Admitted but Not Accepted: 
*Outsiders Take an Inside Look at Law School*

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Statistical Analysis provided by Thomas Billings

I. INTRODUCTION

Commencement exercises, May 1989. Three hundred new lawyers are about to enter professional life, trained by Boalt Hall School of Law, University of California, Berkeley, to assume their positions within the legal elite. The setting is auspicious—Berkeley’s imposing Greek Theater. The weather is balmy. It is indeed a proud day for many of us at Boalt: students, parents, partners, offspring, teachers, and friends. We’ve made it through! We look out against a sea of black gowns, a patchwork of black mortarboard caps, graduates indistinguishable beneath them. In the halls of academe, tradition appears intact.

A closer look reveals that this description is not quite accurate, that this picture is misleading, as full of contradictions as law school itself. The black robes attempt to establish uniformity where none really exists. Beneath the mortarboards are faces of men and women of Black, Asian, Pacific Islander, Native American, Latino, Chicano, and mixed heritage. Students of color comprise over 25% of the class. Almost half the graduates are women. Other distinctions exist as well, although they are less apparent. Students range in age from early twenties to late forties. They have different class backgrounds, different academic backgrounds, differ-

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ent sexual orientations, different political preferences, different communities. They came to law school for different reasons, and they leave law school hoping to fulfill different goals. In countless ways, the student body is diverse, singularity of garment notwithstanding.

The University's effort to blend these students into a uniform presentation has not been entirely successful. The monochromatic field of regulation black gowns is pierced by a rainbow of armbands worn by most students on their wide dark sleeves. The ribbons are bright red, orange, yellow, green, purple, pink, and blue. At the post-commencement reception the graduates remove them and tie them to the trees and greenery throughout the Boalt Hall courtyard in order to leave behind a profuse reminder of their meaning.¹

The armbands symbolize the students' struggle to persuade the faculty to diversify. In stark contrast to growing student diversity, the faculty remains largely entrenched, white, male, conservative in viewpoint, jealous of tradition. The students have protested that the faculty, in its present composition, is oblivious to the spectrum of needs and goals among the student body, and insensitive to differences in experience and perspective. There is only a sprinkling of women professors, and the path to tenure remains perilous for them.² There are even fewer professors of color.³ The need for faculty diversity has become a pressing issue.

The absence of a diverse faculty has myriad effects on students. Many students are alienated by a system that offers no support for those who perceive issues from a different perspective. Women and people of color find it difficult to spend three years as an outsider in a world created by and for the white male insider establishment. Within the permissible academic legal discourse many hidden voices are obscured. These voices reflect a different experience and consciousness than the voice at the lectern, but they are not heard unless they suppress their native tongues.

Expectations and Realities

None of these problems were apparent when we entered Boalt in 1986. We entered with high expectations. At the outset, class members

¹ This action was organized by the Coalition for a Diversified Faculty (CDF), the Boalt Hall student organization that has been instrumental in mounting political and educational activities to protest the absence of women and people of color on the Boalt Hall faculty.

² During the period in which we conducted our study, Eleanor Swift brought suit against the University, charging sexual discrimination in its refusal to grant her tenure. As a result of this unprecedented action, she received tenure in August 1989. In addition, two other women, Marjorie Shultz and Rachel Moran, also received tenure during this period, bringing the total of tenured women to six out of 50 full-time tenured faculty.

³ At this writing, there is one tenured professor of color on the faculty at Boalt Hall. There are no disabled professors or openly gay professors, no "crits" (scholars within the Critical Legal Studies movement), and one Marxist (not on tenure track).
were confident, high-charged, lively, inquisitive. We perceived ourselves as winners in the academic sweepstakes—we thought well, we wrote well, we talked well, and we were accustomed to having people listen to what we had to say. In short, we expected law school to work for us, just as school always had in the past.

Our self-assurance did not last long. We quickly learned that admission to Boalt did not guarantee acceptance at Boalt. Although women were represented in sufficient numbers, we were curiously imperceptible. Law school was conducted as if we weren't there, or as if it made no difference to anyone that we were. To be sure, the autocratic "Kingsfield teaching style" of The Paper Chase had become somewhat more subdued in the almost two decades since the film was made, but the perspective from the lectern had not changed. The curriculum, the professors, the approach to the material, the goals, the values, and—most alarmingly—the subtle identification of those students who were the "right stuff," all seemed to have remained enmeshed in an elitist Paper Chase mentality.

The white male students adjusted rapidly to this socialization process, and many outwardly seemed to enjoy it. Many women and people of color, on the other hand, felt themselves outside of this process, and experienced a growing unhappiness and frustration with it. Sometimes we were able to resist its negative effects, but often we wavered and succumbed to its demands. To the authors, it felt as if we had been admitted to Boalt on the condition that we speak, if at all, in a tongue that was entirely foreign to us.

As time went on, our impression was that most men were progressing without disruption through their legal education. Female law students were more difficult to characterize, and we wanted to learn more about them because their experience was our own. Women appeared to vacillate between willingness to comply with the mainstream (i.e., white male) expectations and resentment at the effort it required to conform to the dominant model. In 1988, in response to these and related reactions, we began a research project to determine whether the experiences of women were as different from those of men as they appeared to be.

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5 Our project was initially limited to gender issues, because of their direct bearing on our own experience. This narrow focus is reflected in the literature search; at the time we reviewed the literature, almost no scholarship had considered ethnicity in conjunction with gender. The data analysis later made it clear that ethnicity was as critical a factor as gender. We offer this study to show that a comprehensive approach is not only possible, but essential to understanding the law school experience.

Although we neglected to address it in our study, we believe that sexual orientation is also a critical factor to law school experience and should be included in future research. "[S]exual orientation . . . has been a big part of why I feel alienated and/or dislike Boalt, and why I feel disconnected with peers and white, straight male professors" (Boalt student, responding to Boalt survey).

6 The Boalt Hall survey was administered to all students at Boalt Hall School of Law, Univer-
Although the women with whom we spoke shared many of the same feelings of frustration and displacement, they rarely communicated their reactions to each other. Women appeared to be unaware that these responses were commonplace and valid. Indeed, a substantial number of women were genuinely shocked to find that they were not alone in their feelings, which they had attributed to personal failings. Expressions of dissatisfaction were not limited to women who were having social or academic difficulties in law school. Women who were "performing well" often expressed the same feelings of alienation, lack of confidence, or doubts about their choices and the value of their accomplishments. Our resolve to pursue a formal study of women at Boalt was strengthened by our surprise at the failure of women to recognize what appeared to be a genuine community of interest among isolated individuals.7

II. LOOKING BEHIND US: A SELECTIVE REVIEW OF LITERATURE ON WOMEN IN LAW SCHOOL

A. Setting the Stage

Inevitably, the academic legal establishment, which researches everything else, has researched itself as well. We were already familiar with popular treatments of the law school experience such as 29 Reasons Not to Go to Law School,8 One L,9 Lawyering,10 and, of course, The Paper Chase,11 in all its media permutations, but we wanted to locate the scholarly literature on gender and legal education. We were rather surprised by what we found, and quite surprised by what we didn't find. For the purposes of this article, we have restricted our discussion to a selective treatment of the works on gender and law school that proved


8 Ralph Warner & Toni Ihara, 29 Reasons Not to Go to Law School (NOLO Press, 1988).

9 Scott Turow, One L (Penguin, 1978).

10 Schwartz, Lawyering (cited in note 7).

most significant in analyzing (and, to a lesser extent, designing) the Boalt Hall study.\textsuperscript{12}

B. Three Ways of Seeing the Story

Studies of women in law school made prior to 1987 approach gender questions in three ways. Much of the most effective writing on the topic of women's experiences in law school relies on a personal or subjective approach, told as a first-person narrative.\textsuperscript{13} Presented as collections or individual accounts, these personal histories share some common themes. The women writing are highly diverse in background, yet most convey an overriding sense of isolation and dissatisfaction with what they perceive as a hostile legal educational system. Frequent subjects are alienation from other students and professors and frustration with the intellectual constraints imposed by legal education. Few women will fail to recognize this description:

"In that [Constitutional law] class [on abortion], with all this turmoil inside, I was furious, frustrated and pained not to be able to get it out. There were different restraints operating on me then. One was my own fear of speaking in a class that size, as a woman, in what I knew would be a very emotional way. . . . [I]t was very clear, from the professor's handling of the material, which was absolutely frigid, and from every message I'd received since I'd first walked into that law school a year and a half before, that emotionally charged discussion was highly inappropriate. I did not know how to bridge the gap between all of my feelings about abortion and the normal classroom intellectual style. I said nothing.\textsuperscript{14}

In contrast to the moving personal accounts found in women's narrative histories, a body of objective research also began to develop in the 1960s and the 1970s. In such work, the personal identity of the researcher is irrelevant, and the work is judged on its merits by "pre-established impersonal criteria."\textsuperscript{15} Few studies conducted in this way analyze gender issues in law school specifically, but a great deal of statistical information about pre-law and law students in general has been col-

\textsuperscript{12} In addition to the material discussed below, further sources can be found in the comprehensive survey of the literature on women in the legal profession presented in Deborah Rhode, \textit{Perspectives on Professional Women}, 40 Stan L Rev 1163 (1988). The introductory section of the article reporting the results of the 1988 Stanford Law Review Project on Gender offers a thorough survey of the literature on both gender issues in law school and gender differences in legal reasoning. \textit{Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates}, 40 Stan L Rev 1209, 1209-31 (1988) ("Stanford Gender Study").

\textsuperscript{13} See, for example, Elkins, 8 ALSA Forum I (cited in note 7).

\textsuperscript{14} Elkins, 7 ALSA Forum at 305 (cited in note 7), quoting Barbara Bezdek in Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick, \textit{Becoming a Lawyer} 35-36 (West, 1981).

lected by researchers over the years. Statistically accessible issues have included motivation for attending law school, career goals, academic performance, satisfaction, and comparisons between law students and other students in professional school.

A third approach has also been used to great advantage in the scholarly literature: the essay, which blends narrative and empirical methods. The researcher uses empirical methodologies to the extent necessary and/or possible to create a solid factual basis to test her hypothesis, but she places the emphasis on interpretation rather than information gathering. As in the first-person narrative, the author incorporates her own point of view, but attempts to generate an interpretation of broader utility than the personal history. This hybrid methodology has been used effectively in conjunction with a number of issues where the problems are old, but the analysis is new.

16 Arthur T. Vanderbilt, Report on Prelegal Education, 25 NYU L Rev 199 (1950). Professor Vanderbilt surveyed 24,189 students at 81 schools. Id at 204. Within the three decades following this auspicious project, no fewer than three dozen empirical studies of law students were conducted, along with numerous other nonempirical inquiries. See Kenneth H. Barry & Patricia A. Connelly, Research on Law Students: An Annotated Bibliography, 1978 Am B Found Res J 751 for a thorough survey of empirical investigation through 1977; see also Robert S. Redmount & Thomas L. Shaffer, Studies of Legal Education: A Review of Recent Reports, 1 Nova L Rev 9 (1977) for a survey of nonempirical studies.


21 Shanfield & Benjamin, 35 J Legal Educ 65 (cited in note 20), discuss the implications of a comparison of law students to medical students and the general population in their study of psychiatric distress among students in all three years of the University of Arizona School of Law. Their study reveals that "law students have higher rates of psychiatric distress than either a contrasting normative population or a medical student population." Id at 69. Within the law school population, women generally tested higher than men for psychiatric distress. Id at 68.

Because of the wide diversity among the themes, techniques, methodologies, scope, time, orientation of the researcher, and purposes of these studies, the findings of earlier studies often seem random and disconnected from other sets of data. Studies prior to 1987 were too sporadic to chart the emergence of any trends related to gender and law school effectively. Researchers had their own objectives and rarely tested earlier findings. Authors of empirical works were content to allow the statistics to speak for themselves, with virtually no acknowledgement of the issues identified in the personal narratives and essays. The narrative writers disregarded statistical findings, possibly because their work was intended as a reaction against cold numbers. The essayists maintained an uneasy middle ground, almost inevitably calling for more empirical work to support their contentions.

The distinction between the results found by different camps at first appears to be absolute. The essays describe the legal system's failures. The statistics demonstrate that women are performing competitively in law school; the narratives counter with descriptions of women's painful feelings of inadequacy. The recurrent dichotomy between women's accomplishments in law school and their feelings about the law school experience can be seen to represent sides of the same coin: in an inhospitable educational system, many women do manage to perform adequately but are dissatisfied with the process.

III. CONTEMPORARY RESEARCH: IRRECONCILABLE DIFFERENCES?

The dissonance among the contradictory research results culminates in the Summer 1988 issue of the Stanford Law Review, in which two scholarly treatments of gender differences in legal education, arriving at diametrically opposite conclusions, are simply published side by side. One uses the essay format to portray vividly the pervasive alienation experienced by women in response to both overt and covert discrimination at Yale Law School. The other is an objective report based on an extensive survey of students at Stanford Law School, which concludes

S. Erickson, Sex Bias in Law School Courses: Some Common Issues, 38 J Legal Educ 101; Mary Irene Coombs, Crime in the Stacks, or a Tale of a Text: A Feminist Response to a Criminal Law Textbook, 38 J Legal Educ 117; and gender issues related to the classroom (Taunya Lovell Banks, Gender Bias in the Classroom, 38 J Legal Educ 137; Stephanie M. Wildman, The Question of Silence: Techniques to Ensure Full Class Participation, 38 J Legal Educ 147; Catharine W. Hanzis, Kingsfield and Kennedy: Reappraising the Male Models of Law School Teaching, 38 J Legal Educ 155; Patricia A. Cain, Teaching Feminist Legal Theory at Texas: Listening to Difference and Exploring Connections, 38 J Legal Educ 165; Mary Jo Eyster, Analysis of Sexism in Legal Practice: A Clinical Approach, 38 J Legal Educ 183). The article by Taunya Banks is the report of preliminary results of a statistical study, but her analysis bears many of the characteristics of an essay.

23 Most empirical studies of law school, for example, have been conducted by social scientists rather than legal scholars. This fact may account for the inability of early studies to capture the heart of the issues as perceived by those within the legal profession.

24 Weiss & Melling, 40 Stan L Rev 1299 (cited in note 7).
that significant gender differences in the law school setting appeared in only two of the survey's multiple areas of inquiry. This juxtaposition of contradictory interpretations leaves the reader with the impression that the editors share the confusion endemic to the field, and have simply given up trying to reconcile the two strains.

A. Telling It Like It Is: The Yale Study

In *The Legal Education of Twenty Women*, Catherine Weiss and Louis Melling have produced an extraordinary study of the experiences of a selected group of female students at Yale Law School from 1984 to 1987. Although the authors characterize the article as an essay, they rely on a composite research technique that combines multiple structured interviews, extensive personal narratives, systematic observation, and selective data tables to support the theoretical model on which they base their analysis. The result is a fascinating piece that substantiates the picture created in narrative treatments, but also offers a broad, thoroughly developed set of conclusions.

1. Content, Structure, and Scope

In their introduction, the Yale researchers provide a firm theoretical grounding for their findings. In considering different models for understanding the learning process in law school, they draw primarily from the work of Carol Gilligan and Mary Belenky. Gilligan distinguishes between the manner in which women and men define themselves: women use attachment, while men use individual achievement. Belenky and her co-authors elaborate on this model in *Women's Ways of Knowing*, in which they distinguish between "connected knowing" and "separate knowing." "Connected knowing," characterized as feminine, emerges from a desire to understand another's idea rather than to judge it, and values the wisdom of personal experience. "Separate knowing" incorporates impersonal procedures for arriving at the "truth," and is characterized as masculine.

