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Luke Fowler

Boise State University

Chris Birdsall

Boise State University

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Are the Best and Brightest Joining the Public Service?

Luke Fowler

Boise State University

Chris Birdsall

Boise State University

The human capital crisis in government, perpetuated by blurring boundaries and employee shifts between economic sectors, creates many important questions for public administration (Lee and Wilkins, 2011; Light, 1999a). Among those questions is: why are the best and brightest (or at least those perceived as such) eschewing the public sector for employment in private and nonprofit sectors? Existing scholarship on employee motives focuses heavily on cross-sectoral differences in extrinsic and intrinsic motivators, but few analyses put these in the context of employee qualifications and compare across all three economic sectors (Asseburg and Homberg, 2019; Buelens and Van den Broeck, 2007; Crewson, 1997; Lee and Wilkins, 2011; Lyons, Duxbury, and Higgins, 2006). Although qualifications are open to interpretation, there is a subset of highly qualified job candidates that are desirable across economic sectors because they are perceived as the best and brightest that the market has to offer. Evidence suggests that these highly qualified employees have their choice of jobs and choose private or nonprofit sectors in response to the extrinsic or intrinsic incentives offered (Erlanger, Epp, Cahill, and Haines, 1996; Lee and Wilkins, 2011; Light, 1999a; Wright, 2001). If employees are indeed attracted to economic sectors because of differences in motivators, then we need to further comprehend how motivations differ across sectors, how sectors relate to each other, and, most importantly, how this impacts recruitment of the best and brightest.

By comparing employees across economic sectors, we can improve understandings of employee attraction to specific economic sectors, providing managers with more insight into how to recruit and select the best and brightest employees (Light, 1999a; McGuire and Agranoff, 2011). To address these issues, first, we describe cross-sector relationships and employee motivators, and argue there is a continuum positioning the public-sector between the private and nonprofit sectors in offering extrinsic and intrinsic motivators. Second, we discuss cross-sectoral competition for the best and brightest, and challenges to identifying, recruiting, and hiring the most qualified people. Finally, using data from the American Bar Foundation's (ABF) "After the JD" study, we analyze survey data from law school graduates to determine how academic qualifications and employee motives lead employees to different economic sectors. Our findings suggest the best and brightest law school graduates are predisposed to employment in the private or nonprofit sectors since they offer the strongest extrinsic or intrinsic incentives, respectively.

Cross-Sectoral Motivator Differences

Public administration research on motivation is extensive and multidimensional, and considers both what motivates employees to choose public service (*employee motives*) and what motivates employees to perform well in their jobs (*work motivation*) (Lee and Wilkins, 2011; Wright, 2007). Although scholars approach these issues differently, employee motives and work motivations are intertwined as employees self-select into economic sectors that utilize incentives compatible with their values (Lee and Wilkins, 2011; Rainey, 1982; Wright, 2001). Scholars argue a key component in employee choice in organization are perceptions of "fit," or their compatibility with organizational values, cultures, and goals. Bright's extensive work in this area indicates that employee perceptions of organizations are extremely important in determining their employment choices, with employees choosing career paths that align with their values (Bright, 2009; 2011; 2018). More specifically, Bright's findings indicate that nonmonetary opportunities, such as task meaningfulness, draw people to public-sector organizations, regardless of the specific occupation within that organization (Bright, 2009; 2011). Additionally, Rivera (2012) finds cultural matching between employees and organizations is often one of the most salient factors in hiring and selection practices in professional fields.

According to Ryan and Deci (2000), the most basic distinction in employee motives "is between intrinsic motivation, which refers to doing something because it is inherently interesting or enjoyable, and extrinsic motivation, which refers to doing something because it leads to a separable outcome" (p. 55). In this sense, extrinsic motivators incentivize employees to perform from an external source, such as pay or job security, and represent key recruitment and managerial tools. On the other hand, intrinsic motivators incentivize employees from the work itself and are

inherent to the job and/or organization, such as personal fulfillment. However, other scholars have suggested the relationship between intrinsic and extrinsic motivators is more complicated than this. For instance, Herzberg (1966) argues intrinsic factors are sources of employee satisfaction, while extrinsic factors, sources of dissatisfaction. This suggests extrinsic factors only maintain relationships through expected forms of compensation with the absence of these leading to losses in productivity, while intrinsic factors actually motivate performance (Herzberg, 1966; Ramlall, 2004; Vroom, 1964). Alternatively, need-based theories suggest extrinsic factors relate to more basic elements of human needs (i.e., food, safety), while intrinsic motivators to more complex elements (i.e., achievement, esteem) (Maslow, 1943; McClland, 1961; Ramlall, 2004). In either case, organizations tend to use extrinsic motivators to make employment more attractive, while intrinsic motivators are endemic to the job itself and not entirely created by managers (Bright, 2008; Lee and Wilkins, 2011; Ryan and Deci, 2000).

Consequently, mixtures of extrinsic and intrinsic motivators attract employees to particular types of organizations that best match incentives structures to employee preferences (Bright, 2008). Historically, differences in organizational missions between economic sectors made self-selecting into organizations easier for employees, as private and public sector organizations held distinct economic and social functions (Light, 1999a). However, trends in recent decades have blurred lines between private, public, and nonprofit organizations in public service delivery, leading to “publicness” as an important dimension in organizational cultures, missions, goals, and incentive structures. Publicness typically refers to the degree to which organizations define themselves as a public-service organizations relative to distinctions from the private sector, their service recipients, role they play in society, and accountability to the public (Bozeman, 2013; Haque, 2001; Walker and Bozeman, 2011). Importantly, this suggests organizational missions occupy a continuum stretching across economic sectors. Two trends that emerge from cross-sectoral comparisons of employee motivators suggest a similar pattern.

