

# It's Not Your Father's Law School

## Women Change More Than the Landscape

By Hope Viner Samborn

Female students once sat in a single row in classes at Harvard Law School, but not so today. Women at Harvard and other law schools now occupy seats throughout the classrooms. During the past 30 years, their presence has permeated not only the seats, but also the curriculum, casebooks, law school organizations and journals, faculty, deanships, and career centers.

Women now comprise almost half of the student body at most law schools. They hold leadership posts for law reviews and journals and head many student organizations. As their numbers grew, women law students, once the target of blatant discrimination, contributed to the rising awareness concerning many legal issues

such as sex discrimination and domestic violence. Once largely ignored, these issues now are in the foreground of legal study.

In the first decade of the twenty-first century, classes in feminist legal theory are taught in almost every law school. And these classes are filled not only with women law students, but with men as well. These courses, once considered the fringe of legal scholarship—along with the faculty who teach them—are now respected throughout the country.

Despite these strides, women students and faculty say many more changes must be implemented.

Gender discrimination today is more subtle, says Hope Lewis, a professor at Northeastern University

School of Law. “I wouldn’t say there is out-and-out discrimination in the sense of ‘little lady, go home, you’ll never be a lawyer.’”

At Georgetown University Law Center, a number of female students found that they were not being treated on par with their male counterparts. “We thought it was male centered,” says Brook Kelly, a Georgetown law student. “We were kind of shocked by the disregard for the women’s voices in the classroom. It was a shocking experience because most of us felt confident intellectually.”

Elizabeth Matos, another Georgetown law student, says much of the way professors teach is male-oriented, dominating, and discouraging of divergent points of view. “It’s

voices into the foreground.’

What’s more, studies between 1980 and the present often indicate that many students do not respond well to the Socratic method, once the mainstay of law school pedagogy.

“Some people have argued that the Socratic method has outlived its usefulness and should be thrown on the junk heap,” says Sally F. Goldfarb, a professor at Rutgers School of Law–Camden. “I don’t see it as a uniquely women’s issue.”

“[The Socratic method] is overly cold,” says Judith D. Fischer, a professor at Louis D. Brandeis School of Law at the University of Louisville. “It puts people down and it is very competitive.”

Fortunately, Fischer says she doesn’t see the method being used as it was in the *Paper Chase*—where a professor fastens on a student for 15 minutes and makes fun of him. “There has been more of a shift from the Socratic to the problem method—giving students an actual problem.”

Goldfarb observes that even though the Socratic method is still a prominent feature in classrooms, the presence of women has brought a “softening around its edges.”

### **Female Point of View**

While the Socratic method may be a gentle foe that some faculty members believe is being dropped altogether in many places, students and professors say more needs to be done to make the law school pedagogy and professors facilitate women’s success in law school.

Students such as Kelly say female professors are better at soliciting different points of view and integrating their experiences into the pedagogy. “My female professors are my best professors because they’ve been through this,” she notes. In other classes, males often dominate the discussion—“whoever is the loudest and raises his hand the quickest,” Kelly observes.

However, the law school experi-

ence today is a stark contrast to that of the 1970s. At that time, “a lot of professors wouldn’t call on women,” says Fischer, who has studied women and legal education. “Others would talk to them and call them little girls—demean them,” she adds.

According to Goldfarb, “the most significant change in legal education has not been the numerical shift (of women in the classrooms), but the increasing visibility of feminist legal theory as a force in law and legal education.” Today, the Association of American Law Schools (AALS) directory lists between 20 and 30 professors who teach a feminist legal theory or women in the law course.

“Feminist approaches to the law have become mainstream in many areas of scholarship and teaching,” Goldfarb says. “Even male professors are more likely to present feminist perspectives than they were 10 to 15 years ago.”

Feminist legal theory is not only taught in separate courses, but often as part of the fabric of core courses such as torts, criminal law, corporations, trusts and estates, and real estate. For example, domestic violence issues pervade criminal law and other courses and many textbooks. Many law school clinical programs now feature domestic violence clinics as a significant component of those programs.

“When I was in law school, one of my first-year law professors used the subject of rape to make jokes,” Goldfarb says. Today, issues such as rape and sexual harassment are serious subjects taught in torts, criminal law, and other courses. In trusts and estates, same-sex unions and nontraditional families may be discussed. “In the past, they might have been ignored,” Goldfarb notes.

