

## Becoming a (Pan)ethnic Attorney: How Asian American and Latino Law Students Manage Dual Identities<sup>1</sup>

Yung-Yi Diana Pan<sup>2</sup>

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*Managing professional and personal identities often belabor upwardly mobile racialized individuals. I examine in this article how Asian American and Latino law students negotiate (pan)ethnic identities while learning to become lawyers. I contend that managing dual identities creates (pan)ethnic duty among Asian American and Latino law students. I focus on those planning to work in law firms, at least initially. While there are many career options for law students, most, irrespective of race, pursue initial careers at law firms. What leads them there? How do racialization and expectations play a role in this career aspiration? And how do students negotiate the pressure to give back, or manage the internally/externally imposed duty they feel to serve respective communities? I find that Asian American and Latino law students draw on a repertoire of strategies (marginal panethnicity, tempered altruism, and instrumental ethnicity) that encompass different accounts, identities, and roles enabling creativity and elasticity for professional and personal identities. The findings suggest that panethnicity remains salient for upwardly mobile individuals of color, even those who do not ostensibly appear to be concerned with panethnic communities and causes.*

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**KEY WORDS:** identities; immigration adaptation; law school; panethnicity; professional socialization; race and ethnicity.

### INTRODUCTION

[N]o matter what anybody does—they can say all they want about “oh, I don’t owe anything to anyone.” Or, “I don’t owe anything to my Asian community” or whatever community we classify them in. I don’t care what they say about that because at the end of the day, you look at someone and it registers in your head. . . . People can say whatever they want to say. . . . it would be great to live in their utopia where race doesn’t play a role into our existence. . . . Just because I didn’t have people in my family that were put in those internment camps in Southern California and in Utah, doesn’t mean the Japanese struggle doesn’t affect me in some way or another. (Estelle, Chinese Vietnamese)

I think it’s easy to feel like, “I have to do that. I have to stand up for my community because I’m the only one here like that.” And, in some ways, I think that it perpetuates the white male-dominant culture because you’re putting yourself into working for your communities rather than trying to go work at a big law firm. . . . You know, I just feel like for students of color, they feel like they have to do public interest things because they feel like they have to be martyrs or something. (Susan, Filipina)

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<sup>2</sup> Department of Sociology, Brooklyn College–City University of New York, 2900 Bedford Avenue, Brooklyn, New York 11210; e-mail: ypan@brooklyn.cuny.edu.

The United States has a mixed-race president, a Latina Supreme Court Justice, and Asian Americans make up the majority on California's Supreme Court. Ostensibly, it seems that this country is indeed "postracial" and that race no longer poses an obstacle for upwardly mobile individuals of color. However, the two quotes above illustrate that race, or panethnicity, structures how nonwhite law students think about their personal and professional lives. And as I argue in this article, panethnicity also structures their career trajectory. As budding attorneys, Asian American and Latino law students must assimilate standard, legal professional practices and expectations. They also negotiate identities as nonwhite individuals entering a predominantly white profession. Estelle's comment reflects the panethnic negotiation of Asian American and Latino law students in this study, and captures how racialization is a process devoid of ethnic differences. Although she is not ethnically Japanese, historical experiences affect how she is perceived as a racialized individual in law school, and racialization further influences others' expectations of her. Susan bemoans the expectation *of* and *for* students of color to pursue public interest work. Estelle's and Susan's comments represent common sentiments that speak to the ways that Asian American and Latino law students manage simultaneous professional and (pan)ethnic identities.<sup>3</sup>

I examine in this article how these law students negotiate (pan)ethnic identities while learning to become lawyers. I contend that managing dual identities creates a sense of (pan)ethnic duty among Asian American and Latino law students. I focus on those with a normative career trajectory—that is, planning to work in law firms, at least initially. Professional socialization begins the moment a law student walks through the law school doors. While there are many career options for law students, most, irrespective of race, pursue initial careers at law firms. What leads them there? How do racialization and expectations play a role in this career aspiration? And how do students negotiate the pressure to give back, or manage the internally/externally imposed duty they feel to serve respective communities?

Current scholarship finds that various factors steer law students toward firm jobs, including lucrative salaries, and an increased demand for complex legal work over the last several decades (Granfield 1992; Heinz et al. 2005; Kimes 2007; Stover 1989; Turow 1977).<sup>4</sup> However, the tracking of law students into firm jobs reflects a two-tiered system where many from elite schools aspire toward big law firms, and those from nonelite schools find positions with smaller law firms. Nevertheless, working at a firm, size notwithstanding, indicates prestige and success (Granfield 1992; Schleef 2006).

Most literature on law school omits a central focus on race, or introduces it as an afterthought. Haven't law students, regardless of race, already "made it" by preparing to join one of the most elite professions? Some immigrant adaptation literature leads one to suppose so (Alba and Nee 2003; Bean and Stevens 2003; Lee and Bean 2007). In the aggregate, Asian American and Latino professionals are

<sup>3</sup> I use (pan)ethnicity and panethnicity intentionally to represent different communities. Whereas (pan)ethnicity refers to panethnic and/or ethnic communities (e.g., Latino or Mexican American, respectively), panethnicity solely references panethnic ones (e.g., Latino or Asian American).

<sup>4</sup> Refer to Granfield (1992), Heinz et al. (2005), and Stover (1989) for more discussion, and refer to Turow's (1977) and Kimes's (2007) personal memoirs for more insight into this tracking process.

successfully adapting to mainstream America. However, most scholarship on race and ethnicity cautions that race continues to matter for upwardly mobile nonwhite individuals (Feagin 1991; Tuan 1998, 1999; Wilkins 1998). Panethnic identities are political, structural, and cultural, but these labels are ascribed through external forces, such as U.S. Census forms requiring identification as Asian, black, Hispanic/Latino, or white. When nonwhite law students adopt panethnic identities, they encounter internal tensions that highlight their “otherness” in this otherwise white profession.

