



Women on Law Review: A Gender Diversity Report by Ms. JD



Ms. JD collected self-reported gender diversity data from general interest law reviews at the 2011 U.S. News “Top 50” law schools for the 2011-2012 academic year. The results show that while overall percentages of women members of these law journals (42.45%) and women in leadership positions (42.45%) correlates strongly to the number of women awarded law degrees during the same time period (47.3% in 2011), the number of women editors-in-chief is disproportionately low (28.6%). The 2011-2012 results showed a decline in the percentage of women editors-in-chief from the 2008-2010 data collected by Ms. JD (33%).

Motivation for Survey

Surveys collecting data about women’s representation in the legal profession are prolific and comprehensive (see chart, at right). These studies often compare the smaller fraction of women at the top of the profession to the percentage of law school graduates who are women. While there are several statistical studies about women in the profession, studies of women’s experiences in law school are only beginning to emerge.¹ In 2010, Ms. JD issued the first survey assessing women’s participation in their law school’s law reviews. The survey aimed to begin addressing this deficiency by examining women’s participation in their school’s law reviews. The gender diversity data obtained from the survey began a dialogue about women’s experiences in law school and the extent to which the intersection of gender and the law school experience may contribute to the disparities occurring in later stages of legal careers. As a result of this initial survey, Ms. JD partnered with New York Law School to expand the survey to evaluate women’s participation in their school’s law reviews at all ABA accredited law schools. The New York Law School 2011-2012 report is available on the school’s website.

Women’s Representation in the Legal Profession⁵

Percentage of Women in Private Practice	
• Summer Associates	47.7%
• Associates	45.4%
• Partner (equity and non-equity)	19.5%
• Partner (equity only)	15%
Percentage of Women General Counsels	
• Fortune 501-1000 Companies	16.4%
• Fortune 500	20.2%
Percentage of Women Federal Judges	
• District Court	24.2%
• Court of Appeals	30.9%
• Supreme Court	33.3%
Percentage of Women Law Clerks	
• All Clerks	51%
• Federal Clerks	45.6%
• State Clerks	54.8%
Percentage of Women Law School Professors	
• Full-time Faculty	21.5%
• Tenure or Tenure-Track Professors	30.4%

This study focuses on women obtaining membership and leadership positions in law reviews because these activities are seen as valuable to obtaining legal jobs, specifically prestigious federal judicial clerkships and academic appointments. As one federal appellate judge explained: “Because Ninth Circuit law clerks help research often complex legal issues raised in and write concerning a very large number of cases, I believe that persons with law review experience at national law schools are most likely to have successful clerkship experiences.”³ Law review editorial board positions in conjunction with clerkships are seen as important credentials for an academic career and other highly competitive positions.⁴

Method

Data Sample

The subjects of the survey are the 2011 U.S. News and World Report “Top 50” law schools.⁶ The survey relies on the data from the general interest law reviews, not other law student organizations or specialty journals, because membership on such journals is traditionally recognized as a mark of success and prestige.