The Yale authors characterize traditional legal education as a process of "self extrication," or the rigorous exclusion of feelings and personal beliefs. They advocate an alternate system which values personal

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26 Weiss & Melling, 40 Stan L Rev 1299 (cited in note 7).
27 The authors provide statistical tables on average participation rates of men and women in nineteen classes over a full academic year, and in several other one-semester courses. These data are instructive, and provide solid support for impressions about the silence of women. The interview statements, however, provide the more compelling reading.
28 Carol Gilligan, *In a Different Voice* 159-63 (Harvard U Press, 1982).
conviction and emphasizes understanding the points of view of others (i.e., women and people of color or other minorities). They dismiss what is commonly identified as "truth" in legal reasoning as a construct based on the dominant point of view of the persons in power (the male establishment).\textsuperscript{31}

The Yale study identifies four aspects of women's alienation in law school: alienation from themselves, from the law school community, from the classroom, and from the content of legal education. In explaining the concept of alienation from self, the authors suggest a spectrum with the image of caring, empathetic, cooperative, generous, tradition-bound, and powerless Woman at one end and the image of powerful, instrumental, adversarial Lawyer, molded by previous generations of men, at the other. "In the middle, vacillating, both attracted to and repelled by each image, we stand."\textsuperscript{32} They argue that as women, we find ourselves involved in a "search for a way through law school that blends both images." We experience alienation from self "when swinging too close to either end of the spectrum".\textsuperscript{33}

I don't think I can have kids and a marriage and a career all at the same time. . . . When I want to have a family, I'll have time to think about being less ambitious. . . . I think you can be very ambitious about a career or a family.

I'm very worried about being a lawyer and having a family. I blank when I try to imagine it. . . . Law looks unappealing in itself, especially with the long hours. . . . Who can take care of children or aging parents?\textsuperscript{34}

The authors then explore alienation from the law school community. They describe a number of interlocking areas: discomfort with competition, sexist attitudes on the part of men, and the predominantly masculine atmosphere at Yale. They quote one of the women they interviewed:

How male the place is made me leap. . . . It's not just the individual people. It has to do with how the classes were conducted, the look, the ties, the jackets, the pictures, the deep dark brown leather library, the leather bound books, the dark rooms. You know, "We're serious men."

I used to read "he" as "she" in all of my casebooks. It made a tremendous difference. It was the only way I felt engaged and included.\textsuperscript{35}

The authors go on to assert that "[t]he physical environment made us feel invisible, images of women noticeably absent, and conspicuous, incapable of camouflage. Entirely absent were images of women and men of color."\textsuperscript{36}

The study then turns to alienation from the classroom, describing a

\textsuperscript{31} Weiss & Melling, 40 Stan L Rev at 1306-07 (cited in note 7).
\textsuperscript{32} Id at 1314.
\textsuperscript{33} Id.
\textsuperscript{34} Id at 1316.
\textsuperscript{35} Id at 1322.
\textsuperscript{36} Id at 1322-23.
dynamic that they call "nonconversation," in which "everyone talks as if he were delivering an esoteric address to a large silent audience." They find that this atmosphere silences women. The effects of this atmosphere extend beyond the formal classroom discussion:

Once [after class] I had a question about consideration in Contracts. I had written the question out. The professor was surrounded by men. They talked. I hovered. I had fifteen minutes, but I left after five or seven. I think [the professor] knew I had a question. They were not discussing contracts; they were shooting the breeze. I could have forced myself into their circle, but I didn't.

This section of the Yale study provides further evidence to support the work of James Elkins, Stephanie Wildman, Taunya Banks, the Stanford Gender Project, and our own research at Boalt. The identification of women's silence in the law school classroom provides one of the few nexuses among the different studies. Although women's silence is recognized with virtual unanimity, the theories advanced to explain it have yet to offer a complete explanation.

Finally, the Yale study considers alienation from the content of education. The authors discuss the narrow abstract focus of legal education, which devalues factors important to women, such as social context, plurality of interests, or circumstantial and/or economic justification for people's actions. They take issue with legal discourse that focuses on a search for neutral, objective truth—which they perceive as an artifact of male opinion. One woman writes:

I remember an argument with [a professor] about the Solomon Amendment [which permits the denial of federal loans for higher education to students who do not register with the Selective Service]. . . . I said it was not reasonable. . . . [The professor] said, "Could government withhold funds from universities that discriminate?" I felt personally attacked for having inconsistent opinions. I felt forced to say that if Bob Jones University couldn't discriminate, nonregistrants could not get financial aid. I felt it was not scholarly, legal, or whatever to be inconsistent. I felt I was accused of using the law for political ends, as if that were bad. . . . [Law school] takes a bunch of people who are smart and have goals and opinions and convinces them that if they can't express them in a certain way, the goals are illegitimate. The place robs people of their direction and conviction.

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37 Id at 1335.
38 Id at 1337.
39 The issue of women's silence in the law school classroom recurs frequently in the literature. See, for example, Elkins, 8 ALSA Forum 1 (cited in note 7); Wildman, 38 J Legal Educ 147 (cited in note 22); Banks, 38 J Legal Educ 137 (cited in note 22); Cain, 38 J Legal Educ 165 (cited in note 22); Stanford Gender Study, 40 Stan L Rev 1209 (cited in note 12). See also our own findings, reported and analyzed in sections V and VI of this article.
40 Scholarly treatments usually consider silence in the law school classroom as a problem or defect in legal education, placing the blame on the timidity of students, intimidation by professors, or both. This perspective may fail to account fully for the true dynamics at play.
41 Weiss & Melling, 40 Stan L Rev at 1351 (cited in note 7) (citations omitted).
2. **A Critical Response**

The Yale report is impressive, not only because of the effort that went into the three-year study, but also because the authors have refined the traditional narrative ethnographic model and used this valuable tool to address contemporary concerns. Generalized complaints are virtually nonexistent in the article. Statements of opinion are almost always tied to specific incidents that tellingly illustrate the respondents' experiences. Our impression was that this article should be required reading for all first-year law students.

The Yale study is not without flaws. The authors themselves suggest that the responses may have been influenced by the politicized atmosphere surrounding the clerical workers' strike that was taking place at the time. The striking workers were predominantly female, and student support for the union was strongly divided along gender lines. Furthermore, the environment at Yale, a formerly all-male institution, may not characterize all law schools, not even all elite private law schools. (Note, however, that all law schools were originally exclusively male institutions.)

In addition, this innovative research design and style of presentation is likely to be subjected to close scrutiny. The sample of twenty self-selected women, including only two women of color, may be criticized as too small or too narrow in focus to support the breadth of the authors' conclusions. And the failure to conform to the standard law review article format is a grave sin in traditional circles. However, some of the most provoking insights in the field of gender research in legal education have been based on small samples and unusual methodologies. Less likely to be discussed by legal scholars, but very likely to be of intense interest to the students who read the article, are the familiarity of the experiences described, the appropriateness of the alienation model for interpreting these experiences in an institutional context, and the feeling that someone has at last "told it like it is."

**B. Differences Minimized: The Stanford Project on Gender and Law**

In 1987, responding to the lack of empirical research on differences between the experiences of men and women in law school, a group of Stanford Law Review members undertook an ambitious study of Stanford Law School students and graduates. The Stanford project is similar in methodology to the approach we used to survey Boalt students (see Sections IV, V, and VI below), but reaches dramatically different conclusions.

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42 See Jacobs, 24 J Legal Educ 462 (cited in note 7); LaRussa, 1 Psychology of Women Q 350 (cited in note 17).

The Stanford findings are controversial because they contradict many of the hypotheses of the nonempirical literature concerning gender differences in legal education. Most women (if not all women) who write on the topic agree that law school fails to address the needs and interests of female students. The Stanford findings do not provide statistical support for these beliefs.

1. Content, Structure, and Scope

Stanford surveyed both law school students and graduates. For the purposes of this paper, we do not deal with the findings among Stanford graduates. The Stanford Law School findings are organized into six major areas: (1) reasons for going to law school; (2) satisfaction with performance; (3) qualities most admired in professors; (4) participation in class; (5) feelings toward Stanford Law School; and (6) self-reported performance in law school, based on admission to Order of the Coif.

The Stanford researchers discovered significant gender differences only in reasons for going to law school (Area 1) and classroom participation (Area 4). These differences are largely consistent with the observations of other studies and have been well documented elsewhere. When asked about their reasons for going to law school, male and female students responded markedly differently to two of the 17 possible answers. Almost twice as many male students as females reported that an interest in politics and/or the desire to make money had motivated their attendance.

In response to questions about classroom participation, male students were considerably more likely than female students to report that they asked questions in class frequently. Men were also more likely than women to volunteer answers in class.

The researchers offer only cursory explanations for the absence of gender differences in the other areas. Concerning the similar level of satisfaction with law school performance, they simply suggest that “[t]hese results may signal a change over time in women’s satisfaction with their law school performance, and a narrowing of the gap between women and men.”

The failure of female students to conform to research expectations by selecting accessibility as the most admired trait in their profes-

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44 The Boalt project did not survey graduates. Future and better-funded studies should do so.
45 The classic studies on motivation are, of course, Stevens, 59 Va L Rev 551 (cited in note 17), and LaRussa, 1 Psychology of Women Q 350 (cited in note 17). Discussions of classroom participation include Elkins, 8 ALSA Forum 1 (cited in note 7); Wildman, 38 J Legal Educ 147 (cited in note 22); Banks, 38 J Legal Educ 137 (cited in note 22); and Cain, 38 J Legal Educ 165 (cited in note 22).
46 Stanford Gender Study, 40 Stan L Rev at 1238 (cited in note 12). Interestingly, despite the large array of choices, respondents were not prohibited from selecting multiple items.
47 Id at 1239.
48 Id at 1241. It is difficult to assess this conclusion, since the actual level of satisfaction is never disclosed. We are not told if Stanford students are satisfied or dissatisfied; once it is discovered that no gender differences exist, the findings are dismissed. As a result of this curious omis-
sors is ascribed to the possibility that "women are feeling more comfortable in law school and therefore do not look to professors to put them at ease." 49 Finally, the authors suggest that the increase in female students helps explain the finding that male and female students are tending for the first time to enjoy law school equally: 50

[T]he law school environment may have become more responsive and hospitable to [women]. Second, there may be comfort in being one of a sizable subgroup within the law school population. Finally, women's lives may have changed in ways that allow women to accommodate more easily to the law school environment. 51

Such an analysis is vastly at odds with the results of other studies, and is particularly ironic in light of our own findings.

Finally, the Stanford researchers found no statistically significant difference in the number of men and women elected to Order of the Coif. They extrapolate this finding to provide evidence that all men and women at Stanford are performing comparably. They observe that this finding "fails to support our expectations and the observation made by graduates of other schools that men tend to perform better than women in law school." 52 However, they do not consider the fact that the top ten percent of the class elected to Order of the Coif is not necessarily (or even logically) representative of the performance distribution among men and women in the other 90%.

2. A Critical Response

The Stanford statistics have been carefully gathered and painstakingly analyzed. The study is more thorough than any that precedes it, and it should be praised for the ambition and scope of the project, and its willingness to pursue unorthodox lines of inquiry, such as an extensive testing of gender differences in moral values and legal rules. 53

Unfortunately, the Stanford findings are flawed in a number of ways, and therefore disappointing, particularly for those who had hoped to rely on its data in arguing for change in the law school environment. A number of factors may account for the relatively few gender differences discovered by the Stanford researchers, including student demographics, survey design, and survey content.

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49 Id at 1242. Although male and female students are reported to have admired the same qualities in their professors, the qualities chosen are never revealed.

50 Id. Once again, we are not told what level of enjoyment the researchers are discussing.

51 Id at 1242-43.

52 Id.

53 See discussion in Section III.B.1.c., "Survey Content."
a. Demographics

First, the findings may be specific to the demographic composition of the Stanford Law School student body. Although the Stanford questionnaire asked numerous questions about personal background, the authors have published only general information about student gender, ethnicity, and average age (25). This makes it difficult to know who is represented by the Stanford responses, or to investigate background characteristics for underlying explanations.

When we first began to discuss the contradictions between our findings at Boalt and those in the Stanford study, the first question asked was whether the respondents at the two schools differed, and in what ways. Clearly, there are differences between Stanford and Boalt students that may account for the differences in our findings. Until the Stanford researchers release more extensive demographic information about their respondents, it will be impossible to fully assess the implications of their findings.

b. Survey Design

The design of the Stanford survey may have been conducive to neutralizing the results. For example, 15 of the Stanford questions concerning student choices or preferences had eight or more response options—one had 31 multiple choices! In Stanford's sample of 343 student respondents, the numbers in each response cell could be so small that discernable trends and differences would be obscured. To add to the confusion, respondents were rarely limited to a single choice or directed to order their selections by preference. Thus the numbers may be arbitrarily inflated in some categories. Unfortunately, these flaws in the survey design tend to muddle the results.

c. Survey Content

To gauge feelings and reactions to law school, the Stanford survey includes a "Lifestyle" section that contains an inventory of 15 overt behavioral symptoms such as exercise, crying, overeating, physical violence, drug abuse, alcohol consumption, and suicidal ideation. Students were asked how often they participated in each of these activities. This approach builds on the earlier work done by Shanfield and Benjamin on psychiatric distress in law students, which also relied on such traditional somatic indicators.54

54 Shanfield & Benjamin, 35 J Legal Educ 65 (cited in note 20); Benjamin et al, 1986 Am B Found Res J 225 (cited in note 20). Unfortunately, the Stanford researchers attempted to rely exclusively on these indicators, without inquiring into the underlying reasons for participation. For example, a student may drink alcohol for a full spectrum of reasons: as a reward for hard
Behavioral indicators can be useful. They are relatively straightforward and provide precise data. But they may also be inadequate, particularly when there is a discrepancy between what women do in law school and how they feel about it, as we hypothesize. The Stanford researchers omit any inquiries about the areas in which women in other studies most frequently claim to feel different from men—self-esteem, adherence to personal values, confidence, self-respect, professional identification, adversariness, etc., etc. These are factors which are likely to be more reliable indicators of a student's satisfaction level than isolated somatic symptoms. In fact, the Stanford questionnaire asks only one question that directly attempts to uncover students' feelings about the law school experience: "Overall, how do you feel about Stanford Law School?" (question 57).  

In general, Stanford has adopted a generic approach to gender issues, following traditional lines of inquiry such as classroom participation and academic performance, and relying exclusively on conventional indicators such as Order of the Coif. The questionnaire fails to address issues of immediate political and educational concern such as faculty diversity or alternative curricula, which may tend to expose differences among women and men more explicitly.

A final problem in the content of the Stanford questionnaire is found in the "Rules of Law" section (questions 74-104). A series of three hypotheticals are presented with accompanying questions about them. Respondents are instructed: "Questions 74-104 refer to rules of American law. They are not designed to test your knowledge of the law but rather your views on law and society." The legal rule applying to the situation in each hypothetical is then provided, with the following type of disclaimer: "Assume for the moment that there is no precedent for deciding this case and that you are not bound by the [relevant] rule of law . . . set out above. If you were deciding the case, how important would the following [circumstantial] factors be to you?"  

It is not surprising that this approach fails to reveal any significant differences between the responses of male and female students. In a sense, the deck is stacked. Respondents are given classroom hypotheticals presented in an entirely legalistic context, complete with the rule of law and the confusing instruction not to be bound by "precedent" in "deciding the case." Presented with a problem that sounds like a law work or work well done, as a cultural reflex, as an expression of congeniality, as an escape from the rigors of student life, as the consequence of addiction, or as a result of alienation or unhappiness. Men may tend to drink less or more than women in general. Unless there is some evidence as to why the respondent engages in or eschews such conduct, the data are very difficult to interpret.

56 Id at 1292.
57 Id at 1292-94.
school exam, students are all too likely to be unable NOT to think like a lawyer in their responses.

Even those most resistant to the process of indoctrination into legal reasoning complain of their inability to control the process. Consider this comment from the Yale study:

I fight becoming a lawyer. . . . I went to talk to the professor about Gilmore. . . . I said, 'I don’t care if Gilmore wants to [kill] off himself. I just don’t want the state to kill him.' I left and thought, that’s not [me] talking, that’s a lawyer getting into an argument. 58

Another Yale woman adds,

Law school teaches you to think in a certain way. You need to find the crux, to go through material quickly for the key. . . . I hear people talk about personal relationships in cost/benefit terms. 59

The absence of significant gender differences in responses to Stanford’s “Rule of Law” section certainly provides evidence that law school is effective in inculcating traditional legal reasoning. However, we remain unconvinced that this approach provides a sufficiently open forum for women (or men) to respond according to their personal beliefs, or in any fashion that does not reflect their indoctrination into traditional legal problem solving.