How do (pan)ethnic identities matter while one undergoes legal socialization? To what extent do internalized expectations affect the way students think about their careers? In other words, does (pan)ethnicity matter? If so, how? Asian American and Latino law students who intend to work at law firms do not possess outward professional allegiances to (pan)ethnic communities. Firm-bound Asian American and Latino law students seemingly focus only on acquiring practical lawyering skills without particular political leanings, which differs from their public interest-minded peers whose career interests center on (pan)ethnic issues. By all ostensible measures, (pan)ethnic causes do not seem to matter for firm-bound students. However, they do. I argue that (pan)ethnic identities invoke an internalized struggle among Asian American and Latino law students leaning toward *firm* work. They contend with internal and external pressures to confirm and activate a sense of duty toward co-(pan)ethnics. This negotiation then encourages these students to adopt three strategies in order to manage their identities: marginal panethnicity, tempered altruism, and instrumental ethnicity. The strategies reflect how students think about becoming successful attorneys, and vary depending on students’ backgrounds, cultural fluency, and rank of law school. These factors underscore how (pan)ethnic identities and affiliations inform integration into a mainstream profession.

## LITERATURE REVIEW

Asian American and Latino law student experiences intersect with scholarship that have just begun to speak with one another. In this article, I stitch together scholarship on legal education, and gender and race in law to provide a more complex picture of professional socialization for nonwhite law students. I situate Asian Americans and Latinos—the fastest growing nonwhite, and socially mobile racial groups—at the center of conversations about race and professions in America today.

### *Professional and Legal Education*

Prior research on professional education describes the processes by which students learn how to become doctors, lawyers, social workers, and police officers, among others (Becker et al. 1961; Costello 2005; Erlanger and Klegon 1978; Mertz 2007; Van Maanen 1975). Current literature on professional, and especially legal, education identifies how professional socialization orients individuals toward

corporate America (Erlanger et al. 1996; Granfield 1992; Schlee 2006; Stover 1989). Scholars describe that most students, without regard to race, start law school with a set of altruistic ideals, but become apathetic upon graduating, and join fellow alumni at law firms. A six-figure starting salary coupled with the opportunity to work on complex, high-profile cases prove irresistible and often alter students' original career plans.<sup>5</sup>

While current literature on legal education engages the mechanisms of legal socialization, we still do not know how students of color extract and apply meaning to their own experiences. As agents of their own professional indoctrination, law students alter their career goals by rationalizing a need for high-quality training, and the availability of creative and meaningful work—goals met by an initial firm trajectory. Some scholars hint that white women and nonwhite students benefit least from a language and culture that boasts elitism, masculinity, and white-Anglo-Saxon-Protestant normativity (Fischer 1996; Mertz 2007). Often, these students feel marginalized in the classroom, or are less confident speaking in class compared with their upper-middle-class, white male peers. Current sociological literature fails to adequately address how intimate, subjective identities factor into law students' educational experiences.

What is the place of race and ethnicity in law student experiences? Law has, to this point, seemingly embraced and reproduced the status quo of “bleached out” attorneys (Wilkins 1998) to the detriment of those who deviate. “Bleached out” refers to attorneys of color who focus only on acquiring practical legal skills without acknowledging their racial background. The precedence of professional socialization literature focuses on the nitty-gritty of practical skills, and for the most part, does not assess how race matters for attorneys of color.

### *Intersections in Law*

Some socio-legal scholarship addressed Sommerlad's (2007) challenge for the profession to critically evaluate the professional socialization process.<sup>6</sup> On the theoretical front, multiple scholars reject treating race as physical and visual—as one of many variables that comprise an individual's character. Treating race as a variable, they argue, denies understanding the actual experiences of racialized individuals—their conditions, histories, and sociocultural identities—and conceals a history of domination and hegemony (Delgado and Stefancic 2001; Haney-Lopez 2006). Since *Brown v. Board of Education* (1954) and the civil rights movements, the law and broader American society directed focus toward incorporating racialized individuals into mainstream America. Theories of integration, however, often overlook distinct cultural differences within nonwhite communities. The image of the legal profession conjures white, middle-class men, and the expectation is that in order to

<sup>5</sup> It is worth noting, however, law school tier colors students' career outlook. Due in part to professional nepotism, students from lower-tiered law schools are not as likely considered for jobs at large law firms with higher salary and prestigious titles. For more discussion, see Granfield (1992), Heinz et al. (2005), Stover (1989), and Wilkins (2000).

<sup>6</sup> Diversifying the profession is inevitable in the context of our globalized world; doing so effectively, however, requires reflexivity on the part of the legal profession (Sommerlad 2007).

ascertain equality, those who deviate from those characteristics must assimilate (Peller 1995).

Although differences in racial, ethnic, and cultural history remain, some scholars argue that the matter of “race” remains poorly addressed in current socio-legal literature (Gómez 2004; Haney-Lopez 2006). The assumption is that in order to overcome racism (in law, and in society at large), one must first overcome race. Gómez (2004:455) critiques, “rarely have they [socio-legal scholars] made racial inequality, racism, or racial identity the central focus of their inquiry (the dependent variable), and thus a certain lopsidedness characterizes law and society scholarship on race.” In so doing, scholars possess a limited understanding of race—one that neglects social, political, and individual experiences.

Theoretical charges spurred research into the unbleached ways that individual attorneys experience the profession in both the United States and the United Kingdom. For one, scholars contend that the legal profession reproduces white male hegemony (Epstein 1970, 1993; Garth and Sterling 2009; Sommerlad and Sanderson 1998; Sommerlad et al. 2010). Legal education also propagates such expectations (Mertz 2007; Moore 2008; Schleef 2006).

But how exactly is the profession masculine and white? Earlier works on gender in law underscore the dominant male culture to which women are expected to adapt (Epstein 1970, 1992, 1993; Pierce 1995; Sommerlad and Sanderson 1998). Women must aspire to become “Rambo litigators” (Pierce 1995) while simultaneously perform as “tinkerbells” (Epstein 1992). Human capital further favors male litigators as they are “in with the lads,” while women are occasionally seen as “honorary men” (Sommerlad and Sanderson 1998). The honorary status is short-lived as “the sexual objectification of women must serve ultimately to further undermine the professional status and authority of the female lawyer and to reaffirm stereotyped gender identities and hence relations of domination” (Sommerlad and Sanderson 1998:181). Moreover, the actual positions held by men and women, especially at large firms, reflect gender hierarchy wherein the former are attorneys and the latter are often paralegals subject to lower pay and lower prestige (Pierce 1995).

