of Hiring Fewer Elite Associates When Personal Injury Law is Listed (Table 5, Models 3 and 4).