The Stanford findings contrast sharply with the other literature in the field. Some of the discrepancy may result from Stanford’s research design, method of analysis, and possibly “atypical” student body. Although our study was designed and administered before the Stanford results were published, we were aware of the Stanford project from the early stages of our own research. In a fundamental sense, then, our own work is intended to respond to the Stanford and Yale studies, and our analysis attempts to address the contradictions they set out.

IV. THE SEARCH FOR A UNIFYING PRINCIPLE

A. Early Speculations on Achievement and Satisfaction

Contradictory findings can often be reconciled by a theory or hypothesis that incorporates the disparate trends. In 1972, in one of the few early studies that focused directly on the experience of women in law school, Alice D. Jacobs speculated on the dichotomy between women’s accomplishments and their apparent unhappiness. 60 Today, despite enormous changes in the representation of women in law school, many of Jacobs’s conclusions remain relevant.

In an effort to determine whether "the emotional and practical

58 Weiss & Melling, 40 Stan L Rev at 1320 (cited in note 7) (footnote omitted, bracketed words in original).
59 Id.
60 Jacobs, 24 J Legal Educ 462 (cited in note 7).
requirements of [women's] sexual roles exerted a restraining influence on their ability to identify with their chosen profession," Jacobs surveyed 21 female students and 62 male students at a university law school in Boston and a small southwestern university law school.61 She found that the women as a whole "perceived their professional role and identity as somewhat subordinate to their pre-existing identities as women, wives, and mothers."62 Significantly, the freshman women, as opposed to the senior women, did "evidence a desire to perceive their personal and career lives as not dualistic, but synergic; their values emphasize the complementarity of their sexual and professional roles."63

Jacobs expresses concern that women law students tend to view themselves from a "minority perspective":

[With]in the physical space of the law school, women create patterns of association which visibly signal their status as members of a differentiated group, and by so doing affirm to themselves and to others that they are, in fact, different. Women students feel that they experience special problems in law school, and this provides a basis for their normative expectation that women should be especially sensitive and helpful to each other. . . .

Women in law school express attitudes which bespeak an image of self-denigration and low self-esteem. . . . When talking about other women students, women generally expressed unfavorable judgments about their cattiness, sloppyness [sic], or other poorly valued traits. On three separate occasions informants said, "I wouldn't want a woman attorney to represent me, women are too untrustworthy."64

Jacobs contrasts this perspective with a comparison of the grades of men and women, and determines that "[w]omen do as well as men, and in the Torts course and Moot Court fare somewhat better. It would seem that objective criteria such as these grades provide no factual grounds for considering women to be inferior as law students, or as potential lawyers."65

Jacobs's sample is small and idiosyncratic, and her statistics are undifferentiated, although they were compiled from two unrelated groups over a period of three years. Furthermore, Jacobs places too much responsibility for social isolation and goal limitation on the women themselves and too little on the institutions.66 Nevertheless, her findings demonstrate that competitive performance does not insulate women against the adverse affects of other factors in a law school environment. Drawing on earlier studies by Cynthia Epstein and Matina Horner, Jacobs cautions women against "this unfortunate constellation of high

61 Id at 463.
62 Id.
63 Id.
64 Id at 467-68.
65 Id at 468.
66 For example, Jacobs assumes that women willingly segregate themselves, but does not acknowledge the institutional and social pressures that have made this a required technique for survival. Id at 467-68.
achievement motivation, and real success, coupled with generalized attitudes of low self-esteem and self-hatred." 67

Perhaps because of the idiosyncracies of her sample, Jacobs's conclusions have failed to receive the attention they deserve. However, contemporary theory has begun to rediscover the issues Jacobs identified over fifteen years ago.

B. Contemporary Theories

Most recent writing on women in law school (and the legal field) has returned to qualitative considerations. Concrete issues relating to motivations for attendance, performance, and career goals dominated earlier empirical studies of gender differences. 68 As these issues have been resolved (or appear to have been resolved), they have yielded to a new and more subtle series of concerns:

Women students in law school may have nominal equality in that most sex-based barriers have been eliminated, but some covert barriers remain . . .

. . . Although some positive changes have been made, most changes in the teaching of law have been based primarily on what "works" for male law students. Women, if they benefit at all, are secondary beneficiaries. Their concerns go largely unaddressed. 69

1. Feminist Legal Theory: Looking at Women

Carol Gilligan's pathbreaking work on gender differences in moral development and reasoning, *In a Different Voice*, has been widely discussed in the feminist legal community and has proven instrumental in the evolution of a body of feminist legal theory. 70 Gilligan argues that in exercising powers of moral reasoning, women focus on context and responsibility, while men emphasize rights and abstract principles of justice. 71

Gilligan's influence on feminist legal scholarship has been enormous. Her work provides a theoretical foundation to substantiate the discomfort women have experienced with traditional legal reasoning and jurisprudence. In addition, it offers an explanation for inadequacies in the substantive content of legal educational materials and teaching methods (as well as the legal system itself).

67 Id at 470 (paraphrasing Cynthia Epstein).
68 See notes 17-20.
69 Banks, 38 J Legal Educ at 137-38 (cited in note 22).
71 Gilligan, *In a Different Voice* at 64-105 (cited in note 28).
Not all feminist scholarship falls within the ambit of Gilligan's theories. Gilligan has been criticized for basing her work on the stereotypical assumption that all women value care and nurturing. Theorists such as Catharine MacKinnon argue that this conception is a received image that has been imposed upon women by men to serve men's purposes. MacKinnon encourages women to question rather than champion such a hypothesis in their demands for change in the legal framework.\footnote{For an explication of this argument, see Catharine A. MacKinnon, \emph{Feminism Unmodified: Discourses On Life and Law} 38-39 (Harv U Press, 1987).}

Nevertheless, many feminist legal scholars seek to incorporate a plurality of viewpoints. Professor Mary Joe Frug states:

\begin{quote}
The first wave of feminist scholarship was concerned with getting women treated like men, and getting men's rights extended to women. . . . But women are not all alike, either. We cannot be simplistic and propose one model for female behavior. Post-modern feminism acknowledges that while women have some commonalities, we also have many differences, including race and class. In Gilligan's terms, it's not just one "different voice" we've been ignoring, it's many.\footnote{Tamar Lewin, \emph{Feminist Scholars Spurring a Rethinking of Law}, NY Times, B9, col 3 (Sept 30, 1988) (quoting Professor Mary Joe Frug).}
\end{quote}

In the lead article of the March/June 1988 issue of the \emph{Journal of Legal Education}, Leslie Bender summarizes the central thrust of current feminist thought:

Men have constructed an adversary system, with its competitive, sparring style, for the resolution of legal problems. . . . Much of legal practice is a win-lose performance, full of one-upmanship and bravado. If it were to turn out that competitive sparring is not the way a majority of women function most effectively, then within patriarchy's terms it could be concluded that women are not well suited for legal practice. But rather than regarding legal practice as fixed, we can question whether a competitive, win-lose approach is necessary and examine how it has been modelled by men in their own image. When we look anew for methods for resolving conflicts, we may decide that win-lose, adversary methods are not the only, or not the best, or even not a preferable method for dispute resolution. Perhaps we could design alternative models that incorporate the perspectives of women and men.\footnote{Bender, 38 J Legal Educ at 7 (cited in note 22).}

No study of gender differences today—empirical or not—could be undertaken without acknowledging the significant challenge posed by feminist theory.

2. Legal Hierarchy: Looking at the Institution

While feminist scholars have tended to view the tension between male and female approaches to legal and moral issues as a psycho-social issue, Duncan Kennedy, a prominent member of the Critical Legal Stud-
ies movement, has addressed the problem from an institutional perspective. In a thought-provoking essay on the realities of legal education, he discusses the monolithic law school atmosphere created by professors and the institutional structure: “Students who are women or black or working class find out something important about the professional universe from the first day of class: that it is not even nominally pluralist in cultural terms. The teacher sets the tone—a white, male, middle-class tone. Students adapt.” Of course, the problem then becomes what is lost or gained in the adaptation process. Is adaptation, like assimilation, justified by the promise and delivery of mainstream benefits? Or, as Kennedy suggests, is the “indirect pressure for conformity” so intense that the result is alienation from the dominant point of view entirely?

Kennedy perceives an inevitable tension in the present system of legal education between what is expected of all law students and the greater sacrifice that is required from those who do not inherently conform to the white, male legal world:

It is easy enough to see this situation of enforced cultural uniformity as oppressive, but somewhat more difficult to see it as training, especially if you are aware of it and hate it. But it is training nonetheless. . . . You will come to expect that as a lawyer you will live in a world in which essential parts of you are not represented, or are misrepresented . . . .

This fatalistic perspective has both a liberating force and a chilling impact. Once the realities are finally brought into focus and acknowledged, they may be easier for students to manage. On the other hand, the precision of such observations may validate the status quo and convey the impression that this dynamic is not likely to change.

Kennedy's model was among the first to attempt to capture the complexities of law school socialization, which include the loss students suffer when forced to inculcate legal reasoning at the expense of their own intuition or experience, their humiliating regression into childlike fears of retribution for failing to “please the teacher,” the surprise and anger students feel at the systematic exclusion of their personal beliefs as “soft thinking.” Drawing on the scene set in The Paper Chase, Kennedy's description offers a view from the lectern that extends beyond the character “Hart” and his cohort to encompass the effect of law school socialization on the rest of the class: “It would be an extraordinary first-year student who could, on his own, develop a theoretically critical attitude toward this system. Entering students just don’t know enough to figure out where the teacher is fudging, misrepresenting, or otherwise distorting legal thinking and legal reality.”

75 Duncan Kennedy, Legal Education as Training for Hierarchy, in David Kairys, ed, The Politics of Law 40 (Pantheon, 1982).
76 Id at 56.
77 Id at 57.
78 Id at 48.
If Kennedy’s view of law school fails or is incomplete, it fails precisely because it is a view from the lectern. His primary concern is the pedagogical failure of the system and the tyranny of professors, which he perceives to be antithetical to the needs and goals of female students and students of color. He does not consider the possibility that students may be more resourceful than they appear from the professor’s perspective, or that the alienation he describes may serve its own political purposes within the social structure of the institution.

3. A Model for Political Change

We valued Kennedy’s model for its candor and its relevance to our own experience, but we believed that it stopped short of our own observations. We questioned his assumptions about the effect of social hierarchy in the law school classroom. We accepted his description of the systematic alienation inherent in the legal educational system, but we believed that his ideological approach failed to account for the full complexity of student reaction to the situation.

The institutional hierarchy may be entrenched in law schools, but not all participants necessarily share Kennedy’s belief that those students who fail to conform to the white, male institutional norm are unconditionally victimized by the system. Mari Matsuda has developed a theoretical model that applies to the situation of women and people of color in the traditional law school environment. Matsuda contends that those who have experienced oppression “speak with a special voice to which we should listen.” She believes that women and people of color maintain a “multiple consciousness” which includes both mainstream American consciousness and the outsider’s consciousness. Pat Williams describes this phenomenon:

Mari’s paper [When the First Quail Calls] described so well . . . the phenomenon of multiple consciousness, multiple voice, double-voicedness—the shifting consciousness which is the daily experience of people of color and of women. When I was younger, I used to associate that dreamy, many-sided feeling of the world with fears that I was schizophrenic. Now that I am older (and postmodern) I think that there is much sanity in that world-view. If indeed we are mirrors of each other in this society, if I have a sense of self-concept that is in any way whatsoever dependent upon the regard of others, upon the looks that I sometimes get in other people’s eyes as judgment of me—if these others indeed supply some part of my sense of

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81 Matsuda, 11 Women’s Rts L Rptr 7, passim (cited in note 79).
myself, then it makes a certain amount of social sense to be in touch with, rather than unconscious of, that doubleness of myself, that me that stares back in the eyes of others.\footnote{Pat Williams, Response to Mari Matsuda, 11 Women's Rts L Rptr 11, 11 (Spring 1989).}

Matsuda agrees that women and people of color can use this enhanced consciousness to appropriate and transform what they learn to advance their own social and political agenda.\footnote{Matsuda, 22 Harv CR-CL L Rev at 333 (cited in note 79).} She uses the Japanese reparation movement as an example. The movement bases its claim for remedial justice on a demand for strict enforcement of Constitutional rights, despite the inability of the Constitution to protect Japanese-Americans during World War II. Matsuda describes this seeming paradox as follows:

I can claim as my own the Constitution my father fought for at Anzio, the Constitution that I swore to uphold and defend when I was admitted to the bar. It was not written for me, but I can make it my own, using my chosen consciousness as a woman and person of color to give substance to those tantalizing words “equality” and “liberty.”\footnote{Matsuda, 11 Women’s Rts L Rptr at 10 (cited in note 79).}

Matsuda applies this theory to the law school classroom setting. She envisions a woman of color sitting in a first year law school class:

In the consciousness of this student, many facts and emotions are relevant to the case [being discussed] that are extraneous to standard legal discourse. The student has decided to adopt standard legal discourse for the classroom, and to keep her women-of-color consciousness for herself and for her support group. This bifurcated thinking is not unusual to her. She’s been doing it throughout her schooling—shifting back and forth between her consciousness as a Third World person and the white consciousness required for survival in elite educational institutions.\footnote{Id at 7-8.}

In this view of the legal educational system, one’s experience as an “outsider” becomes a source of strength, rather than the burden Kennedy portrays. Matsuda argues that exposure to mainstream values and the outsider’s critical perspective combine to enable women and people of color to “draw transformative power out of the dry wells of ordinary discourse.”\footnote{Matsuda, 22 Harv CR-CL L Rev at 335 (cited in note 79).} In contrast to earlier theories concerning outsiders in law school, Matsuda’s model enables the researcher and reader to recognize the dual status of women and people of color in law school, to identify the complexities and costs of the role they assume, and to demonstrate the positive potential for change that can accompany such an adaptive posture. As shown below, Matsuda’s model was highly instrumental in our analysis of the Boalt Survey results.
V. THE BOALT HALL STUDENT SURVEY: TRADITIONAL METHODOLOGY, UNTRADITIONAL RESULTS

A. The Original Hypothesis

We set out originally to test the hypothesis that men and women experienced law school differently from each other.\textsuperscript{87} We believed that the differences, if they existed, were not neutral in character, but tended to disadvantage women. We further posited that differences between male and female law students were likely to be expressed in emotional responses or personal attitudes toward law school and the legal profession, rather than purely in terms of academic performance or achievement. We found that our hypothesis was inadequate to explain the full range of our findings.

B. Methodology

We sought a methodology that could serve a two-fold purpose. First, we wanted to conduct an empirical study that would withstand academic scrutiny. Our perceptions were generally confirmed by the nonempirical literature\textsuperscript{88} but past statistical studies had largely failed to capture the gender differences we experienced.\textsuperscript{89} We wanted to substantiate our observations empirically.\textsuperscript{90}

\textsuperscript{87} We did not attempt to identify underlying causes for such differences at this time. Such an inquiry would have assumed the existence of facts we were attempting to establish. Future research specifically directed at the causes of gender differences is required.

\textsuperscript{88} See, for example, Jacobs, 24 J Legal Educ 462 (cited in note 7); Elkins, 7 ALSA Forum 290 (cited in note 7); Elkins, 8 ALSA Forum 1 (cited in note 7); Ginsburg, 32 J Legal Educ 272 (cited in note 7); Schwartz, Lawyering (cited in note 7); Weiss & Melling, 40 Stan L Rev 1299, 1330 (cited in note 7); Menkel-Meadow, 38 J Legal Educ at 77-85 (cited in note 22); Schneider, 38 J Legal Educ at 91-92 (cited in note 22); Banks, 38 J Legal Educ 137 (cited in note 22); Wildman, 38 J Legal Educ 147 (cited in note 22); Eyster, 38 J Legal Educ 183 (cited in note 22). The Jacobs study employed some empirical methods, but primarily was a nonempirical study. The Banks article, as noted earlier, reports results of an empirical study but has the feel of an essay.