Parallel experiences exist between white women and nonwhite attorneys who seem to benefit from the profession’s tolerance and openness to diversity, yet continue to face obstacles (Garth and Sterling 2009; Wilkins 2000; Wilkins and Gulati 1996). Aside from adopting a “bleached out” orientation to fit into the profession, lawyers of color seek alternative paths to be seen as “successful.” Black attorneys learn to “do good” (i.e., take part in *pro bono* or other public service assignments) in order to “do well” (i.e., excel in the profession). To succeed as attorneys, “many of today’s black corporate lawyers have formed close ties with black peers outside of their organizations” (Wilkins 2004:89), so long as it permits the black attorney to gain “expertise, credibility, and clout” (Garth 2004:105).

Although the scale appears to be tipped in favor of the status quo at the expense of nonwhite and white women attorneys, other research suggests that black women in predominantly white professions can succeed if they take advantage of their unique positions. Professional black women are not seen as potential career threats or sexual distractions, thus they garner colleague support and respect (Epstein 1973:932). Further, African American women attorneys who delay

childbearing do not seem to suffer wage penalty (Blair-Loy and DeHart 2003).<sup>7</sup> Despite some progress, black professionals continue to experience marginalization. For instance, black engineering and math students (both men and women) have to prove their intellect in academic programs where they are numerical minorities (McGee and Martin 2011). Those who persevere manage stereotypes by working hard to be perceived as smart, and taking on mentoring roles for future generations of black math and engineering students.

These findings speak to the racial inequalities in mainstream professions and education, including law. In general, nonwhite attorneys (black, Latino, Asian American, and Native American/American Indian) experience discrimination at work, and yearn for more mentorship and training from senior colleagues (Wilder 2008).<sup>8</sup> While there is variation among racialized groups, the fact remains that non-white lawyers are neither separate nor equal.

Native-born, Asian Americans and Latinos are becoming a part of mainstream America, which is one indication of successful immigrant integration (Gordon 1964). Discrimination and exclusion of non-Anglo-Saxon Protestants mars the history of U.S. professions in the aggregate, but law served as a gateway to the mainstream for many European immigrants (Abel 1989). As the brief discussion demonstrates, current sociological scholarship have only begun to interrogate how panethnicity matters for Asian Americans and Latinos, who are making headway into mainstream professions.<sup>9</sup> Comparing experiences among and between law students, I identify how they manage the tension between (pan)ethnic identities and professional socialization. I argue that Asian American and Latino law students on the firm trajectory use strategies that reveal variations in *how* they embrace their (pan)ethnic identities, and inform *what* they consider to be important for their professional goals and commitments.

This article is guided by the following questions: How do (pan)ethnic identities inform integration into an elite mainstream profession? What strategies do Asian American and Latino law students use to manage professional and (pan)ethnic identities? Asian American and Latino law students are still racial others despite their numerical increase in the legal profession. With regard to black lawyers, Wilkins (2000:553, italics original) notes, “it is hard for these lawyers not to feel a little resentful about the extra burdens they carry simply because they are black, even if some of these burdens (such as providing service to the black community) are ones that most believe they *should* carry because of their privileged position in relation to other blacks.” If a racial burden (or duty) exists for black attorneys and law students, how might this burden affect racialized Asian American and Latino law students?

<sup>7</sup> The authors find that African American women attorneys rely on community resources (i.e., grandparent child-care providers) that support their professional mobility.

<sup>8</sup> Results derived from the After the JD study, which is a longitudinal study sponsored by the American Bar Association, documenting the careers of a cross-national sample of law graduates.

<sup>9</sup> Maria Chávez's (2011) *Everyday Injustice* and Pawan Dhingra's (2007) *Managing Multicultural Lives* examine how race matters for Latino and Asian American professionals. These individuals negotiate racism and assumptions about their culture and abilities as doctors, lawyers, engineers, and teachers, to name a few.

## DATA AND METHODS

Data for this article derive from direct observation of panethnic student organization meetings and events, in-depth interviews with 106 law students, and diary entries completed by apprenticing law students who were interviewed prior to engaging in the exercise. In-depth interviews took place mostly at cafés near the law schools, with some conducted in classrooms, or at respondents' homes. I audio-recorded all interviews, which were later transcribed; each student was assigned a pseudonym to maintain confidentiality. Interviews lasted between 45 and 120 minutes. In total, I spoke with 63 women and 43 men who are Asian American, Latino, white, Persian, black, and mixed race (see Table I).<sup>10</sup> Of the sample, 67 respondents hail from the American West, 29 from other parts of the country (Northeast, Midwest, and South), and 9 from other countries. I should note that respondents from other countries were either born in the United States, had American parents, or attended American high schools and/or colleges prior to enrolling in law school. In this way, they identified as Americans.

### *Field Sites*

Research spanned between 2009 and 2012 at two separate field sites in the American West: elite Western Tier 1 (WT1) and nonelite Metro Tier 4 (MT4). I chose two divergently ranked institutions to underscore similarities within legal education more generally, and to also understand how demographic and institutional prestige may affect student experiences and career trajectories. WT1 is a nationally ranked top-20 law school nestled among trees, academic buildings, and coffee shops as a part of a larger university campus. On a sunny day, one can expect to find WT1 students eating lunch and socializing with their peers while simultaneously poring over casebooks on the lawn or sitting at tables in the courtyard. According to data derived from the American Bar Association (ABA 2010a), over 60% of WT1's 2012 graduates went on to work for law firms—of that population, approximately 65% joined firms with over 500 employees, otherwise known as international or large law firms.

In contrast, MT4 is a tier-four law school that sits within a concrete forest of buildings filled with local and international businesses, including law firms. On a sunny day, a sprinkling of students sit on the benches and at tables near the law school entrance, smoking, chitchatting, or talking on their phones. According to ABA (2010a) data, over 30% of MT4's graduates went on to work at law firms, with roughly 71% working in small outfits of 2–10 employees. Discrepancies in the size of the law firms where graduates from WT1 and MT4 secure employment demonstrate status inequalities. Large, national firms offer higher starting salaries, and typically recruit from highly ranked institutions compared with smaller firms that cannot match similar compensation.

<sup>10</sup> The white, Persian, black, and mixed-race respondents served as control.

