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1-1-2009

### Not Our Mother's Law School?: A Third-Wave Feminist Study of Women's Experiences in Law School (with Kelly Hradsky, Kristen Jeschke, LaVonne Meyer & Jill Roberts)

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#### Recommended Citation

Felice J. Batlan, Kelly Hradsky, Kristen Jeschke, LaVonne Meyer & Jill Roberts, *Not Our Mother's Law School?: A Third-Wave Feminist Study of Women's Experiences in Law School (with Kelly Hradsky, Kristen Jeschke, LaVonne Meyer & Jill Roberts)*, 39 U. Balt. L.F. 124 (2009).

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## ARTICLE

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### NOT OUR MOTHER'S LAW SCHOOL?: A THIRD-WAVE FEMINIST STUDY OF WOMEN'S EXPERIENCES IN LAW SCHOOL<sup>1</sup>

By: Felice Batlan, PhD, Kelly Hradsky, Kristen Jeschke, LaVonne Meyer, Jill Roberts<sup>2</sup>

#### I. INTRODUCTION

This article is about a journey and a process as much as it is about a product. In spring 2007, as part of our Gender and the Law class at Chicago-Kent College of Law, we read portions of Lani Guinier's *Becoming Gentlemen: Women, Law School, and Institutional Change*, as well as more recent studies regarding women's experiences in law school.<sup>3</sup> Guinier's book generated strong reactions. Of the twenty-two women in the class, about three-quarters of them deeply related to the sense of alienation that the women law students at the University of Pennsylvania Law School spoke of in Guinier's work. Many of the Chicago-Kent students commented that they wished they had read the article earlier in their law school careers, as they had assumed their own feelings of alienation, depression, and sinking confidence were individual problems. Importantly, Guinier blamed women law students' problems on the law school as an institution rather than on personal pathologies. Yet, about a quarter of the class strongly felt that they had not experienced discrimination or feelings of alienation in law school and that the sentiments that dissatisfied women law students experienced were shared by all students — men *and* women.

This prompted a number of questions: Had women's experiences in law school changed since Guinier and her colleagues first undertook their study in 1994? Were women's experiences at Chicago-Kent different than those at more prestigious schools, especially since

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1 The title refers to ASTRID HENRY, *NOT MY MOTHER'S SISTER: GENERATIONAL CONFLICT AND THIRD-WAVE FEMINISM* (2004).

2 The authors are a professor and, at the time the article was written, four third-year students at Chicago-Kent College of Law. We want to thank all the students who participated in our survey and provided us with comments. We also appreciate the support of Dean Harold Krent, Assistant Dean Steven Sowle, and Nicole Vilches. Special thanks to Margaret Johnson and the University of Baltimore Law School for organizing an extraordinary conference.

3 See, e.g., LANI GUINIER, MICHELLE FINE, & JANE BALIN, *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* (Beacon Press 1997) (1994).

Chicago-Kent had admitted women since the 1890s? As we began contemplating conducting our own survey of student experiences at Chicago-Kent and its correlation to gender, a number of issues emerged. We wondered how we could employ a feminist methodology in conducting our work and how the survey might be animated by feminist theory. Conscious of our own roles and motives, we understood that we, in many ways, were both the subjects and the beneficiaries of our own experiment. By working cooperatively in a close group composed of four women students and a professor on issues concerning our own lived experiences, we were enacting many of the suggestions that a variety of gender studies had made for creating a more amiable environment for women law students. Thus, as we sought to examine other students' gendered experiences during law school, we were exploring and transforming our own.

This Article proceeds as follows: Part II discusses how we attempted to define and use a third-wave feminist methodology in creating our gender survey. Deeply cognizant of the importance of autobiography to third-wave feminism, Part III includes our own stories about our experiences in law school. Part IV presents the results of our study and Part V sets forth a series of recommendations for improving men and women's experiences in law school. The Conclusion sums up what we have learned from our study and its broader implications.

## II. THIRD-WAVE METHODOLOGIES

In the course of our work, we became intrigued by the question of whether there is a third-wave feminist methodology and how the substance of third-wave feminism might inflect our work. If the *substance* of third-wave feminism poses significant difficulties, whether a third-wave methodology exists is even more complex, and few third-wave authors address this issue.<sup>4</sup> Furthermore, where third-wave feminism's emphasis on cultural production, sex, pleasure, and desire might readily provide an analysis of the legal treatment of pornography, sexual identity, or even depictions of lawyers in contemporary culture, it is more difficult to understand how it might inform a study of students' gendered experiences at law school — a

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<sup>4</sup> Bridget Crawford attempts to address issues of methodology in third-wave feminism. She identifies personal storytelling, coalition building, and the use of media and technology. Bridget Crawford, *Toward A Third-Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure*, 14 MICH. J. GENDER & L. 99, 125 (2007).

decidedly “non-hip” institution.<sup>5</sup> Indeed, a Westlaw search of “third-wave feminism” returned only twenty-two results, indicating that third-wave feminism has not made great inroads into legal scholarship. Accordingly, as we crafted our gender study, we found ourselves drawing upon second-wave feminist methodology while also improvising and creating a third-wave feminist methodology.

On the most simplistic level, third-wave feminism is generational, referring to feminists born too late to participate in the women’s liberation movement of the 1960’s and 1970’s. Third-wave feminists are instead the beneficiaries of the incomplete inroads into the process of the women’s movement’s dismantling of patriarchy. In other words, third-wave feminists came of age in a world in which formal *de jure* gender equality was close to being realized, even though *de facto* gender equality remains elusive.<sup>6</sup> If we simply define the third-wave as marked by generations, then all of the authors of this work are third-wave feminists. However, identifying third-wave feminism in this way is too simplistic and provides little help in fleshing out either the methodology or substance of third-wave feminism.

What is evident is that much of third-wave feminist writing is autobiographical and our project is informed by autobiography.<sup>7</sup> It grew out of our own law school experiences and we specifically write in a deeply personal way of how we experienced law school as women. As feminist legal theorists know, autobiography is especially important in writing about law. The personal disrupts the law’s claim to neutrality and corrects for conventional legal discourse, which erases a situated and gendered person in favor of an abstract, rights-bearing individual. Personal narratives further emphasize how the author is multiply situated and challenges legal argumentation that privileges seemingly objective knowledge rather than personal experience.<sup>8</sup> Autobiography, however, can be limiting, which leads us to wonder why it has been third-wave feminism’s preferred form. Perhaps this gestures towards third-wave feminists’ aversion to

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5 Third-wave feminists have analyzed topics such as girl power, female action heroes, and cyborgs. See STACY GILLIS ET AL., *THIRD-WAVE FEMINISM: A CRITICAL EXPLORATION* (Palgrave Macmillan 2004).

6 See Ednie Kaeh Garrison, *Contests for the Meaning of Third-wave Feminism: Feminism and Popular Consciousness*, in GILLIS, *supra* note 5, at 24 (on defining the third-wave feminist age cohort).

7 See, e.g., HENRY, *supra* note 1, at 43 (remarking upon the importance of autobiography to third-wave feminism); see also Crawford, *supra* note 4, at 126 (stating that third-wave’s use of autobiography is one of “its greatest strengths and its greatest weaknesses.”).