First, most research indicates the private sector is better at providing extrinsic incentives than the public and nonprofit sectors, and the public sector is better than the nonprofit sector. Most commonly discussed is salary differentials where nonprofit salaries are lower than private and public sector salaries, and public sector lower than private sector salaries (Alonso and Lewis, 2001; Bender, 2003; Christofides and Pashardes, 2002; Frank, 1996; Lee and Wilkins, 2011; Leete, 2001; Moulton, 1990; Weisbrod, 1983). Handy and Katz (1998) argue nonprofit organizations pay lower to promote self-selection of candidates committed to organizational values, leading employees seeking high salaries to prefer private sector employers over public and nonprofit employers. Other scholars argue employees are essentially donating part of their labor to production of public goods, and as such, sort themselves into lower-paying work in order to advance causes they support (Hansmann, 1980; Kim and Charbonneau, 2019; Lee and Wilkins, 2011; Preston, 1989). Research on career advancement indicates similar findings, where job promotion practices and rigid hierarchies in private and public sector organizations provide clear career trajectories and advancement opportunities as well as psychological rewards (DeVaro and Samuelson, 2004; Kettl and Fesler, 2005; Lee and Wilkins, 2011). Other scholarship is consistent with positioning the public sector between private and nonprofit sectors in capacity for extrinsic incentives (Barbeito and Bowman, 1998; Buelens and Van den Broeck, 2007; Moore, 1991; Park and Word, 2012; Weibel, Rost, and Osterloh, 2009).

Second, a similar pattern emerges for intrinsic motivators, with public and nonprofit sectors being the most adept at appealing to intrinsic motivations and the private sector the least. Public administration scholars tend to describe intrinsic motivators in terms of public service motivation (PSM), which they argue motivates employees to public service via a desire to serve the public interest or others. Although the term prosocial is also used to describe similar motives among private sector employees, PSM creates psychological incentives that outweigh material gains associated with extrinsic incentives (Asseburg and Homberg, 2019; Crewson, 1997; Houston, 2000; Lewis and Frank, 2002; Perry, 1996; Perry and Wise, 1990; Rainey, 1982; Ritz, Brewer, and Neumann, 2016; Wright, 2001). Previous scholars find public and nonprofit employees demonstrate more PSM than their private sector counterparts, and nonprofit employees are more likely to be motivated by desires to make a social difference than public or private employees (Light, 2002; Wright, 2001, 2007). However, due to multiple dimensions of PSM, Lee and Wilkins (2011) argue “that broader measures of the desire to serve the public are closely related to work associated with government, whereas narrower measures related to specific prosocial behaviors, such as volunteering, may be better for capturing the motivation of individuals to work in the nonprofit sector” (p. 49). Findings for other intrinsic motivators, such as job responsibilities, suggest public employee motives may align closer with private than nonprofit employees (Lee and Wilkins, 2011; Mirvis, 1992). Although employee motives in both sectors are tied closely to job related issues,

nonprofit employees chiefly value intrinsic motivators while public employees also value extrinsic motivators. Importantly, while both value intrinsic motivators more than private employees, the difference between public and nonprofit employees is how intrinsic motivators are balanced against extrinsic motivators.

In sum, most research findings indicate extrinsic motivators are more important and intrinsic motivators less important for private employees than public and nonprofit employees (Benz, 2005; Buelens and Van den Broeck, 2007; Khojasteh, 1993; Lee and Wilkins, 2011; Lewis and Frank, 2002; Wright, 2001); and, that extrinsic motivators are more important and intrinsic motivators less important for public employees when compared to nonprofit employees and vice versa when public employees are compared to private employees (Lee and Wilkins, 2011; Park and Word, 2012). Therefore, when considered as a whole, there is a continuum across sectors, with the private sector and extrinsic motivators at one end and the nonprofit sector and intrinsic motivators at the other. More specifically, if jobs wholly motivated by extrinsic factors are at one extreme and jobs wholly motivated by intrinsic factors are at the other extreme, then private sector jobs would occupy the continuum portion closest to the extrinsic extreme, nonprofit sector jobs the portion closest to the intrinsic extreme, and public sector jobs somewhere in between. Consequently, employees are attracted to the private sector for mostly extrinsic motivators, and to the nonprofit sector for mostly intrinsic motivators. More importantly though, employees are attracted to the public sector over the private sector for mostly intrinsic motivators, and to the public sector over the nonprofit sector for mostly extrinsic motivators. Although it may not offer better incentives, the public sector offers a balance of both intrinsic and extrinsic motivators that creates an alternative to private and nonprofit sectors.