Table I. Respondent Characteristics

Name	Law School	Race and/or Ethnicity	Region <sup>a</sup>
Aaron	MT4	Japanese/White	West
Adam	WT1	Korean	West
Abby	WT1	Mexican/White	Northeast
Ahn	WT1	Chinese Vietnamese	West
Andersen	MT4	Korean	West
Andréa	MT4	Guatemalan/Mexican	West
Angela	MT4	Korean	West
Anjali	MT4	East Indian	West
Araceli	WT1	Mexican	West
Arely	WT1	Puerto Rican	International
Asha	MT4	Indian	International
Beatriz	MT4	Salvadoran	West
Ben	MT4	White	West
Binh	MT4	Vietnamese	West
Blanca	MT4	Chicana	West
Brandon	MT4	Chinese/White	Midwest
Brett	WT1	White	South
Brittany	MT4	White	South
Bryn	WT1	Punjabi	West
Candice	WT1	White	Midwest
Christopher	WT1	Mexican	West
Cindy	WT1	White	Midwest
Clara	WT1	White	West
Corey	MT4	Ecuadoran/White	West
Cyrus	MT4	Filipino/Chinese	West
Daniel	WT1	Mexican	Midwest
Dean	MT4	Chinese	South
Debbie	WT1	Chinese	West
Diego	WT1	Mexican	West
Eddie	MT4	Taiwanese	South
Edmund	WT1	Chinese	West
Elena	MT4	Mexican	West
Elina	WT1	Chicana	West
Elise	MT4	White	West
Ernesto	MT4	Mexican	West
Esperanza	WT1	Mexican	West
Estelle	MT4	Chinese Vietnamese	West
Evellia	WT1	Mexican	West
Evelyn	MT4	Filipina	West
Farrah	MT4	Indian/Pakistani	West
Felicia	WT1	Chicana	West
Fred	WT1	Chinese Vietnamese	West
Gregory	WT1	White	South
Helen	MT4	Chinese Vietnamese	West
Hollie	MT4	White	Midwest
Izel	MT4	Mexican	West
Jenna	MT4	Japanese	West
Jessica	WT1	Filipina	West
Jillian	MT4	Chinese	South
Joaquin	WT1	Argentinian	International
Jocelyn	WT1	Korean/White	West
Jonathan	WT1	Korean	South
Joshua	WT1	Filipino	South
Julia	MT4	White	West
June	WT1	Dominican	Northeast
Justin	WT1	White	Midwest

Table I. (Continued)

Name	Law School	Race and/or Ethnicity	Region <sup>^</sup>
Jyoti	WT1	Indian	Midwest
Kevin	MT4	Chinese	West
Kurt	WT1	Taiwanese/White	West
KyungHwa	MT4	Korean	International
Leah	MT4	Chinese	International
Logan	MT4	Latino/Native American	West
Lori	MT4	White	Midwest
Luara	MT4	Chicana	West
Lucia	WT1	Mexican	West
Luis	WT1	Mexican/Salvadoran	West
Lydia	WT1	Chinese	Bicoastal
Maisy	WT1	Chicana	West
Manuel	WT1	Mexican	West
Marcia	WT1	White	West
Marco	WT1	Mexican	West
Marie	WT1	Taiwanese	West
Margaret	MT4	Korean	West
Marta	WT1	Mexican	West
Marvin	WT1	Asian/Spanish	Midwest
Matt	WT1	Korean	South
Michael	MT4	Chinese	West
Mila	WT1	Iranian	West
Mina	MT4	Korean	West
Nancy	WT1	Chinese	West
Natalia	WT1	Mexican	South
Nick	MT4	White	West
Noemi	MT4	Latina	West
Norman	WT1	Chinese	West
Ofelia	WT1	Eritrean	West
Olinda	WT1	Mexican	West
Phillip	WT1	White	Midwest
Raquel	WT1	Salvadoran	West
Ricardo	MT4	Ecuadoran	International
Rose	MT4	Chinese	International
Samuel	MT4	White	West
Sara	WT1	Colombian	South
Scott	MT4	White	West
Selena	WT1	Mexican	West
Serafina	MT4	White	West
Smriti	WT1	Indian	South
Spencer	MT4	White	West
Stacy	WT1	Argentinian/Korean	International
Supriya	WT1	Indian	South
Susan	WT1	Filipina	Northeast
Thomas	WT1	White	West
Trent	MT4	Black	South
Whitney	MT4	Chinese	West
Will	MT4	White	Northeast
Yuan	WT1	Chinese	International
Zahra	MT4	Persian	West

<sup>^</sup> I use Census-designated regions of the United States (Northeast, Midwest, South, and West). International denotes those who have American parents, were born in the United States but grew up elsewhere, or attended American high schools and/or colleges.

*Access*

I negotiated entrée with student organization leaders, professors, and individual students whom I met at meetings and events. As for interviews, I used an intentional snowball sampling method where I asked students to refer peers within their assigned small groups.<sup>11</sup> This form of snowball sampling decreases selectivity bias because each small group is assigned by the law school and includes women and men of different racial, ethnic, religious, and socioeconomic backgrounds. Additionally, small groups serve as one of the primary ways students meet friends in law school. These measures notwithstanding, the sample is not entirely random, as respondents could have identified only peers in their small groups whom they assumed would be interested in speaking with me. I approached students who revealed through the course of their interviews that they would begin new apprenticeships, and asked them to take part in the diary entries. While 12 students initially agreed to take part in the exercise, only 7 completed the four prompts for the diaries, which provide a glimpse into socialization “on the job.” In the end, direct observations, in-depth interviews, and diary entries allowed for triangulation, which led to a richer understanding of law student experiences and their professional socialization.