8 See Martha Minow, *Perspectives on our Progress: Twenty Years of Feminist Thought: The Young Adulthood of a Women’s Law Journal*, 20 HARV. WOMEN’S L. J. 1 (discussing importance of personal narrative in legal texts).

essentializing women's experiences — that is, imagining that all women are the same and failing to take into account race, class, sexual orientation, and a myriad of other characteristics and identities. If taken to the extreme, anti-essentialism demands that we speak for no one but ourselves.<sup>9</sup> It potentially ends in radical individualism and the authorial voice can therefore only be directed inward.<sup>10</sup>

Such focus on the individual prompts the question of how third-wave feminism's autobiographical bend intersects with second-wave feminism's fundamental premise that the personal is political. The essence of autobiography is the singular self. In contrast, politics requires a collective.<sup>11</sup> The methodology employed in our study mediates these competing tensions as we elucidate our own experiences and then encourage others to articulate their own. It thereby bridges individual and collective experiences. Ideally, we claim to speak for no one but rather strive to create a forum in which people — at least in a limited way — can speak for themselves.<sup>12</sup> At its heart, our survey interrogates the fundamental question of whether we can even speak of a common law school experience for women — something that other studies about this topic have often presumed.

Like much of third-wave feminist theory, we recognize that an analysis of gender must include masculinity and how it too is a social construction. By neglecting masculinity, other studies have inadvertently re-enshrined men as the neutral yardstick by which to measure women's achievements. In contrast to other studies, we are as interested in how men at Chicago-Kent responded to our survey as how women responded. Although other gender studies have consistently found that men are more comfortable than women in law school, all of the studies have also found consistently high levels of discontent among men.<sup>13</sup> Does this point to how even male law students feel that they cannot adequately perform the traditionally masculine role of the confident, assertive, and combative male law student?

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9 There is a great deal of literature on essentialism and third-wave feminism. See, e.g., NAOMI ZACK, *INCLUSIVE FEMINISM: A THIRD-WAVE THEORY OF WOMEN'S COMMONALITY* 6, 14 (Rowman & Littlefield 2005).

10 See HENRY, *supra* note 1, at 41-43 (claiming that third-wave feminism embraces radical individualism).

11 See ZACK, *supra* note 9, at 141 (discussing relationship between women's commonality and political change).

12 *Id.* at 141 (arguing that privileged white women cannot speak for women as a whole but urging that women listen to one another).

13 Morrison Torrey, *Yet Another Gender Study? A Critique of the Harvard Study and a Proposal for Change*, 13 WM. & MARY J. WOMEN & L. 795, 797 (2007) (calling for a study that emphasizes the large number of men and women who suffer in the current law school environment).

In addition, our survey attempted to take into account how people are situated by race, class, sexual orientation, age, family background, family relationships, political affiliations, and religion. This recognition of the multitude of ways in which people are positioned and how they self-identify is one of the hallmarks of third-wave feminism. Furthermore — and akin to autobiography, which starts with the self — third-wave feminism often privileges the geography of the local and the grassroots. We embrace this as we explore our own community. Some third-wave feminist works suggest that, in order to avoid any attempt to speak for all women, women located in academia should begin their studies by examining their own positions within the university.<sup>14</sup> Our study has taken this to heart.

Questions of power and where and how it can be located (and even subverted) are deeply important to third-wave feminists. Here we understand ourselves as possessing power — power which is derived from our whiteness, our socioeconomic class, and our advanced level of education. As an institution, however, the law school exerts tremendous power over us which is exercised in complex ways. We thus become interpolated, at least in part, by the law school. Yet the very process of conducting our survey and discussing our work allows us in turn to interpolate the law school. Accordingly, we recognize our own partial agency while acknowledging our partial *lack* of agency.

Praxis is another significant methodological similarity between first and second-wave feminism. Praxis is the creation of theory relevant to the world and nurtured by action in it.<sup>15</sup> It has guided our work as we strive to produce knowledge that can be put to practical use in creating a better law school experience for men and women. Furthermore, our greatest desire is to create dialogues — dialogues about gender between students, faculty, and the administration.

### III. LITERATURE REVIEW

We reviewed nineteen works, spanning from 1987 to 2006, which studied women's experiences in law school. Generally, such works have concluded that women are much less satisfied with their law school experience than men and often experience deep feelings of alienation while in law school. Equally alarming is that at some schools pedagogical changes implemented by law schools in an attempt to ease the gender gap had little effect on women's dissatisfaction. On an extraordinarily positive note, however, disparities in academic

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<sup>14</sup> ZACK, *supra* note 9, at 15.

<sup>15</sup> PATTI LATHER, *GETTING SMART: FEMINIST RESEARCH AND PEDAGOGY WITH/IN THE POSTMODERN* 11-12 (Routledge 1991).

success between male and female law students as measured by objective criteria such as grades has decreased at many schools, with women, at times, even outperforming men.

Lani Guinier's *Becoming Gentlemen* (1994) explored the experiences of women law students at the University of Pennsylvania Law School.<sup>16</sup> Based on survey questions, qualitative data, and quantitative data, the study found significant academic differences between men and women. Although they entered law school with practically identical academic qualifications, men received better grades in law school.<sup>17</sup> Additionally, the study found other significant disparities between men and women such as men participating more during class and receiving greater attention from faculty.<sup>18</sup>

Richard Neumann also addressed gender-based differentials in grades earned by first-year law students at elite schools such as Yale, Harvard, and Stanford.<sup>19</sup> He found that as a group, women get *better* grades than men as undergraduates but *worse* grades than men in law school.<sup>20</sup> A study of the University of Texas School of Law found that having a high percentage of women in a law school class surprisingly did not positively affect women's overall academic performance.<sup>21</sup> Instead, all success indicators (GPA, top ten percent, Order of the Coif, and *Law Review*) evidenced significant gender performance gaps.<sup>22</sup> A recent Harvard survey showed that from 1997 to 2003, male graduates were seventy percent more likely than females to receive *magna cum laude* honors.<sup>23</sup>

In addition to gaps in academic performance, studies have consistently indicated that women do not participate in classroom discussion to the same extent as men. In one of the earliest studies, *Gender Bias in the Classroom*, Taunya Lovell Banks explored the persistence of subtle sexism in law schools left over from the more overt sexism that existed prior to the 1970's.<sup>24</sup> Her study indicated that women volunteer in class at statistically lower rates than men: 32.1% of the women reported voluntary participation on a weekly

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16 GUINIER, *supra* note 3.

17 *Id.* at 37.

18 *Id.* at 32-33.

19 Richard K. Neumann Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313 (2000).

20 *Id.* at 321.

21 Allison L. Bowers, *Women at the University of Texas School of Law: A Call for Action*, 9 TEX. J. WOMEN & L. 117, 160 (2000).

22 *Id.* at 160.

23 *Id.* at 540.

24 Taunya Lovell Banks, *Gender Bias in the Classroom*, 38 J. LEGAL EDUC. 137, 137 (1988).

basis, compared to 44.3% of men.<sup>25</sup> Banks writes that women often remain silent in class due to the belief that they are ignored or invisible in law school and that their views carry no weight.<sup>26</sup>

A study of Boalt Hall Law School revealed that a majority of women and people of color never volunteered in class.<sup>27</sup> The authors hypothesized that such silence reflects a conscious decision by such students not to compromise the integrity of their beliefs, and a refusal to conform to law school's narrow analytical perspective.<sup>28</sup> Deeply troubling, more than fifty-one percent of women at Boalt felt more intelligent before attending law school.<sup>29</sup> Women of color may feel even more alienated than white women. The Boalt study found that forty-one percent of women of color, compared to seventeen percent of white men, considered dropping out of school.<sup>30</sup> The authors theorized that factors such as social context surrounding the law and personal conviction were especially important to women law students' ways of reasoning and learning. When they are ignored or openly criticized by professors as not sufficiently legal, it may contribute to women's alienation from law school.<sup>31</sup> An Ohio study found that the ways in which women were treated in the classroom had such a negative effect that they impeded women's educational progress.<sup>32</sup>

At Columbia University Law School, women were more than five times more likely than men to express dissatisfaction with law school.<sup>33</sup> Likewise, "first year women were nearly three times more likely than men to report that they 'never' or 'rarely' volunteered in class."<sup>34</sup> They were also six and a half times more likely to report in their 1L year that they felt "less intelligent" than they had prior to attending law school.<sup>35</sup> Large numbers of women also characterized

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<sup>25</sup> *Id.* at 141.

