The legal profession is held in poor regard by much of the public. What is not known is whether there is indeed something inherently rotten in the legal profession or whether it acquires a bad reputation due to the isolated bad acts of a few unrepresentative lawyers. In this article, I document the extent of misconduct among American lawyers and investigate its determinants. To do so, I construct a novel dataset of the history of disciplinary actions taken against roughly 1 million lawyers across 19 states. I then use this data to investigate three aspects of lawyer misconduct. First, I document the prevalence of misconduct. I find that 5 percent of lawyers have a misconduct record at some point in their career, and the majority of lawyers with a misconduct record are repeat offenders. Second, I document the patterns of misconduct across lawyer demographics and over changing economic conditions. Rates of misconduct are higher among lawyers who attended lower ranked law schools, among lawyers who practice in areas of the country with vulnerable populations, and when local economic conditions in an area worsen. Third, I investigate the effectiveness of one potential way to deter misconduct: through professional responsibility training. Using states’ staggered adoption of a required exam on professional responsibility, I find that requiring lawyers to pass the exam does indeed decrease misconduct.
1 Introduction

In literary and dramatic depictions, lawyers are often characterized as dishonest. While this portrayal could easily be dismissed as artistic caricature, it in fact reflects popular attitudes. One of every three Americans thinks that lawyers have low ethical standards and that they deserve their bad reputation (Gallup, 2019; American Bar Association, 2002). Is this reputation justified? It is possible that something is indeed inherently rotten in the legal profession. It is also possible, however, that the profession acquires a bad reputation due to the isolated bad acts of a few unrepresentative lawyers. So far, it has been impossible to determine which of these two contending explanations is true, because the empirical evidence on lawyer misconduct is limited.¹ The small empirical literature on lawyer misconduct stands in stark contrast to the large and active literature on misconduct in other industries, including corporate management (e.g., Parsons et al., 2018), financial advising (e.g., Egan et al., 2019), medicine (e.g., Studdert et al., 2019), mortgage lending (e.g., Piskorski et al., 2015), and policing (e.g., Rozema and Schanzenbach, 2019).

Yet a better understanding of lawyer misconduct and its determinants is important for several reasons. First, lawyers play an enormous role in modern markets, so even modest levels of misconduct could have non-trivial effects on parts of the economy. Second, lawyer misconduct could disproportionately affect vulnerable populations—if, for example, misconduct is more characteristic of lawyers catering to those populations. Third, the extent of the misconduct could justify different remedies—one set of solutions might be necessary if misconduct is widespread, and another set of solutions might be necessary if misconduct is merely characteristic of a small set of unscrupulous lawyers who generate an outsized effect on public perceptions.

¹See Section 2 for an overview.
In this article, I document the extent of misconduct among lawyers in the United States and investigate its determinants. To do so, I collected relevant data on licensed lawyers. Before practicing law in a given state, a lawyer must be licensed by that state. Each state has a governing body, usually called a state bar, which holds the authority to determine whether an incident amounted to misconduct. Because lawyer misconduct is managed at the state level, there is currently no single data source on lawyer misconduct in the United States. However, many state bars maintain public websites, often with individual lawyer webpages containing information about each licensed lawyer in the state.

In a large data collection effort, I scraped state bar websites to create a dataset on lawyer misconduct. I was able to construct the history of disciplinary actions taken against roughly 1 million lawyers across 19 states. In some states, I observe the life history of lawyers who were admitted to the bar as far back as 1900, but the majority of lawyers in my sample were admitted to the bar in 1970 or later. I use disciplinary action against a lawyer as a measure of misconduct. This measure filters out mere complaints against lawyers that the state authority found to lack merit. Of course, in actuality misconduct and disciplinary action are very different: misconduct indicates wrongdoing; disciplinary action indicates lawyers who engaged in misconduct, the misconduct was discovered, at least one person who learned of the misconduct decided to report it to the state bar, and the state bar found enough evidence to discipline the lawyer. I discuss this distinction and its ramifications in detail in Section 3, but note here that throughout this article I use the terms interchangeably. I do this in part because it is the norm in studies of professional misconduct in related contexts.\footnote{For example, the terms misconduct and disciplinary action are used interchangeably in studies of police misconduct (e.g., Dharmapala et al., 2019) and financial advisor misconduct (e.g., Egan et al., 2019).}

The empirical analysis proceeds in three steps. First, I document the preva-
lence of misconduct across the lawyers in my sample. In total, five percent of lawyers have a misconduct record at some point in their career, and the majority of lawyers with such a record have been the subject of multiple disciplinary actions. As to sanctions, when at the conclusion of the disciplinary action a lawyer is found to have behaved improperly, various forms of discipline can be ordered. The state bars in my sample commonly ordered two types of discipline: temporary suspension of the law license (53 percent of disciplinary actions) and public censures (34 percent of disciplinary actions). A permanent loss of a law license, known as disbarment, is less common, occurring in 8 percent of misconduct incidents. Overall, 1 percent of lawyers in my sample are disbarred during their career as a result of misconduct.

Given the seriousness of disbarment, it is important to understand what leads to it. I find that almost half of disbarred lawyers are disbarred as a result of their first incident of misconduct. Of lawyers who are not disbarred on their first incident, there is some evidence that disbarment follows a three-strikes rule: the rate of disbarment on a lawyer’s third misconduct incident is over 5 times the rate of disbarment on a lawyer’s second misconduct incident and is over 2 times the rate on a lawyer’s fourth misconduct incident. There is also some descriptive evidence supporting the notion that lawyers with a record of two misconduct incidents change their behavior to avoid disbarment from a third misconduct incident: of lawyers with at least one incident who are never disbarred, roughly 60 percent have two lifetime misconduct incidents.

Second, I document the patterns of misconduct across lawyer demographics and over changing economic conditions. I find that lawyers with misconduct records are concentrated in areas of the country with vulnerable populations: areas characterized by lower income and less healthy residents. I also find that lawyers who attended lower-ranked law schools, practice at small law firms, and work in specific practice areas tend to have higher concentrations of misconduct records. Some of these differences are large.
For example, lawyers practicing in the poorest areas in my sample have misconduct records at double the rate of lawyers practicing in the highest income areas. As will be discussed below, multiple explanations could account for these patterns, and at this point I cannot distinguish between them.

I also investigate the extent that misconduct is associated with local economic conditions. Using lawyer-level zip codes that are available in some states, I assess whether lawyer misconduct in an area responds to the local unemployment rate over time. I find that a 1 percentage point increase in the unemployment rate is associated with a 4 to 9 percent increase in misconduct (as measured by disciplinary actions in the next year). This finding provides evidence that misconduct is associated with local economic conditions and the business cycle.

Finally, I turn to potential methods of decreasing lawyer misconduct. Specifically, I investigate whether training in professional responsibility deters misconduct. State bars are authorized to set the conditions for the licensing of lawyers, which may include specific training requirements. To assess whether training in professional responsibility can deter misconduct, I exploit states’ staggered adoption of a required exam on professional responsibility (the Multistate Professional Responsibility Examination).