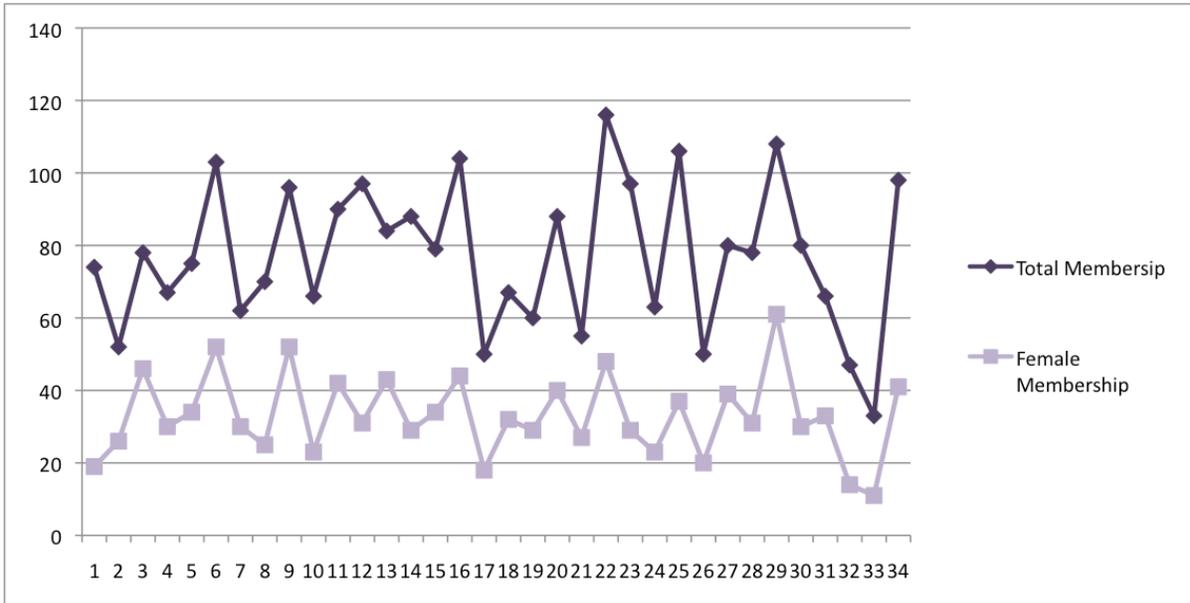
Data Collection Method and Response Rate

The gender diversity data was self-reported by law school students, law review support staff, and recent law school alumni who responded to our solicitation for data. The survey relies on self-reporting as the collection method because this method would yield the greatest number of responses. A small portion of the reporting students and alumni were connected with Ms. JD as past conference attendees or subscribers to the Ms. JD blog. Others were contacted because their names were listed as law review members or members of women’s groups at these law schools. Survey respondents received an email from Ms. JD explaining the motivation for the study. The data collection form, attached to the email, asked for the following data for the most recent academic year, 2010-2011: (1) *total number of law review members*, (2) *number of female members*, (3) *total number of members in “leadership positions,”* (4) *number of female members in leadership positions*, and (4) *whether the editor-in-chief was female or male*. The form also asked for information regarding the manner in which students gained membership on the school’s law review, as well as information regarding how individuals obtained leadership positions (e.g., appointed, elected). The form allowed each survey respondent to determine which members of the journal were in “leadership positions.” The form defined “leadership positions” as “editorial board or other appointed/elected positions.”

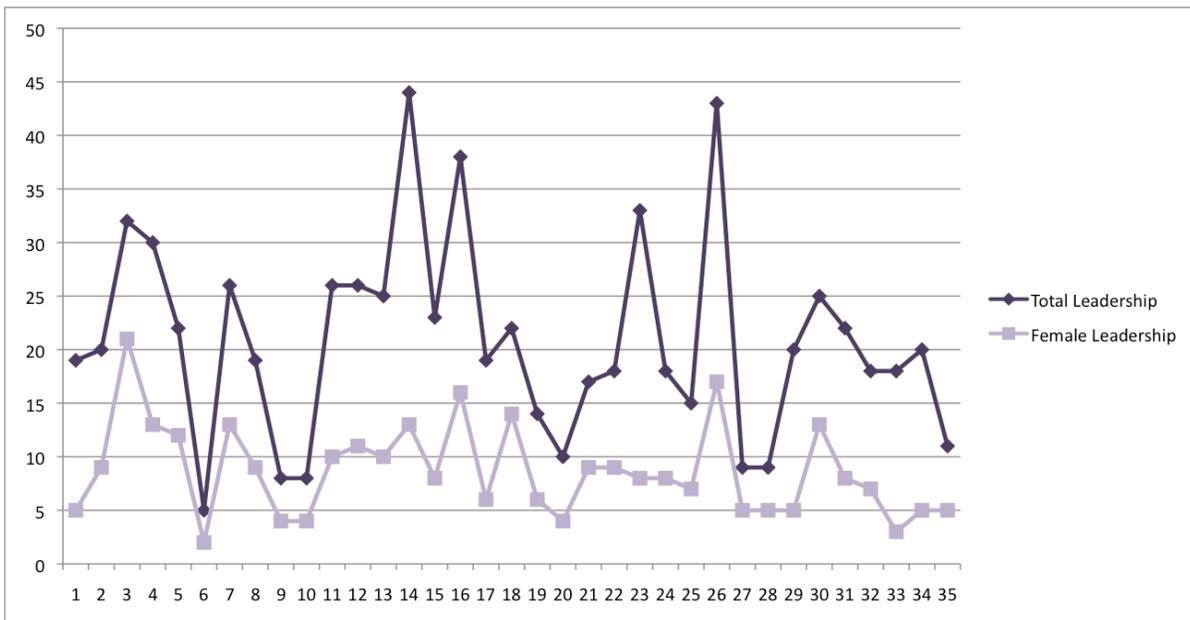
The participants were told the survey would present data anonymously, so that data for their school would not be identified with their law review. Over the data collection period, which lasted from December 2011 through May 2012, response forms were collected from 35 of 50 law reviews.