<sup>26</sup> *Id.* at 139.

<sup>27</sup> Suzanne Homer & Lois Schwartz, *Admitted but Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY WOMEN'S L.J. 1, 29 (1990) [hereinafter "Berkeley Study"]. Note that the *Harvard Study* cited in footnote 46, *infra*, found that forty-three percent of female students never volunteered during the twelve monitored classes.

<sup>28</sup> See Berkeley Study, *supra* note 27, at 37.

<sup>29</sup> *Id.* at 33.

<sup>30</sup> *Id.* at 34.

<sup>31</sup> *Id.* at 10.

<sup>32</sup> Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311, 313 (1994) [hereinafter "Ohio Study"].

<sup>33</sup> Claire G. Schwab, *A Shifting Gender Divide: The Impact of Gender on Education at Columbia Law School in the New Millennium*, 36 COLUM. J.L. & SOC. PROBS. 229, 325 (2003) [hereinafter "Columbia Study"].

<sup>34</sup> See Columbia Study, *supra* note 33, at 320-21.

<sup>35</sup> *Id.* at 325.

classes as "male dominated."<sup>36</sup> Moreover women were twice as likely as men to report that they had never or rarely contacted a professor outside of class.<sup>37</sup>

Women face hostility not only in the classroom but also in the larger law school environment. As multiple studies have indicated, women law students are often subject to sexual harassment in law schools. In a study of Ohio schools, close to twenty percent of women self-reported that they had been subjected to sexual harassment while in law school.<sup>38</sup> Morrison Torrey writes that "statistics leave little doubt that sexual harassment in legal education is rampant."<sup>39</sup> She continues that being the victim of sexual harassment results in loss of confidence, difficulty concentrating, anxiety, loss of sleep, and a host of other emotional and physical symptoms that severely impact the ability of victims to succeed in law school.<sup>40</sup>

As law schools sought to implement Guinier's and others recommendations, including smaller class size, greater feedback, and an increase in female faculty members, they tracked the effects of such reforms.<sup>41</sup> Studies conducted of Chapman University,<sup>42</sup> Brooklyn,<sup>43</sup> and Wisconsin law<sup>44</sup> schools reveal that new curricula and pedagogies may decrease academic disparities among male and female students, but they do not entirely ease women's overall discomfort with their law school experiences.<sup>45</sup>

For example, Brooklyn increased its number of female faculty members and restructured its first-year curriculum to include smaller classes.<sup>46</sup> A subsequent gender study which attempted to measure the results of such changes found that "Brooklyn women's academic performance was comparable to that of men."<sup>47</sup> Men and women graduated from Brooklyn Law School with similar grades, honors, and

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36 *Id.* at 321.

37 *Id.* at 324.

38 See Ohio Study, *supra* note 32, at 325.

39 See Torrey, *supra* note 13, at 799.

40 *Id.* at 802.

41 See generally Guinier, *supra* note 3.

42 Judith Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA WOMEN'S L.J. 81, 82-96 (1996-1997) [hereinafter "Chapman Study"].

43 Marsha Garrison, Brian Tomko & Ivan Yip, *Succeeding in Law School: A Comparison of Women's Experiences at Brooklyn Law School and the University of Pennsylvania*, 3 MICH. J. GENDER & L. 515, 516-18 (1995-96) [hereinafter "Brooklyn Study"].

44 Jean C. Love, *Twenty Questions on the Status of Women Students in Your Law School*, 11 WIS. WOMEN'S L.J. 405 (1997).

45 *Id.* at 406, 410.

46 See Brooklyn Study, *supra* note 43, at 518.

47 *Id.* at 520.

credentials.<sup>48</sup> Yet female students at Brooklyn Law School still reported significantly higher rates of anxiety, depression, crying, and sleeping difficulties throughout their entire law school career.<sup>49</sup> The researchers concluded that females' higher rates of self-reported emotional symptoms were significantly related to their behavior in and perceptions of the classroom.<sup>50</sup> A recent study of Gonzaga Law School found similar results. Women were academically outperforming men but continued to express dissatisfaction with their law school experience.<sup>51</sup>

Judith Fischer's study of Chapman University School of Law (2003) is especially insightful. Before initiating the study, Chapman had put into effect numerous programs to improve women law students' experiences. It implemented open door policies for professors, practice examinations, faculty mentorship programs, and increased the number of women and minority professors.<sup>52</sup> Fischer compared her results directly to the gender study of Ohio law schools, and found twice as many first-year women asked questions in class at Chapman.<sup>53</sup> As measured by grades, women now slightly outperformed men during their first year.<sup>54</sup> The study is significant because it demonstrates that programs can be implemented to benefit women's legal educations. Actually, Chapman's programs positively affected *both* male and female satisfaction.<sup>55</sup>

As most of the studies demonstrate, women have made strides in closing the gender gap in terms of academic performance, especially in non-Ivy League schools. Indeed at some of these schools women are outperforming men. Yet, even with such gains, women continue to report deep feelings of insecurity, alienation, and depression. What statistics cannot fully reveal are the often gut-wrenching experiences that women law students report in open-ended survey questions or in focus groups. In the next section, we offer some of our own experiences in law school.

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48 *Id.* at 522.

49 *Id.* at 530.

50 See Brooklyn Study, *supra* note 43, at 532.

51 See Cara L. Nord, 'What is' and 'what should be' an Empirical Study of Gender Issues at Gonzaga University School of Law, 10 CARDOZO WOMEN'S L.J. 60 (Fall 2003) [hereinafter "Gonzaga Study"].

52 See Chapman Study, *supra* note 42, at 82-96, 114.

53 *Id.* at 99.

54 *Id.* at 105.

55 *Id.* at 99.

IV. ANECDOTES<sup>56</sup>

We do not want to essentialize our experiences in law school as representative of our peers but we want to tell our own stories. Each of us had extraordinarily successful undergraduate careers, as manifested in our passion for learning and external markers of success. After our first year of law school, some of us lost our GPA-based academic scholarships, but all of us lost our confidence and pride. Here we share our experiences of law school in an effort to begin multiple dialogues.

*Anecdote 1:*

Coming to law school directly from a small women's liberal arts college, I had been warned that law school would be a "different" experience. My undergraduate professors recommended that I fully explore the atmosphere of the law schools I might attend, in order to see whether they were "women-friendly." With these warnings in the back of my mind, I came to Chicago-Kent during a fall open house fully prepared to explore this issue. During a tour of the school with a female Chicago-Kent student, I waited until I was alone with the student in order to ask her how she felt about the atmosphere for women at the school. Her response to my question was a look of confusion and a redirected question, "What do you mean?"

After more carefully explaining the concerns my professors had relayed to me and rephrasing the question, the student still did not seem to grasp the kind of answers I might be looking for. She cursorily answered that the atmosphere was great and the women all felt fine at Chicago-Kent. She indicated that it was pretty much equal between the sexes and she didn't notice any big divide. Frankly, it seemed to me that she simply wanted to answer as quickly as possible because the question made her slightly uncomfortable.