In the preferred research design, I assess the changes in lifetime misconduct of lawyers licensed during the 5 years prior to a change in the exam requirement to those licensed in the 5 years following the change. As a control group, I use the other states that did not change their requirement over the same time period. Using this event study research design, I find evidence that professional responsibility training meaningfully decreases misconduct: lifetime misconduct of lawyers licensed after the exam was required in a state decreases by 21 percent as compared to lawyers in other states that did not change their training requirements. One concern is that state
adoption of the requirement was endogenous to misconduct in the state. Assessing this concern, I find no evidence that the adoption of the requirement and any subsequent increase in the minimum score are related to either systematic differences in misconduct between states or recent spikes in misconduct within the state.

This article proceeds as follows. Part 2 provides a brief review of the empirical literature on lawyer misconduct. Part 3 describes the institutional setting and introduces the original dataset. Part 4 documents the prevalence of lawyer misconduct. Part 5 documents the patterns of misconduct across lawyer demographics and over the business cycle. Part 6 investigates the effect of a required professional responsibility exam on misconduct. Part 7 discusses limitations and plans for future research.

2 Empirical Literature on Lawyer Misconduct

Table 1 provides a breakdown of the most relevant empirical studies on lawyer misconduct.\(^3\) The literature is consists of studies focusing on disciplinary actions and, on the other hand, studies focusing on lawyers. First, a handful of studies focus on disciplinary actions and thus do not include data on lawyers without a misconduct record (these studies are indicated by a star in Column 2 of Table 1). To date, these studies have used data from a small number of jurisdictions or over a short time span. For example, the data in Bartlett (2008) includes misconduct incidents in Queensland, Australia,\(^4\) and the data in Hatamyar and Simmons (2004) includes disciplinary actions in the United States in 2000. Second, a handful of studies does use data on both lawyers with and without a misconduct record. To date, however, these studies too only use data from a small number of jurisdictions or over a short time span. For example, the

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\(^3\)The American Bar Association has two major reports on lawyer disciplinary action. See American Bar Association (1970) and American Bar Association (1992). For a great review and an analysis of systems to regulate the legal profession, see Fortney (2016).

\(^4\)Bartlett (2008) has data on 8,541 complaints filed against lawyers, but only 600 were considered by the professional discipline agency and only 42 of those were referred for prosecution.
data in Anderson and Muller (2019) includes lawyers in California, the data in Sklar et al. (2019) includes lawyers in Victoria, Australia, and the data in Kinsler (2017) includes lawyers in Tennessee.

In addition to being limited to a small number of jurisdictions or a short time period, the empirical literature on lawyer misconduct is largely limited to documenting disparities in misconduct between lawyer demographics. The literature in Table 1 finds the following characteristics to be associated with higher risk factors for complaints and disciplinary actions: old age, incorporated law practice, male, law practice in rural areas, solo and small law practice, trust account authority, and did not pass the bar exam on first attempt. The literature is largely descriptive and has mostly refrained from investigating the drivers and deterrents of misconduct. One exception is Anderson and Muller (2019), who examine the relationship between bar exam scores and lawyer misconduct by imputing bar exam scores based on where lawyers attended law school.

In summary, although the legal profession plays an outsized role in the economy and in public life, almost nothing is known about the extent of misconduct among American lawyers or its determinants.

3 Data

3.1 Disciplinary Action as a Measure of Misconduct

I use disciplinary action against a lawyer as a measure of misconduct. This measure filters out mere complaints against lawyers that the state authority has found to be without merit. The measure, however, is a lagged measure of misconduct because of the length of time required to conduct an investigation and hold hearings.

Of course, disciplinary action does not measure the true amount of lawyer misconduct, but instead is an imperfect proxy for underlying misconduct. Miscon-
duct is the actual, substantive act, while disciplinary action is the result of the potentially ensuing process. In an ideal world, one would observe the actual misconduct committed—rather than only misconduct reported and investigated—and only use this variation as the measure of misconduct.

The main drawback of using disciplinary action as a measure of misconduct is that it reflects a non-random selection from the baseline set of incidents of misconduct. There are three main sources of variation driving the relationship between underlying (unobserved) misconduct and observed disciplinary action. First, there is variation in individual lawyers’ propensity (disposition and ability) to hide misconduct. Second, there can be variation in the discovery of the incident or reporting of the incident by victim type. To my knowledge, state bar associations do not typically start investigations sua sponte but rather investigate an incident only if a complaint is made, and there are many reasons why different types of incidents are discovered and/or reported. It is possible that participants in some types of disputes complain at different rates than participants in other types of disputes. This variation drives differences in observed disciplinary action between lawyers who have different types of clients. Third, there is variation in the substance of professional responsibility rules, in the procedural rules, and in enforcement between states and within a state over time. There are many reasons why state bars could be more or less likely to discipline different lawyers that are unrelated to underlying misconduct (e.g., whether the lawyer in question is represented by another lawyer in the proceedings). This variation prevents direct comparisons of disciplinary action rates between states and within a state over time.\(^5\)

\(^5\)Moreover, if the regulation of lawyer misconduct is anything like the regulation of crime (e.g., Stuntz, 1997), variation in the rules could interact with state enforcement. For example, lawyers on disciplinary action panels can respond to increases in procedure protections of lawyers by increasing the severity of punishments.
Similar proxies are often used in empirical studies in other areas of law and in the social sciences, and those proxies are often referred to as the underlying behavior. In terms of professional misconduct in particular, the use of reported incidents that are found to contain merit—and sometimes even just reported incidents—are often used and referred to as a proxy of wrongdoing. To name a few main examples, reported wrongdoing is used in empirical studies in the following professions: medicine (e.g., Liu and Hyman, 2019; Frakes, 2013; Brennan et al., 1991), corporate management (e.g., Parsons et al., 2018), financial advising (e.g., Egan et al., 2019), medicine (e.g., Studdert et al., 2019), mortgage lending (e.g., Piskorski et al., 2015), and policing (e.g., Dharmapala et al., 2019). The nature of selection in the context of lawyer misconduct is arguably no worse than the nature of selection in some of these other misconduct contexts. More generally, empirical studies in many important contexts use reported and/or investigated behavior as a proxy for underlying behavior, including some contexts where there are concerns about under-reporting. For example, empirical studies of domestic violence use reported crimes as an outcome of interest and refer to the proxies as the underlying behavior (e.g., Card and Dahl, 2011).

Unless one uses self-reported misconduct, which has its own concerns, it is unlikely that researchers will be able to observe actual misconduct committed by lawyers. Therefore, although using disciplinary action as a proxy for lawyer misconduct is not ideal, it is probably the best we can do given current data limitations. Still, with that in mind, to the extent that the mechanisms unrelated to underlying lawyer misconduct drive the observed disciplinary action are related to the differences in lawyer demographics that I study, the estimates could simply reflect selection. This would change the interpretation of the results. As a result, and as in many other professional misconduct contexts and in other settings, some of the conclusions and policy implications that might be drawn using disciplinary action as a measure of misconduct
depend on the nature of the selection.

### 3.2 Data Collection and Sample

My goal was to create a dataset of the life histories of lawyer misconduct of a large sample of lawyers across multiple jurisdictions in the United States and over a long time period. I scraped state bar websites to obtain information on lawyers and any disciplinary action taken against them.\(^6\) To be in the sample, I required identification of three types of information for each lawyer. First, I required the date of admission to the bar. This is to allow for the construction of the set of lawyers at risk of a disciplinary action in a given year. Second, I required the date of the disciplinary action. Third, I required the type of disciplinary action, such as public censure, suspension, or disbarment. I required this because certain actions in some states do not reflect actual lawyer misconduct in the traditional sense. The primary example is an action that suspends or disbars a lawyer for the non-payment of bar dues or not meeting the requirements of continuing legal education. This often occurs systemically in some states at the end of one’s career, presumably because of retirement or death. I do not count such disciplinary actions as incidents of misconduct.