### **FINDINGS: STRATEGIES FOR PROFESSIONAL AND (PAN)ETHNIC IDENTITY MANAGEMENT**

As mentioned at the outset of this article, Asian American and Latino law students use three strategies to manage their socialization: marginal panethnicity, tempered altruism, and instrumental ethnicity. These students also assert a prominent “professional” identity, prioritizing the markers of professional success, and acquiring lawyering skills. When asked what constitutes success, most respondents, regardless of race, mentioned work product, client satisfaction, and tangible legal expertise. This response resonates with answers provided by white students—otherwise understood as the baseline for “bleached out.” For example,

[B]ased on their résumé or what their current bios will tell you, they all tell you—the places they worked at, and the amount of responsibility, and whether or not they are on track. So, say that they’ve been working at a firm for 3 or 4 years, the kind of responsibility they have been given, and show if they can stand up in court or at least second chair in court. —Joshua, Filipino American

I guess my ability to successfully advocate for my client. My ability to have clients feel comfortable with me. That they can communicate openly and honestly. If I do litigation, my ability to speak persuasively in court. —Arely, Puerto Rican

I think about how I don’t want to get sued for malpractice. . . . I think that’s the key. —Matt, Korean American

I’d want to feel first that my work product is good. That would be measured by the feedback I get from clients, maybe feedback that I would get from other attorneys. I would want to feel as

<sup>11</sup> Because entering classes number in the hundreds, students are randomly assigned to small groups of 20–30 students with whom they take required first-year courses.

though my contributions within my profession are respected. And that might also come from other attorneys; it might come from clients. —Diego, Mexican American

Unlike their white peers, these students do not stop there, and continue to convey how (pan)ethnicity matters for their professional future. Asian American and Latino law students adopt marginal panethnicity, tempered altruism, or instrumental ethnicity as strategies to manage professional and (pan)ethnic identities. Each strategy consists of four dimensions: students' conceptualization of her/his role as (pan)ethnic individuals, students' normative obligation to (pan)ethnic communities, the spatiality of students' obligation, and the temporality, or focus, of such obligations (see Table II).

### *Marginal Panethnicity*

As seen in Table II, Asian American and Latino law students who adhere to marginal panethnicity are only peripherally interested in (pan)ethnic causes, and emphasize the normative “professional identity.” They focus on increasing co-(pan) ethnic representation in law school and in the legal profession—marginal and temporary engagement with (pan)ethnic communities. These students did not belong to identity groups while in college, and typically grew up in communities lacking co-ethnics or nonwhite individuals. Upon entering law school, they joined respective panethnic organizations for what they claim to be serendipitous reasons—diversity recruitment events or activity fairs on campus led them to establish immediate acquaintances. Araceli, a second-year Mexican American student who was not involved in panethnic organizations while in college, recounts visiting the Latino Law Student Organization (LLSO) booth at an orientation fair: “I think coming in, I was like this [LLSO] is going to be where I’m going to meet people that have my experience. So, that’s how I started going to stuff. And then I met friends there, and that kind of kept me going.” Like Araceli, common traits in panethnic organizations (e.g., culture or background) helped panethnic law students maneuver the first few days of law school. Once found, they “met friends there, and that kind of kept [them] going.”

These students' experiences mirror that of Robert Park's (1928) “marginal man.” While Park describes immigrants finding a place in American society at the

**Table II.** Strategies of (Pan)ethnic-professional Identity Management

	Marginal Panethnicity	Tempered Altruism	Instrumental Ethnicity
Role as (Pan)ethnic Individual	Mentorship and representation	Direct service	Cultural brokerage
Normative Obligation	Profession	Profession and disenfranchised communities	Profession within ethnic communities
Spatiality of Obligation	Law school	(Pan)ethnic and disenfranchised communities	Ethnic communities
Temporality of Obligation (focus)	Primarily law school	Law school and work	Primarily work

turn of the twentieth century, a similar theme reflects in the story of these nonwhite, second-generation law students at the beginning of the twenty-first century. Asian American and Latino law students “migrate” from the comforts and familiarity of college and/or work into the unknown terrains of law school. The marginal man is “a cultural hybrid, a man living and sharing intimately in the cultural life and traditions of two distinct peoples; never quite willing to break, even if he were permitted to do so, with his past and his traditions, and not quite accepted, because of racial prejudice, in the new society in which he now sought to find a place” (Park 1928:165). Asian American and Latino law students also experience marginalization in the identity groups to which they are tracked, especially if they did not necessarily identify with respective co-panethnic before law school.

For example, Matt, a Korean American second-year student, grew up in the American South, and plans to work at a big law firm for the foreseeable future. He attended a magnet high school with mostly black and white students, but very few Asian Americans. Matt recalls that he was “kind of nerdy” in high school, and “grew up feeling pretty white.” He graduated from an Ivy League undergraduate institution and was not involved in any Asian or Asian American activities or organizations. However, he joined the Asian American Student Organization (AASO) at WT1, and tells me the following about how the organization inspired him to think more about Asian American communities: “So, coming to law school I thought it would be fun to try [to join AASO] and, again I wasn’t that interested in Asian American issues. But since joining AASO, I have volunteered with the immigration clinic—the Asian immigration clinic.” While Matt was slightly dubious about joining AASO, he now has a new, if only slight, interest in Asian American issues because of his membership.

Joshua, a Filipino American third-year law student, hails from the Northeast and aspires to become a litigator at a midsized firm. Like Matt, Joshua was not involved in Asian/Asian American organizations in college, but is an active AASO member. He says,

What I’m trying to do through the organization [AASO] now is to connect our alumni to undergrads, so we have a stream of community, so that people feel connected. So undergrads feel encouraged to apply to law school. So they can understand better what the profession is, and what they can or can’t get out of a law degree, and to encourage them as much as possible, and to be out there. And just because we [Asian Americans] are underrepresented in law school and in the legal community, it shouldn’t stop them from wanting to do it; it should cause them to want to apply to law school even more.

Law students like Matt and Joshua use marginal panethnicity as a strategy to connect with panethnic communities. They volunteer at clinics, or sit on panels to recruit more Asian American or Latino law students, although they do not necessarily foresee providing direct service to Asian American or Latino communities unless such opportunities arise. These students place their focus on professional development while cognizant of the dearth of minority representation in the legal profession.<sup>12</sup>

<sup>12</sup> Nonwhite attorneys comprise approximately 9.7% of the American bar—3.9% blacks, 2.3% Asian Americans, and 3.3% Latinos (ABA 2010b).

On the whole, these students rely on the prospect of *pro bono* services, or mentoring co-panethnics as their *modus operandi* to connect with respective (pan) ethnic groups. For example, Diego, a Mexican American second-year, says, “I [would] like to think that I’ll get out there and find plenty of time to do *pro bono* work for all sorts of wonderful people. I don’t know if that will be the case. We’ll see.” Diego foresees working at a firm, specializing in environmental law, and is unsure how work pressures would permit him to “do *pro bono* work for all sorts of wonderful people.” Similarly, Arely, a firm-bound Puerto Rican first-year student says, “I’d absolutely love to work, if I’m at a firm, *pro bono*, with the Latin community because I feel like they could relate to me. I could understand their issues. And with that understanding maybe I could provide them with guidance or legal advice.” Born and raised in Puerto Rico, Arely pursued higher education in the continental United States. She became aware of issues affecting Latino communities while in college, and although she looks phenotypically white, feels an affinity with American co-panethnics, but was never a part of Latino organizations until now.