\textsuperscript{89} See, for example, Barry & Connelly, 1978 Am B Found Res J 751 (cited in note 16) (bibliography listing a few studies that consider gender differences); Stevens, 59 Va L Rev 551 (cited in note 17) (study of 8 law schools, gender not considered as a variable); Stanford Gender Study, 40 Stan L Rev 1209 (cited in note 12) (see critique of this study at notes 43-59 and accompanying text); White, 65 Mich L Rev 1051 (cited in note 18) (considers gender differences in relation to income differentials among practitioners); Pipkin, 1976 Am B Found Res J 1161 (cited in note 20) (study of student reactions to law school, did not separate results by gender); Rathjen, 44 Tenn L Rev 85 (cited in note 20) (study of law student values, most results not differentiated by gender); Carrington & Conley, 75 Mich L Rev 887 (cited in note 20) (study of law student alienation, dissatisfaction and sociability, some results varied by race and gender); Shanfield & Benjamin, 35 J Legal Educ 65 (cited in note 20) (some gender variation reported in regard to psychic distress among law students and lawyers); Benjamin et al, 1986 Am B Found Res J 225 (cited in note 20) (gender a significant variable in psychic distress).

\textsuperscript{90} With the assistance of the staff at the Survey Research Center at the University of California, Berkeley, we designed a questionnaire appropriate for statistical interpretation. Karen Garrett, Bob McCarthy, Tom Schnetlage, and Micki Skronsky provided expert advice. Tom Billings, a graduate student in the Statistics Department, joined forces with us to assist with the data analysis.
Second, we wanted our research to remain true to women's experiences rather than straying off into complex methodological analysis. Over the years, women have often relied on their own narrative histories because more "objective" historical records have excluded their views.\textsuperscript{91} We fully believed that many of the stories that women tell of their experiences ring true in a way that statistical data cannot. We valued these stories and hoped to establish that they were not merely the sentiments of a highly vocal minority of women. Thus, we decided to incorporate this popular wisdom by concluding the survey with an open-ended question inviting descriptions of personal feelings about law school and/or the legal profession. We allotted approximately a page and a half for the answer in the hope that respondents would be encouraged to share their opinions with us.

C. Designing the Research Instrument

We designed a 19-page questionnaire\textsuperscript{92} to test for gender differences at Boalt, focusing on self-esteem as the primary variable and organizing principle. Although many of our questions were phrased as opinions or preferences, we also included some standard achievement measures such as grades, class rank, extracurricular activities, and job interview history. Many of the questions offered a statement with which the respondent was asked to agree or disagree. We set up a continuum with four choices (strongly agree/agree/disagree/strongly disagree). We did not offer a neutral category, as we believed that the respondents held opinions concerning the questions we posed.

We divided the questionnaire into six parts: (1) career plans and goals; (2) academic experience at Boalt; (3) psychological and emotional reactions to the academic experience (we entitled this section of the questionnaire "General"); (4) academic performance; (5) demographic information (see Table 1) and (6) the section for open-ended comments. Questions in sections 2 and 4, academic experience and performance, were designed primarily to obtain information about how students felt about themselves in the law school setting, rather than merely to describe their actual conduct. For example, we requested respondents to agree or disagree with a statement such as "My grades reflect the amount of effort I put in studying" or "When I am called on by the Socratic method, I am able to answer as well as most people." Although we did solicit quantitative data (such as estimates of class rank, number of high honors grades received, etc.), we were interested in these numbers as a means rather

\textsuperscript{91} For representative narrative studies see sources cited in note 88; for representative empirical studies see sources cited in note 89 (although some empirical studies found occasional gender differences, none of those discussed actually set out to undertake a gender-based analysis of differences).

\textsuperscript{92} Copy attached as Appendix B.
than an end. Based on our hypothesis, we expected that objective indicators such as grades and academic honors would demonstrate that women had learned to play the game quite well; what we wanted to learn was how they perceived themselves for doing it.

D. Administering the Survey

We administered the questionnaire to all first-, second-, and third-year Boalt students in March, 1988. Elaborate measures were taken to assure the respondents' anonymity. Our initial distribution was to 860 students; after a single follow-up, a total of 667 questionnaires were completed and returned. This resulted in an extraordinary response rate of 78%. Only four questionnaires had to be discarded because of blatantly spurious responses. Boalt students were clearly supportive of our efforts and, as we would discover, they plainly had much to say. A second-year woman commented: “God,...[this is] the first time anyone associated with the school has really asked me how I felt about the place. Thanks.”

A great deal of student activity regarding faculty diversity took place at Boalt during the several weeks prior to our distribution of the survey. Student groups and the Boalt faculty/administration had been engaged in an ongoing exchange about the diversity issue since early March. Much of the debate centered on faculty-student relationships and reflected students' growing dissatisfaction with the faculty's inadequate efforts to recruit and retain female professors and professors of color. The activity culminated with a one-day boycott of classes and a sit-in at the Dean's office a week before spring break. The vacation that immediately followed provided a 10-day cooling off period. We distributed our survey during the week students returned.

The influence of this student activity on survey responses is difficult to assess. Certainly, student interest in and awareness of the issues were high when the survey was distributed. This situation may have been partly responsible for the survey's extraordinarily high rate of return, but it did not significantly affect the demographic distribution of the respon-

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93 We administered the survey to all Boalt students via student mailboxes. Prior to distribution, a third party created a master list containing the name of every student. A number generated by a random number program was assigned to each name. This information was not disclosed to the authors. A cover sheet with each student's number was stapled to each questionnaire, and the surveys were then placed in student mailboxes. The questionnaire itself had no number or any other designation identifying the individual respondent. We later collected the surveys from several sealed boxes located throughout the law school building. At the point of collection, before the actual responses were examined, the numbered cover sheets were removed from the questionnaires. While the cover sheets provided a record of who had responded, the separation process guaranteed total anonymity by severing any possible link between the identifying number and the responses within the questionnaire. It also ensured that the questionnaires returned would be only the copies that we had distributed. Follow-up questionnaires were distributed to those whose cover sheets were not returned.

94 Note, however, that compared to the well-organized nationwide activities during the following two years, the diversity movement was in its fledgling stages in March, 1988.
dent pool. Student comments in the questionnaire did not mention the boycott. A few students may have refused to respond because they perceived the survey to be politically motivated. Interestingly, the few allegations made about our affiliation and motivation came from students on both sides of the issue. This reassured us that our efforts at achieving neutrality had been successful.

E. Analyzing the Survey: Developing a Different Model for Presentation of the Data

Earlier studies provided little guidance in formulating an analytical model to present and interpret the data. Even the most recent gender studies had failed to account for ethnic differences, which we felt were significant in our research. In her excellent article on the dangers of generalization and assimilation in feminist legal theory and practice, Martha Minow quotes Audre Lorde:

As white women ignore their built-in privilege of whiteness and define [woman] in terms of their own experience alone, then women of Color become “other,” the outsider whose experience and tradition is too “alien” to comprehend.

Throughout the article, Minow argues that ethnicity should not be obscured in gender analysis. We shared her conviction and, consequently, we developed an analytical model for presentation of the data that involved a simple refinement of the conventional male/female comparison. We hypothesized that if differences in law school experience varied by gender, as we expected, then gender differences should be present in all ethnic groups. This possibility had to be tested and proven, not obscured. Thus, testing for overall gender differences by comparing responses of men and women in the entire student population was merely

<table>
<thead>
<tr>
<th>People of color (percent):</th>
<th>27%</th>
<th>23%</th>
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<tbody>
<tr>
<td>Women (percent):</td>
<td>44%</td>
<td>46%</td>
</tr>
<tr>
<td>Men (percent):</td>
<td>56%</td>
<td>54%</td>
</tr>
</tbody>
</table>

Composition of student body obtained from University of California, Berkeley, School of Law (Boalt Hall), Report on Admissions (Fall 1989) (available from the Boalt Hall Office of Admissions, University of California, Berkeley).

The authors were neither affiliated with nor sponsored by any student group or other law school organization.


Similarly, we believe future research must explicitly address the relationships between gender and economic class position, gender and sexual orientation, gender and religious identity, etc.
the first step; it was then necessary to test for gender differences within distinct ethnic groups. If similar gender differences within different ethnic groups could be demonstrated, it would validate our gender-based hypothesis. If not, another basis for differences would need to be explored.

Although "ethnic background" has not been treated as a primary variable, ethnicity emerges as a critical factor in many of our findings. Some critics will undoubtedly object to the fact that we have used only two broad ethnic categories (whites and people of color). Due to the relatively small numbers of respondents in each identified subcategory among people of color, it was necessary to aggregate these groups in order to maintain the integrity of the data analysis. This approach fails to account for the diverse experiences of different ethnic groups. Our intention was not to suggest generalizations about people of color at Boalt. The study was limited to identifying areas of dissatisfaction and alienation among all students. Our findings demonstrate that mainstream beliefs and values continue to dominate at the lectern but are widely unsatisfying to the growing numbers of non-mainstream students, i.e., women and people of color. Future research is required to determine the affirmative preferences of such students.

The gender model we developed involved a recurrent statistical problem. Because of the difference in the numbers of respondents in the two broad ethnic categories, an identical percentage difference between the responses of men and women may be statistically significant in the white population, but not in the smaller population of people of color. Thus, in many areas gender differences are present in the same proportion in both groups (confirming our hypothesis), but they are not statistically significant in the smaller group. We chose to report these differences, despite the technical deficiency, because we believed that they were essential to portray the overall picture of life at Boalt.

VI. Summary of Findings

We have organized our findings into six major categories: motivation for attending law school (Section VI.A.); classroom participation (Section VI.B.); academic experience, including both grades and attitudes (Section VI.C.); role conflict, focusing on changes in career expectations and values (Section VI.D.); perceptions of self and the institution (Section VI.E.); and student perceptions about faculty diversity (Section VI.F.). This organization departs from the design of the questionnaire, but is more conducive to analysis.
A. Motivation for Attending Law School

I was thinking of getting my teaching credential . . . . Unfortunately I was lured by what I perceived as a more powerful social skill for social justice. Also, to be honest, the prestige and salary range is [sic] much better than teaching. I do, however, regret my decision now. I'm trapped now—too many loans and a child to support. (3L woman, responding to Boalt survey)

1. Hypothesis

We hypothesized that women entering Boalt in the mid-1980s would have motivations for entering law school similar to their male counterparts. We believed that the notion that women undertake legal training for more altruistic reasons than men was an outdated stereotype.

2. Findings

Students were asked to select the response that best described their reason for coming to law school, from possible choices including academic interest, prestige of the profession, financial security, and a desire to serve society (see Table 2). A pattern emerged that would frequently be repeated in our findings: a tendency toward statistical clustering among the responses of white women, women of color, and men of color in contrast to the responses of white men. Thirty-five percent of white women selected the desire to serve society, as did 31% of both men and women of color. In contrast, only 18% of white men selected this reason. Academic interest was the primary motivation for white men (40%), but placed second in the other three categories.

B. Classroom Participation

My biggest complaint about life at Boalt is that professors are not as respectful of students as they should be. Attitudes range from condescending to apathetic. Without students they would be out of jobs. Don't they even like students? . . . Sometimes it feels like "we went through hell in law school so you should too." Why? (1L woman, responding to Boalt survey)

1. Hypothesis

In light of the pervasive findings on women's silence in the classroom, we hypothesized that women at Boalt would tend to make themselves relatively invisible in class. Our data continue to support this
hypothesis and confirm the findings of recent years. Given the consistency of such findings over the past 20 years, it would be fair to state that the silencing of women is no longer hypothetical.

2. Findings

Respondents were asked to indicate how often they asked questions or volunteered answers in class (see Table 3). Possible responses ranged from "never" to "at least once a week." In general, women at Boalt were much less likely than men to participate in class in any way other than being physically present. Gender differences persisted, although less dramatically, among people of color, with women of color indicating that they participated less than any other group. Strikingly, a majority of women and people of color indicated that they never asked questions or volunteered answers in class, in contrast to nearly two-thirds of white males who stated that they had done both with some frequency. The data thus confirm what many of us have experienced or observed as law students, and what has been verified by every study which has addressed the issue. Although we are present in increasing numbers in the classroom, we are present only to listen and not to speak.

C. Academic Experience

The majority of the faculty has no interest in helping us learn but looks at us as a bunch of statistics—GPA, LSAT, and now grades. . . . I feel that Boalt is trying to prepare me for a life of white male dominance and I reject the authority of those whose sole skill is to analyze legal cases without considering broader social and political questions. (IL woman, responding to Boalt survey)

1. Hypothesis

Based on our observations in our first-year classes, we suspected that men and women at Boalt were not performing at the same level. While we both knew women who had excellent first-year grades, many women we talked with seemed to be receiving lower grades than their male peers. In an academic system devoid of virtually any other feedback (particularly during the first year of legal education), grades often have an inflated significance and greatly influence attitudes toward law school and entering the legal profession. Thus, if women and men indeed perform differently in law school, measured by grades, we expected that

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99 See notes 7, 39, and 115.
100 For studies specifically treating the issue of silence in the classroom, see sources cited in note 39.
their attitudes about legal education and the practice of law would also differ.

2. Findings

a. Grades as Objective Measures

Our findings in this area conflict with other studies that have examined academic achievement among women in law school, most notably the Stanford research. The data in Table 4 summarize the grades for two first-year courses (Contracts and Property) over the past five years, divided by gender. According to the curve that governs grade distribution in first-year classes at Boalt, the top ten percent of all students receive a grade of High Honors (HH). The next 30% receive Honors (H). Sixty percent of the class receives a Pass (P). These grades generally reflect only performance on the final exam.

Table 4 indicates that first-year women’s grades have generally declined in inverse proportion to men’s since 1984. For example, in the most recent first-year class represented in the table, approximately one in six men received High Honors grades in Contracts, compared to only one in sixteen women. In 1984, the proportions had been approximately one in ten for both groups. The findings confirmed our hypothesis that women were not presently performing as well as men, at least in the critical first year.

b. The Influence of Grades on Attitudes

Several questions were designed to elicit respondents’ attitudes regarding satisfaction with their grades and the grading system in general (see Table 5). Using this information, we were able to look beyond grades and other objective measures in order to better understand the impact of academic performance on individual attitudes.

A majority of all women indicated dissatisfaction with their grades, while a majority of men expressed satisfaction. Over two-thirds of all women disagreed with the proposition that grades accurately evaluated their abilities or that grades reflected the amount of time they spent studying (72% and 67% disagreed, respectively). A majority of all male students also disagreed with these claims (61% and 56%, respectively). However, gender differences did not remain constant within each ethnic category: only one-fifth of both men and women of color believed that

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101 Although the survey asked respondents to report their grades, a flaw in the question’s design rendered the responses unusable. Thus, the data in Table 4 are not self-reported but “objective”; first-year grades were provided by a source within the Boalt administration. Data reporting grades by ethnic categories were not available.
ADMITTED BUT NOT ACCEPTED

grades were an accurate evaluation of their ability, and only one-third thought grades reflected their study effort.

Dramatic gender differences emerged in responses to the question whether academic performance had caused respondents to question their ability to practice law. Twenty-seven percent of all women felt that their academic performance had caused them such doubts, while 19% of men responded similarly. Responses within Table 5 clustered as in the motivation findings: 39% of women of color expressed self-doubts, as did 28% of men of color and 23% of white women; in contrast, only 17% of white men expressed concern.

D. Role Conflict

Since entering law school my love life/sex life has plummeted and it’s the first time I haven’t been near the top of my class. Thus my self-confidence has plummeted. Also, I entered Boalt politically “left.” I have become more and more “right” the longer I’m here. (1L woman, responding to Boalt survey)

1. Hypothesis

We hypothesized that all students would report that their values underwent a change during law school, and that this change would be reflected in a corresponding alteration of their career goals. Although we expected to find gender differences, we believed they would appear in the context of a general trend away from “altruistic” goals. We found significant differences in the responses of men and women in this category.

2. Findings

Two questions in the survey addressed career goals of Boalt students (see Table 6). Respondents were asked to choose the response that best described their career goal at the time they entered law school. They were then asked to describe the type of employment they presently expected to enter after graduation. Identical response categories were provided for each question.