Observing the date each lawyer went inactive would allow for the construction of the set of active lawyers in a given year. A current data limitation is that, in most states, I only observe whether lawyers are currently inactive and not the date they went inactive. Therefore, I am unable to directly observe the number of active lawyers in a given state-year in most states. For the states where active status is only available as of the time I scraped the state, I assume that lawyers who are currently inactive went inactive 30 years after they were first admitted to the bar or when they were disbarred.

\(^6\)The Appendix describes the types of webpages states have.
The final sample contains 949k lawyers. Panel A of Figure 1 reports the distribution of lawyers across states. Over half the sample comes from three states (California, Pennsylvania, and Texas), and the sample in four states is less than 10k lawyers each (Alaska, Maine, Nevada, and Rhode Island). Panel B of Figure 1 reports the distribution of lawyers by the year they were admitted to the bar. Roughly 90 percent of lawyers in the sample were admitted to the bar since 1970, roughly 50 percent were admitted since 1994, and roughly 10 percent were admitted since 2012.

3.3 Additional Lawyer Characteristics

States differ on the types of information about lawyers that are available on their public websites. I was able to obtain a host of lawyer-level information, but the availability of this information is not consistent across states. From the lawyer-level webpages, I use information, where available, on the zip code where the lawyer resides and the law school they attended. I extend the set of information on lawyers by matching the lawyers to their 2013 Martindale Hubble profiles. To perform the match, I require an exact match between state and year of admission to the bar. I then perform a fuzzy match based on first and last names, and restrict the matched sample to names with at least a 95 percent similarity score. This means that measurement error stems only from lawyers that were admitted to the bar in the same state in the same year with very similar names. I was able to match 27 percent of the lawyers in my sample to their 2013 Martindale Hubble profiles (23 percent had an exact match, and the fuzzy match accounted for the additional 4 percent).

The matched sample contains roughly 250k lawyers. Through this process, I observe lawyer-level information on employers, size of employer, and practice area.

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7Figure A1 in the Appendix reports the distribution across cohorts and states.
8In particular, I use data from Bonica and Sen (2017). The data is available at https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/FQ6EPR.
As further discussed below, I am also able to observe a common measure of political ideology based on lawyers’ political donations for the lawyers that have made at least one donation.

4 Prevalence of Lawyer Misconduct

I use disciplinary action against a lawyer as a measure of misconduct. Disciplinary action is taken only when an incident amounted to misconduct, so this measure filters out mere complaints against lawyers that the state authority found to lack merit. This measure is a lagged measure of misconduct because of the length of time required to pursue an investigation and hold any subsequent hearings. In the data, it is not uncommon for lawyers to resign while a complaint is pending, and most states identify such resignations in the disciplinary history. Of all the disciplinary actions in my sample, 5 percent indicate that the lawyer resigned while a complaint was pending. I include such resignations in the measure of misconduct, but the results are similar if I exclude them.

Table 2 reports descriptive statistics of lawyer misconduct and the main types of disciplinary actions taken against them. Because I am interested here in understanding lawyer misconduct over one’s lifetime, I restrict the sample to lawyers who could have had at least a 20 year career (i.e., those who were admitted to the bar before 1999). The first column indicates the percent of lawyers with a misconduct record. I find that 5 percent of lawyers have at least one misconduct incident during their career, and 1 percent of lawyers are disbarred as a result. The second column indicates the number of lifetime misconduct incidents per 100 lawyers. For every 100 lawyers, there are an average of 11.9 lifetime misconduct incidents. Of these incidents, 34 percent resulted in a public censure, 53 percent resulted in a temporary suspension
of the lawyer’s license, and 8 percent resulted in disbarment.

Given that 5 percent of lawyers have a misconduct record but there are 11.9 misconduct incidents for every 100 lawyers, many lawyers are repeat offenders. Panel A of Figure 2 shows the distribution of misconduct incidents, conditional on having at least one lifetime incident. I find that 21 percent of lawyers with a misconduct record are repeat offenders. Of those with at least one misconduct incident, roughly half have two incidents of misconduct. It is worth emphasizing, however, that in some states the current measure of misconduct likely counts continuations of a single incident as separate incidents. Therefore, this rate of re-offending likely overstates the true rate of re-offending.

It is possible that many lawyers have two misconduct incidents because the second offense leads to disbarment, in which case they are no longer at risk of another misconduct incident as a licensed lawyer. That being said, the fact that only 8 percent of actions are disbarment suggests that this is not a complete explanation. Another possibility is that disbarment tends to follow a three-strikes rule, and lawyers with two past incidents change their behavior to avoid disbarment from a third misconduct incident.

To assess these possibilities, Panel B of Figure 2 reports the number of misconduct incidents before disbarment. It shows that almost half of lawyers are disbarred on their first misconduct incident and that lawyers are rarely disbarred on their second misconduct incident. This provides no support for disbarment as an explanation for why the majority of lawyers with a misconduct record have two misconduct incidents. Panel B of Figure 2 also provides some evidence that disbarment follows a three-strikes rule: the rate of disbarment on a lawyer’s third misconduct incident is over 5 times the rate of disbarment on a lawyer’s second misconduct incident and is over 2 times the rate on a lawyer’s fourth misconduct incident.
To assess whether lawyers might be responding to the apparent three-strikes rule, Panel C of Figure 2 reports the number of lifetime misconduct incidents for lawyers who were never disbarred. Although the figure does not provide direct evidence, the fact that more than half of lawyers who are not disbarred have two misconduct incidents is consistent with the idea that lawyers with two past incidents change their behavior to avoid disbarment from a third misconduct incident.

5 Patterns of Lawyer Misconduct

This section documents the patterns of misconduct across lawyer demographics, the demographics of the populations where they practice, and over the business cycle. I report modified misconduct measures throughout. Because older cohorts have been at risk of a misconduct incident longer, comparisons of lawyers between cohorts are not apples-to-apples comparisons. To allow for the comparison of lawyers within the same cohort, I regress the misconduct measures on cohort fixed effects and recover residuals (adding back the average).

There are multiple explanations for the patterns below, some of which I discuss. It is worth noting that I cannot currently distinguish between different explanations. It is also worth noting that the sample in some of the analyses is restricted to the lawyers matched to Martindale Hubble. As discussed above, to be in the matched sample, a lawyer needed a profile as of 2013. As a result, the sample of lawyers in the matched sample is both younger and less likely to be disbarred than the overall lawyer sample. Therefore, misconduct rates in the matched sample are lower than in the overall sample.
5.1 Misconduct by Lawyer Demographics

Figure 3 reports a heat map of lawyer misconduct across the states in the sample. For this analysis, I am again interested in understanding misconduct over a lawyer’s lifetime, so I restrict the sample to lawyers who could have had at least a 20 year career. The figure shows that the percent of lawyers with any misconduct record over their career differs considerably across states. Four states in the sample (Kansas, Maryland, Nevada, and Pennsylvania) have less than 3 percent of lawyers with any misconduct record over their career. These rates are more than double in a handful of states, including Arizona, Iowa, Kentucky, Nebraska, and Oregon. It is worth noting that differences in misconduct between states could be explained either by more actual misconduct or by differences in enforcement between states. Below, much of my analyses draw on variation within a state over time, so any systematic differences in enforcement between states will not influence the results.