Rather than reassure me, her answers simply re-awoke the realization that I had lived in a female utopia for the past four years at my small, all-women's college; a utopia that I would soon be forced to leave. However, after reading about Chicago-Kent's progressive history and female-to-male student ratio, I chose to attend Chicago-Kent with optimism.

During my first year, I was too caught up in the intensity of "cold calling" and studying for classes graded on a mandatory curve to even

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<sup>56</sup> Due to space constraints these anecdotes have been abbreviated. To read all of the full length version go to <http://law.ubalt.edu/template.cfm?page=656>.

notice how different my experience in law school was from my undergraduate experience. However, when I enrolled in Gender and the Law during my second year, my feelings of nostalgia for being an undergraduate returned in full force. Finally, here was a course where I felt completely comfortable. I began to realize that the feelings I had about law school were not mine alone — rather, they were the feelings of numerous other female law students. It was not until I took this course that I realized how different I had become from my undergraduate self. Unfortunately, even knowledge that law school would be “different” and “more masculine” had not been enough for me to keep my feelings of frustration with my law school experience separate from my overall concept of self-worth.

*Anecdote 2:*

I too entered law school after a successful undergraduate career at a small liberal arts college. When I came to law school, I sincerely believed that I was fulfilling my academic destiny. Within the first week of arriving, I began to regret my decision. My professors’ methods of instruction were completely alien to the cooperative learning environment to which I was accustomed. As my first year unfolded, I grew increasingly distressed. I lost all confidence in my ability to speak in class and began to seriously doubt my own intelligence. I recall nights of crying myself to sleep, remembering the academic successes I once had and the self-assuredness I once possessed.

My few attempts to volunteer an answer in class were interrupted by the professor. One professor, whom I still have difficulty facing, would use the Socratic Method repeatedly on two rows during each class — the two rows comprised entirely of women. Once, before he could call on me, I volunteered an argument about the broader theme of the cases we had read, finally feeling confident in my thoughts. Mystified by my observation, he required me to recite each minute fact of each case, one by one. I soon vowed never to volunteer an answer in class again. Although I was committing an injustice to myself, I felt I could obtain empowerment in the 1L classroom only by remaining silent.

After learning that my experiences were not unique, and after participating in a more engaging and encouraging learning environment during my second year, I have “come to terms” with law school. I no longer regret my decision to attend; it has challenged my emotional strength, increased my analytical and public speaking abilities, and introduced me to many fascinating scholarly and societal debates. I have deliberately chosen to make my law school experience a positive

one, but the means that I used to accomplish this task are illustrative: I was forced to seek out classes that would nurture my intellectual curiosities and goals. Women have to strategize, whether consciously or not, a means to succeed in law school.

*Anecdote 3:*

The findings from the numerous law review articles we read to lay the foundation for our survey have resonated with me on a number of levels, and I sorely regret that I didn't read such materials earlier. I recall bursting into tears in a subway station while reading interviews of female law students in *Becoming Gentlemen* because they so succinctly articulated my sense of inadequacy and ineptitude fueled by the past two years of law school. The common refrain expressed by women in so many of the articles — "I felt more articulate and intelligent prior to arriving at law school" — couldn't hold any truer for me. My previous academic successes merely fed the nagging feeling during my 1L year that there was something wrong with me. I wasn't equipped to study the law, and Chicago-Kent made a genuine mistake in accepting me.

It is impossible to gauge precisely how much of my isolation, self-loathing, and chronic discontent in law school can be directly attributed to my being a woman, or characterized as a "gendered" experience. That being said, I adamantly believe that law schools punish students who exhibit stereotypically "feminine" characteristics — such as empathy, sensitivity, and cultivating interpersonal relationships, even though such qualities are invaluable in "real world" legal practice. Thus, the very traits our culture inculcates in girls and young women become detrimental when they enroll in law school, where adversarial (and even aggressive) approaches are rewarded, at the expense of thoughtful, contemplative analysis.

I researched various law schools, and women's law school experiences in particular, for more than a year prior to enrolling at Chicago-Kent. My research led me to believe that this school would provide a friendlier, more gender-neutral environment than I experienced upon my arrival. I naïvely thought that attending each class without fail, reading and briefing every single case assigned, and spending seven days a week at the library diligently doing my homework — at the expense of *all* non-school activities — would be enough to succeed. I was wrong.

I came to law school intending to earn a degree that would enable me to defend reproductive rights. But within days, my focus switched from presenting myself as a self-avowed feminist eager to promote social justice, to flying under the radar as much as possible, for fear

that my professors and classmates would discover I had no idea what they were saying, what was expected of me, or how to learn the law in what I perceived as a foreign, and often hostile, environment. Much to my chagrin, I unwittingly developed a reputation for being crippled by a lack of confidence, which, once brought to my attention, exacerbated the rampant anxiety and self-doubt I already grappled with on a daily basis.

My unyielding sense of near-panic manifested itself in numerous ways: insomnia, nightmares, anxiety attacks, and dramatic weight loss (since I was literally too sick with fear to eat unless I was in the company of friends). But these physical manifestations were insignificant compared to the emotional burdens I endured as a 1L, and which have continued, to varying degrees, during my 2L and 3L years as well. Like many female students, I internalized what I perceived as my academic shortcomings. I was baffled by how many of my male classmates seemed to embrace the challenges of law school with utter enthusiasm. It is fair to assume that this can be attributed to the greater number of male role models at Chicago-Kent. This surely contributed to my male classmates' ability to bond with such professors quickly and easily. The dearth of female professors, particularly during my first year, unquestionably had a detrimental effect on both how I view law school in general and how I have gauged my ability to successfully navigate its demands.

*Anecdote 4:*

After attending a women's college and studying sociology, I usually look at situations with a gendered eye, meaning that I tend to notice gender issues where other people might not. By the end of my first year of law school, I felt completely defeated. After four years of being in an educational environment which provided a forum for gender discussions, it was difficult to enter an environment that avoids talking about gender and is structured by patriarchy.

I remember a few instances where my law school professors would make sexual comments and the class would laugh while I sat there thinking it was highly inappropriate. I was called on in contracts class to discuss a case about prenuptial agreements. I can't remember exactly what happened, but I made some comment that was pro-women, and there was laughter from the male professor and my classmates.

The thing that stands out to me the most about my experiences in law school is my level of confidence, and its deterioration. Before coming to law school, I would say that I had a high level of confidence. I was at the top of my class in high school, in charge of school clubs, and was co-captain of the cheerleading squad. In college I

was very active in student groups and again graduated at the top of my class. I was known by professors and was part of student government and a resident advisor. Basically, I had always been "someone" and people knew who I was. I was confident that I could do a good job at whatever it was that I was doing. Chicago-Kent even offered me an academic merit scholarship.

But that was the last positive thing that happened in regard to my confidence in law school. I soon realized that I was in an environment where I was just another one of the crowd and felt like a "nobody." I started to realize that I didn't really know much of anything and was definitely not as smart as the majority of my classmates. Throughout the first year, we received little feedback in our substantive classes. Legal writing was the only class to measure our success or ability in law school. This tore me down the most. The letter-grade feedback wasn't very damaging, but rather the manner of the feedback and the general indication that I did not know what I was doing.