“I don’t want to suggest that we have achieved parity in curriculum,” Goldfarb continues. “Casebooks vary in the extent to which they are sensitive to women’s issues.” However, “an individual professor no longer has to reinvent the wheel if they want to

also extremely hierarchical, silencing of more sensitive and humanistic approaches to legal analysis, and antithetical to community building,” she explains.

A student-initiated project called RaisingVoices Across Margin, led in part by Matos and Kelly, featured anecdotes solicited from Georgetown students concerning their law school experiences. These anecdotes were posted around the school earlier this year.

Many anecdotes focused on the way male professors handled the teaching of legal issues involving rape and sex offenses. Matos says many women felt they were silenced by the way these subjects were taught and were ignored in favor of men.

“The female students needed to express themselves, and the male students needed to be pushed,” Kelly points out. “[The faculty and administration] need to set up a lasting infrastructure that brings those

introduce the feminist perspective into any legal course,” she adds.

For example, the ABA Commission on Domestic Violence published a book designed to educate law professors about how to introduce domestic violence issues across the curriculum. [Editor’s Note: Visit <http://www.abanet.org/domviol/teaching.html> for information from the ABA Commission on Domestic Violence about teaching domestic violence law.]

At the request of students, Georgetown administrators agreed last spring to allow students to teach a for-credit course on race, class, gender, and sexuality. The 20-student elective course was added to the curriculum as a seminar and is being conducted for the first time this fall.

### **A More Collegial Atmosphere**

The atmosphere outside the classroom also has changed significantly during the past 30 years.

When Judith Areen, former dean of Georgetown University Law Center, was a student at Yale Law School in 1969, she was one of eight women in her class of 168. “It made us feel both conspicuous and awkward. We would be spread around—only one or maybe two women in a class.” Housing at Yale Law School was closed to women, so female students were forced to live in apartments off campus. “When I would walk around campus during the week, I felt different. You could tell that the male students were not used to women as students,” says Areen, who is now president of the AALS.

Women weren’t part of study groups that were centered in the dorms. “There were so few of us that it created social barriers,” Areen says. “Gender is just not an issue the way it used to be.” Today, women are part of study groups and many other law student bodies.

Women’s law associations or caucuses abound, and most schools have a scholarly journal focused on women and the law. Today, women are leaders in many law school orga-

nizations and on the editorial boards of all law journals.

“They have pervaded the field,” Northeastern’s Lewis says. “They change the discourse.” For example, an international student group might have once focused only on concerns about war. Today, they also will address issues such as trafficking of women and violence against women. “It is an openness to ideas that had been previously associated with women, but are becoming mainstream,” she explains.

Public service opportunities within law schools such as pro bono work for government and nonprofit agencies have grown with the influx of women. Equal Justice Works, a national organization, [www.equaljusticeworks.org](http://www.equaljusticeworks.org), connects volunteer law students—both men and women—with public service opportunities to handle issues ranging from housing and mental health to education. [Editor’s Note: To learn more about Equal Justice Works, see Ann Farmer’s feature on legal careers in the public service sector on page 13.]

The growing number of women coupled with their leadership in activities and organizations are fostering a more collegial atmosphere outside the classrooms at many law schools. Social events abound, with the hope of creating a sense of community. For instance, the University of Washington School of Law is creating a Web site to link students with similar interests, such as mountain biking.

### **Connectedness Is Key**

Despite these changes in atmosphere, the lack of strong mentoring and connections between faculty and students is still a concern, albeit not as troubling as 30 years ago.

“When I was in law school, you did not have relationships with female professors,” says Lewis, who graduated from Harvard Law School. “There was a wide chasm between students and professors. They were the enemy, and you were hoping they would give you a good grade,” she

explains. “Nowadays, it is much more open. There is much more dialogue outside the classroom as well as inside,” Lewis says of Northeastern, where women comprise the majority of tenured faculty and the dean is a woman. “It changes the whole atmosphere, so that on some level power shifts and what people perceive as important shifts.”

In the late 1970s and early 1980s when Rutgers professor Goldfarb was a student at Yale Law School, the faculty boasted one woman. “Most of my classes had a male professor,” she explains. “At Rutgers, sometimes it happens that the first-year students have an entire roster of female professors. That would have been unheard of 10 years ago in American law schools.”