Attracting the Best and the Brightest

There is a long-standing cross-sectoral competition for the best and brightest, with human capital as an essential part of organizational performance and long-term development (Crewson, 1995; Hitt, Bierman, Shimizu, and Kochhar, 2001; Lee and Sabharwal, 2016; Zula and Chermack, 2007). However, the public sector struggles to recruit human capital, especially the workforce's most qualified candidates. Although notions of employee qualifications may fluctuate, highly desirable employees tend to be defined by a similar set of characteristics (e.g., educational background) across economic sectors (Light, 1999a; Stark, 2007; Waldner, 2012). Light (1999a) describes contemporary challenges of public sector recruitment as:

Gone are the days when talented employees would endure hiring delays and a mind-numbing application process to get an entry-level government job. Gone, too, are the days when talented employees would accept slow but steady advancement through towering government bureaucracies in exchange for a thirty-year commitment. In the midst of a growing labor shortage, government is becoming an employer of last resort, one that caters more to the security-craver than the risk-taker. (Light 1999a, p. 1).

In essence, the public sector is less attractive to highly qualified employees when both private and nonprofit sectors offer better incentives (i.e., higher salaries, more personal fulfillment) for what amounts to similar work (Light, 1999a, 1999b; Lewis and Frank, 2002).

Historically, intrinsic rewards associated with public service are a key public sector recruitment strategy, along with job security and retirement benefits (Asseburg and Homberg, 2019; Lee and Wilkins, 2011; Lewis and Frank, 2002; Perry and Wise, 1990; Vandenabeele, 2008). However, the public service has changed in recent decades. Movement towards at-will employment and away from defined benefit plans have undermined some traditional extrinsic benefits for public-sector employment (Hays and Sowa, 2006; Battaglio, 2010). Additionally, relationships between economic sectors have been redefined by trends such as contracting out, an emerging social responsibility ethic in business practices, and a growing nonprofit sector (Alexander and Nank, 2009; Carroll and Shabana, 2010; Joyner and Payne, 2002; Light, 1999a; Milward and Provan, 2000; Weisbrod, 1997). Consequently, public service is now accomplished with cross-sectoral collaboration, where private and nonprofit organizations are highly engaged in delivering public services (Milward and Provan, 2000; Provan and Lemaire, 2012; Provan and Milward, 2001). The changing nature of public service has blurred the lines between economic sectors by intermingling public, private, and nonprofit sector missions, and made it easier for employees to balance extrinsic and intrinsic motivators by seeking employers positioned along a continuum that align with their interests (Durant, Kramer, Perry, Mesch, and Paarlberg, 2006; Haque, 2001). Although each sector is prone to offering jobs of a particular nature, for individual employees, the balance between motivators is largely impacted by the specifics of their jobs, such as engaging in pro-social behaviors

or interacting with the public. As such, there is increased pressure across sectors to recruit and hire the best and brightest from the same candidate pool, as no sector monopolizes job tasks or functions and employees choose career paths that are applicable to any economic sector (Durant, et al., 2006; Light, 1999a).

Consequently, attracting the best and brightest is a perpetual challenge, with existing research on employee recruitment indicating organizations struggle with identifying, recruiting, and hiring the most qualified applicants (Boswell, Roehling, LePine, and Moynihan, 2003; Breugh, 2008; Breugh and Starke, 2000). While traditional hiring exams tested cognitive abilities, a push towards “evaluat[ing] the “whole person” in order to assess the full range of work-related competencies” has emerged (O’Leary, Lindholm, Whitford, and Freeman, 2002, p. 328). As such, the Office of Personnel Management (OPM) dedicates significant time and energy to developing new methods of competency assessment linked to job performance, with similar efforts occurring in the private sector (Breugh, 2008; O’Leary, et al., 2002). Existing research indicates that validated selection tools, such as cognitive testing, provides the best screening process, but applicants believe interviews and work samples are more legitimate selection tools (Hausknecht, Day, and Thomas, 2004; Selden, 2009). Importantly, long processes and distrust of practices dilute applicant pools, making rigid public sector hiring rules a disadvantage when compared to the flexibility in private and nonprofit sectors (Selden, 2009).

Despite availability of more advanced tools, recruitment still heavily relies on traditional résumé characteristics for employee screening. Waldner (2012) finds 95% of job advertisements for public agencies and 89% for private organizations list formal education as a qualification, with work experience (56% and 74%, respectively) and foreign language skills (50% and 70%, respectively) as the other most commonly listed. Additionally, the majority of large private firms rely on résumés, applications, and reference checks for candidate screening, while less than half use skills, personality, or pre-employment tests (Piotrowski and Armstrong, 2006). Public sector hiring managers list grade point average (GPA), college quality, major field, and work experience as important factors in candidate selection (Lavigna, 1992). Other research indicates school quality (most notably rankings) impacts labor market outcomes by differentiating college experiences to employers, where students may gain enhanced skills or knowledge from attendance at top universities (Karabel and McClelland, 1987; Lee and Sabharwal, 2016; Zhang, 2005). As such, traditional measures of applicants, such as GPA and school quality, are still prominent in hiring practices, despite more advanced screening and recruitment tools.