I internalized this feedback, and subsequent semester grades, as my not being good enough and being more or less a failure. I didn't take it as law school being difficult, but rather that I wasn't smart enough to succeed. The confidence that I had coming into law school was chipped away little by little, and then it was gone. To make matters worse, I lost my scholarship because my first-year grades weren't good enough, meaning I wasn't good enough. I didn't just lose confidence in my academic ability, but in all aspects of my life. I became quieter in social settings and had zero confidence with dating. I have noticed that my posture has become more reserved, more hunched, and less prominent, like I just need to blend in instead of stand out. I certainly feel that law school has "ruined" me. I don't know if I will ever recover all of my confidence. If it ever happens, I am sure it will take a while, because the damage is deep.

#### V. CREATING, ADMINISTERING, ANALYZING

Creating the survey for our study was an exercise in collaboration and overcoming challenges. Many weeks were spent pouring over potential survey questions. This process was time consuming, because we were committed to giving each other's ideas a full hearing. Collaboration like this is not usually part of the law school curriculum and it provided a valuable lesson in teamwork.

Once we designed the survey, the next challenge was administering it. For a number of reasons, we decided to use an internet-based survey

which could also tabulate results.<sup>57</sup> We then had to grapple with how to reach the largest number of students. We chose to market the survey as a general “Student Experience Survey” so as to not skew results if students were aware that it was a gender study. We were fortunate that the Student Bar Association, along with many other student organizations, were willing to send an email to each student with the electronic link to our survey. Numerous professors also sent e-mails to their classes informing them of the survey and the Assistant Dean of Student Affairs put notices in his weekly bulletin. Thus in true third-wave feminist mode, we made use of cyberspace and community.

This approach resulted in 446 anonymous responses at a school with approximately 974 J.D. students. Using our program’s filter applications, we were able to splice our data in multiple ways. For example, we implemented a simple survey filter that separated responses given by women as a group and men as a group. We thus were able to analyze the similarities and differences between men’s and women’s responses to the same questions. We also implemented more complex filters; for example, we created a filter which calculated responses based on both parent’s income and student’s GPA. Other filters we created included breaking down responses by race, gender, class year, parents’ income, the existence of a lawyer relative, age, and type of undergraduate institution attended. In total, we created more than 150 different filters. After receiving and analyzing our results, we discussed them with a variety of student groups and students provided immensely helpful comments, anecdotes, and recommendations.

## VI. RESULTS

In this section, we discuss the results of our survey. Women comprised 53.5% of the respondents and men comprised 46.5% of the respondents.<sup>58</sup> Thus women were overrepresented in proportion to their percentage of class size. For the most part, the results of our survey mirrored those of other gender studies. As we reported in our literature review, surveys have found that women participate less in class, feel more alienated, have lower confidence levels, report higher levels of offensive humor in the classroom, and are less satisfied with their law school experience than men.

### *Demographics and Academics*

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<sup>57</sup> We used the internet-based survey tool, Survey Monkey. See [www.surveymonkey.com](http://www.surveymonkey.com).

<sup>58</sup> Two-hundred-forty-four women responded and 212 men responded to our survey.

Surprisingly, significantly more men apply for admittance to Chicago-Kent than women. This may be the result of Chicago-Kent being part of the Illinois Institute of Technology, which focuses on science and engineering and which has a much higher percentage of male students.<sup>59</sup> Due to such disparities, for the past five years, women have made up less than fifty percent of the student body. The average LSAT score of men attending Chicago-Kent was slightly higher than that of women. Women, however, had higher undergraduate GPAs than men.<sup>60</sup>

School statistics for the past three years indicate that of the general student body, in most years, women have slightly lower law school GPAs than men. An analysis of law review membership, however, indicates that women for the past three years have been over-represented in proportion to their class size. In connection with Chicago-Kent's elite moot court team, men and women participate equally, meaning women are overrepresented relative to class size. In addition, in the past five years, twenty-five students have won inter-school moot court competitions. Twenty-two of these students were women. Kent women also seem to hold leadership positions at slightly higher rates than men. Thus, most of our hard data, in contrast to the findings of gender studies at Harvard, Columbia, and Yale, indicate that women are succeeding at rates similar to men, although a small disparity in GPA remains a concern.

### *Class Participation*

Our survey asked students to self-report their class participation. Men had higher rates of self reported daily participation in class.<sup>61</sup> Additionally, men and women differed greatly in their reasons for not participating. Women were more likely than men to report that they were silent in class due to "timidity/fear,"<sup>62</sup> while men were more likely to report that they did not participate because they were "unprepared"<sup>63</sup> or had a "lack of interest."<sup>64</sup>

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59 For example, in Fall 2006, there were 1940 applications from men and 1570 from women.

60 Men's average LSAT scores over a five year period ranged between 158 and 160, women's were between 157 and 159. Men's average GPAs, over a five year period, ranged between 3.20 and 3.37, women's between 3.31 and 3.54.

61 Twenty-four percent of men and sixteen percent of women reported that they participate in class on a daily basis.

62 Thirty-two percent of women and sixteen percent of men said they were silent in class due to "timidity/fear."

63 Fourteen and two tenths percent of men and 7.8% of women reported that they were silent in class because they were "unprepared."

A much greater number of women than men indicated that they participated in class more during their second and third-year than during their first-year.<sup>65</sup> In fact, a greater number of men indicated that they participated less in their second and third year than they did during their first year.<sup>66</sup> Thus over the course of law school, women's participation increased and men's class participation declined. This perhaps indicates that men began to self-censor while women became more comfortable participating in the smaller classes offered to second and third year students. It may also demonstrate that second and third year men became more relaxed and no longer felt that they had to prove themselves aggressively. Questions regarding the Socratic Method also brought out large differences. More men than women were "extremely comfortable"<sup>67</sup> or "reasonably comfortable"<sup>68</sup> with the Socratic Method, while women were more likely to report that they were "only somewhat comfortable"<sup>69</sup> or "not comfortable at all"<sup>70</sup> with the Socratic Method.

Ironically, in informal conversations, female students, when given the opportunity to address their tendency to remain silent in the classroom, provided a wealth of feedback. One issue raised was whether women under participate or whether men over participate. Women expressed the common sentiment that they only spoke in class when they felt their comments would add to the general class discussion. Men, some of these women believed, often made comments that were not on point or did not otherwise add to class conversation. One woman stated that during her first year, there were about ten "gunners" in her class, nine who were men. Although she found such students annoying and rude, she began to believe that she was an inferior law student because she chose to learn by listening rather than speaking. In part, she explained this as a personal learning

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64 Nineteen percent of men and twelve percent of women reported that they were silent in class because they had a "lack of interest."

65 Fifty percent of 2L and 3L women indicated that they currently participate more now than their first year, while only 33.1% of men said they participate more now than first year.

66 Sixteen and nine tenths percent of 2L and 3L men report participating less now than their first year, while only 8.1% of 2L and 3L women gave the same response.

67 Twenty-two and two tenths percent of men reported they were "extremely comfortable" with the Socratic Method, while only 11.1% of women reported feeling this way.

68 Fifty-one and nine tenths percent of men reported feeling "reasonably comfortable" with the method, while only 39.3% of women felt "reasonably comfortable."

69 Thirty-two percent of women were "somewhat comfortable" with the Socratic Method, while 18.9% of men were "somewhat comfortable."

70 Seventeen and six tenths percent of women and 7.1% of men were "not comfortable at all" with the Socratic Method.

style but also because she did not want to interrupt the flow of the class. Yet some women indicated that when called upon by a professor, anxiety caused them to “freeze,” even though they knew the answer. Other women commented that the thought of speaking in class and potentially being embarrassed caused tremendous fear and worry.