Results

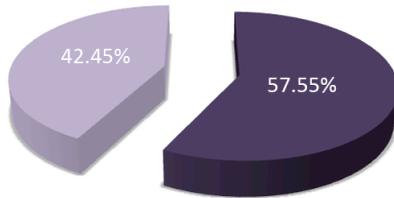
Total Membership vs. Female Membership on Law Reviews (Individual Responses)



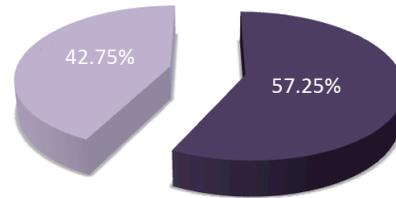
Total Leadership vs. Female Leadership on Law Reviews (Individual Responses)



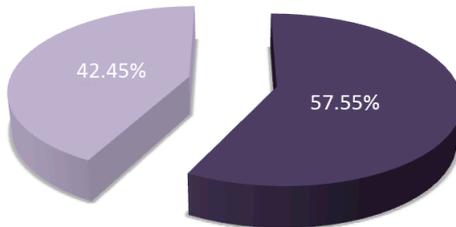
Membership (Average Percent):



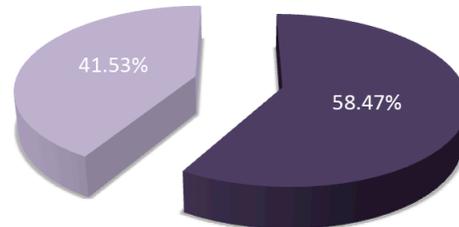
Membership (Overall Percent):



Leadership (Average Percent):



Leadership (Overall Percent):



¹ 2012 ABA report, A Current Glance of Women in the Law,

http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_2012.authcheckdam.pdf

² For example, in 2009, Nancy Leong's article "A Noteworthy Absence" found that from 2005-2009, women law students at the "Top 15" law schools authored 36% of all student notes in general interest law reviews. 59 J. LEGAL EDUC. 279-97 (2009).

³ Wanted for Judicial Clerkships: Women with More Law Review Credentials, <http://ms-jd.org/wanted-judicial-clerkships-women-more-law-review-credentials>, March 14, 2007, Judge Milan D. Smith, U.S. Court of Appeals for the Ninth Circuit.

⁴ See Eugene Volokh, Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review 178 (Foundation Press 2005) (2003).

⁵ 2012 ABA report, A Current Glance of Women in the Law,

http://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_2012.authcheckdam.pdf

Faculty statistics -

http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/lis_staff_gender_ethn.authcheckdam.pdf.

⁶ U.S. News and World Report "Top 50" law schools, 2011 edition available at <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/rankings>

Ms. JD is a nonprofit, nonpartisan community coordinated by attorneys and law students for the entire legal community. Founded by law students from 12 schools in 2006, Ms. JD hosts an online forum for women in all areas of law. Contributors are dedicated to reinforcing and expanding the representation of women in law school and the legal profession. In addition to maintaining content at ms-jd.org, Ms. JD supports over 70 law school student organizations that form the National Women Law Students' Organization. Ms. JD thanks all survey respondents and volunteers. Special thanks to Jihan Sherman for her work designing the final report.