School quality is also linked to social networks and socialization to professional fields. Students attending elite schools access elite social and professional networks that lead to employment opportunities unavailable to those outside the network (Brass, 2003; Calvo-Armengol, 2004; Oyer and Schaefer, 2015, 2016). Additionally, higher education is a mechanism by which students learn values, norms, and appropriate behaviors of professional communities, which enable them to easily transition into careers (Weidman, Tale, and Stein, 2001; Bright and Graham, 2015). In many cases, these processes reinforce the importance of traditional measures of job applicants that are endemic to existing institutions. Nevertheless, non-academic qualifications are important to some employers, especially those in the nonprofit sector. For professional fields, such as law, pro-bono work reinforces social hierarchies, where elite attorneys provide the most pro-bono services, and pro-bono work is perceived as a measure of professional ethics (Dinovitzer and Garth, 2009; Styles and Zariski, 2001). Additionally, several researchers find that prosocial volunteering is a strong indicator of PSM, as both nonprofit and public employees are more likely to volunteer than private employees (Lee and Wilkins, 2011; Light, 2002; Rotolo and Wilson, 2006). Thus, for nonprofit employers and some public employers, non-academic qualifications likely outweigh academic qualifications. However, there are few cross-sectoral comparisons of employee qualifications (Crewson, 1995).

Looking at Lawyers

There are several decision-points related to employment from the perspective of both the employee and employer. In a broad sense, these decision-points boil down to whether both sides believe the employee is a “good fit” for both the organization as a whole and the specific job position at hand. Although in the most basic form fit refers to the necessary technical skills and competencies for successful job performance, there is also a cultural component that includes preferences related to the mixture of intrinsic and extrinsic motivators offered. In these terms, a “good fit” for an organization occurs when the motivators being offered match the preferences of the employee, which ensures that employees are satisfied with their positions and employers have the necessary tools to effectively motivate their performance. Importantly, cultural components of fit tend to be endemic to the organization rather than the occupation, although some internal variation may occur. Consequently, when making employment decisions both job candidate and hiring managers must evaluate how potential employees “fit” into an organization. To this end,

employees are likely to self-select into organizations within economic sectors that they perceive as offering a specific mixture of intrinsic and extrinsic motivators, and employers are likely to recruit and select candidates that they perceive as valuing the motivators that they offer (Bright, 2009, 2011; Lee and Wilkins, 2011; Rainey, 1982; Wright, 2001).

However, cross-sectoral employee comparisons are difficult for several reasons. Many jobs with similar functions are not widely available across all sectors (e.g., police officers), and when possible, they tend to be disconnected from organizational missions, minimizing any intrinsic motivators associated with social benefits (e.g., accounting). As such, many scholars note the importance of understanding contextual variations across cultures and institutions as a major challenge for researching intrinsic motivators (Perry and Vandenberg, 2015). Additionally, most educational degrees or training programs prepare employees for specific economic sectors (e.g., Masters of Public Administration), which creates an endogeneity problem when employees are predisposed to a certain type of work and mismatching education and job sector contributes to employee dissatisfaction (Lee and Sabharwal, 2016). On the other hand, employees with different academic backgrounds create other challenges in comparing qualifications. Consequently, comparisons between two economic sectors are easier, where these issues can be controlled for or minimized in research designs, leading to a predominance of binary comparisons in the scholarship (e.g., public versus private).

The legal profession is particularly unique in these regards as law schools expose students to a similar education and graduates may seek employment in private, public, or nonprofit sectors. The American Bar Association (ABA) strictly regulates law school curriculums, with graduates broadly trained and qualified to practice law in an array of areas that are marketable across organizations in different economic sectors (ABA, 2017). While private legal services dominates the industry, lawyers are comparably represented in all three economic sectors when considered as a portion of employment (Bureau of Labor Statistics (BLS), 2017). Furthermore, there is an inherent connection between attorneys as “officers of the court” and our governance system. Freeland (2012) argues “a court creates a lawyer to exercise her independent professional judgment in translating between public and private realms, assisting in the formation of binding connections between the two in accordance with the rule of law” (p. 426). In these terms, attorneys are actively participating in governance, where they have both public and private responsibilities, even when representing private clients. As administration of the public interest is inseparable from the rule of law (Rosenbloom, O’Leary, and Chanin, 2010), this places attorneys in a key position in governance, and further highlights a continuum between economic sectors for employment, where attorneys never fully separate themselves from public responsibilities but can decide the extent of their engagement.

Consequently, organizational fit is a key issue in the legal profession as job functions for attorneys are directly connected to organizational missions, so attorneys tend to perform similar tasks but for different ends. For example, corporate and environmental attorneys have similar job responsibilities (e.g., filing legal documents), but represent different types of clients (i.e., business vs. public interests) associated with different social contributions (BLS, 2017). Although most employees must balance occupation and organizational fit when making employment decisions, attorneys face a unique situation, where organizational fit takes the forefront as occupational fit is fairly consistent across organizations. As such, employee choices in the legal profession tend to focus on organizational fit, so extrinsic and intrinsic motivators move the forefront of decision-making. Notably, extrinsic and intrinsic motivators in the legal profession fluctuate widely, leading to a large degree of self-selection in legal job choices, with tradeoffs between financial rewards and personal preferences that affect career satisfaction (Delgado and Stefancic, 2008; Goddeeris, 1988). Consequently, attorneys self-select into organizations that align with their personal preferences concerning mixtures of extrinsic and intrinsic incentives, as well as publicness of organizational missions and cultures. As such, we hypothesize that attorneys choose employment in economic sectors based on preferences for how to balance extrinsic and intrinsic motivators, with those preferring extrinsic seeking private sector employment and those preferring intrinsic seeking nonprofit sector employment.