Related to frequency of class participation, is the question of whether speakers feel that their audience is listening. Not surprisingly, men were more likely than women to report that their audience was receptive when they spoke in class.<sup>71</sup> In terms of professorial classroom attention, men were more likely than women to believe that female professors gave more attention to female students.<sup>72</sup> In contrast, women were more likely than men to believe that female professors gave more attention to male students.<sup>73</sup> We also found that slightly over seven percent of women had chosen to take a class based on the professor's sex.<sup>74</sup>

### *Interactions with Professors*

Interactions with professors outside the classroom are important to a law student's overall success. Such interactions are a time when students can ask substantive questions, and further build relationships with professors that can lead to letters of recommendation, career opportunities, and mentorships. As our survey shows, men and women sought help from professors outside of class at relatively equal rates, but reported different levels of comfort in doing so. A larger percentage of men than women reported feeling “very comfortable” approaching professors.<sup>75</sup> Most women reported that they felt “somewhat comfortable” approaching professors outside of class, while most men reported that they felt “comfortable.”<sup>76</sup> These results

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71 Sixty-five and two tenths percent of women “agreed” that when they speak in class, their audience is receptive, while 71.7% of men reported feeling this way. Similarly, 7.4% of women indicated they “strongly agreed” that their audience was receptive when they spoke in class, while 11.3% of men did. Additionally, while 24.6% of women disagreed that their audience was receptive, only 15.1% of men reported feeling this way.

72 Seven and one-half percent of men, compared to 1.2% of women, thought that female professors gave more attention to female students.

73 Three and seven tenths percent of women and 0.5% of men thought that female professors give more attention to male students.

74 One-half percent of men and 0.8% of women chose to take a class based on professor's race.

75 Twenty-eight percent of men and fourteen percent women reported feeling “very comfortable” approaching professors.

76 Forty percent of women reported that they felt “somewhat comfortable” approaching professors outside of class, while thirty-eight percent of men reported they felt “comfortable.”

are somewhat different than those discussed in our literature review, where multiple studies found that women were less likely to approach professors outside of class. In contrast, women at Chicago-Kent do approach professors but often with more trepidation than men.

Although women were much more likely than men to report that they feel more comfortable approaching female professors, a small percentage of men also felt more comfortable interacting with female professors.<sup>77</sup> Very few men or women indicated that they felt more comfortable approaching male professors than female professors.<sup>78</sup> When asked whether they felt more comfortable approaching professors who shared their same race or ethnicity, men and women responded affirmatively in equal numbers.<sup>79</sup>

In informal conversations, a number of women admitted to feeling intimidated by professors, whom they characterized as “disinterested” in talking to students or whom they felt were “too busy” to answer student questions. One woman said she felt that she could not visit a professor during office hours without having a prepared list of questions, so as to not waste the professor’s time. Another woman said she had difficulty asking a professor for help understanding course materials or requesting letters of recommendation because as a female, she felt compelled to conform to the traditionally feminine role of giving to, instead of taking from, others. Perhaps these responses are not surprising, given women’s socially reinforced (and rewarded) penchant for being sensitive to others’ needs.

### *Confidence & Self Perception*

Almost all previous studies indicate that women law students have less confidence than male law students and our results were no exception. Men were slightly more likely than women to report that they felt “very well prepared” for law school prior to beginning their first year.<sup>80</sup> But most men and women reported, in similar numbers, that they felt “somewhat prepared” for law school.<sup>81</sup> However, there were much larger discrepancies between men and women regarding

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<sup>77</sup> Seventeen and two tenths percent of women reported that they felt more comfortable approaching female professors, while 6.6% of men indicated they felt more comfortable approaching female professors.

<sup>78</sup> Three and three tenths percent of women reported feeling more comfortable approaching male professors while 2.4% of men reported the same.

<sup>79</sup> Nine and four tenths percent of women reported feeling more comfortable approaching professors of their same race or ethnicity, while 9.9% of men reported the same.

<sup>80</sup> Seven percent of women reported that they felt “very well prepared” for law school prior to beginning their first year, while 10.4% of men gave the same response.

<sup>81</sup> Fifty-three and seven tenths percent of women said they felt “somewhat prepared” prior to beginning law school, while 50.9% of men reported the same.

how they felt about their intelligence since entering law school. A much larger percentage of women (30.7%) than men (17%) indicated they felt less intelligent now than they did prior to attending law school. Men likewise were more likely than women to feel "more intelligent"<sup>82</sup> or "equally as intelligent"<sup>83</sup> as they did prior to attending law school.

Men were also much more likely than women to report that they "always" feel as academically qualified as other students in their classes.<sup>84</sup> While men and women expressed that they have felt that law school has "met their expectations" in similar numbers, women were much more likely to indicate that they were "less pleased than expected" with law school.<sup>85</sup> Men also reported slightly higher levels of feeling that they were "more pleased than expected"<sup>86</sup> and that law school had "met their expectations."<sup>87</sup>

#### *Offensive Humor and Derogatory Comments in the Classroom*

Women were more likely to report finding gender issues in the classroom. Many more women than men reported that a professor had used a hypothetical that portrayed women in a sexually demeaning manner.<sup>88</sup> There were similar differences between men's and women's responses regarding whether professors made derogatory comments about women in class. Women were more than twice as likely as men to report hearing a professor make a derogatory comment about women as a group.<sup>89</sup>

Perceived demeaning comments about women may very well make women feel uncomfortable in the classroom and in law school more generally. The discrepancies between male and female responses when asked whether Chicago-Kent was a comfortable environment for a man and for a woman were telling. While men and women reported in

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82 Forty-four and three tenths percent of men felt "more intelligent" and 38.1% of women felt "more intelligent."

83 Thirty-eight and seven tenths percent of men felt "equally as intelligent," while 31.1% of women felt "equally as intelligent."

84 Forty percent of men "always" feel as academically qualified as other students in their classes, only 19% of women reported the same.

85 Thirty-nine and three tenths percent of women were less pleased than expected since entering law school, only 30.2% of men reported feeling this way.

86 Twenty-two and two tenths percent of men were "more pleased than expected," while 16.8% of women were "more pleased than expected" with law school.

87 Forty-seven and six tenths percent of men reported law school has "met their expectations," while 43.9% of women reported in kind.

88 Over eighteen percent of women reported that a professor has used a hypothetical that portrayed women in a sexually demeaning manner, while only seven percent of men reported in kind.

89 Almost twenty percent of women reported hearing a professor make a derogatory comment about women as a group, while only six percent of men reported hearing the same.

equal percentages that Chicago-Kent is a comfortable environment for a man,<sup>90</sup> results were extremely different when students were asked whether they thought that Chicago-Kent was a comfortable environment for a woman. Forty-two percent of men “strongly agreed” that Chicago-Kent was a comfortable environment for a woman whereas only twenty-seven percent of women “strongly agreed” that it was a comfortable place for a women. Overall, 63.1% of women “agreed” that Kent was a comfortable environment for a woman, seven percent “disagreed” that it was a comfortable environment for a woman, and 2.5% “strongly disagreed” that it was a comfortable environment for a woman.

Student reported rates of sexual harassment in the survey were extremely low in comparison to other surveys. In a study of nine Ohio schools that we discussed in our literature review, close to twenty percent of women self-reported that they had been subjected to sexual harassment while in law school.<sup>91</sup> Yet at Chicago-Kent, only slightly above three percent of students reported that they believed they had experienced sexual harassment at the law school.