Next, Figure 4 reports misconduct by practice area. Most practice areas have lawyers with a similar rate of misconduct. For example, 13 of the 21 listed fields have a rate of misconduct between 2.5 percent and 4.5 percent. However, the figure also provides strong evidence of large differences in misconduct between some practice areas. For example, lawyers practicing in criminal law, bankruptcy law, family law, and tort law have a misconduct record six times the rate of lawyers practicing in antitrust and intellectual property, and double the rate of lawyers practicing in many other fields.

Finally, Figure 5 reports misconduct across additional lawyer characteristics. Panel A reports misconduct across cohorts of the full sample. It shows that lawyers that have practiced longer, who have been at risk of disciplinary action longer, have

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9State bars can differ in the extent of finding misconduct in general, but it is more likely that the level of misconduct that gives rise to disbarment is similar across states. The observed differences across states in Figure 3 carry over to the percent of lawyers that are disbarred. Figure A2 shows that even disbarment varies considerably across states, from as low as less than 0.5 percent in some states to above 1.5 percent in other states.
a higher rate of misconduct. For lawyers licensed since 1970, there is roughly a linear downward trend from 7 percent of lawyers with a misconduct record licensed in 1970 to 1 percent of lawyers licensed in 2010. The figure also shows that there is little variation in the misconduct of cohorts from one year to the next. This is especially the case for years after 1970 because of the larger sample sizes.

Panel B reports misconduct by the size of the employer reported in the Martindale Hubble profile. The Martindale Hubble data indicates whether the lawyer works for a big law firm. For employers larger than 200 employees, the figure is restricted to lawyers at law firms. One main take-away from Panel B is that lawyers working at big law firms rarely have a misconduct record, with less than 1 percent of lawyers at big law firms having a misconduct record. Another main take-away is that, compared to lawyers at big law firms, misconduct rates are higher by several orders of magnitude for solo practitioners and lawyers from small firms. Moreover, although not shown in the figure, the rate of misconduct for lawyers working at employers with over 200 employees that are not law firms is also orders of magnitude higher than the rate of lawyers at large law firms. Overall, the fact that lawyers working outside of big law firms, including at small law firms and in non-law firm settings, have a high rate of misconduct is consistent with the idea that lawyers with a record are pushed out of big law firms. It is important to note that differences in misconduct by firm size could be causal (e.g., large firms have policies that constrain behavior, or large firms more rigorousness defend lawyers when a complaint is made), a result of selection (e.g., lawyers in large firms have different clients, and reporting of misconduct varies across clients), or reflect differences in lawyer misconduct propensities (e.g., both misconduct and employer could be correlated with ability or financial stress). I currently cannot distinguish between these different explanations (see Section 7 for a further discussion and plans for future research).
Panel C reports misconduct for the 47 percent of lawyers who made political donations in the sample matched to Martindale Hubble. The measure of political ideology is the Campaign Finance score ("CFscore") from the Database on Ideology, Money in Politics, and Elections (Bonica, 2014). The panel reports average misconduct for 20 equally sized CFscore bins. The x-axis is the CFscore. A CFscore of 0 is the average ideology of the United States population of donors, and a larger CFscore indicates a more conservative ideology. From Panel C, there does not appear to be major differences in misconduct by political ideology.

Panel D reports misconduct across law school rank. I group law schools into 7 categories based on their 2018 ranking in the US News and World Report (in particular, the groups are law schools ranked 1-5, 6-10, 11-20, 21-30, 31-50, 51-100, and 101+). The panel shows that the rate of misconduct is higher as one moves down the law school ranking. For example, alumni of law schools ranked below 100 have a misconduct record at three times the rate of alumni of the top 10 law schools and more than two times the rate of alumni of law schools ranked 20 to 50. It is again worth noting that there are multiple explanations for these patterns, some of which are unrelated to underlying lawyer behavior. For example, lawyers from lower ranked schools could have different clients that are more likely to make a complaint against them, so the observed patterns could reflect differences unrelated to underlying behavior.

To further assess differences in misconduct between alumni of different law schools, I calculate the percentage of lawyers with a misconduct record at each law

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10 The CFscore is constructed from political contributions from local, state, or federal elections made between 1979 to 2016. It first places candidates on a scale based on common sets of donors, and then places donors on a scale based on who they donated to and how much they donated. The CFscore is an increasingly common measure used in research spanning fields in social science and has been validated against several different outcomes (Bonica, 2014; Bonica and Sen, 2017; Thomsen, 2014; Chilton and Posner, 2015; Wood and Spencer, 2016; Bonica, 2017; Chilton et al., 2018).

11 Figure A3 in the appendix reports the distribution of lawyer ideology in the matched sample.
school, excluding law schools where I observe less than 250 alumni. Figure 6 reports the distribution of lawyers with misconduct records across the law schools in the sample. It shows a wide distribution of the percent of alumni with a misconduct record across law schools. At some law schools, as low as 1 percent of alumni have a misconduct record. At other law schools, as much as 10 percent of alumni have a misconduct record.

5.2 Misconduct by Population Demographics

I now turn from presenting evidence on misconduct across lawyer demographics to presenting evidence on misconduct across population demographics where lawyers practice. To do so, I use lawyers’ current zip code from the lawyer-level webpages. I restrict the sample to lawyers who reside in the state that they are licensed in, which avoids small samples of lawyers.

Note that I only observe current zip code but I use misconduct back in time, which could have taken place in a different zip code. Therefore, this analysis studies where lawyers with a misconduct record currently practice. Although it would be important to understand where misconduct occurs, which the current data cannot shed light on, it is also important to understand where lawyers with a misconduct record tend to practice.

Above, the analysis was at the lawyer-level. This was because I was interested in understanding differences in misconduct between different types of lawyers. Here, I am interested in understanding differences in lawyer misconduct between populations where lawyers practice, and older lawyers who are more likely to have a misconduct record could be more likely to practice in specific areas. To avoid such differences in lawyer demographics driving differences in misconduct between areas, I use the average number of misconduct incidents each year by active lawyers. To calculate the
misconduct measure, I construct an annual panel of lawyer misconduct by assuming a 30-year law career from the year the lawyer was admitted to the bar.

I match the average misconduct in an area to population-level data. I assess misconduct by annual median income, the percentage of the population below the poverty line, the unemployment rate, and the percent of the population over age 65. For these analyses, I use data compiled by the National Cancer Institute (2018). Next, I assess misconduct by population health using an index of health ranking from the Robert Wood Johnson Foundation County Health Ranking (2018). Finally, I assess misconduct across urban and rural areas using the urban-rural classification system from the National Center for Health Statistics (2013). The population-level data is at the county level. From the lawyer-level misconduct data, I use a crosswalk between zip codes and counties to match each zip code to the relevant county. I then match the population-level data to the relevant county. Because 5-digit zip codes would lead some zip codes to have very few lawyers, I calculate the average of the population-level data and misconduct measure at the 3-digit zip code level.