Extrinsic Motivations Hypothesis: *Law school graduates with stronger extrinsic motivations will be more likely to be employed in the private than public or nonprofit sectors, and less likely to be employed in the nonprofit than public sector.*

Intrinsic Motivations Hypothesis: *Law school graduates with stronger intrinsic motivations will be more likely to be employed in the nonprofit than public or private sectors, and less likely to be employed in the private than public sector.*

The legal job market is highly competitive, so many attorneys are limited in employment choices by their qualifications. Erlanger, et al. (1996) argues that: “[t]he relationship between academic performance and some types of jobs is generally considered a given...especially for students from non-elite schools. Students with high grades are likely to be actively recruited by major firms, while those with lower grades may not even be able to secure an interview with those firms. Nontraditional employers, by contrast, are much less likely to emphasize grades as an employment criterion, partly because students oriented toward nontraditional jobs are more likely to reject the competitiveness that underlies the grading process” (p. 857). Given that curriculums are highly consistent across law schools, traditional measures of academic success (e.g., GPA) and educational quality (e.g., law school ranking) serve as important signals to potential employers concerning the most qualified candidates. In other words, GPA and law school ranking serve as key indicators of which job applicants employers perceive as the best and brightest. Consequently, job candidates with high GPAs who attended top law schools are highly sought after by employers, which provides them more employment choices. On the other hand, job candidates with low GPAs who attended low ranked law schools are more likely to face limited employment options (Erlanger, et al., 1996). Subsequently, with more employment options, the most marketable job candidates are predisposed to either the private or nonprofit sector, which offer better extrinsic (e.g., higher salaries) or intrinsic incentives (e.g., opportunities to help individuals) than the public sector.

Academic Qualifications Hypothesis: Law school graduates with higher GPAs and/or from top-20 law schools will be less likely to be employed in the public sector than those with lower GPAs and/or from law schools outside the top-20.

Data and Methods

To test these hypotheses, we use data from the ABF’s “After the JD” survey, a nationally representative dataset of lawyers in the United States first passing the bar exam in 2000 (ABF, 2017). The dataset follows lawyers for approximately the first decade of their careers and includes information about demographic characteristics, academic background, and employment motivations and choices. The dataset has previously been used to examine the effects of demographic characteristics and law school experience on a variety of outcomes (e.g., Dinovitzer, 2011; Dinovitzer and Hagan, 2006; Dinovitzer, Reichman, and Sterling 2009; Sieg and Wang, 2011; Yakowitz, 2010), such as salary and gender pay gaps. The survey was conducted in three waves by mail, phone, and internet. The first wave, conducted in 2002 and 2003, received 4,538 eligible responses with a response rate of 71 percent. The second wave, conducted in 2007 and 2008, supplemented the initial sample with additional lawyers not previously surveyed, and received 3,705 eligible responses for an overall rate of 50.6 percent and a 70.4 percent response rate from first wave respondents. The third wave only surveyed respondents of the previous two waves, and received 2,862 eligible responses with a response rate of 53 percent. (See ABF (2017) for further details on methodology).

Our full analytical sample is limited to 1,194 respondents for whom there is complete data. Table 1 provides variable descriptions for our full sample, as well as subsamples containing 259 respondents who attended a top 20 law school and 935 respondents who attended schools outside the top 20. The full sample and both subgroups split evenly between men and women, but there are notable differences in racial representation between the groups. Black respondents comprised 7.4 percent of the full sample, while Latino respondents, 8.0 percent. In the top 20 law school sample, however, black representation increased to 8.9 percent, while Latino representation increased to 11 percent. While law schools have made some progress in increasing diversity in recent years, problematic disparities in admissions and outcomes persist, (Chambliss, 2005; Redfield 2009). Female and minority representation in the overall legal profession is considerably lower than their representation in law school and in private practice in particular (ABA, 2016; Chambliss, 2005; Wilder, 2007). Consequently, we control for race and gender to account for demographic disparities in job sector employment.

[Table 1 about here]

To control for academic qualifications, we use two dummy variables comparing graduates with GPAs above 3.5 to graduates with GPAs below 3.5, and graduates of top 20 law schools to graduates of law schools outside the top 20. Typically, GPA is the mean of grades over a student’s legal education ranging from 4.0 to 0.0, with a letter grade of A in an individual course awarded a 4.0 and a letter grade of F, a 0.0. Although GPAs tend to be measured at the interval-level, the “After the JD” dataset only contains GPA ranges for survey respondents. Consequently, we recoded data to create a dummy variable comparing those with relatively high GPAs (i.e., 3.5 or above) to all other students. We also divide our full sample between respondents graduating from top 20 and non-top 20 law schools, as graduating

from a top 20 law school produces ancillary benefits beyond increased quality of education, such as alumni networks and degree marketability (Oyer and Schaefer, 2015, 2016). Additionally, those attending top 20 law schools are more likely to graduate with a GPA of 3.5 or higher. For the purpose of our analysis specifically, this group of respondents are more competitive on the job market, have greater latitude when making employment choices, and their employee motives are likely more consequential in job choices than lawyers graduating from less prestigious law schools. Assuming that respondents graduating from top 20 law schools are among the best in the nation, it is notable that they work in the public sector at a lower rate (11 percent in our sample) compared to respondents graduating from non-top 20 schools (22 percent). It is also notable that this group of respondents work in the nonprofit sector at a higher rate (8.5 percent) than respondents graduating from non-top 20 schools (7.0 percent).