At entry, 42% of white women intended to work in the public sector or in a public interest job upon graduation. As of the time the questionnaire was distributed, this number was reduced to 24%, a drop of 18%. Women of color experienced a similar shift: 40% planned to enter public sector/public interest work at entry; only 22% planned to at the time the questionnaire was administered, another 18% drop. Men of color experienced a more dramatic swing: the 35% of men of color expecting to enter the public sector or public interest at entry was reduced to 15% after a semester or more at Boalt, a drop of 20%. White men also exper-
enced a decrease, although only 29% posited public interest or public sector as a goal at entry. Just 13% of white men were currently expecting to work in either public area (16% drop).

The career goal findings were a dramatic contrast to students' perceptions of how law school was affecting their values (see Table 7). Over half of all women responded that they felt pressured to set aside their values in order to "think like a lawyer," compared to 29% of men. These feelings were especially widespread among women of color, 61% of whom agreed with the statement. In contrast, 35% of men of color admitted to feeling this pressure.

Despite the pressure to change, however, almost two-thirds (65%) of women in both ethnic categories denied that their values had changed since beginning law school. Slightly fewer men in both categories (61%) believed that their values remained the same.

E. Perceptions of Self and of the Institution

Although I actually enjoy many parts of law school, my grades, experiences with professors and job interviews have together made me feel less intelligent, less self-assured, less competent and worthwhile as a human being than prior to law school. (2L woman, responding to Boalt survey)

In designing the Boalt study we considered a number of personal characteristics related to the law school experience and ultimately identified self-esteem as a unifying principle in our research. Self-esteem, the mixture of confidence and satisfaction in oneself, bridged the gap we had observed between achievement and self-perception. In addition to exploring women's feelings about themselves as law students, we wanted to identify how women felt about law school as an institution. We wondered if women assigned responsibility for their negative feelings to themselves or to Boalt.

1. Hypothesis

We hypothesized that a central difference between male and female law students would be that women's self-esteem diminished in the law school setting, regardless of their strength and accomplishments elsewhere. But because we expected that women would internalize the source of their negative feelings, we did not anticipate gender differences in questions about how students felt regarding law school as an institution.
2. Findings

a. Feelings About Self

We designed a series of questions to measure students' feelings about themselves, their peers, and their experiences at Boalt (see Table 8a). This section contained a balance of positive and negative statements about various aspects of the educational experience, both in the classroom and in the law school environment generally.

Differences between the responses of men and women were statistically significant in nearly every question in this section. In every case, the responses of women were more negative than those of men, by approximately 20%:

- Nearly a third (31%) of all female respondents said they only sometimes or rarely felt as competent as others, in comparison to similar responses from only 11% of the men.
- A majority (51%) of all women agreed with the statement that although they felt intelligent and articulate prior to law school, they did not feel that way at Boalt. Only 29% of men agreed with this description.
- Fifty percent of the women responding felt confident that their talents were respected in law school, compared to over 70% of the men.
- Seventy-seven percent of all women felt unsure of themselves when a professor disagreed with them, in comparison to 57% of the men.
- Nearly 40% of all women said they lost confidence when they were in class, compared to 21% of all men.

Along the range of responses in Table 8a, a consistent pattern emerges among reactions of women and people of color. For example, with respect to the second item above, 57% of women of color, 50% of white women, and 41% of men of color agreed that they no longer felt intelligent and articulate in law school, in vivid comparison to only 25% of white men. With respect to the third item, loss of confidence was experienced by 43% of women of color, 36% of white women, 30% of men of color, and only 19% of white men. This pattern, repeated in so many findings, lends support to the theory that white men were having a vastly different experience in law school from the rest of us.

b. Reactions to the Institution

Women as a whole responded more negatively than men to questions about Boalt specifically and the law school experience in general (see Table 8b). When asked to describe their general feelings about Boalt, 42% of the men said they liked it, as opposed to 28% of the women. This reaction ran along a continuum consistent with the familiar clustering pattern: 43% of white men liked Boalt, compared to 35% of men of color, 29% of white women and just 26% of women of color.
c. Impact of the Law School Experience

A majority of women stated that they had either mixed or negative feelings about their lives since entering Boalt (see Table 8c). Thirty-eight percent of all men felt the same way. Responses from white women and people of color were once again clustered: 55% of men of color, 46% of white women, and 42% of women of color felt positive about their lives since entering Boalt, as opposed to a full 64% of the white men. Of great concern to us was the finding that 30% of women of color felt negative about their lives since entering Boalt, a figure approximately twice that of white women, white men, and men of color.

Of equal concern were the findings regarding dropping out of law school. Forty-one percent of women of color had seriously considered doing so, compared to 31% of white women, 22% of men of color, and 17% of white men. A substantial number of women, particularly women of color, appear to consider the law school environment drastically incompatible with their needs or abilities at some point during their legal education. One woman of color responded: “The biggest challenge of law school is trying to maintain a modicum of balance in my life, and not resign myself to the belief that I’m utterly stupid.”

F. Student Perceptions About the Faculty

Some female professors and professors of color who can add diversity of perspective, as well as support, and provide us with positive role models, are direly needed at this school. I am ashamed of our numbers and at the way the problem has been ignored by the majority of the faculty. I perceive this as blatant racism/sexism, which the faculty obviously feels is justified in exchange for “scholarly work.” (2L woman, responding to Boalt survey)

1. Hypothesis

We were interested in the practical, rather than abstract, effects of diversity. Instead of polling students on qualities they would admire in their professors, we inquired about the ways in which the gender or ethnicity of a professor might affect a student’s attitudes and conduct in the classroom (level of comfort, willingness to participate) and in the profession (role model encouragement, diversity of perspective). We wanted to determine whether students felt strongly enough about diversity to choose a course solely to be exposed to professors of color or women professors. We expected that students would have positive feelings about professors of their own gender or ethnicity. Although our findings confirmed our hypothesis, they also revealed a number of surprises.
2. **Findings**

Findings are broken into two groups (see Tables 9 and 10). A word of warning: we have modified our statistical model in reporting the findings on faculty diversity, and have considered ethnicity as a primary variable in the section below on professors of color.

**Female Professors:**
- A majority (57%) of women in both ethnic categories said they were more comfortable with a woman professor's approach to legal thinking; slightly less than a majority (46%) said they were more likely to speak in a class taught by a woman professor than in one taught by a man.
- A large majority of all men said there was no difference in level of comfort or participation with a female professor (61% and 72% “neutral” responses, respectively). However, men of color were twice as likely as white men to feel more comfortable or speak in a class taught by a woman professor.
- Nearly three-fourths of the women responding in both ethnic categories said that the small number of female professors had deprived them of significant role models in the field of law. Twenty-six percent of men felt similarly.

**Professors of Color:**
- Thirty-seven percent of people of color were more likely to speak in a class taught by a professor of color; 47% were more comfortable with the approach of a professor of color.
- Nearly two-thirds of white students said there was no difference in their comfort (71% of white men and 48% of white women expressing neutrality) or participation (76% of white men and 56% of white women expressing neutrality) with a professor of color. Within this response category, white women were substantially more likely than white men to feel more comfortable or speak in classes taught by professors of color.
- Nearly three-fourths of students of color said that the lower number of professors of color had deprived them of significant role models in the field of law. Fifty-one percent of white women agreed, as did 28% of white men.

In response to the final question in this category, a majority of all students felt that the present composition of the Boalt faculty limited their perspective on legal issues. The pattern revealed above in the findings on self-esteem repeated in this category, with women of color in the highest percentage of agreement (75%), followed by men of color (68%), and white women (65%). White men had the lowest percentage of agreement, with 48% stating that their perspective had been limited by the homogeneity of the faculty (see Table 11).

**VII. Analysis**

This section deliberately departs from the formal empiricism of Sections V and VI. We offer a broad range of explanations for our findings
from sources such as student comments, theories suggested in recent scholarship, and our own experiences and observations. Our analysis ventures beyond the constraints of the data, with the intention of challenging other researchers to expand the scope of their own inquiry and analysis.

A. Motivation for Attending Law School

In sixth grade I told the teacher I was going to be a judge. I was the smartest person in my class. I made decisions. I thought I could make decisions about justice. I was the only girl in the class, besides one who wanted to be a fireman, who wanted to be something besides a teacher, nurse or mother. . . . I thought of law school as a credential to get to change the world.102

In the early stages of gender research, it appeared that motivation for attending might be a key to the differences between men's and women's attitudes and experiences in law school.103 The Boalt statistics show that differing motivations for coming to law school do not fully explain gender differences. The goals of white men differ from those of both white women and people of color. Further, the motivation to serve society expressed by approximately one-third of all women and people of color is substantially ignored by the curriculum at Boalt, which offers few courses or clinicals relevant to social or political action. As discussed below, this devaluation is yet another factor contributing to the dramatic change in career plans.

102 Weiss & Melling, 40 Stan L Rev at 1312 (cited in note 7).
103 Conducted in 1972, the Stevens study offered a scheme of six possible motivations for attending law school and reported the following choices by men and women. (1) Status Motivation: over a quarter of the men, but only about one-tenth of the women, entered law school primarily because they were interested in professional practice. (2) Traditional Motivation/Desire to Handle Other People's Affairs: over half of the men versus slightly more than one quarter of the women gave this "great" or "some" importance. (Note that Stevens defined this factor as a desire to attain the image of the general practitioner, which he described as "competent, respected, and respectable.") (3) Reformist Motivation: significantly more women than men entered law school because of a desire to restructure society or to be of service to the underprivileged. (4) Intellectual Motivation: 65.6% of the women, as opposed to 57.4% of the men, placed "great" importance on this factor. (5) "External" Motivations: slightly more women than men claimed to have been motivated by the existence of lawyers in their families and/or by the prospect of working with relatives who were lawyers. (6) Uncertainty as to Career Plans: men and women were almost identical. Stevens, 59 Va L Rev at 611-15 (cited in note 17).

Stevens' findings on motivation provide authority for many of the assumptions concerning women's goals in law school and the profession. His results have perpetuated a stereotype of female law students as selfless, altruistic, and impractical members of the legal profession, in contrast to their strong, sensible, take-charge male counterparts.

The issue of motivation was again addressed in 1977 by Georgina LaRussa, who surveyed forty women from Boalt Hall. Contrary to Stevens's findings, she discovered that more women entered the legal field for practical or materialistic motives (such as flexibility, marketability, and financial security) than for altruistic motives (such as "the desire to serve society or help others"). LaRussa, 1 Psychology of Women Q at 353-55 (cited in note 17).
B. Classroom Participation

The Boalt findings are consistent with earlier studies, all of which report that women do not speak in the law school class. Past studies have interpreted silence as a failure by faint-hearted female students to rise to the challenge of the academic rigors of law school. The universal assumption in the literature is that women "know the answer" as well as men but for various reasons are afraid to "speak out."

While such an interpretation is consistent with the view from the lectern, it is not necessarily accurate. Silence can have multiple meanings. We suggest that a counter-code of classroom ethics has evolved, one that affirmatively endorses the silence of female students and students of color. Reluctance to participate may have originated in an instinct for self-protection. However, this defense seems to have evolved into a positive decision by outsider students not to compromise the integrity of their beliefs by submitting them to the narrow analytical perspective of the law school classroom. As one of our respondents explained, "I have felt greatly disillusioned with my first-year experience in law school. I feel that the classroom situation desensitizes once concerned students. I often feel numb and lack the strength to open myself up for criticism to make political statements in class." (1L woman, responding to Boalt Survey)

This (literally unspoken) counter-code intensifies when the Socratic method is employed. In one of our first year core curriculum classes, the professor frequently expressed exasperation with what one of our contemporaries termed "the sea of dead faces" among the students. Perhaps he attributed this reaction to boredom or a lack of preparation. Our findings suggest a different explanation.

While the Socratic method may originally have been meant to create a way to...
for students and professors to exchange ideas, I found most (almost all) of my professors using it as a way to ensure student participation through forced participation. I am not a child nor am I lazy—I prepare and participate out of interest and resent being made to do so out of fear of humiliation. Lighten up—professors obviously enjoyed the method when they were in law school or they wouldn’t have made it to the lectern—but we’re not all alike. (2L man, responding to Boalt survey)

At the recent Women and the Law Conference held in Oakland, California in 1989, a workshop on “The Classroom Climate” featured a discussion on the topic of women’s silence in the law school class. Both the panel presentations and audience comments centered largely on techniques for increasing women’s participation in classroom discussion. Suggestions for students included: “Wear a dress—you’ll feel more professional” and “Practice speaking in a lawyerlike tone before you volunteer in class.” The panelists, all female law professors, offered a number of suggestions to their peers for “effective teaching.” These included publicly identifying the problem of silence so women in class are aware of it (are any women unaware of it?), gently but firmly insisting on women’s participation when they decline to respond to Socratic inquiry (based on the theory that women, like men, should speak even if they are unsure of the answer or do not care to speak), developing teaching techniques that encourage female students to support one another, and sharing one’s own past feelings of vulnerability in order to teach students that such reactions can be overcome.

It was an interesting discussion in many ways. The self-help emphasis of this discussion was based on an underlying assumption that silence is a personal failing of women rather than a healthy reaction to an unreceptive academic setting. The panelists, who had universally adopted the Socratic method in their own classrooms, suggested multiple techniques for adapting it to the “needs” of female students. They never entertained the possibility that students’ disinclination to participate may result from boredom, hostility, or the accurate perception that their consciousness is unwelcome in a learning process distinctly keyed to mainstream legal premises and doctrine.

Silence may be perceived as a manifestation of Matsuda’s theory of dual consciousness; it can be a viable tactic rather than a sign of inadequacy. Some women (and men) simply may not want or need to speak in response to an interrogation technique they find insulting to their privacy and dignity. Forced classroom participation may be irrelevant to the nature and quality of learning for many students and is justified only for the convenience or ego gratification of the professor. Silence appears to have evolved into a deliberate expression of resistance by many students to an educational system unresponsive to the free expression of nonconforming ideas.
C. Academic Performance

1. Grades

The grade differential was the most surprising of our results. No one at Boalt—students, faculty, or administration—appeared to have a clear conception of this problem prior to our study. In the early stages of our research, we learned of a confidential report that concluded that women at Harvard Law School were not living up to their academic potential. The Admissions Office at Harvard had attempted to evaluate admissions criteria as predictors of academic success. The results indicated that women with substantially similar qualifications as men at the time of admission were receiving lower grades. This information reinforced our belief that there was a need for a systematic analysis of the academic performance of women at Boalt.

In reporting these findings, we were concerned about the negative implications for women, and the possibility that these results might be cited as evidence of inadequacy among women. In anticipation of this criticism, we consulted the Admissions Office at Boalt to determine whether there were any pre-existing indicators for the difference in performance. However, women and men had virtually identical LSAT scores and GPAs at admission. How, then, did the differences arise?

There appear to be both practical and theoretical explanations. Many women resist the inflexible nature of the grading process, which rewards certain spheres of knowledge and penalizes others. Matsuda suggests:

Those outside the traditional center of academia intuit that their personal knowledge—what they hold true and dear, what is real to them—often comes from their life experience as outsiders. Women report the experi-

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106 We deliberately investigated first year grades at Boalt because they are almost exclusively determined by performance on the final examination in large courses, and thus offered the greatest potential for consistency in results.

107 Our contact has asked to remain anonymous.

108 Our concerns were not purely theoretical. The following comment on a questionnaire from a white male student expresses an attitude we suspected was not uncommon: “My personal impression has been throughout that those who have the innate skills, worked hard in previous education, and study somewhat now, do well; and if someone is not doing well, it is because of a lack in an area similar to these three.”

109 The Boalt Admissions Office reports the following statistics. Although the differences between men and women are not significant, it will be interesting to learn whether the slight dip in women’s qualifications in 1986 and 1987 persists. Separate statistics for people of color were not available at the time of this writing.