Asian American and Latino law students who subscribe to marginal panethnicity can play the part of an interested panethnic when opportunities are presented to them. The ability to peripherally invest in panethnic issues is, for these students, similar to the way that most European ethnics are able to choose and assert their ethnicities (Waters 1990).<sup>13</sup> Most of the students who adopt marginal panethnicity moved to a different part of the country to attend law school, and thus feel minimal connection to the (pan)ethnic communities near their law schools. Law school tier mattered in the sense that there are fewer local students at WT1 than at MT4. In other words, MT4 students not from the geographic area also subscribe to this strategy.

Social geography then dictates how these students identify with panethnic issues because their interests do not necessarily extend beyond law school or the legal profession. This is illustrated by students’ marginal interests in (pan)ethnic issues through hypothetical *pro bono* cases or undergraduate student mentorship. Unlike these law students, however, the next set of students explicitly mentions providing *direct* service to panethnic communities.

### *Tempered Altruism*

Asian American and Latino law students who adopt tempered altruism focus on providing direct service as a part of their conjoined (pan)ethnic and professional identities. Unlike marginal panethnicity, tempered altruism emphasizes professional development in conjunction with service toward disenfranchised communities. The students who subscribe to this strategy were also not involved in panethnic organizations before law school. These students’ spatial obligation extends beyond law school, and into disenfranchised communities. The temporality of their obligation intertwines law school with a legal career. And these law students negotiate professional socialization by remaining committed to transformative work. Meyerson and

<sup>13</sup> Waters further cautions that the ability to assert an ethnic ancestry as a white individual is different than doing so as a nonwhite person.

Scully's (1995) "tempered radicals" identify with and are committed to their nonactivist employment, but are also passionately dedicated to causes, communities, or ideologies that do not resonate with their work culture. The authors define tempered radicals as, "individuals [who] must struggle continuously to handle the tension between personal and professional identities at odds with one another. This struggle may be invisible, but it is by no means rare" (Meyerson and Scully 1995:586). Likewise, Gilkes's (1982) "black rebellious professionals" maintain commitment to causes that positively connect to black communities. Asian American and Latino law students embody Gilkes's description as they negotiate becoming a part of an elite mainstream profession while "giving back" to (pan)ethnic communities. In other words, they temper their panethnic allegiances by solely subscribing to a "lawyer identity" at the office. They intend to, however, work toward transformative change in other ways.

I further separate these students into subcategories of "organic" and "cultivated." Students who adopt the *organic* form of tempered altruism were raised in or near immigrant communities, and feel a sense of urgency to contribute to their respective communities primarily, and to disenfranchised populations secondarily. For instance, Manuel, a Mexican American second-year law student, grew up in a predominantly Latino community on the West Coast. He credits his community and his family's unconditional support that motivated him to graduate from college and enroll in law school. He foresees working for a law firm specializing in business and environmental law. Manuel tells me,

I've seen so many people in the Hispanic community just struggle—struggle for their economic rights, social rights. There's a lot of people struggling out there. And I'm very fortunate to be able to continue my education; even to have a bachelor's is special enough. But to be a lawyer is something almost unheard of! I don't know many individuals who are Hispanics who are going to law school. And yet, this is my community. So I definitely want to reach back and help the individuals. It's just the right thing to do. The community has given so much to me. It's the least I could do.

For Manuel, being an attorney requires *actively* reaching out to his community. Unlike the students we met earlier who passively speak of peripheral *pro bono* services or mentorship, Manuel and others like him intend to proactively find opportunities to help the communities that have helped them because it is "the least [they] could do."

Angela, a second-year Korean American law student, describes the urgent need for children of immigrants to assist disenfranchised communities. Her parents immigrated to the United States in the early 1980s and started a family in Metropolitan City. Angela plans to pursue a career at a firm, but emphasizes the obligation she feels toward helping immigrant communities, especially those in the blue-collar, working class:

If my parents didn't have me or my brother, they would just be lost with everything. And I just feel that without someone that has some sort of background information or education, they wouldn't know who to turn to. I feel it's very important that they know what their rights are and where they can go seek help. But they're all blue-collar workers. They're all in the service industry and things like that. It's mainly their children, like myself or within the community, if they have a professional career, that's who they're going to turn to, to ask questions. But there aren't that many people that are in those professional communities, yet.

Angela's sense of organic duty obviates from her description of blue-collar immigrant communities. The obligation, whether personal or expected from the community, is emotionally laden, and she passionately speaks of providing services to these communities. Again, unlike the law students who subscribe to marginal panethnicity, Manuel, Angela, and others like them intend to proactively assist co-(pan)ethnics.

Other Asian American and Latino law students who subscribe to tempered altruism speak of concerns beyond their own communities. I describe *cultivated* tempered altruism to mean a connection to panethnic and disenfranchised communities through education or political activism. Students who align with *cultivated* tempered altruism did not necessarily grow up in immigrant communities, but feel tethered to particular causes and issues. Beatriz is one such example. A third-year law student of Salvadoran decent, she is married to an Irish immigrant, and plans to focus on employment law at a law firm. With both parents born in El Salvador, Beatriz feels an intimate connection to the country, but also proudly asserts that she is an American. She plans to balance her "day job" with work for immigrant communities: "I'd have a day job, Monday through Friday. And then if I could somehow do extra hours during the week or maybe on weekends, I wouldn't mind doing that. I wouldn't mind lending myself to that at all. Yeah, especially with the whole immigration thing I see happening now." Beatriz's commitment to working on behalf of immigration concerns on the weekends or during nonwork hours reflects Meyerson and Scully's (1995) description of the "small wins" approach. Small wins do not distract from daily work responsibilities, yet "because it involves continuous pushing, a small wins approach sustains the tension between what it means to be an insider and what it means to dissent" (Meyerson and Scully 1995:596). Although Beatriz has other career interests, she intends to focus her energy on making strides, albeit small, toward immigration concerns and not dissent from these issues.