In addition to demographic and academic performance, we include variables measuring motives for attending law school and seeking employment in the legal profession, which we expect will also affect sector of employment. We include three variables measuring intrinsic motivators: a desire to improve society; desire to help individuals as a lawyer; and, desire to have a satisfying career. We also include three variables measuring extrinsic motivators: importance of becoming influential in a powerful position; importance of achieving eventual financial security; and, the importance of debt on the respondents' employment choice. Respondents rated factors on a scale from 1 (not relevant) to 5 (very important).

We estimate effects of demographics, academic qualifications, and employee motives on a categorical dependent variable (job sector choice) which indicates whether the respondent is employed in the private, public, or nonprofit sector. Respondents in the private sector (73 percent of the full sample) may work in private practice law firms, solo practices, professional service firms, or other private businesses. Respondents in the public sector (20 percent) may work in either the federal, or state or local governments. Finally, respondents in the nonprofit sector (7.3 percent) may work in a public interest organization, as a public defender, or in another nonprofit organization. It is important to note that while some public interest organizations and public defenders may officially be public-sector jobs, legal positions within these organizations are more closely associated with employee motives and hiring practices of the nonprofit sector than the public sector. In the top 20 law school sample, the percentage of respondents working in the private and nonprofit sectors increased to 81 and 8.5 percent, respectively, while public sector employment decreased to 11 percent. In the non-top 20 sample, the percentage of respondents working in the private and nonprofit sector decreased to 71 and 7.0 percent, respectively, while those working in the public sector increased to 22 percent.

Because our dependent variable is a three category nominal variable, we estimate the effects of covariates on the probability a respondent is employed in a given sector using a series of multinomial logits (MNL). We run the same model on a full sample of respondents, respondents attending top 20 law schools, and respondents attending law schools ranked outside the top 20. In doing so, we can compare how the estimated effects of academic qualifications and employee motivators on job sector choice change depending on the quality of law school attended. We expect there to be substantive differences between graduates of top 20 law schools and graduates of non-top 20 laws schools, due to the prestige and ancillary benefits associated with institutions. We tested all three models for violations of the Independence of Irrelevant Alternatives (IIA) assumption and did not find a violation (Long and Freese, 2014).

Results

Table 2 reports the MNL results as exponentiated coefficients for the full sample, the top 20 law school sample, and non-top 20 law school sample. The omitted reference category in the dependent variable is public sector employment. In general, the results support our academic qualifications hypothesis, providing evidence that high performing law school students are more likely to be employed in private and nonprofit sector organizations. First, the results show law school graduates with a 3.5 or higher GPA are 54 percent more likely to be employed in the private sector than the public sector, while graduates of top 20 programs are 2.68 times and 2.47 times more likely to be employed in the private or nonprofit sectors, respectively. The strong result for top 20 law school graduates selecting the nonprofit over the public sector is notable and suggests that top lawyers interested in public service may find working in the nonprofit sector more appealing. Interestingly, high GPA is only statistically significant in comparing the private sector to the public sector in the full and non-top 20 samples. This suggests that GPA may not be an important point of differentiation in job qualifications for top 20 law school graduates and for nonprofit sector employment, respectively. This result may reflect the importance of brand recognition and alumni networks over academic performance when it comes to job market dynamics for lawyers graduating from prestigious law schools and supports the notion that academic performance matters more if you do not graduate from a prestigious school.

[Table 2 about here]

Additionally, the findings provide some support for our extrinsic and intrinsic motivations hypotheses, with respondents choosing the private over the public sector for extrinsic motivators and the public over the private sector for intrinsic motivators. First, in the full sample, respondents placing high importance on extrinsic motivators—becoming influential, financial security, and debt—are more likely to be employed in the private, rather than public sector. Specifically, a one-unit increase in the level of importance of becoming influential is associated with a 14 percent increase in the likelihood of private, over public, sector employment, while a one-unit increase in the importance of financial security and debt increase the probability of private, over public, sector employment by 41 and 33 percent, respectively. Results are relatively similar across samples, with the exception that become influential is not statistically significant in the top 20 sample. Overall, these results suggest that law school graduates for whom extrinsic factors are important tend to seek employment in the private, rather than the public sector. The results also suggest that extrinsic motivators are not important predictors of being employed in the nonprofit over the public sector. Second, respondents for whom improving society is important are more likely to choose the public over the private sector. Specifically, the results show a one-unit increase in importance of improving society is associated with a 47 percent increase in the probability of being employed in the public sector. Conversely, a one-unit increase in improving society is also associated with a 63 percent increase in the probability a respondent is employed in the nonprofit, rather than public sector.

While similar to results from the full sample, comparison of the top 20 to non-20 sample indicate intrinsic and extrinsic motivator effects on job sector choice fluctuate. For the top 20 sample, respondents attaching high importance to improving society were more likely to work in the nonprofit than the public sector. Specifically, a one-unit increase in respondents' reported importance of improving society is associated with a 63 percent increase in the probability of working in the nonprofit, rather than the public sector. Conversely, for the non-top 20 sample, respondents attaching high importance to improving society were less likely to work in the private compared to the public sector. Specifically, a one-unit increase in respondents' reported importance of improving society is associated with a 47 percent decrease in the probability they work in the private, rather than the public sector. Notably, there was not a statistically significant association between a desire to help individuals and probability of public or private sector employment for the top 20 sample, or for any sector of employment for the non-top 20 sample.