Figure 7 reports binned scatterplots of misconduct by several attributes of the populations where lawyers practice. Panel A reports misconduct by median income, Panel B reports misconduct by the percent of the population below the poverty line, and Panel C reports misconduct by the unemployment rate. The panels show a clear positive relationship between where lawyers with a misconduct record practice and income and employment in the area. In terms of income and poverty, lawyers in the poorest areas have roughly double the rate of misconduct than lawyers in the highest income areas.

Panel D reports misconduct by the percentage of the population over age 65. The panel provides no evidence that misconduct is concentrated in areas with a larger share of the population over age 65. Panel E reports misconduct by the health
index. The panel provides some evidence of higher rates of lawyers with a misconduct record in the areas of the country with the least healthy residents, but the differences are much smaller than the differences related to income.

Panel E reports misconduct across urban and rural areas. On the x-axis, a higher value represents a more rural area. The panel provides evidence that misconduct is more prevalent in rural areas. Comparing the two most urban categories (large cities) to the three most rural categories, the rate of lawyers with a misconduct record is roughly 50 percent higher in rural areas than in large cities.

5.3 Determinants of Misconduct

Next, I investigate a potential determinant of misconduct: local economic conditions. For lawyers owning their own private practice, an economic downturn could lead to less work. For lawyers with an employer, an economic downturn could cause them to lose their job. In either of these cases, an economic downturn in the area could drive lawyers to perform types of work that they are less capable of performing, which could lead to professional misconduct, or it could lead them to intentionally behave in a manner that leads to disciplinary action.

To assess whether changes in local economic conditions are associated with higher rates of misconduct, I use local economic conditions at the 3-digit zip code level. I restrict the sample to active lawyers in the same state as they are licensed in and zip codes where there are at least 50 lawyers in each year. The unit of analysis is the zip-year. As discussed above, I observe the date the discipline was taken rather than the date of the misconduct, and one would expect at least some lag between the misconduct and disciplinary action due to delays in the reporting and investigation of the misconduct. Therefore, I assess unemployment from the previous year and discipline in the current year.
Figure 8 reports a binned scatterplot. The x-axis is the unemployment rate in a 3-digit zip code in the previous year. The y-axis is the number of misconduct incidents per 1,000 lawyers in the current year. To construct the figure, both the x-variable and y-variable are residualized by zip code fixed effects, implying that the figure can be interpreted as within-zip code changes in both unemployment and misconduct. Table 3 reports the regression results. The specifications in Columns 2 and 3 include zip code fixed effects, so the estimates provide the effect of changes in unemployment within a zip code on misconduct.

I find that local economic conditions are associated with higher rates of misconduct. In Column 2 that includes only zip code fixed effects, I find that a 1 percentage point increase in the unemployment rate is associated with 1.6 more disciplinary actions per 1,000 lawyers taken in the next year. After controlling for year fixed effects in Column 3, the estimate reduces to 0.74. Relative to a mean of 18 disciplinary actions per 1,000 lawyers, these estimates represent an increase in misconduct by between 4 and 9 percent for each 1 percentage point increase in the unemployment rate.

6 Requirements for Misconduct Training

This section assesses whether professional responsibility training deters misconduct. The Multistate Professional Responsibility Examination (MPRE) is an exam intended to “measure the knowledge and understanding of established standards related to a lawyer’s professional conduct” (National Conference of Bar Examiners, 2019). As of 2018, all but two states—Maryland and Wisconsin—require applicants to the state bar to take the exam and achieve some minimum passing score. Scores are scaled and range between 50 and 150, with the median score intended to be 100. States requiring the exam differ in the minimum score required to pass the exam, currently from as low
as 75 in a handful of states to 86 in California and Utah.

The MPRE was first administered in 1980. Since then, states gradually adopted the MPRE requirement. I complied data on annual state MPRE requirements from the Bar Examination and Admissions Statistics published each year in the National Conference of Bar Examiner’s Bar Examiner magazine. In this section, I assess the effect of MPRE requirements on lawyer misconduct. To do so, I exploit two sources of variation. First, I exploit states’ adoption of MPRE requirements. Of the states that have adopted an MPRE requirement since 1980, I have misconduct data around 17 of the adoptions. Second, I exploit within-state changes in the minimum passing MPRE score. States with an MPRE requirement already in place have increased the minimum passing score on 24 occasions, ranging from a 4 unit increase to a 10 unit increase. Of these changes, I have misconduct data around 9 of the changes.

6.1 Research Design

To estimate the effects of the MPRE on misconduct, I use two difference-in-differences approaches. In the first approach, I use the panel structure of the data and estimate a generalized difference-in-differences research design in Equation 1.

$$y_{sc} = \alpha + \beta \text{MPRE}_{sc} + \psi_c + \eta_s + \delta_{sc} + \epsilon_{sc}$$ (1)

for state $s$ for cohort $c$. The dependent variable $y_{sc}$ is the average number of lifetime misconduct incidents of the state-cohort. Equation 1 includes cohort fixed effects $\psi_c$, state fixed effects $\eta_s$, and state time trends $\delta_{sc}$. MPRE$_{sc}$ is the required MPRE score.

---

12This publication has annual MPRE minimum scores by state going back to 1987. The National Conference of Bar Examiners provided me with the MPRE requirements for the years 1980 to 1986. Figure A4 in the Appendix reports minimum scores for each state since 1980.
Because bar candidates usually take the MPRE the year before they take the bar,\textsuperscript{13} I use the MPRE requirement in the year before candidates are admitted to the bar.

In this panel data analysis, I define the variable MPRE in two different ways. First, I define the MPRE as the minimum score required, where the MPRE takes a value of zero if the state does not require the MPRE. This specification estimates the effect of the MPRE on misconduct using variation in both the adoption of the MPRE and any subsequent changes in minimum scores. Second, I define the MPRE as an indicator variable for whether the state requires the MPRE. This specification estimates the effect of the MPRE on misconduct using variation only in the adoption of the MPRE requirement.

In the second and preferred approach, I use an event study research design. I define an event as the adoption of the MPRE or any subsequent change in the minimum score, and I define event time as the year relative to the event. I use an event window of five years before and after the event. For a given event, the treated state is the state that changed the MPRE requirement and the control states are all other states. I create a balanced panel of events by excluding events and control states where I do not observe misconduct in the state for the entire event window, and I exclude control states if they adopted or changed their MPRE requirement within the event window.

In this event study research design, I compare changes in misconduct in the treated and control states from before to after the change in the MPRE requirement by estimating Equation 2.

\[
y_{sct} = \alpha + \beta\text{MPRE}_{sce} + \psi_t + \eta_s + \phi_e + \sigma_c + \delta_{se} + \epsilon_{sct} \tag{2}
\]

for state \(s\), event \(e\), cohort \(c\), and event time \(t\). \text{MPRE}_{sce} is the minimum MPRE score.

\textsuperscript{13}It is common for law students take the MPRE during the summer after their second year of law school.
Equation 2 includes event time fixed effects $\psi_t$, state fixed effects $\eta_s$, event effects $\phi_e$, and cohort fixed effects $\sigma_c$. In the preferred specification, I include state-event fixed effects $\delta_{se}$. $\beta$ is the coefficient of interest, indicating the effect of a 1 unit increase in the MPRE minimum score on misconduct.