### *Relationships*

A higher number of male than female students reported having a spouse or domestic partner.<sup>92</sup> We were surprised to find that such men were much more likely to believe that their relationship with their partner had negatively affected their legal studies.<sup>93</sup> We had expected that more women than men would respond that their relationship with their partner had interfered with their legal studies because women have traditionally acted in “caretaker” roles and performed domestic chores for their families. We mistakenly believed that the burden of domestic responsibilities, when added to the law school workload, would lead more women than men to respond that their relationship with their partner negatively affected their legal studies. However, our results indicated exactly the opposite. In informal conversations about these results, married women or women with partners stated that their husbands/partners were very supportive of their law studies and often

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<sup>90</sup> Ninety-seven percent of men and ninety-seven percent of women reported that Kent was a comfortable environment for a man.

<sup>91</sup> See Krauskopf, *supra* note 32, at 313.

<sup>92</sup> Thirty-one and six tenths percent of women and 40.6% of men reported having a spouse or domestic partner.

<sup>93</sup> Fifty-seven percent of men reported that their relationship with their spouse/domestic partner interrupted their legal studies, while only thirty-eight percent of women felt the same way. Twenty-nine and nine tenths of a percent of women reported that their relationship with their spouse/domestic partner facilitated their legal studies, only 20.9% of men reported the same.

took over chores and housework. This may reflect shifting gender roles in the household and men's willingness to take on greater domestic responsibility.

*Race*<sup>94</sup>

In addition to gender, our survey attempted to take race into account. When asked if students had ever witnessed faculty or student hostility toward male minority professors because of their race, not one African-American student reported that he or she had. However, when asked if they had ever witnessed faculty or student hostility toward female minority professors because of their race, over seventeen percent reported that they had witnessed student hostility and almost nine percent reported that they had witnessed student *and* faculty hostility. This differs greatly from Caucasian students' responses which indicated that only 1.7% had witnessed student hostility toward female minority professors. Not surprisingly, African-American students were much more likely than the general student body to report that they felt more comfortable approaching professors of the same race and ethnicity.<sup>95</sup> But not one African-American student reported that he or she believed that he or she had experienced sexual harassment.

There was also a large difference in the level of preparedness for law school that African-American students felt when compared to the general student body. No African-American student reported feeling "very well prepared" for law school; in contrast, 8.6% of all students reported feeling this way. Most African-American students reported feeling "somewhat prepared" for law school but 26.1% of African-American students reported feeling "badly prepared."<sup>96</sup>

In addition to differences between results from our general student body and results from African-American students, we also found strong differences in responses from African-American men and African-American women. A much larger percentage of male African-American respondents (sixty percent) reported that they felt more intelligent now than they did prior to attending law school. In

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94 Please note that our sample size for African-American students is very small. Eighteen African-American women and five African-American men responded.

95 Thirty and four tenths percent of African-American students reported feeling more comfortable approaching professors of their same race and ethnicity, while only 9.7% of all students who took the survey reported the same.

96 Sixty-two and one-half percent of African-American students reported feeling "somewhat prepared" for law school.

contrast only sixteen percent of African-American women felt more intelligent.

There were also interesting discrepancies in the way African-American men and women viewed the receptiveness of their classmates. Forty percent of African-American men did not believe the audience was receptive when they spoke in class, while not one African-American woman reported feeling this way. A final and perplexing difference between African-American men and women is that forty percent of African-American men strongly agreed that they felt uncomfortable when speaking in class, while only 5.6% of African-American women strongly agreed with this statement. One comment from a male African-American student explains his sentiments, "I think one of the greatest challenges I have faced as an African-American male is the expectation that I will be a louder individual than I am. I am introverted and law school does not by any means cater to these types of people." Since our pool of African-American respondents was relatively small, we hesitate to make any generalizations and suggest that further studies need to be conducted that take into account both race and gender.

#### *Parents*

Fifty-one of the students who took our survey indicated that they are parents of a child under the age of eighteen. Twenty-five of these students were female and twenty-six were male. Most of these parents indicated that they had a spouse or domestic partner.<sup>97</sup> Over half of these parents had considered quitting law school at some point in their law school careers.<sup>98</sup> In spite of this, an overwhelming number, 88.2%, did not regret attending law school. Over seventy-four percent of parents believed that their parental responsibilities interrupted their legal studies and men and women indicated this in nearly equal numbers.<sup>99</sup> Again, this points to shifting household responsibilities with men sharing in parenting duties. Students with children who took our survey had lower GPAs than students without children with 23.5%

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<sup>97</sup> Eighty-eight and two tenths percent of parents who responded to the survey indicated they had a spouse or domestic partner.

<sup>98</sup> Fifty-one percent of parents who responded to the survey indicated they had considered quitting law school.

<sup>99</sup> Seventy-six percent of female parents believed their parental responsibilities interrupted their legal studies, while 73.1% of men felt the same.

having a GPA between 2.5 and 2.99. Interestingly, most mothers had higher GPAs than fathers.<sup>100</sup>

### *Comments*

The last question on our survey asked students to comment on any of their responses to the multiple choice questions or to voice other concerns. To our surprise, very few students chose to write about gender or race, even though many of our survey questions clearly asked about such issues. Rather the majority of responses discussed financial issues: how students would pay back loans and the high cost of tuition. Most of the other responses were related to career services and thus, indirectly, to financial concerns. We are left to wonder what this indicates. Perhaps because we already asked about gender and race in the survey's multiple-choice questions, respondents did not feel compelled to delve further into these issues. Alternatively perhaps the dearth of gender related responses reflect a lack of gender consciousness among the student body as a whole. Do students believe that sexism in the legal academy is not a valid concern or does it mean that feminism has attained its goal of eradicating many gender disparities that earlier generations of female law students have struggled against?

## VII. RECOMMENDATIONS

Although our recommendations to further eliminate gender disparities in law school are derived from the results of our own study, they probably are applicable to most law schools as our results essentially align with those of other gender studies. Furthermore, as demonstrated by law schools such as Chapman, schools can make changes to eliminate existing gender disparities and enhance all law students' experiences.

We recommend that law schools provide more female mentors for the student body. This can be accomplished in a number of ways. First, more female professors should be hired, particularly for core first-year subjects. At Chicago-Kent, more than half (50.3%) of the school's student body had only one female professor teach a class outside of legal writing during their first year, while sixteen percent had no female professors teaching a 1L core subject. Data from 2007 and 2008 reveals that twenty-six male professors are tenured, while only eight female professors are tenured. The female:male faculty

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<sup>100</sup> Twenty-four percent of mothers had a GPA of 3.4 and 3.59, 26.9% of men had a GPA between 2.5 and 2.99.

ratio is important because law students, especially women law students, report that they are more comfortable participating in classes taught by women, and that they are more at ease approaching women professors.

Second, the school should implement mentorship programs for female students or even all law students. The administration could enlist alumnae to mentor current female students, allowing women to shape a space in which to recognize that their feelings of distress are neither isolated nor unusual. Mentors could also discuss with female students the continued difficulties that they may experience upon entering the legal profession as well as the many non-gendered issues mentioned in survey responses. For example, mentors could explain their own strategies for paying off loans and balancing work and family.

In addition to providing informal mentors, the administration could assign professors to act as advisers to individual students. As one Chicago-Kent student explained, the only available advisor is the dean of students and many students may feel reluctant to approach him with seemingly nominal questions. As our results reveal, more than double the number of women (16.4% of women, compared to 7.6% of men) reported feeling uncomfortable when approaching a professor. Furthermore, in informal discussions with students, some men understood that they were entitled to approach professors outside of class. In contrast, some women believed that they were intruding upon professors' time when approaching them. We suggest that assigned faculty advisors may ease students' hesitations and enhance communication between faculty and students.