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
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<tbody>
<tr>
<td>Entering class 1985:</td>
<td>LSAT: 42</td>
<td>LSAT: 42</td>
</tr>
<tr>
<td></td>
<td>GPA: 3.64</td>
<td>GPA: 3.65</td>
</tr>
<tr>
<td>Entering class 1986:</td>
<td>LSAT: 42</td>
<td>LSAT: 42</td>
</tr>
<tr>
<td></td>
<td>GPA: 3.67</td>
<td>GPA: 3.63</td>
</tr>
<tr>
<td>Entering class 1987:</td>
<td>LSAT: 43</td>
<td>LSAT: 42</td>
</tr>
<tr>
<td></td>
<td>GPA: 3.68</td>
<td>GPA: 3.62</td>
</tr>
</tbody>
</table>
ence of a different reality, a different morality. People of color find an affinity of knowledge in their separate caucuses that they do not find in predominantly white settings. Knowledge at the academic center, however, stands monumental and unchanged by the separate knowledges groups of outsiders are nurturing at the academic margins.\textsuperscript{110}

If a new counter-code of silence operates within the classroom dynamic, a related syndrome may have come into play on examinations. When more women first began applying to law school, women were grateful just to be admitted and perhaps were more willing to tolerate the traditional curriculum. Fifteen years later they may have grown impatient with it, causing them to refuse to participate and affecting their performance on exams. Boalt examinations are strongly grounded in conventional legal thinking. Feminist legal critics argue that conventional analysis devalues the way in which women analyze problems, because women tend to emphasize the relationships and social responsibilities involved rather than focus on a contest of competing rights. In Matsuda's terms, exams have no place for "separate consciousness"; rather, they test dexterity with mainstream consciousness. Women at Boalt who master this skill are rewarded with Hs and HHs. Women who reject this approach generally do enough to get by, and focus their energies elsewhere. Given this context, perhaps we should ask why women are performing as well as they are, instead of why they are not performing better.

The implications of this situation should be of enormous concern to those who study legal education. Since grades are the only feedback that many students receive during the first year (and often into the second and third years), grades play a significant role in how law students feel about themselves. The psychological consequences are significant: "I participated much more regularly in class my first year, and also went to office hours more often. I think first-year grades and general law school experience were so disappointing that I simply gave up trying and was happy just to pass my classes." (2L woman, responding to Boalt survey)

Underachievement can become a self-fulfilling prophecy. Lower grades tend to solidify women's alienation from the institution and the profession, and they have material consequences as well. A disappointing academic performance may cause women to reduce their employment expectations. A law student's transcript is taken seriously. Unless it is impressive, it can be a substantial obstacle in "selling oneself" to prospective employers:

I had about thirty interviews. Some of my friends had more. Every time I walked into a room I just waited for the moment when they asked for my transcript. No matter how well the interview went, no matter how compatible my interests and skills seemed to be with the firm, I could count on

\textsuperscript{110} Matsuda, 11 Harv Women's LJ at 1-2 (cited in note 79) (footnotes omitted).
my unexceptional academic performance to ruin my chances. I’ve heard that your transcript even continues to be a hassle once you’re out working and try to make a lateral move. (3L woman, responding to Boalt survey)

2. Attitudes

Traditionalists are likely to argue that students who receive lower grades are likely to be less satisfied with their grades and feel that they are not accurate indicators of their true ability. However, our findings do not indicate that women who received higher grades experienced greater satisfaction. A first year student comments: “[M]y dissatisfaction with the grading process is that I did much better than I should have. (This is no false modesty, I assure you.) I have friends who knew the matter much more thoroughly whom I outsored; it seems an unjust outcome to me.” (1L woman, responding to Boalt survey)

Since academic performance is used by law firms and other employers as a predictor of professional ability, the impact of grades cannot be ignored or rationalized away. This closed system makes it virtually impossible to insulate oneself against the effect of one’s transcript. Nevertheless, not all women and people of color appeared adversely affected; substantial majorities of both groups expressed continued confidence in their potential as lawyers despite their doubts about their performance as law students. Georgina LaRussa suggests, “[e]ven as students [satisfied female lawyers] were aware of their own abilities and were able to anticipate realistically the ways in which a law career would enrich their lives. They do not rely heavily on others' appraisals of their performance; their own standards are the final gauge of their success.”

LaRussa’s analysis is consistent with Matsuda’s, although somewhat more generic. LaRussa argues that competitive academic performance does not guarantee women satisfaction. In order to deal successfully with the law school environment, women have traditionally been forced to look to themselves, rather than the institution, for validation and support. This notion parallels Matsuda’s dual consciousness theory, which incorporates the idea that a strong sense of identity and self-confidence, formed prior to law school and maintained in spite of law school, is central to success.

D. Role Conflict

1. Career Goals at Entry and Present Employment Expectations

These career goal findings demonstrated a dramatic swing in the orientation of all students during their years at Boalt. Although women

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111 LaRussa, 1 Psychology of Women Q at 362 (cited in note 17).
remained more likely than men to expect to work in the public sector or public interest after having been at Boalt for at least one semester (24% of white women and 22% of women of color, as opposed to 13% of white men and 15% of men of color), the down-swing is substantial. Almost half of the women who originally had public interest goals abandoned them, and over half of such men did so.

Possible explanations for this shift include the considerably larger salaries offered by the private sector, the burden of student loans, and the emphasis in the Boalt curriculum on corporate and business law. Other factors include the relative ease of Boalt’s placement process for those willing to work in large firms, as opposed to the initiative and scrambling usually required to find employment in the more limited public interest market.112

2. Value Changes

At first blush, the statistics on career goal change appear to challenge the proposition that a person’s race or gender may be an obstacle to acceptance of mainstream values inherently necessary to work in the private sector. Plainly, women and people of color are crossing into the private sector at a dramatic rate. We found this trend particularly interesting in light of the paradoxical responses concerning value changes. Forty-one percent of women arrived at Boalt intending to work in public sector/public interest jobs; almost half of these women abandoned their plans after a semester or more. Yet 65% of female respondents claimed that their values had not changed since entering law school.

Such an apparent contradiction may well reflect dual consciousness. Women and people of color may in fact enter the mainstream of employment, just as they entered mainstream legal institutions, without feeling that they are sacrificing their values in doing so. Their ability to do so is a function of multiple consciousness, in which mainstream and outsider sensibilities co-exist, allowing individuals to utilize the existing legal system for new political purposes. Our findings indicate that women and people of color believe they bring their own values with them both to

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112 One additional explanation for the shift away from public sector/public interest employment directly after law school is that many public sector/public interest jobs require applicants to have some employment experience. In practical terms, this requires students to acquire (relatively costly) training in the private sector, then bring those skills to the public sector. Within Matsuda's political context, this arrangement may be viewed by some students as an economically and politically efficient reallocation of private resources for public benefit. It will be interesting to learn in future research how viable a strategy this turns out to be. Matsuda quotes Paula Gunn Allen: “Maybe there was a better way to skin that cat but I used the blade that was put in my hand.” Matsuda, 22 Harv CR-CL L Rev at 346 (cited in note 79) (footnote omitted), quoting Paula Gunn Allen, “The One Who Skins Cats” (poem), reprinted in Beth Brant (Degonwadonti), 2d ed, Gathering of Spirit: Writing and Art by North American Indian Women 19, 24 (Sinister Wisdom Books, 1984).
school and to work, rather than simply assimilating to dominant beliefs. Matsuda writes:

There are times to stand outside the courtroom door and say, "this procedure is a farce, the legal system is corrupt, justice will never prevail in this land as long as privilege rules in the courtroom." There are times to stand inside the courtroom and say "this is a nation of laws, laws recognizing fundamental values of rights, equality and personhood." Sometimes ... there is a need to make both speeches in one day.\textsuperscript{113}

This is a realistic portrayal of the duality many women experience in law school. However, an additional question arises: what is the impact of balancing mainstream and alternative viewpoints? Our findings regarding self-perception indicated that women and people of color at Boalt found the process considerably more complex in practice than it appears in theory.

E. Perceptions of Self and the Institution

The attitudinal findings of the Boalt study posed the most interesting challenge to Matsuda’s model. We were persuaded by Matsuda’s premise that women and people of color brought experience and consciousness to their legal training that were a significant source of strength and direction. Yet, in contrast to the ideal of empowerment Matsuda describes, our statistics show that women and people of color suffer substantially diminished self-esteem in comparison to white male students at Boalt.

Women and people of color experiencing the “schizophrenia” described by Pat Williams in reaction to law school demands\textsuperscript{114} may find the duality overwhelming rather than empowering. Matsuda’s model posits that outsider consciousness is sufficiently developed to hold its own against the assault of legal education. Yet this idealized vision does not account for the pain many people experience in attempting to maintain and develop their own identities within an academic system that assumes their identities are irrelevant.\textsuperscript{115}

Given the intensity of the first-year program and the extreme pressure to conform that pervades the entire law school atmosphere, the

\textsuperscript{113} Matsuda, 11 Women’s Rts L Rptr at 8 (cited in note 79).

\textsuperscript{114} Williams, 11 Women’s Rts L Rptr 11 (cited in note 82).

\textsuperscript{115} Rosabeth Moss Kanter laid an early foundation for this line of analysis in Kanter, Reflections on Women and the Legal Profession: A Sociological Perspective, 1 Harv Women’s LJ 1 (1978). She identifies two main problems confronting women at that time: limited professional opportunities and tokenism resulting from too few women in law school and in the profession. On the surface, both issues seem moot today, with substantial increases in the number of women in law school. But when the author enumerates the problems that attached to women’s minority status in law school ten years ago (pressures to hide their achievements, reluctance to volunteer in class, difficulty in interacting with professors), the list has a familiar ring.

Kanter believed that an increase in the numbers of women in law school would remedy these problems. With the gift of hindsight, we do not share her optimism.
overt obstacles to maintaining a non-mainstream identity are substantial, even to women and people of color who have been able to withstand challenges in the past. Faced with the academic pressures of law school, women and people of color may find their traditional sources of support to be insufficient: "I wish first year wasn’t so bad. I’m still totally intimidated in large classes and often ‘feel stupid.’... I feel very alienated here and have not found a niche, not even with the women’s groups." (2L woman, responding to Boalt survey) As women and people of color begin their legal education, they must learn and cultivate an uncompromising logic and language, a process which frequently becomes all-consuming. This process intensifies their isolation from their communities and from each other.

Further, the difficulties inherent in the task of assuming a white male perspective may make women and people of color feel less confident than those for whom mainstream orientation is second nature. In trying to function in a system that does not promote diversity of perspectives and thus forces outsiders to make a hard choice, women and persons of color experience frustration instead of growth. To eliminate such alienation, it appears that encouragement and validation for outsider consciousness must come from within the system, and specifically within the classroom, rather than exclusively from elsewhere. Unfortunately, as shown by our findings, support for outsider consciousness was extremely weak within law school classrooms.

F. Student Perceptions about the Faculty

Student remarks regarding the faculty were even more unfavorable than we expected. A representative comment from a second-year woman:

Boalt is absolutely a "black hole" for feedback. I’ve never been one who required excessive handholding [sic], but it would be nice around here periodically to have some professor communicate with you when you did something right/well (or when you need some help). Professors here are generally too disinterested in all but a handful of the most stellar students; this makes me unhappy about law school and causes me to question my abilities. (2L woman, responding to Boalt survey)

Students freely offered much criticism of the faculty in their responses to

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116 The problem of professors' insensitivity to students' needs had grown so severe by spring 1989 that two students distributed a survey at that time asking for student evaluations of faculty members. Interestingly, the nine women who were reviewed (a number of whom were instructors or visiting faculty) received ratings ranging from "above average" (1) to "high or highest recommendation" (6). The two others received strong favorable individual comments, but too few students rated them for a meaningful classification to be assigned. Comments about female teachers often praised the women for a combination of strong intellect, good communication skills, and concern for the welfare of students. Boalt Hall Cross-Examiner Student Survey, Evaluations of Boalt Hall Professors 1988-89 (copy available at the Berkeley Women's Law Journal).
the "open-ended" question at the conclusion of our questionnaire. We were interested in these comments primarily as they reflected students' needs. Our findings indicated that a number of needs were not being met, many of which were related to faculty diversity.

One of the rare instances in which the student body approached consensus was on the issue of faculty diversity. As the accompanying tables illustrate, large numbers of women and people of color expressed strong feelings about the benefits of a diverse faculty, and almost half of white men also felt more diversity is needed (see Tables 9-11). Findings were not gender- or ethnicity-specific. Each outsider group responded strongly both to questions regarding the absence of female professors and to similar questions regarding professors of color, with the statistical clustering pattern of white women, women of color and men of color appearing once again. A woman at Boalt wrote:

One answer [to the problem of mechanistic law teaching] is to consciously seek to hire those who critically assess the tenets and foundations of our legal system (usually minorities and women because it is they who are not benefited by this system which was created and is perpetuated by and large by white men). I don't think these people need to be minorities or women simply for the sake of being so but I do think they need to be creative and critical rather than stifling and complacent in their approach. (2L woman, responding to Boalt survey)

Students expressed positive attitudes toward diversity despite a number of potential mitigating factors. We had expected people to be reluctant to generalize about teaching because individual characteristics of professors vary greatly. Also, generalizations about gender and ethnicity are problematic since they further obscure individual differences within each category. In spite of these limitations, a substantial number of students indicated that their classroom experiences differed depending on the professor's gender or ethnicity, and that their legal education may have suffered as a result of the faculty's homogeneity.

Scholars are currently debating whether diversity in gender and race is sufficient or whether differences in perspective should be the goal in hiring. Based on our findings, we believe that this distinction is a straw man. Matsuda's theory teaches us that experience informs scholarship; women and people of color would thus by definition provide diver-

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117 Reactionary scholars continue to insist that the bottom line must remain a tradition-bound notion of "merit." Randall Kennedy suggests:

The strategy of elevating racial status to an intellectual credential undermines the conception of intellectual merit as a mark of achieved distinction by confusing the relationship between racial background and scholarly expertise; the former is a social condition into which one is born, while the latter is something that an individual attains. Confusing accidental attributes and achieved distinctions in turn derogates the process by which all individuals, simultaneously limited and aided by the conditions they inherit, personally contribute to human culture.

Kennedy, 102 Harv L Rev at 1805-06 (cited in note 15) (emphasis in original; footnotes omitted).
sity of perspectives. Although scholars continue to debate this point, students responded to the question as a concrete issue of classroom dynamics. A typical Boalt student responds: "[I]t is not a question of role models per se, but whether the predominantly white male culture (including the macho banter) is pierced by having a more diverse faculty." Another perceptive student comments:

I enjoy law school learning but I feel we are only getting half the picture and that many students don't feel free to talk so that there is a whole segment of views and information that we don't get—I feel torn between liking the school and hating it for making so many people feel so alienated and depriving all of us of a lot of important ideas. Law is fundamentally a study of how society should be shaped. How can we say we are getting a complete learning experience if only one segment of society has its ideas represented? (1L woman, responding to Boalt survey)

Our experience with this study is a case in point. When we first tried to understand our own experience at Boalt, it rapidly became apparent that conventional academic wisdom was inadequate. We listened to our own voices, and the voices of other students; what we learned (and later documented with empirical results) was entirely absent from the literature. Studies on the law school experience generally minimized or ignored gender and ethnicity, although clearly these were central factors to many Boalt students. Very little had been written that captured the full range of what we saw happening to women and people of color in the law school setting.

We persisted in attempting to conform our findings to the analytical models available, many of which have been included in this article for the purpose of illustration or foundation. The Yale study, published just after we completed our data collection, offered the first assurance that it was possible to conduct a systematic analysis from an experiential foundation. However, its scope was subject to the limitations already discussed.118

Fortunately for us, as we began the theoretical analysis of our study a woman of color joined the Boalt faculty and designed a course with a reading list that radically departed from the traditional curricula. It included the work of Mari Matsuda, whose theories spoke immediately both to our experience and our statistical findings. Professor Matsuda's work was to provide the model that would be instrumental in our analysis.

We write of our personal experience because it captures the difficulty, if not the impossibility, of attempting to find support and validation for a different perspective within the traditional law school environment. It is not accidental that one woman of color should introduce us to the scholarship of another which addressed our own concerns.

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118 See Section III.A.2.
VIII. CONCLUSION

When the 1989 Boalt Hall graduates removed the multicolored ribbons from the sleeves of their robes and fastened them about the law school courtyard, they transformed the austere setting into an expanse of brightness and color. The slender streamers stirred softly in the breeze, each a gentle reminder that change was in the air. Like many of their donors, these symbols were silent, but their combined effect was strongly felt.