**Studies indicate that women are reluctant to approach faculty outside the classroom.**

But these numbers alone are not enough to bring about significant reforms, many experts say. “I have never believed in the view that if you add women and stir, you can transform an institution,” Goldfarb says.

Studies, including the Harvard study, indicate that women are reluctant to approach faculty outside the classroom.

“It comes down to certain levels of confidence,” says Adam Neufeld, one of the Harvard graduates who conducted the 2002 Harvard study as students. He explains that this lack of confidence on the part of women means that they speak less in class and seek mentors less often. “That can influence clerkships and jobs,” adds Neufeld, a Federal Election Commission lawyer. “There is a

whole lot of tradition and inertia in law schools. The influx of women and other groups will challenge that. It will take a lot more time for any bigger transformations.”

One Washington student suggested that part of the problem with law schools is that unlike medical schools where students and faculty dine together in the cafeteria, creating an atmosphere of being in school together, law schools separate faculty and students.

To facilitate mentoring and to become more approachable, some Washington faculty are now dining and hanging out in the student lounge, says Debbie Maranville, a professor at the University of Washington School of Law in Seattle.

### Attaining Positions of Power

Although women are beginning to be hired in greater numbers as law school faculty and deans, many are still confined to what has been designated “the pink ghetto”—non-tenured, legal writing positions or other nontenured positions.

“Women are being tracked into the legal writing positions where they are not protected in their salary and ability to stay,” Lewis observes. “That is quite disturbing.”

The number of women in deanships also is low—roughly 15 percent at all accredited law schools, says Areen, the Paul Regis Dean law professor at Georgetown.

Women need to be in these high-level positions to be able to mentor law students, Areen says. “If you never see someone in that position, you are less likely to see that as something you can do,” she explains.

To increase the number of women deans, AALS has established a databank of qualified candidates. Nominations are accepted from deans, law faculty, judges, and others. “It removes the excuse that there were not any good candidates,” Areen says. “Women faculty and women deans themselves are important in terms of reaching out and

encouraging others to prepare for that role. It is a good idea to serve as an associate dean.”

Many schools have women’s networking groups that feature gatherings of students, faculty, alumni, practitioners, and judges. These groups also help foster mentoring relationships. “There are more women role models,” she adds.

“People who are talented who are in law school benefit from being exposed to a variety of exemplars,”

The number of women graduates is exceeding the number of high-powered positions for women.

says Diane C. Yu, chief of staff and deputy to the New York University president and immediate past chair of the Commission on Women in the Profession. “Not having role models can limit your horizon because you can’t see someone who looks like you in those positions,” says Yu, the former chair of the ABA Section of Legal Education and Admission to the Bar. “It is a great boon to both men and women to see people of both genders succeeding and leading in our profession.”

Career offices and objectives also are being revamped to accommodate women’s interests, but more work needs to be done.

“We know that more women than men come in [to law school] with an orientation toward public service,” Washington’s Maranville says. “It takes a heavy hit quickly. Students tend to turn away from that orientation.”

Rutgers’ Goldfarb agrees. “The prevailing culture in most law schools seems to be preparing law students for

private practice with the result that students who have other goals end up feeling marginalized,” she says. “Money is seen as a measure of worth.”

### Rude Awakening in the Real World

But professors and deans are concerned that the number of women graduates is exceeding the number of high-powered positions for women. “It is discouraging in terms of the women who make partners,” Areen says. “The proportion of women who end up as partners is much lower than the number of women in law schools.”

Even though women fill half of the classroom seats and half of the law school leadership roles, more change is needed to achieve parity within many law schools and within the profession.

Law schools have gone from “a mostly boys’ club to a coeducational facility,” says Evan Caminker, dean of University of Michigan Law School. And this change is good for all students—male and female. “We are no different than corporate America,” he explains, adding that it is hard to know whether the changes occurring within the law schools in the past 30 years are the result of the influx of a large number of women or the changing tides in America.

It also is uncertain “how much change is because the women went to law school or they went to law school because of the changes,” Caminker says. Regardless of which came first, major transformations in curriculum, faculty, administrators, and leadership have taken place and are benefiting both women and men. But even after 30 years, the evolution of law schools is still unfinished. Current students, faculty members, and administrators are pushing for more change and more parity between men and women: changes that—in school and beyond—will allow both sexes to take any seat they’d like. ☞

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