This stacked event study framework creates several dimensions of correlation in the error terms, which need to be accounted for by clustering standard errors. First, a given state-year can show up multiple times because the stacked event study design creates a set of control states for each event. To accommodate for the correlation between the error terms for the repeated observations, I cluster standard errors by state. Second, there can be common shocks in all the states in a given year, so I additionally cluster standard errors by year. Third, the set of control states is selected at the event level. To accommodate for the correlation between the error terms within a given event, I additionally cluster by event. I perform multi-way clustering using the approach in Correia (2016). This conservative approach to clustering standard errors reflects the statistical uncertainty that exists and typically decreases statistical power relative to other ways of clustering.

The key identifying assumption in these difference-in-differences approaches is that misconduct would develop similarly over time in the treated and control states. To assess this parallel trends assumption, I calculate average misconduct in the treated and control series in each event time. Figure 9 reports an event study of the average of these treated and control series. The figure provides visual evidence for the parallel time trends assumption.

6.2 Results

Figure 10 investigates differences between the treatment and control states in each event time. It provides a regression analog of Figure 9 that controls for differences
in misconduct between states and events. In particular, I regress misconduct on state fixed effects, year fixed effects, event time fixed effects, and interactions between event time indicators and the treated state. Figure 10 plots the coefficients on the interactions with 90 percent standard error bars, divided by the average misconduct rate to get a percent interpretation. The reported coefficients indicate the difference in misconduct between the treated and control states in each of the event times. The figure provides evidence that misconduct decreases after changes in MPRE requirements.

Next, Table 4 provides the results of the generalized difference-in-differences design using the panel data. In Columns 1 and 2, the right hand side variable is the minimum MPRE score. In Columns 3 and 4, the right hand side variable is an indicator for whether the state requires the MPRE in the given year. Although the estimates do not reach statistical significance, the point estimate in each specification is negative.

Finally, Table 5 reports the results of the preferred stacked event study research design. Columns 1 and 2 focus on the adoption events. The point estimate indicates the change in the average number of lifetime misconduct incidents from a 1 unit increase in the MPRE minimum score. The average MPRE minimum score for the adoption events is 74, so the point estimate in Column 1 indicates that the average MPRE adoption decreases misconduct by 21 percent (0.42×74/152). Columns 3 and 4 include both adoption and change events. Although the point estimates do not reach statistical significance, they are consistent with the results in Columns 1 and 2.

Taken together, the results suggest that misconduct training meaningfully decreases misconduct. Although the point estimates do not reach statistical significance in all specifications, they are always negative and are statistically significant in the preferred research design.
6.3 Robustness Checks

One concern is that states simultaneously changed both their MPRE requirements and other (unobserved) rules that would likely decrease misconduct. However, because I use a lifetime measure of misconduct for the cohorts of lawyers admitted to the bar after changes in the MPRE requirement, the measure of misconduct is not highly influenced by what happens in the years directly after changes in the MPRE requirements. As a robustness check, I exclude misconduct within the first 5 years of being admitted to the bar, which further alleviates the concern, and find consistent results.

Another concern is that changes in MPRE requirements within a state are endogenous to lawyer misconduct within that state. One possibility is that rates of lawyer misconduct in a state drive the state to adopt or strengthen its MPRE requirement. To assess this possibility, I investigate whether states that were earlyadopters of the MPRE are the ones that might have benefited from it the most. In particular, I investigate whether higher rates of misconduct in a state before the MPRE was available is associated with the number of years that passed before the state adopted the MPRE. The results are reported in Table A1 in the Appendix and provide no evidence that changes in MPRE requirements are endogenous to systematic differences in lawyer misconduct between states.\footnote{In the specification, I regress the number of years between when the state could have adopted the MPRE (1980) and the year that they actually adopted on the average number of disciplinary actions against active lawyers in the 5 years before the MPRE existed (that is, from 1975 to 1980). I run similar tests but replace the outcome of the number of years since 1980 to adoption of the MPRE with a dummy for whether the state had adopted by the MPRE as of each year from 1980 to 1990 (not shown). For example, I regress whether the state adopted the MPRE as of 1980 on the average number of disciplinary actions against active lawyers from 1975 to 1980. The point estimates are positive in some specifications and negative in others, but in no case are they statistically significant.}

Another possibility is that states respond to recent spikes in misconduct by changing the MPRE requirement. To assess this possibility, I investigate whether
recent changes in misconduct predict changes in MPRE requirements. The results are reported in Table A2 in the Appendix and provide no evidence that changes in MPRE requirements are endogenous to recent changes in lawyer misconduct.\footnote{In particular, I calculate for each state-year the average misconduct rate from the three years before the current year and calculate the average misconduct rate in the 10 years before to 4 years before the current year. The difference indicates recent changes in misconduct. I regress a dummy for state adoption in a given year on this measure, dropping states after the year they adopted the MPRE. I repeat this exercise for the outcome of an increase in the MPRE minimum score, dropping states before they have adopted the MPRE (not reported). For both these exercises, I played around with different definitions of recent changes in misconduct, such as the change from two years ago to last year, and find no evidence that recent changes in misconduct drive changes in MPRE requirements.}

Overall, the results provide no evidence that the staggered adoption and changes in MPRE minimum scores are endogenous to rates of misconduct in the state.

7 Plans for Future Research

The current draft is a proof-of-concept. For the reasons discussed below, the results are subject to change. To help move beyond the proof-of-concept, I plan to address several current data limitations. I also plan to pursue additional research questions.

7.1 Limitations

Currently, there are several potentially important data limitations. First, only some states identify the other states a lawyer is licensed in, so I am likely over-counting misconduct because the same misconduct incident likely gives rise to a disciplinary action in each state a lawyer is licensed in. Some evidence from previous studies suggests that I currently overstate the rate of misconduct by between 2 and 10 percent. In particular, Hatamyar and Simmons (2004) studied all disciplinary actions in the United States in 2000 and identified 82 out of 3575 as reciprocal discipline cases, and Curtis and Kaufman (2004) find that roughly 10 percent of disciplined lawyers in
Florida from 1988 to 2002 were out of state lawyers.

Second, the measure of misconduct likely counts continuations of a single incident as separate incidents in at least some states, so I am likely overcounting misconduct. This is particularly important for the results on re-offending, and implies that the estimated 79 percent re-offending rate is potentially greatly overstated.

Third, only some states allow me to observe when each lawyer went inactive, so I am unable to directly observe the number of active lawyers in a given state-year. This introduces measurement error into the rate of misconduct in some of the analyses.

Fourth, only some states allow me to distinguish disciplinary actions arising in connection with the practice of law, such as misappropriations of client funds, from disciplinary actions arising from acts unrelated to the practice of law, such as criminal offenses. Although acts unrelated to the practice of law likely harm public perceptions of the legal profession, most analyses of misconduct in other professions focus on acts related to employment (e.g., Egan et al., 2019; Rozema and Schanzenbach, 2019). Therefore, the evidence presented here cannot be directly compared to misconduct in other professions because my current measure of misconduct overstates the true amount of misconduct in connection with the practice of law. My goal is to create separate measures of misconduct, one for acts in connection with the practice of law and another for acts unrelated to the practice of law.