Jonathan, a Korean American third-year law student, grew up in the American South and has a job lined up with a big law firm after graduation. He says,

I definitely fell into a lot of those Asian American studies courses in college, and I would say they were pretty transformative. I really was into them! So I've always been interested, and I think it's something that I feel like I could have had when I was in [major metropolitan area on the West Coast], but I lost that because my parents moved to [a state in the South]. . . . I was born in [major metropolitan area on the West Coast]. . . . No matter what career I'm in. . . . I feel like it's part of my community.

Jonathan's interest in Asian American issues stems from visceral pining for the type of community in which he could have been raised had his family stayed in the major metropolitan area on the West Coast. He chose to take Asian American studies courses while in college, and cultivated a connection to the panethnic community.

Asian American and Latino law students who adopt tempered altruism may not necessarily dedicate their careers to public interest work, but they are committed to servicing underserved populations. This contrasts from marginal panethnicity because of an *active* focus to incorporate panethnic services as a part of their professional agendas. Individuals with an *organic* interest grew up in the region where they attend law school, and are familiar with their communities, thus feel urgency

to provide assistance. Like Manuel and Angela, their commitment stems from a sense of duty as upwardly mobile individuals who benefited, in one way or another, from their co-(pan)ethnic communities. Those who lean toward *cultivated* tempered altruism were not necessarily raised in the same region as the location of their law school, but they feel connected to disenfranchised communities through their education and/or political leanings. As such, most students from both WT1 and MT4 adopt this strategy. Both variations of the strategy conceptualize students' professional identities in conjunction with their altruist obligations, which qualitatively differs from the law student who subscribes to marginal panethnicity. A third strategy, instrumental ethnicity, contrasts from the two already mentioned, and prioritizes cultural brokerage between legal and ethnic communities.

### *Instrumental Ethnicity*

Instrumental ethnicity refers to the strategic use of legal skills as a resource to service coethnic communities. Unlike marginal panethnicity or tempered altruism, instrumental ethnicity features insider cultural knowledge and proficiency, if not fluency, in the languages spoken by members of the students' respective ethnic communities. Whereas the previous two strategies emphasized panethnicity, this one is more culturally laden. Law students who lean toward instrumental ethnicity act as "cultural brokers," intending to not only bring services to their ethnic-specific communities, but to also act as a "bridge" between mainstream America and their respective immigrant groups. Cultural brokerage exists in the strategic hiring of black employees in Jewish- and Korean-owned businesses in predominantly black neighborhoods (Lee 2002); in urban classrooms where teachers' aides serve as a bridge between middle-class teachers and the impoverished students and families they serve (Weiss 1994); or termed "cultural straddlers" to describe high-achieving black high school students (Carter 2005). I extend this conversation by applying it to the experiences of law students as they consider combining service to coethnics as a part of their career plans.

The law students who adhere to instrumental ethnicity seek to become a bridge for coethnics who are not fluent English speakers and/or are not proficient with American culture. As neophytes, these students also see a community that most mainstream (i.e., white) attorneys do not direct their services. For example, Evelyn, a Filipina third-year law student who intends on a firm trajectory, says, "I think there's a big, there's like an untapped clientele I could reach in the Asian American community because most of the clientele that my boss takes care of are white people. And I know a lot of people in the Filipino community that don't have wills and don't have an estate planned. And I could reach out to them." Evelyn stumbled upon estate planning during internships, and identified elderly Filipinos' legal needs. She plans to serve as that bridge—linking together *ethnic* networks, cultural knowledge, and her newly acquired skills.

In addition to providing direct legal services to ethnic communities, instrumental ethnicity includes serving as a resource for coethnics as they adapt to American society. Consider what Andersen, a Korean American third-year law student, has

to say about using his legal knowledge to work within the ethnic Korean community:

I want to be a bridge for the Korean American community to be able to utilize the American legal system because they have these barriers: one for language, two, cultural difference. I have spoken with some Korean business owners who have been sued, and they are really... they want to stay away from the whole legal system, period... My sense was they are really afraid of the whole legal process. So, I want to be able to be a bridge because of my language ability.

And sentiments from Andréa, a second-year law student of Guatemalan and Mexican heritage: “I feel like it’s very important. If you speak the language, why shouldn’t you be out there helping people? My parents always taught me that if you see someone on the street who’s struggling, trying to speak English, you should help them. It was just something I was brought up with. The same with this [profession].”

Andersen plans to work with the Korean American community by serving as a bridge between them and mainstream America. Andréa shares that same obligation because she can speak Spanish, thus can help coethnic clients who are not proficient English speakers. Other bilingual law students, especially those at lower-ranked MT4 with relatively limited career options, espouse a sense of duty to use their legal skills within ethnic communities. This obligation, then, partially resonates with Agius Vallejo and Lee’s (2009) assertion that while middle-class Mexican Americans “give back” to their ethnic communities, their approaches vary depending on their socioeconomic upbringing. Individuals from the working class are more likely and willing to financially assist family members versus those from the middle class, who subscribe to individual meritocratic rewards.

The law students in this study, however, intend to “give back” to their communities not necessarily through monetary assistance to family or extended kin, but by becoming mentors for Asian American and Latino college students aspiring toward law (marginal panethnicity), actively assisting disenfranchised communities (tempered altruism), and providing direct legal services (instrumental ethnicity). In this way, they are unlike Agius Vallejo and Lee’s respondents because their motivations do not vary by socioeconomic background. Factors that influence (pan)ethnic-professional identity management include region, community from which these students hail, issues that resonate with the students, and the ability to speak an ethnic tongue (refer to Table III).

As seen in Table III, students who adopt marginal panethnicity do not hail from the same region as the law school they attend, and they also did not grow up in or near ethnic enclaves. They were introduced to pertinent co-(pan)ethnic concerns while in law school, and were unfamiliar with regional concerns that are important to respective (pan)ethnic communities. They also lack fluency or proficiency in an ethnic language, thus feel less qualified to be of genuine assistance to co-(pan)ethnic communities. Students who exercise tempered altruism are a mixed bunch, hailing from the same region as the law school and from elsewhere. Those who evoke *cultivated* tempered altruism were not raised in or near ethnic enclaves and were only introduced to issues that affect co-(pan)ethnics during college or while working. In contrast, Asian American and Latino law students with *organic*

**Table III.** Factors that Influence (Pan)ethnic-professional Identity Strategies

	Region	Community	Issues	Language
Marginal Panethnicity	Not from the region as the law school	Did not grow up in/near ethnic enclave	Introduced to issues that affect co-panethnics in law school	Not fluent/proficient in an ethnic language
Tempered Altruism	Mixed—some from region of law school and some from outside region	<i>Cultivated</i> : did not grow up in/near ethnic enclave <i>Organic</i> : grew up in/near ethnic enclave	<i>Cultivated</i> : introduced to issues that affect co-panethnics through college or work <i>Organic</i> : familiar with issues because grew up in/near communities	Mixed—some are proficient/fluent in an ethnic language
Instrumental Ethnicity	From the same region as the law school	Grew up in/near ethnic enclave	Very familiar with issues because grew up in/near communities	Proficient/fluent in an ethnic language

interests were raised in or near ethnic enclaves and experienced firsthand pressing issues in (pan)ethnic communities. Tempered altruism transcends linguistic boundaries because students who may or may not be proficient in an ethnic language adopt this strategy.