Each of us saw the hope for change woven among the vivid display. Many of us, most in fact, envisioned a faculty as diverse in gender, ethnicity, and perspective as the ribbons were in color. Some of us imagined learning the law through courses and materials that would address the interests and needs of women, people of color, and other social outsiders, and would encourage us to value and express our points of view. Many of us had wished time and again over the past three years for an understanding ear, with the firm belief that acknowledgment and respect from the faculty (and indeed, the institution) for the differences in culture, consciousness and perspective among us would ultimately make a difference in the way we would be able to practice law and possibly in the nature of law itself. These hopes were tied into the profusion of ribbons that continued to adorn the Boalt Hall courtyard for weeks after graduation day. It would appear that the time has arrived to convert the symbols into realities.
### Key to Abbreviations
- **W** = Women
- **M** = Men
- **WC** = Women of Color
- **MC** = Men of Color
- **WW** = White Women
- **WM** = White Men

Please Note: Figures represent percentages. Some columns may not add up to 100% because they have been rounded off.

### Table 1: Demographics

#### Respondent Summary

<table>
<thead>
<tr>
<th>WC</th>
<th>MC</th>
<th>WW</th>
<th>WM</th>
<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>12%</td>
<td>11%</td>
<td>34%</td>
<td>42%</td>
<td>46%</td>
<td>54%</td>
</tr>
</tbody>
</table>

#### A. Ethnicity
- **Native American**: 1%
- **Asian/Pacific Islander**: 5
- **Black**: 5
- **Chicano/Latino**: 8
- **Other (including mixed)**: 4
- **White**: 77

#### B. Age
- 24 years or under: 33%
- 25-29 years: 47
- 30-39 years: 18
- 40 or over: 2

#### C. College
- **Large public**: 48%
- **Large private**: 22
- **Small public**: 5
- **Small private**: 24
- **Other**: 1

#### D. Political Spectrum

<table>
<thead>
<tr>
<th>People of Color</th>
<th>Women</th>
<th>Men</th>
<th>Whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Left of Center</td>
<td>38%</td>
<td>44%</td>
<td>33%</td>
</tr>
<tr>
<td>Middle of the Road</td>
<td>54</td>
<td>49</td>
<td>58</td>
</tr>
<tr>
<td>Right of Center</td>
<td>8</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>

#### E. Other Degrees

19% of respondents (21% of whites, 11% of people of color) held a

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† Gender and/or ethnic differences are reported in the demographic tables only when they are statistically significant. Single-column statistics thus reflect the overall respondent population. This format is necessary in order to protect respondent anonymity and data reliability.
degree in addition to a Bachelor's Degree. Within that segment, distribution was as follows:

<table>
<thead>
<tr>
<th>Degree</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MA</td>
<td>52%</td>
</tr>
<tr>
<td>MS</td>
<td>14%</td>
</tr>
<tr>
<td>PhD</td>
<td>13%</td>
</tr>
<tr>
<td>MBA</td>
<td>4%</td>
</tr>
<tr>
<td>Other</td>
<td>17%</td>
</tr>
</tbody>
</table>

F. Full-time Employment Prior to Law School

69% of respondents (58% of people of color, 73% of white students) had worked full time prior to attending law school. Within that segment, the distribution was as follows:

<table>
<thead>
<tr>
<th>Employment Duration</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than one year</td>
<td>23%</td>
</tr>
<tr>
<td>At least 1 but less than 3 years</td>
<td>39%</td>
</tr>
<tr>
<td>At least 3 but less than 5 years</td>
<td>18%</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>20%</td>
</tr>
</tbody>
</table>

G. Children Living with Respondents

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children in household</td>
<td>7%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>No children in household</td>
<td>93%</td>
<td>90%</td>
<td>95%</td>
</tr>
</tbody>
</table>

H. Father's Level of Education

<table>
<thead>
<tr>
<th>Educational Level</th>
<th>Overall</th>
<th>People of Color</th>
<th>Whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School diploma or less</td>
<td>17%</td>
<td>38%</td>
<td>10%</td>
</tr>
<tr>
<td>Some college or AA degree</td>
<td>11%</td>
<td>18%</td>
<td>9%</td>
</tr>
<tr>
<td>Bachelor's Degree</td>
<td>27%</td>
<td>19%</td>
<td>29%</td>
</tr>
<tr>
<td>Legal Degree</td>
<td>10%</td>
<td>4%</td>
<td>12%</td>
</tr>
<tr>
<td>Other prof. or graduate degree</td>
<td>35%</td>
<td>21%</td>
<td>40%</td>
</tr>
</tbody>
</table>

I. Mother's Level of Education

<table>
<thead>
<tr>
<th>Educational Level</th>
<th>Overall</th>
<th>People of Color</th>
<th>Whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School diploma or less</td>
<td>25%</td>
<td>43%</td>
<td>20%</td>
</tr>
<tr>
<td>Some college or AA degree</td>
<td>20%</td>
<td>19%</td>
<td>20%</td>
</tr>
<tr>
<td>Bachelor's Degree</td>
<td>28%</td>
<td>18%</td>
<td>31%</td>
</tr>
<tr>
<td>Legal Degree</td>
<td>2%</td>
<td>3%</td>
<td>1%</td>
</tr>
<tr>
<td>Other prof. or graduate degree</td>
<td>26%</td>
<td>17%</td>
<td>28%</td>
</tr>
</tbody>
</table>
J. Parents’ Occupations

<table>
<thead>
<tr>
<th></th>
<th>Overall</th>
<th>People of Color</th>
<th>Whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Father</td>
<td>9%</td>
<td>3%</td>
<td>10%</td>
</tr>
<tr>
<td>Mother</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Other Professional</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Father</td>
<td>63</td>
<td>45</td>
<td>69</td>
</tr>
<tr>
<td>Mother</td>
<td>28</td>
<td>27</td>
<td>31</td>
</tr>
<tr>
<td>Administrative/Clerical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Father</td>
<td>11</td>
<td>20</td>
<td>9</td>
</tr>
<tr>
<td>Mother</td>
<td>19</td>
<td>23</td>
<td>17</td>
</tr>
<tr>
<td>Blue Collar</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Father</td>
<td>9</td>
<td>23</td>
<td>4</td>
</tr>
<tr>
<td>Mother</td>
<td>2</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Homemaker</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Father</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Mother</td>
<td>42</td>
<td>36</td>
<td>45</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Father</td>
<td>8</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Mother</td>
<td>7</td>
<td>5</td>
<td>4</td>
</tr>
</tbody>
</table>

*Table 2 Primary Reason for Attending Law School*

<table>
<thead>
<tr>
<th></th>
<th>WC</th>
<th>MC</th>
<th>WW</th>
<th>WM</th>
<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic interest in law</td>
<td>25</td>
<td>23</td>
<td>33</td>
<td>40</td>
<td>31</td>
<td>36</td>
</tr>
<tr>
<td>Desire to serve society</td>
<td>31</td>
<td>31</td>
<td>35</td>
<td>18</td>
<td>34</td>
<td>20</td>
</tr>
<tr>
<td>Financial security</td>
<td>11</td>
<td>15</td>
<td>9</td>
<td>10</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

*Table 3 Classroom Participation*

<table>
<thead>
<tr>
<th></th>
<th>WC</th>
<th>MC</th>
<th>WW</th>
<th>WM</th>
<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ask questions in class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Never</td>
<td>61</td>
<td>55</td>
<td>53</td>
<td>36</td>
<td>55</td>
<td>40</td>
</tr>
<tr>
<td>Every 4 wks</td>
<td>26</td>
<td>29</td>
<td>29</td>
<td>31</td>
<td>28</td>
<td>30</td>
</tr>
<tr>
<td>Every 1-2 wks</td>
<td>13</td>
<td>16</td>
<td>18</td>
<td>33</td>
<td>17</td>
<td>30</td>
</tr>
<tr>
<td>Volunteer answers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Never</td>
<td>65</td>
<td>52</td>
<td>49</td>
<td>36</td>
<td>53</td>
<td>39</td>
</tr>
<tr>
<td>Every 4 wks</td>
<td>24</td>
<td>29</td>
<td>31</td>
<td>30</td>
<td>29</td>
<td>30</td>
</tr>
<tr>
<td>Every 1-2 wks</td>
<td>11</td>
<td>19</td>
<td>20</td>
<td>34</td>
<td>18</td>
<td>31</td>
</tr>
<tr>
<td>Ask Profs. questions after class</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Never</td>
<td>52</td>
<td>49</td>
<td>54</td>
<td>40</td>
<td>53</td>
<td>42</td>
</tr>
<tr>
<td>Every 4 wks</td>
<td>38</td>
<td>44</td>
<td>34</td>
<td>39</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>Every 1-2 wks</td>
<td>10</td>
<td>7</td>
<td>12</td>
<td>21</td>
<td>12</td>
<td>18</td>
</tr>
</tbody>
</table>
### Table 4  Grades

<table>
<thead>
<tr>
<th>Final Grade Received</th>
<th>% Women Students</th>
<th>% Men Students</th>
<th>Final Grade Received</th>
<th>% Women Students</th>
<th>% Men Students</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONTRACTS</strong></td>
<td></td>
<td></td>
<td><strong>PROPERTY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring 1988</td>
<td></td>
<td></td>
<td>Spring 1988</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HH</td>
<td>6%</td>
<td>17%</td>
<td>HH</td>
<td>8%</td>
<td>14%</td>
</tr>
<tr>
<td>H</td>
<td>30</td>
<td>32</td>
<td>H</td>
<td>30</td>
<td>34</td>
</tr>
<tr>
<td>P</td>
<td>64</td>
<td>51</td>
<td>P</td>
<td>62</td>
<td>52</td>
</tr>
<tr>
<td><strong>CONTRACTS</strong></td>
<td></td>
<td></td>
<td><strong>PROPERTY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring 1987</td>
<td></td>
<td></td>
<td>Spring 1988 and 1987</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HH</td>
<td>8</td>
<td>13</td>
<td>HH</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>H</td>
<td>30</td>
<td>30</td>
<td>H</td>
<td>30</td>
<td>34</td>
</tr>
<tr>
<td>P</td>
<td>62</td>
<td>57</td>
<td>P</td>
<td>59</td>
<td>54</td>
</tr>
<tr>
<td><strong>CONTRACTS</strong></td>
<td></td>
<td></td>
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<td><strong>CONTRACTS</strong></td>
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<td>P</td>
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<td>57</td>
<td>P</td>
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### Table 5  Satisfaction with Academic Performance

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### Table 6  Career Plans at Admission and at Present

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<th>Public Sector or Public Interest</th>
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<th>W</th>
<th>M</th>
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<td>35</td>
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<td>41</td>
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<tr>
<td>Entry</td>
<td>29</td>
<td>43</td>
<td>40</td>
<td>44</td>
<td>37</td>
<td>44</td>
</tr>
<tr>
<td>Current</td>
<td>69</td>
<td>79</td>
<td>65</td>
<td>75</td>
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<td>76</td>
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### Table 7  Value Shift

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<tr>
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<th>WW</th>
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<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>I feel pressured to set aside my values to think like a lawyer.</td>
<td>61</td>
<td>35</td>
<td>48</td>
<td>28</td>
<td>51</td>
<td>29</td>
</tr>
<tr>
<td>My values have not changed since entering law school.</td>
<td>64</td>
<td>60</td>
<td>65</td>
<td>61</td>
<td>65</td>
<td>61</td>
</tr>
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</table>

### Table 8A  Self Perception

<table>
<thead>
<tr>
<th>% in agreement</th>
<th>WC</th>
<th>MC</th>
<th>WW</th>
<th>WM</th>
<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>I always or often feel as competent as others at Boalt.</td>
<td>56</td>
<td>86</td>
<td>74</td>
<td>90</td>
<td>69</td>
<td>89</td>
</tr>
<tr>
<td>I felt intelligent prior to law school but not now.</td>
<td>57</td>
<td>41</td>
<td>50</td>
<td>25</td>
<td>51</td>
<td>29</td>
</tr>
<tr>
<td>I feel confident that my talents are respected in law school.</td>
<td>46</td>
<td>55</td>
<td>51</td>
<td>75</td>
<td>50</td>
<td>71</td>
</tr>
<tr>
<td>I'm unsure of myself when the prof. disagrees with me in class.</td>
<td>78</td>
<td>71</td>
<td>76</td>
<td>53</td>
<td>77</td>
<td>57</td>
</tr>
<tr>
<td>I lose confidence when I'm in class.</td>
<td>43</td>
<td>30</td>
<td>36</td>
<td>19</td>
<td>39</td>
<td>21</td>
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</table>
**Table 8b  Peer Perceptions**

<table>
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<tr>
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<th>WW</th>
<th>WM</th>
<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>When I speak in class, my peers respect what I say.</td>
<td>73</td>
<td>82</td>
<td>80</td>
<td>88</td>
<td>77</td>
<td>86</td>
</tr>
<tr>
<td>I seem to fit in at Boalt as well as most students.</td>
<td>60</td>
<td>49</td>
<td>56</td>
<td>77</td>
<td>64</td>
<td>71</td>
</tr>
<tr>
<td>I respond as well as others when called on by the Socratic method.</td>
<td>70</td>
<td>78</td>
<td>79</td>
<td>90</td>
<td>76</td>
<td>87</td>
</tr>
<tr>
<td>The Socratic method allows free exchange of ideas.</td>
<td>22</td>
<td>28</td>
<td>23</td>
<td>36</td>
<td>22</td>
<td>34</td>
</tr>
<tr>
<td>I'm embarrassed to pass when called on.</td>
<td>44</td>
<td>54</td>
<td>56</td>
<td>61</td>
<td>53</td>
<td>60</td>
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</table>

**Table 8c  Institutional Perceptions**

<table>
<thead>
<tr>
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<th>W</th>
<th>M</th>
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</thead>
<tbody>
<tr>
<td>I like Boalt.</td>
<td>26</td>
<td>35</td>
<td>29</td>
<td>43</td>
<td>28</td>
<td>42</td>
</tr>
<tr>
<td>I like Boalt more than I dislike it.</td>
<td>40</td>
<td>31</td>
<td>42</td>
<td>36</td>
<td>41</td>
<td>35</td>
</tr>
<tr>
<td>I dislike Boalt more than I like it.</td>
<td>30</td>
<td>25</td>
<td>23</td>
<td>14</td>
<td>25</td>
<td>16</td>
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<tr>
<td>I dislike Boalt.</td>
<td>4</td>
<td>9</td>
<td>6</td>
<td>7</td>
<td>5</td>
<td>8</td>
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<tr>
<td>I feel positive about my life since entering Boalt.</td>
<td>42</td>
<td>55</td>
<td>46</td>
<td>64</td>
<td>45</td>
<td>62</td>
</tr>
<tr>
<td>I have mixed feelings about my life since entering Boalt.</td>
<td>28</td>
<td>29</td>
<td>28</td>
<td>23</td>
<td>35</td>
<td>24</td>
</tr>
<tr>
<td>I feel negative about my life since entering Boalt.</td>
<td>30</td>
<td>16</td>
<td>16</td>
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<td>14</td>
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<td>I have seriously considered dropping out of law school.</td>
<td>41</td>
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### Table 9 Female Professors

<table>
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<th>WM</th>
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<th>M</th>
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<tbody>
<tr>
<td>I was more likely to speak in a class taught by a female prof.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Agree</td>
<td>45</td>
<td>27</td>
<td>47</td>
<td>12</td>
<td>46</td>
<td>15</td>
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<tr>
<td>Neutral</td>
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<td>61</td>
<td>43</td>
<td>75</td>
<td>41</td>
<td>72</td>
</tr>
<tr>
<td>I was more comfortable with my female prof.'s approach to legal thinking.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>61</td>
<td>31</td>
<td>56</td>
<td>16</td>
<td>57</td>
<td>19</td>
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<tr>
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<td>55</td>
<td>33</td>
<td>64</td>
<td>31</td>
<td>61</td>
</tr>
<tr>
<td>I have chosen a course because it was taught by a female prof.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>42</td>
<td>21</td>
<td>50</td>
<td>15</td>
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<td>16</td>
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<tr>
<td>Neutral</td>
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<td>13</td>
<td>16</td>
<td>16</td>
<td>17</td>
<td>16</td>
</tr>
<tr>
<td>Has the lower number of female professors at Boalt deprived you of role models in the field of law?</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Yes</td>
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<td>74</td>
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<td>26</td>
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<td>45</td>
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<td>61</td>
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<td>11</td>
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### Table 10 Professors of Color

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<th>WM</th>
<th>W</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>I was more likely to speak in a class taught by a prof. of color.</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
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<td>33</td>
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<td>2</td>
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<td>9</td>
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<td>Neutral</td>
<td>36</td>
<td>56</td>
<td>56</td>
<td>76</td>
<td>50</td>
<td>71</td>
</tr>
<tr>
<td>I was more comfortable with the approach of my prof. of color.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>54</td>
<td>38</td>
<td>29</td>
<td>7</td>
<td>37</td>
<td>15</td>
</tr>
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<td>53</td>
<td>48</td>
<td>71</td>
<td>42</td>
<td>66</td>
</tr>
<tr>
<td>I have chosen a course because it was taught by a prof. of color.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
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<td>15</td>
<td>13</td>
<td>14</td>
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<tr>
<td>Has the lower number of professors of color at Boalt deprived you of role models in the field of law?</td>
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TABLE 11  LIMITATIONS OF FACULTY

Does the present composition of the faculty limit your perspective on legal issues?