Fifth, I do not have information about the timing, location, and other details of misconduct in all states. This means that, among other things, my current comparisons between states is less than ideal. My goal is to establish more detailed information about each misconduct incident by having research assistants code the following information from the disciplinary action opinions: the date of the incident (currently, I use the date of the disciplinary action), where the incident occurred (currently, I use the state the lawyer was licensed in), the length of suspensions, and the
type of party in the misconduct incident (e.g., individual, small business, corporation).

Sixth, some states that are not in my sample make disciplinary actions available to the public, but these states either have strong webscraping barriers or only have misconduct on individual case files that are difficult to parse with an automated script. My goal is to extend the number of states in my sample through either further webscraping of information posted on state websites or trying to obtain data directly from states.

7.2 Additional Research Questions

I want to pursue at least 10 additional research questions. First, I want to investigate whether misconduct along one dimension, such as drunk driving, predicts misconduct along other dimensions, such as misappropriation of client funds. Given that “[t]he purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain the highest possible professional standards for attorneys,”\(^\text{16}\) this knowledge would help state bars design professional responsibility rules and inform the type of discipline that might be justified for different types of misconduct.

Second, I want to investigate where lawyers work when the misconduct incident occurred (e.g., big or small law firm). Currently, I only observe the lawyer’s employer as of the time I scraped the webpages. Understanding where lawyers are employed when the misconduct incident occurred has policy implications because outreach programs and/or resources can be directed to the types of lawyers at higher misconduct risk.

Third, I want to investigate whether state bar exam standards influence misconduct. Heightened requirements for passing the bar exam might be expected to

\(^\text{16}\text{Chadwick v. State Bar (1989) 49 Cal.3d 103, 111.}\)
filter out lawyers at a higher risk of a misconduct incident. To study this question, I plan to use within-state variation in minimum bar passage scores and assess the misconduct of cohorts of lawyers passing the bar from before and after the changes. I also want to investigate whether bar exam standards influence different types of misconduct, and, in particular, misconduct based on incompetence (similar to what is done in Kinsler, 2017). This analysis would be relevant to a 2019 ABA rule that law schools must have at least 75 percent of graduates passing bar exams to be ABA approved. It also relates to a debate about how tough the bar exam should be and what the bar exam is trying to accomplish.

Fourth, I want to investigate whether the level of punishment in disciplinary actions influences recidivism. To study this question, the data I have needs to be extensively cleaned so that I can observe different lengths of suspension. Because suspension length is endogenous to the severity of the misconduct, I would attempt to establish exogenous variation in suspension length by using random assignment of panel members to misconduct cases. Although I currently do not know if any state randomly assigns panel members, I imagine some states do.

Fifth, I want to investigate whether public posting of misconduct influences misconduct and recidivism. Many states now post the misconduct history of lawyers on their webpages (which might even be considered a form of public shaming). This changes the incentives to behave in accordance with the rules of professional responsibility and can influence both first time misconduct and recidivism. Publicly posting misconduct could prevent misconduct or could backfire and cause it. For example, websites could lead a lawyer with a misconduct history to lose work and, as a result, behavior improperly to make up the difference in income. Understanding the effect of public websites on misconduct has clear policy implications related to the extent that states should make misconduct information easily accessible to the public.
Sixth, I want to investigate the effect of misconduct on the matching of lawyers to clients. This is important because there can be distributional effects of misconduct. For example, it is possible that lawyers with a misconduct record are sorted away from wealthy clients—who might be more informed about which lawyers have a misconduct record—to less wealthy clients—who might have less information. For this analysis, I want to obtain data on cases filed and the parties and lawyers involved. There are potentially several data sources for this information, including PACER records.

Seventh, I want to investigate how lawyer financial stability influences misconduct and how discipline influences lawyer financial stability. These analyses would inform the extent to which different levels of punishments should be taken. On the one hand, if lawyers who are suspended or disbarred do not suffer large losses or fluctuations in income, such as by performing non-legal work, the low social costs could justify harsher punishments. On the other hand, if lawyers who are suspended or disbarred suffer large losses in income and cannot find other employment, the high social costs of punishments could justify more lenient punishments. As a proxy for financial stability, I want to use bankruptcy filings from Gross et al. (2014).

Eighth, I want to investigate the extent that lawyer discipline causes lawyers to move their law practice to another state. For this, I plan on identifying lawyers in a state that either were disbarred or resigned while an investigation was pending, and then investigate whether they moved to another state to practice law.

Ninth, I want to further investigate questions regarding the relationship between misconduct and employment. In particular, I want to investigate the labor market consequences of having a misconduct history. Currently, I find that lawyers with a misconduct record are not usually employed at large law firms, but it’s possible that they never worked at large firms. For this analysis, I plan to collect annual
employment data.

Finally, I want investigate both the extent that bar applicants’ background, including previous criminal convictions and financial problems, predicts future misconduct and the extent that the character and fitness process identifies candidates who are at higher risk of a misconduct incident. This would build on previous work by Levin et al. (2013).
References


Table 1: Empirical Literature on Lawyer Misconduct

<table>
<thead>
<tr>
<th>Article</th>
<th>Sample Size</th>
<th>Jurisdiction</th>
<th>Time Span</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee (2020)</td>
<td>410*</td>
<td>USPTO</td>
<td>2003-2018**</td>
</tr>
<tr>
<td>Levin et al. (2013)</td>
<td>1,343</td>
<td>Connecticut</td>
<td>1989-1992</td>
</tr>
<tr>
<td>Baer and Corneille (1992)</td>
<td>52*</td>
<td>Minnesota</td>
<td>Pre-1990</td>
</tr>
<tr>
<td>Carlin (1966)</td>
<td>801</td>
<td>New York City</td>
<td>Pre-1966</td>
</tr>
</tbody>
</table>

Sample size indicates the number of lawyers in the sample. * indicates that the sample size is reported as the number of misconduct incidents in the sample, defined as the number of misconduct findings rather than the number of complaints filed. Time span indicates the years that lawyers in the sample were licensed. ** indicates that the time span is reported as the years of misconduct in the sample.
Figure 1: Lawyers in Sample by State and Year of Admission

A. Sample Size by State

B. Sample Size by Year Admitted to the Bar
Table 2: Prevalence of Lifetime Lawyer Misconduct

<table>
<thead>
<tr>
<th>Type of Disciplinary Action</th>
<th>Percent of Lawyers</th>
<th>Number of Incidents Per 100 Lawyers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer Misconduct</td>
<td>5.0</td>
<td>11.9</td>
</tr>
<tr>
<td>Public Censure</td>
<td>1.9</td>
<td>4.0</td>
</tr>
<tr>
<td>Suspension</td>
<td>2.8</td>
<td>6.3</td>
</tr>
<tr>
<td>Resignation Pending Charges</td>
<td>0.6</td>
<td>0.6</td>
</tr>
<tr>
<td>Disbarment</td>
<td>1.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

37
Figure 2: Variation in Misconduct Incidents between Lawyers

A. Lifetime Misconduct Incidents

B. Misconduct Incidents Before Disbarment

C. Misconduct Incidents For Non-Disbarred Lawyers

Notes: The current measure of misconduct likely counts continuations of a single incident as separate incidents in some states. Therefore, the rate of re-offending implied by the figure likely overstates the true re-offending rate.
Figure 3: Heat Map of Misconduct by State
Figure 4: Misconduct by Practice Area
Figure 5: Misconduct by Lawyer Demographics