Race and Gender

The analysis yielded a few interesting results for our race and gender controls. First, black law school graduates were 48 percent less likely to be employed in the private sector than the public sector in our full sample analysis, and 55 percent likely in our non-top 20 sample analysis. Second, Latino respondents were 2.2 times more likely to be employed in the nonprofit than public sector in our non-top 20 sample. Similarly, women in our full and non-top 20 samples were 83 percent and 78 percent more likely to be employed in the nonprofit sector than the public sector, respectively. Finally, women graduating from top 20 law schools were 60 percent less likely to be employed in the private sector than the public sector. These results likely reflect the demographic disparities in the law profession discussed earlier, but also may reflect that the public sector has been more successful, and has more programs dedicated to, recruiting women and minority employees (Ricucci 2002; Cornwell and Kellough 1994).

Conclusion

In general, findings support our three hypotheses concerning the employment sector among law school graduates. The best and brightest of the legal field prefer employment in the private or nonprofit sectors over the public sector. Graduates from top 20 law schools with high GPAs are overwhelmingly less likely to work in the public sector than the private or nonprofit sectors, which support our academic qualifications hypothesis. Most likely, this trend is a result of blurred lines between economic sectors in public service delivery, especially within the legal profession. Employees can easily balance extrinsic and intrinsic motivators in job choice and private and nonprofit sectors offer better incentives, which typically come in the form of higher financial rewards or perceptions of more directly helping individuals or improving society, respectively. However, some findings hint at complexities. For instance, findings for GPA among top 20 law school graduates suggest that, in addition to quality of education, schools also offer ancillary benefits to graduates that include alumni and social networks, which likely play an important role in identifying and recruiting employees (Oyer and Schaefer, 2015, 2016).

As such, public sector employers may be at an inherent disadvantage in hiring the best and brightest attorneys by being less connected to those networks. Additionally, while emphasis is placed on academic qualifications in screening job candidates, findings for GPA and nonprofit sector employment suggests nonprofit employers likely value other indicators of potential job performance, which may be linked to organizational values (Lee and Wilkins, 2011; Light, 2002). Consequently, public sector employers may find utility in identifying alternative indicators of candidate quality in screening processes, such as volunteering or other prosocial behaviors (Lee and Wilkins, 2011). Interestingly, findings also seem to indicate that one notable factor in choosing a public service career is affordability, with those concerned about debt and financial security drawn to the private sector. Although the Public Service Loan Forgiveness was designed to address such challenges, current research is limited on how these types of programs affect recruitment into the public sector (Delisle, 2016). Importantly, there may be implications for the public service and representative bureaucracy if only those who can afford it are seeking intrinsically motivated careers in the public or nonprofit sectors. However, additional research is necessary on this point.

Furthermore, extrinsic and intrinsic motivators affect employment choices, with extrinsically motivated attorneys most likely to be employed in the private sector and intrinsically motivated attorneys in the nonprofit sector, which supports our extrinsic and intrinsic motivations hypotheses. Although these findings are consistent with previous scholarship, our analysis provides additional insights (Perry and Vandenabeele, 2015; Wright, 2001). While there are some exceptions, our findings indicate: 1) lawyers choose private over public sector employment for mostly extrinsic motivators but public over private sector employment for mostly intrinsic motivators; and, 2) nonprofit over public sector employment for mostly intrinsic motivators but public over nonprofit sector employment for mostly extrinsic motivators. As such, our findings also support a conceptualization of job sectors along a continuum where the private sector and extrinsic motivators are at one end, the nonprofit sector and intrinsic motivators are at the other end, and the public sector is positioned in the middle. Although this does not overcome many key challenges to public sector recruitment and selection during an era of hollowed out government, it does provide insights into employee perception of the public sector. Consequently, public sector employers should reconsider and reframe cross-sectoral competition for qualified job candidates, where they offer a mixture of intrinsic and extrinsic motivators while private and nonprofit sectors rely mainly on one or the other.

From a cynical perspective though, one could argue these findings suggest that public-sector employment is a last resort for those who could not otherwise secure employment in the private or nonprofit sectors. While this perspective paints a rather bleak outlook for the public-sector, it may also explain trends occurring over the past several decades. For instance, it may account for why public services have been increasingly contracted out to other sectors. That is, public services have been redirected to organizations with the most capable workforce (Light, 1999a; 1999b). If we accept this though, the question would remain as to whether contracting out is the result of the best and brightest of the workforce shifting away from the public sector or the cause of it; in either case, these trends may be reinforcing each other. Furthermore, if we embrace this perspective, we must consider whether the public-sector workforce is becoming less qualified than the workforce in other sectors and the resulting implications for both public administration theory and practice. However, embracing a pessimistic view of the public-sector workforce may ultimately be demoralizing to practitioners (and to scholars), and only contribute further to the perception that the public-sector is somehow less than other sectors.

Nevertheless, there are several important limitations to our findings. First, and most importantly, we assume that trends among attorneys can be generalized across employees. However, attorneys represent a distinct profession where public responsibilities can never be disregarded, but level of engagement differs significantly across sectors. That balance may be more difficult to find for other types of employees though. For instance, those working in public health or education may find their motives limit employment opportunities to public or nonprofit sectors, which likely further reinforces differences with the private sector. As a professional field that is broad and includes a range of responsibilities, attorneys allow us to reduce these issues. However, the public service includes a wide-range of professional and non-professional employees that come from different educational, socio-economic, and personal backgrounds. As such, our findings may not be applicable to other types of employees.