Last, students who subscribe to instrumental ethnicity are generally from the same region as the law school, and are intimately familiar with the issues affecting particular ethnic communities. These students are at least proficient, if not fluent, in an ethnic language and cultivate their identities as attorneys while simultaneously securing a legal niche in the communities with which they are familiar. Notably, only students from MT4 spoke of this strategy, which could be a function of fewer job prospects, thus retreating to ethnic communities.

## DISCUSSION AND CONCLUSION

As a conduit to the legal profession, law schools construct and perpetuate an elite social status. Law students learn that as a part of a legal professional identity, they should also strive toward a career path that demonstrates their capacity to think analytically and reason critically. A career, at least initially, working with other bright, legal minds in law firms places them on a progressive professional track. Furthermore, these students will earn substantial salaries, glean resources, receive valuable training, and have access to staff who manage mundane tasks so as not to distract them from the bottom line: getting the best results for their clients.

Within this context, Asian American and Latino law students aspiring toward firm work adopt strategies to manage their identities. While these students vary in socioeconomic background, particular racialized identities, and law school rank, they nevertheless negotiate dueling identities. Law students who adopt marginal panethnicity primarily focus on the day-to-day tasks of being an attorney, but will engage with panethnic causes peripherally if opportunities arise to provide mentorship, or participate in school-sponsored clinics that serve co-panethnics. Including panethnic causes into their professional repertoire appears to be an inconsistent

extracurricular. Moreover, these students do not hail from the region where they attend law school, thus do not feel an intimate connection to respective panethnic communities.

Law students who adopt tempered altruism include direct service as an important “must do” in their careers. They have either cultivated a connection with (pan) ethnic groups, or already established organic roots within one or more ethnic communities. Evoking tempered altruism provides these students with the opportunity to connect with disenfranchised communities, including their own. This is a simultaneous priority while working in intellectual property, environmental, or real estate law.

The third strategy—instrumental ethnicity—focuses on providing legal services within ethnic communities. The Asian American and Latino students who adopt instrumental ethnicity assert a professional identity that is closely intertwined with an *ethnic* one instead of panethnic. They aim to provide legal services to ethnic communities in an altruistic manner, but also because their ethnic communities are “untapped” by mainstream, white attorneys. Additionally, they are exclusively from MT4, which could indicate one of two things: (1) their career prospects are limited due to the lower rank of their law school, and thus consider opportunities within ethnic communities, or (2) they use their local ties with coethnics to strategically carve out a professional niche.

As demonstrated, the panethnic group to which students belong was not significant in the strategies used. Rather, geography mattered most for those who aligned with marginal panethnicity or tempered altruism. Socioeconomic background did not implicate variations either, at least for students at WT1. Yet significantly, only MT4 students, who are typically from lower socioeconomic backgrounds, adopt instrumental ethnicity.

It deserves mentioning that while the strategies in the repertoire are seemingly neat, the lines differentiating them can be porous. This is particularly true for women who experience conflicting messages about assimilating into a profession traditionally inhabited by men, and also aligns with gendered expectations.<sup>14</sup> While a woman may appear to adopt marginal panethnicity, for example, she could simultaneously experience pressure to become what Susan in the opening quote describes as a “martyr,” and lean more toward tempered altruism. It is thus imperative to acknowledge that the repertoire is not a formula, but rather a guide that serves to understand how (pan)ethnicity matters for Asian American and Latino law students aspiring toward firm jobs.

### *The Pitfall of Colorblindness and Multiculturalism*

Colorblindness and multiculturalism are often interpreted to mean numbers in representation, and not necessarily interactional dynamics. As I demonstrate in this article, the intersection of race, ethnicity, and professional socialization remain critical to understanding the experiences of Asian American and Latino neophytes.

<sup>14</sup> For more discussion on gender in the legal profession, refer to Blair-Loy and DeHart (2003), Epstein (1970, 1993), Fischer (1996), Gilkes (1982), and Pierce (1995).

Although a relatively small sample, we see that Asian American and Latino law students are influenced by expectations of and for individuals to advocate on behalf of co-(pan)ethnics. In these ways, (pan)ethnicity matters more significantly for some than others.

As we see with the respondents in these pages, learning to become a lawyer is messy and is an exercise in managing identities. Ostensibly, we perceive the legal profession as an avenue that provides advancement opportunities for nonwhite Americans. However, numbers alone do not capture convoluted expectations while these individuals ascend the socioeconomic ladder. As Asian Americans and Latinos are becoming a part of mainstream America, they carry with them different sociocultural baggage than their white counterparts. Specifically, we see that (pan) ethnicity matters in law school and shapes (pan)ethnic duties that affect students' thoughts about their career plans. Depending on factors of influence (as described in Table III), these students adopt three strategies to manage their (pan)ethnic and professional identities.

This racialized integration into mainstream America speaks directly to the social and cultural value of race, which complements critical race theory. Ideologies and stereotypes about race are socially transmitted with deep roots in American culture that even blind individuals "see" race (Obasogie 2010). The strategies used by Asian American and Latino law students to fulfill a sense of panethnic duty also serve as an assertion of racial ownership. If Asian American and Latino law students do not feel compelled to contribute to (pan)ethnic communities, whether ascribed or asserted, then we can ascertain that race or panethnicity, does not in fact matter. But as demonstrated in this article, panethnicity remains salient for upwardly mobile individuals of color, even for those who do not ostensibly appear to be concerned with panethnic communities and causes.

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