A. Cohort

B. Size of Law Firm

C. Political Ideology

D. Law School Rank
Figure 6: Misconduct Across Law Schools

![Figure 6: Misconduct Across Law Schools](image)
Figure 7: Misconduct by Where Lawyers Practice

A. Median Income

B. Poverty

C. Unemployment

D. Age

E. Health Index

F. Urban-Rural Scale
Figure 8: Misconduct and Changes in Local Economic Conditions

Notes: The figure is a binned scatterplot. The x-axis is the unemployment rate in a 3-digit zip code in the previous year. The y-axis is the number of misconduct incidents per 1000 lawyers in the current year. To construct the figure, both the x- and y-variables are residualized by zip code fixed effects, implying that the figure can be interpreted as within-zip changes in both unemployment and misconduct.
Table 3: Misconduct and Changes in Local Economic Conditions

<table>
<thead>
<tr>
<th>Unemployment Rate Last Year</th>
<th>Rate of Misconduct Per 1000 Lawyers</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1.35***</td>
<td>1.55***</td>
<td>0.74*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.18)</td>
<td>(0.30)</td>
<td>(0.41)</td>
</tr>
<tr>
<td>Zip Code FE</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Year FE</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>11,579</td>
<td>11,579</td>
<td>11,579</td>
<td></td>
</tr>
<tr>
<td>Dep Var Mean</td>
<td>18.20</td>
<td>18.20</td>
<td>18.20</td>
<td></td>
</tr>
</tbody>
</table>

Notes: Standard errors in parentheses and are corrected at the zip code level. * p<0.1, ** p<0.05, *** p<0.01.
Notes: The figure shows lawyer misconduct in the treatment and control states around changes in states’ MPRE requirements.
Figure 10: MPRE Event Study: Difference between Treated and Control States

Notes: The figure shows the difference in lawyer misconduct between the treatment and control states in each event time around changes in states’ MPRE requirements. The line provides regression estimates that controls for differences in misconduct between states, events, and event time. The reported estimates are on interactions between event time indicators and the treated state, divided by the average misconduct rate. The reported coefficients indicate the difference in misconduct between the treated and control states in each of the event times (with 90 percent standard error bars).
Table 4: Panel Regression of the Effect of MPRE Requirements on Lawyer Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Lifetime Misconduct Incidents</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>MPRE Minimum Score</td>
<td>-0.20</td>
<td>-0.15</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.24)</td>
<td>(0.12)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any MPRE Requirement</td>
<td></td>
<td>-13.46</td>
<td>-10.72</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(18.68)</td>
<td>(9.74)</td>
<td></td>
</tr>
<tr>
<td>Year FE</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>State FE</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>State Time Trends</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>N</td>
<td>681</td>
<td>681</td>
<td>681</td>
<td>681</td>
</tr>
<tr>
<td>Dep Var Mean</td>
<td>85.50</td>
<td>85.50</td>
<td>85.50</td>
<td>85.50</td>
</tr>
</tbody>
</table>

Notes: Standard errors in parentheses and are corrected at the state level. * p<0.1, ** p<0.05, *** p<0.01.
Table 5: Stacked Event Study of the Effect of MPRE Requirements on Lawyer Misconduct

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Lifetime Misconduct Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td>MPRE Minimum Score</td>
<td>-0.42**</td>
</tr>
<tr>
<td></td>
<td>(0.17)</td>
</tr>
<tr>
<td>Year FE</td>
<td>Yes</td>
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<tr>
<td>State FE</td>
<td>Yes</td>
</tr>
<tr>
<td>Event Time FE</td>
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<tr>
<td>Event FE</td>
<td>Yes</td>
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<tr>
<td>State × Event FE</td>
<td>No</td>
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<tr>
<td>N</td>
<td>1,936</td>
</tr>
<tr>
<td>Dep Var Mean</td>
<td>151.95</td>
</tr>
</tbody>
</table>

Notes: Standard errors in parentheses and are corrected at the state, year, and event levels. * p<0.1, ** p<0.05, *** p<0.01.
Appendix A: Additional Results

Figure A1: Lawyers in Sample by State-Year Admitted to the Bar
Figure A2: Heat Map of Disbarment by State
Figure A3: Distribution of Lawyer Ideology
Figure A4: MPRE Minimum Passing Score by State
Table A1: Systematic Difference in Misconduct between Year of Adopting the MPRE

<table>
<thead>
<tr>
<th></th>
<th>Years to Adopt MPRE</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td>Any Disciplinary Action</td>
<td>2.11</td>
</tr>
<tr>
<td>Number of Disciplinary Actions</td>
<td>-21.21</td>
</tr>
<tr>
<td>Percent Disbarred</td>
<td>5.92</td>
</tr>
<tr>
<td>N</td>
<td>17</td>
</tr>
<tr>
<td>Dep Var Mean</td>
<td>9.71</td>
</tr>
</tbody>
</table>

Notes: * p<0.1, ** p<0.05, *** p<0.01.
Table A2: Within-State Changes in Misconduct and MPRE Adoption

<table>
<thead>
<tr>
<th></th>
<th>Adopted the MPRE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
</tr>
<tr>
<td>A. Any Disciplinary Action</td>
<td></td>
</tr>
<tr>
<td>Change in Any Disciplinary Actions</td>
<td>-0.51 0.85 1.91</td>
</tr>
<tr>
<td></td>
<td>(1.69) (1.45) (1.99)</td>
</tr>
<tr>
<td>B. Number of Disciplinary Actions</td>
<td></td>
</tr>
<tr>
<td>Change in Number of Disciplinary Actions</td>
<td>-0.96 -0.11 0.33</td>
</tr>
<tr>
<td></td>
<td>(1.38) (1.49) (1.82)</td>
</tr>
<tr>
<td>C. Disbarment</td>
<td></td>
</tr>
<tr>
<td>Change in Percent Disbarred</td>
<td>3.10 10.50 10.57</td>
</tr>
<tr>
<td></td>
<td>(8.26) (7.01) (9.35)</td>
</tr>
</tbody>
</table>

Covariates

<p>| | |</p>
<table>
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<tr>
<td>State FE</td>
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<tr>
<td>Dep Var Mean</td>
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Notes: * p<0.1, ** p<0.05, *** p<0.01.
Appendix B: Explanation of State Websites and States in the Sample

To understand how the data was compiled and why some states are not in the sample, the degree of information contained on state bar websites can be grouped into five categories. First, some states do not have lawyer webpages available to the public. Second, some states have lawyer webpages but have webscraping barriers making it difficult or impractical to scrape. These types of states are not in my sample. Third, some states have misconduct information on individual lawyer webpages. Fourth, some states have lawyer-level webpages without information on misconduct but make separate files with misconduct information publicly available. These states have identifiers on the disciplinary actions, such as bar number or name, that allow me to match to the lawyer-level webpages. Fifth, some states have lawyer-level webpages without any or all of the information on misconduct but have links to other misconduct-level webpages or files that contain the actual content of the disciplinary action. For these states, I scraped the other webpages/files and parsed the files for the date of the disciplinary action, the type of the disciplinary action (e.g., suspension, disbarment), and an identifier to match the disciplinary action to the lawyer-level webpages.