

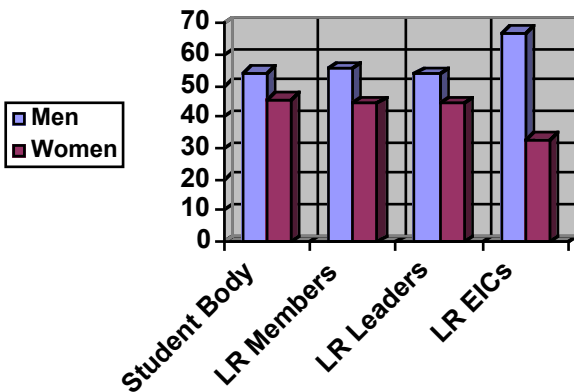


Women on Law Review: A Gender Diversity Report

by Ms. JD



Ms. JD collected self-reported gender diversity data from general interest law reviews at the 2009 U.S. News “Top 50” law schools for the 2008-2010 academic years. The results show that while overall percentages of women members of these law journals (44.3%) and women in leadership positions (46.2%) correlates strongly to the number of women awarded law degrees during the same time period (45.7% in 2008), the number of women editors-in-chief is disproportionately low (33%). Whether a school appeared in the top or bottom half of the U.S. News ranking had no significant impact on these numbers.



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 far less common.¹ This survey begins to address this deficiency by examining women’s participation in their respective law reviews. We hope this gender diversity data will contribute to a broader 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 evident in later stages of women’s legal careers.²

This study focuses on women in membership and leadership positions in law reviews because these activities are seen as valuable in 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 academic and other highly competitive positions.⁴

Women’s Representation in the Legal Profession⁵

Percentage of Women in Private Practice

- Summer associates: 46.6%
- Associates: 45.7%
- Partner (equity and non-equity): 19.2%

Percentage of Women General Counsels

- Fortune 501-1000 Companies 15.2%
- Fortune 500 15%

Percentage of Women Federal Judges

- District Court 24.7%
- Court of Appeals 26.9%
- Supreme Court 22.2%

Percentage of Women Law Clerks

- All Clerks 53.3%
- Federal Clerks 46.9%
- State Clerks 56.1%

Percentage of Women Law School Professors

- Full-time Faculty 37.3%

METHOD

Data Sample

The subjects of the survey are the 2009 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 secondary journals, because these journals are both common to every school surveyed and because membership on the law review is a traditional 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 it was determined that 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 blog contributors. 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 two most recent academic years, 2008-2009 and 2009-2010: (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 defined “leadership positions” as “editorial board or other appointed/elected positions” and allowed each survey respondent to determine which members of the journal met this definition.

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 November 2009 through March 2010, response forms were collected from 47 of 50 law reviews.

2010-2011 SURVEY

Ms. JD plans to administer the survey again for the 2010-2011 school year. In this follow-up survey, Ms. JD plans to explore not just the representation of women in law review staff and leadership positions, but also the representation of women of color and the method of staff and leadership selection.

Ms. JD is a nonprofit, nonpartisan community dedicated to advancing women in the legal profession. 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 helpers. Special thanks to Sarah Dunn Davis, 2009-10 Fellow, for her work collecting data and preparing the report.

¹ 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).

² See, e.g., Private practice, general counsel, and judges’ statistics - 2009 ABA report, A Current Glance of Women in the Law, <http://www.abanet.org/women/CurrentGlanceStatistics2009.pdf>.

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 ABA Report, *supra* note 1. The ABA Report relies on the 2009-2010 NALP Directory of Legal Employers (NDLE) survey, which “does not ask law firms to report equity and non-equity partners separately.” www.nalp.org/uploads/PressReleases/09NALPWomensMinoritiesRel.pdf. The 2009 National Association of Women Lawyers (NAWL) “Report of the Fourth Annual National Survey on Retention and Promotion of Women in Law Firms,” which collected 116 responses received from requesting responses from American Lawyer’s 200 largest firms reported that: “Women lawyers account for fewer than 16% of equity partners, those lawyers who hold an ownership interest in their firms and occupy the most prestigious, powerful and best-paid positions.” <http://www.nawl.org/Assets/Documents/2009+Survey.pdf>;

Law Clerk statistics - A Demographic Profile of Judicial Clerks, NALP Bulletin, June 2008, available at <http://www.nalp.org/jun2008demographicprofile>;

Faculty statistic - 2008-2009 Association of American Law Schools (AALS) Statistical Report on Law School Faculty and Candidates for Law Faculty Positions. Prepared by Pati Abdullina, AALS Research Associate, <http://www.aals.org/statistics/2009dlt/gender.html>.

⁶ U.S. News and World Report “Top 50” law schools, 2010 edition available at <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/rankings>.