Law schools should also foster the development of strong women's law societies. Such organizations, comprised of members who are conscious and/or receptive to gendered issues, are most likely to enable consciousness-raising among the student body. Consciousness-raising enables each student to realize the significance of her own experience. While recognizing that law school anxieties are not just personal, students will be able to see the gendered and political roots of student alienation. Faculty advisors should be assigned to women's organizations in order to provide an institutional memory and offer guidance. Like the connections between second and third-wave feminism, faculty advisors for such organizations can ensure that women understand the past.

In addition to school-sponsored activities, students should develop their own pragmatic groups on campus, such as parenting and support groups. As we have learned from the feminist movement and our own experiences, consciousness-raising can be very powerful. In our group of five, for example, we were empowered by sharing stories of

common angst and strategies to enhance our own understanding and contentment. Soon, our stories spread into a larger dialogue, one that included the voices of those who completed our survey, read our results, or listened to our presentations. In responding to our work, these new voices reinforced the powerful axiom, "We are not alone." Student groups will allow the dialogue to broaden even further.

As stated, law schools must strive for greater gender parity among its faculty. They must also encourage classes with greater gender parity. Our data on students from the Spring 2007 semester reveal that men continue to outnumber women, as women comprised less than forty-five percent (44.26%) of the graduating class. Prior studies have suggested that women's hesitancy to participate in class is exacerbated when they are without female role models and peers. As long as women are outnumbered by men, they may be less likely to resist conformity to the norms of legal education. At Chicago-Kent, for example, almost a quarter (23.7%) of the 3L class has felt pressure to adopt more stereotypical male qualities, such as assertiveness and uncompromising speech. We believe that the learning environment will improve when dialogue includes voices that stray from the stereotypical white, male law student's. One woman explained the dissonance between her personal and academic life: "As a single mother I have to keep a very large part of my life silent in order to fit in at law school. It is viewed and treated as a deficit that I have small children and household responsibilities. Too bad for everybody [because] it could be so much richer."

Next, we advise that the first year curriculum and structure of classes be re-examined. Although we recognize the difficulty of doing this, women's increased participation over their three years at Chicago-Kent stems, at least in part, from the self-determinacy available after the first year of law school, when students are able to choose a course's subject matter, class size, and professor. We suggest, therefore, that law schools employ smaller first-year classes so students are more comfortable volunteering their perspectives. Smaller class sizes are likely to encourage greater participation from students who feel too intimidated to ask questions or raise observations in front of scores of their peers. Classes with fewer students also lend themselves to more opportunities for collaboration among students, such as small-group discussions and in-class activities that deviate from the typical format. Furthermore, professors' ability to become acquainted with students as individuals inevitably inures to the benefit of students and professors. One student recommended that large classes have discussion groups led by student teaching assistants. As she wrote, "[n]ot only would this connect all students to the material, but it would provide leadership opportunities for upper-level students." The law school

should also permit students to choose an elective course during the first year. If students are able to pursue subjects of interest, they may feel less alienated from an education that often employs foreign pedagogy.

Ultimately, we encourage all members of law school communities to engage in a dialogue. We are offering our survey to students and law schools, and encourage them to conduct their own studies.<sup>101</sup> We also hope that our own school continues to conduct this survey over time to test the effectiveness of any recommendations that have been instituted.

### VIII. CONCLUSION

This project has involved multiple iterations. On the most intimate level, it has allowed the five of us to create a unique and intimate feminist space in the law school and made us acutely aware of how difficult but ultimately rewarding it is to find a collective feminist voice. In the process, we have consistently re-examined the question of what feminism means and how we can enact it on the ground.

When we began our study, we wanted to produce a comprehensive overview of the student body at Chicago-Kent by taking into account traits and identities such as race, class, and sexual orientation. What we did not anticipate is that our attempts to recognize these multiple issues and to avoid essentializing any particular experience would cause us to lose sight of the collective. Our well-meaning intentions to analyze our data in order to give credence to every respondent's voice and identity eventually led to a disintegration of the whole and one from which we could not draw any conclusions. We thus faced one of the most consistent criticisms of third-wave feminism for we found ourselves in a position in which gender essentially disappeared, allowing us only to speak of individual respondents. In the end we made the collective decision to return to gender as our primary mode of analysis and explanation.

Although the results of our study were in line with almost all of the other studies conducted over the past decade and a half, we were surprised by a number of findings. As discussed above, students seemed quite unaware of gender and may not have the analytical tools to see their own law school experiences as gendered. This indicates that despite the inroads that feminism has made in the legal academy, issues of gender and how to think about it in terms of its personal implications have not been internalized by students. We hesitantly conclude that third-wave feminism may not be as widespread or as

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<sup>101</sup> The survey can be obtained on Felice Batlan's homepage at [www.Kentlaw.edu/faculty/fbatlan](http://www.Kentlaw.edu/faculty/fbatlan).

popular as many would like to believe. This perhaps should not be particularly surprising as this generation of law students have come of age during a period of feminist backlash while also benefiting from the tremendous gains of second-wave feminists.

Furthermore, the fact that scholars had studied women's experiences in law schools was not widely known in the Chicago-Kent community. This leads us to conclude that feminists cannot be passive but must share their knowledge, thoughts, and concerns with colleagues. Such dialogues must be generated from the top down and the bottom up. Silence and complacency must be broken by noise. In other words, as comfortable as it might be for feminists to talk among ourselves, we must not forget that second-wave feminism's victories were due to unrelenting activism. As we feminists look to the future we must also remember the past.

#### *A PROFESSOR'S POST-SCRIPT*

When our article was submitted in April 2008, we thought that our most gratifying work had already been completed. We could not have been more wrong. In April, we arranged to present our study to a series of student groups, some informal and some more formal, and to the faculty and administration. We also made this article available to anyone who wanted it within our law school community.

All of our presentations were extremely well attended. The students, both men and women, deeply related to the experiences of the law students that we described and many for the first time learned that not only were they not alone in their reactions to law school but that scholars had studied the phenomena. After each presentation, we had discussion sessions and asked the students for recommendations.

Our presentation to the faculty and administration was equally well attended. In stark contrast to the resistance that I feared we might face, many faculty, like students, were unaware of previous gender studies. Discussion legitimately focused on whether what we describe as women's law school experiences were really the experiences of all law students with women more able to express their discontent, whether the Socratic method, to the extent it was used, provided some benefit, and what our duties were as a law school to prepare students for the "real world" and what "real world" even meant. It is fair to say that at least some on the faculty were energized by the survey. One faculty member, shocked by our results, devoted one of his classes to discussing the results of the survey. Other faculty began to share their own experiences of law school with their students and with each other.

Following these presentations, our group met with the Assistant Dean for Student Affairs and senior faculty to brainstorm about possible reforms and a number of changes were enacted. This year all

first-year students, as part of their orientation, attended a panel on diversity. A group of student leaders discussed their own first-year experiences and the strategies that they employed for coping with law school. The results of our study were also presented and students were urged to speak with faculty, administrators, and other students about what they were experiencing. We tried to send a loud and clear message that they were not alone. The faculty and administration also instituted a faculty advisor program in which students were given the option of having a faculty mentor. Over half of the students opted into the program and faculty volunteered to serve as mentors in significant numbers. Further, students working with the administration are in the process of creating a parents' society which will include an on-line bulletin and chat room. Faculty are also collaborating with the Women in Law Society to make it an even stronger organization. Finally, I am now working with a new group of students to generate material about women in law school that could be provided to all first-year students. It remains to be seen what impact these initiatives will have and whether the momentum that the study generated can be sustained.