Second, using secondary data limited our ability to measure certain important concepts in this analysis. We rely on GPA and law school ranking as a measure of job qualifications, but employers may find value in non-academic qualifications. We also assume that notions of the best and brightest as they relate to job qualifications are similar between sectors since attorneys perform similar job functions regardless of sector. In particular, nonprofits may seek out candidates with different qualifications than the private or public sectors. Additionally, GPA and law school

ranking may be a reflection of social class rather than merit. As such, our analysis does not capture how employers perceive employee qualifications, other employee qualifications factor into hiring decisions, or are related to candidate selection.

Third, while extensive research in public administration evaluates different extrinsic and intrinsic motivators and their measurement (Perry and Vandenabeele, 2015; Wright, 2001), there are limitations to controlling for these factors in any analysis. Although our variables may exhibit certain weaknesses, they do provide support to our general conceptualization of a cross-sectoral continuum and are consistent with previous scholarship. Finally, attorneys included in the survey sample were in their early careers during the Great Recession, which had a long lasting impact on public-sector finances and employment trends. While the private and nonprofit sectors were also impacted, the public-sector was perceived as more acutely feeling the effects of these trends, which may have affected employment choices within our survey sample (Bozeman, 2010; Jimenez, 2012). However, it is difficult to disentangle the effects of the Great Recession as a potential anomaly from the more permanent trends in employment choices. Consequently, additional research is necessary to examine these issues in other professional fields and time-periods. Additionally, scholars should further examine how employee characteristics are used to define the best and brightest both between and within economic sectors, as well as the implications of racial and gender differences for recruitment and sector selection. Although challenges from the intermingling of economic sectors in public service delivery will persist, research such as that developed here provides important insights for understanding how to recruit and select the best and brightest in the public sector.

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Tables

Table 1: Variable Descriptives

	Full Sample		Top 20 Sample		Non-Top 20 Sample	
	mean	sd	mean	sd	mean	sd
Private	0.73	0.45	0.81	0.40	0.71	0.46
Government	0.20	0.40	0.11	0.31	0.22	0.42
Nonprofit	0.073	0.26	0.085	0.28	0.070	0.25
Black	0.074	0.26	0.089	0.29	0.070	0.25
Latinx	0.080	0.27	0.11	0.31	0.073	0.26
Female	0.50	0.50	0.48	0.50	0.50	0.50
GPA	0.26	0.44	0.40	0.49	0.23	0.42
Top 20 School	0.22	0.41	1	0	0	0
Improve Society	3.53	1.12	3.54	1.17	3.53	1.11
Help Individuals	3.89	1.06	3.77	1.08	3.92	1.05
Satisfying Career	4.35	0.72	4.36	0.74	4.35	0.72
Become Influential	3.05	1.18	3.00	1.18	3.06	1.18
Financial Security	4.07	1.08	4.01	1.13	4.08	1.06
Imp. of Debt	4.37	2.45	4.50	2.68	4.34	2.38
Observations	1194		259		935	

Table 2: Job Sector - Multinomial Logit Results

	(1)		(2)		(3)	
	Full Sample		Top 20 LS		Outside Top 20 LS	
	Private b/se	Nonprofit b/se	Private b/se	Nonprofit b/se	Private b/se	Nonprofit b/se
Black	0.52** (0.15)	1.13 (0.46)	1.92 (2.14)	5.36 (6.90)	0.45** (0.14)	0.99 (0.46)
Latinx	0.73 (0.22)	1.42 (0.62)	0.74 (0.53)	0.20 (0.27)	0.74 (0.25)	2.20* (1.04)
Female	0.89 (0.15)	1.83** (0.52)	0.40* (0.19)	1.53 (1.15)	0.99 (0.18)	1.78* (0.56)
High GPA	1.54** (0.31)	0.80 (0.28)	0.94 (0.44)	0.78 (0.53)	1.75** (0.40)	0.79 (0.34)
Top 20 Law School	2.68*** (0.64)	2.47*** (0.83)				
Improve Society	0.53*** (0.06)	1.63** (0.33)	0.83 (0.27)	2.49 (1.49)	0.50*** (0.06)	1.55** (0.35)
Help Individuals	1.16 (0.12)	1.24 (0.25)	0.89 (0.27)	1.96 (1.17)	1.20 (0.13)	1.12 (0.24)
Satisfying Career	1.09 (0.14)	0.79 (0.16)	1.22 (0.40)	1.12 (0.58)	1.07 (0.15)	0.73 (0.17)
Become Influential	1.14* (0.09)	0.83 (0.09)	0.87 (0.20)	0.58 (0.19)	1.18** (0.10)	0.85 (0.11)
Financial Security	1.41*** (0.10)	1.10 (0.12)	1.58** (0.31)	0.84 (0.23)	1.38*** (0.11)	1.22 (0.16)
Imp. of debt on sector choice	1.33*** (0.05)	0.96 (0.05)	1.40*** (0.12)	0.89 (0.12)	1.32*** (0.05)	0.96 (0.06)
Observations	1194		259		935	
Pseudo R^2	0.175		0.314		0.150	

Exponentiated coefficients