<table>
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<tr>
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<th>WM</th>
<th>W</th>
<th>M</th>
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<tbody>
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<td>Yes</td>
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<td>68</td>
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<td>67</td>
<td>52</td>
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<td>13</td>
<td>20</td>
<td>11</td>
<td>18</td>
<td>12</td>
</tr>
</tbody>
</table>
APPENDIX B:
BOALT HALL
STUDENT QUESTIONNAIRE
April, 1988

I. CAREERS PLANS AND GOALS

1. Which of the following BEST describes your primary reason for going to law school at the time you began your first year? (Please check only one.)

1[ ] Intellectual or academic interest in the subject matter
2[ ] Prestige of profession
3[ ] Influence of family
4[ ] Desire to serve society or help others
5[ ] Financial security
6[ ] Could not think of anything better to do
7[ ] Other: ____________________________ (please describe)

2. Which of the following BEST describes your primary career goal at the time you entered law school? (Please check only one.)

1[ ] Public sector
2[ ] Public interest nonprofit association
3[ ] Private law firm
4[ ] Sole practitioner
5[ ] Corporate in-house counsel
6[ ] Academic position
7[ ] Nonlegal field
8[ ] Other: ____________________________ (please describe)
9[ ] Undecided

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Sue Homer
Appendix B

3. Do you plan to enter the legal profession within the first year after graduating from law school?
   1[ ] Yes  2[ ] No ————> PLEASE SKIP TO QUESTION 5
   3[ ] Undecided ————> PLEASE SKIP TO QUESTION 5

4. What kind of job do you currently expect to have after law school?
   1[ ] Public sector
   2[ ] Public interest nonprofit association
   3[ ] Private law firm
   4[ ] Sole practitioner
   5[ ] Corporate in-house counsel
   6[ ] Academic position
   7[ ] Other legal position: ____________________________ (please describe)

5. Please indicate the area of law in which you are currently most interested. (Please check only one.)
   1[ ] Administrative law
   2[ ] Corporate law
   3[ ] Criminal law
   4[ ] Environmental law
   5[ ] Family law
   6[ ] Labor law
   7[ ] Litigation
   8[ ] Personal injury
   9[ ] Public interest law
   10[ ] Real estate law
   11[ ] Tax law
   12[ ] Other: ____________________________ (please describe)
Appendix B

6. In what year of law school are you?
   1[ ] 1L → Please skip to question 11
   2[ ] 2L
   3[ ] 2L transfer student
   4[ ] 3L
   5[ ] 3L/transferred to Boalt after 1st year

   { Questions 7 - 10B are for 2Ls and 3Ls only }

7A. Did you work last summer?
   1[ ] Yes 2[ ] No → Please skip to question 8A

7B. Did you work in the legal profession last summer?
   1[ ] Yes 2[ ] No → Please skip to question 8A

7C. Do you feel that working in the legal field last summer increased your confidence as a law student?
   1[ ] Strongly agree
   2[ ] Agree
   3[ ] Disagree
   4[ ] Strongly disagree

8A. Did you interview in the Fall 1987 on-campus interview program?
   1[ ] Yes 2[ ] No → Please skip to question 11

8B. Approximately how many interviews did you have in the Fall 1987 on-campus interview program?
   1[ ] 1-3        4[ ] 11-15        6[ ] 21-30
   2[ ] 4-6        5[ ] 16-20        7[ ] more than 30
   3[ ] 7-10

3
Appendix B

9. How many job offers did you receive as a result of the Fall 1987 on-campus interview program?

1[ ] 1-3
2[ ] 4-6
3[ ] 7-9
4[ ] 10 or more
5[ ] None

10A. Did you have a preference for a specific placement?

1[ ] Yes 2[ ] No → PLEASE SKIP TO QUESTION 11

10B. Did you get the job you had a preference for?

1[ ] Yes 2[ ] No

II. NATURE OF THE ACADEMIC EXPERIENCE AT BOALT

11. During the past Fall semester, approximately how often did you attend class in a typical three-unit course with noncompulsory attendance?

1[ ] Never
2[ ] At least once a month
3[ ] At least once every two weeks
4[ ] At least once a week
5[ ] Every session or nearly every session.

12. During the past Fall semester, approximately how often did you go to see a professor during his or her office hours?

1[ ] Never
2[ ] Once or twice per semester
3[ ] At least once a month
4[ ] At least once every two weeks
5[ ] At least once a week.
Appendix B

13. How often do you usually attempt to do the following in a typical 3-unit course?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>About every four weeks</th>
<th>About every two weeks</th>
<th>Once a week or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Ask questions in class</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
<td>4[ ]</td>
</tr>
<tr>
<td>B. Volunteer answers in class</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
<td>4[ ]</td>
</tr>
<tr>
<td>C. Ask professors questions after class</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
<td>4[ ]</td>
</tr>
</tbody>
</table>

14. When you have questions about the material presented in class, which one of the following options BEST describes what you do? Please check only one.

1[ ] I raise my hand and ask the professor for clarification.
2[ ] I ask the professor about it after class.
3[ ] I ask another student to explain it.
4[ ] I look up the answer in a reference source.
5[ ] I don't worry about it until I prepare for exams.
6[ ] I don't do anything.
7[ ] Other: ____________________________ (please describe)

15. Have you had any female professors at Boalt?
1[ ] Yes  2[ ] No → PLEASE SKIP TO QUESTION 17
Appendix B

16. Do you agree or disagree with the following statements?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
<th>No Difference</th>
</tr>
</thead>
</table>

A. I was more likely to speak in a class taught by a female professor than in one taught by a male professor. 1[ ] 2[ ] 3[ ] 4[ ] 5[ ]

B. I felt more comfortable with my female professor's approach to legal thinking. 1[ ] 2[ ] 3[ ] 4[ ] 5[ ]

C. I have chosen a particular course because it was taught by a female professor. 1[ ] 2[ ] 3[ ] 4[ ]

17. Do you think the lower number of female professors at Boalt has deprived you of significant role models in the field of law?

1[ ] Yes 2[ ] No 3[ ] Undecided

18. Have you had any professors at Boalt who were people of color (members of ethnic or racial minority groups)?

1[ ] Yes 2[ ] No ———> PLEASE SKIP TO QUESTION 21

19. Were any of your professors at Boalt who were people of color also women?

1[ ] Yes
2[ ] No
### Appendix B

20. Do you agree or disagree with the following statements concerning professors who were people of color?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
<th>No Difference</th>
</tr>
</thead>
</table>

**A.** I was more likely to speak in a class taught by a professor who was a person of color.  
1[ ] 2[ ] 3[ ] 4[ ] 5[ ]

**B.** I felt more comfortable with the approach to legal thinking of a professor who was a person of color.  
1[ ] 2[ ] 3[ ] 4[ ] 5[ ]

**C.** I have chosen a particular course because it was taught by a professor who was a person of color.  
1[ ] 2[ ] 3[ ] 4[ ]

--

21A. Do you think the lower number of professors at Boalt who are people of color has deprived you of significant role models in the field of law?  
1[ ] Yes 2[ ] No 3[ ] Undecided

21B. Do you feel the present composition of the faculty limits your perspective on legal issues?  
1[ ] Yes 2[ ] No 3[ ] Undecided
Appendix B

22. Overall, with respect to your classroom experiences, do you agree or disagree with the following statements?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A.</strong> When I speak in class, I believe that my peers respect what I have to say.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td><strong>B.</strong> I feel unsure of myself when a professor disagrees with me.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td><strong>C.</strong> Speaking in class is vital in learning the law.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td><strong>D.</strong> I lose my confidence whenever I am in class.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
</tbody>
</table>

23. In general, in your classes at Boalt that have used the Socratic method, do you agree or disagree with the following statements?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A.</strong> When I am called on by the Socratic method, I am able to answer as well as most people.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td><strong>B.</strong> The Socratic method allows me to exchange ideas freely with the professor.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td><strong>C.</strong> I would be embarrassed to pass when a professor calls on me.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
</tbody>
</table>

* * * * *
Appendix B

24. Did you ever study regularly with a group of 3 or more people (including yourself) during your first year of law school?
   1[ ] Yes        2[ ] No    ➔ PLEASE SKIP TO QUESTION 28

25. Which of the following BEST describes the schedule of your study group? (If you were in more than one group, answer for the group you attended most frequently.)
   1[ ] We met regularly over the course of the semester.
   2[ ] We met only in preparation for finals.
   3[ ] We met irregularly.

26A. How many men (including yourself) usually attended the group?

26B. How many women (including yourself) usually attended the group?

27. Overall, do you agree or disagree with the following statements regarding your study group experience?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. My fellow members respected what I had to say in the study group. 1[ ] 2[ ] 3[ ] 4[ ]

B. I contributed more knowledge to the group than I received. 1[ ] 2[ ] 3[ ] 4[ ]

C. The study group helped me to survive the first year of law school. 1[ ] 2[ ] 3[ ] 4[ ]

* * * * *

9
Appendix B

28. Did you ever participate in the Academic Support Program during your first year (Boalt's tutorial program)?

1[ ] Yes 2[ ] No → PLEASE SKIP TO QUESTION 30

29. Do you agree or disagree with the following statements?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A. I felt more confident in class as a result of ASP tutorials. 1[ ] 2[ ] 3[ ] 4[ ]

B. The ASP provided a needed outlet for me to test my legal knowledge. 1[ ] 2[ ] 3[ ] 4[ ]

C. The ASP helped me to survive the first year of law school. 1[ ] 2[ ] 3[ ] 4[ ]

* * * * *

30. Have you ever participated on a regular basis in an extracurricular activity at Boalt?

1[ ] Yes 2[ ] No → PLEASE SKIP TO QUESTION 32

31. Please name the type of activity to which you have most recently devoted the most time:

1[ ] Law Journal
2[ ] Boalt Student Organization
3[ ] Campus-wide Organization
4[ ] Other: ____________________________ (please describe)
Appendix B

32. If you answered no to question 30, select the statement that BEST describes your primary reason for deciding not to participate regularly in any extracurricular activities. (Please choose only one.)

1[ ] I felt intimidated by other participants.
2[ ] I believed I had nothing special to contribute.
3[ ] I decided that none of the activities at Boalt addressed my real interests or needs.
4[ ] I had more important things to do.
5[ ] I didn't have the time.
6[ ] None of the above.

33. Have you worked during the current year?

1[ ] Yes 2[ ] No → PLEASE SKIP TO QUESTION 35

34. Do you feel that working during the school year has increased your confidence as a law student?

1[ ] Strongly agree
2[ ] Agree
3[ ] Disagree
4[ ] Strongly disagree

35. Last semester, did you use the following campus services?

A. Campus counseling service 1[ ] Yes 2[ ] No
B. Student health 1[ ] Yes 2[ ] No
C. Graduate Assembly 1[ ] Yes 2[ ] No
D. Campus housing 1[ ] Yes 2[ ] No
E. Campus daycare program 1[ ] Yes 2[ ] No
F. Other ____________________________(please describe)

** ** ** ** **
Appendix B

III. GENERAL

36. Overall, how do you feel about your life since entering law school?
   1[ ] Delighted
   2[ ] Pleased
   3[ ] Mostly satisfied
   4[ ] Mixed (about equally satisfied and dissatisfied)
   5[ ] Mostly dissatisfied
   6[ ] Unhappy
   7[ ] Terrible

37. Comparing yourself to others at Boalt, would you agree that the statement, "I feel that I am a competent person, at least as much as others" is:
   1[ ] Always true
   2[ ] Often true
   3[ ] Sometimes true
   4[ ] Rarely true
   5[ ] Never true

38. Have you made at least one close friend from Boalt since entering?
   1[ ] Yes  2[ ] No

39. Do you have someone outside the Boalt community who you can count on for support and understanding of your law school experience?
   1[ ] Yes  2[ ] No
Appendix B

40. A number of statements about law school are given below. Overall, do you agree or disagree?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. I think of the demands of law school as a temporary interruption in my life.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>B. I seem to fit in at Boalt as well as most of the other students.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>C. Before law school I thought of myself as intelligent and articulate, but often I don't feel that way about myself at Boalt.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>D. I enjoy facing the challenges of law school.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>E. I have seriously considered dropping out of law school.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>F. In general, I feel confident that my talents are respected in law school.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>G. I feel pressured to set aside my values in order to think like a lawyer.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
<tr>
<td>H. My values have not changed since I began law school.</td>
<td>1[ ]</td>
<td>2[ ]</td>
<td>3[ ]</td>
</tr>
</tbody>
</table>
Appendix B

41. On the whole, how do you feel about Boalt?

1[ ] Like it
2[ ] Like it more than I dislike it
3[ ] Dislike it more than I like it
4[ ] Dislike it

IV. ACADEMIC PERFORMANCE

42. Overall, do you agree or disagree with the following statements concerning your academic performance and training at Boalt?

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
</table>

A. I am satisfied with my grades. 1[ ] 2[ ] 3[ ] 4[ ]

B. My grades at Boalt represent an accurate evaluation of my abilities as a law student. 1[ ] 2[ ] 3[ ] 4[ ]

C. My academic performance has caused me to question my ability to practice law. 1[ ] 2[ ] 3[ ] 4[ ]

D. My grades reflect the amount of effort I put in studying. 1[ ] 2[ ] 3[ ] 4[ ]

E. My practical legal skills seem inadequate. 1[ ] 2[ ] 3[ ] 4[ ]

• • • • •
Appendix B

43. If you are a 2L or 3L, what would you estimate is your approximate rank in your class in law school?

1[ ] Upper 5%
2[ ] Upper 10%
3[ ] Upper 25%
4[ ] Upper 33-1/3%
5[ ] Upper 50%
6[ ] Lower 50%

(QUESTIONS 44 - 59 ARE ASKED FOR STATISTICAL PURPOSES ONLY)

44. How many High Honors have you received as a final course grade at Boalt? (ILs, include pencil grades from Fall semester.)

1[ ] None
2[ ] 1
3[ ] 2
4[ ] 3
5[ ] 4 or more

45. How many Honors have you received as a final course grade at Boalt? (ILs, include pencil grades from Fall semester.)

1[ ] None
2[ ] 1
3[ ] 2
4[ ] 3
5[ ] 4 to 6
6[ ] 7 or more
Appendix B

V. BACKGROUND

46. Which of the following BEST describes the type of college from which you received your bachelor's degree?

1[ ] Large public college or university
2[ ] Small public college or university
3[ ] Large private college or university
4[ ] Small private college or university
5[ ] Other: ________________________________
   (please describe)

47. Do you hold a degree other than a bachelor's degree?

1[ ] Yes   2[ ] No --> PLEASE SKIP TO QUESTION 49

48. What is your highest degree?

1[ ] M.A.
2[ ] M.S.
3[ ] Ph.D.
4[ ] M.B.A.
5[ ] Other: ________________________________
   (please describe)

49. Between receiving your undergraduate degree and entering law school, did you ever work full time?

1[ ] Yes   2[ ] No --> PLEASE SKIP TO QUESTION 51

50. Approximately how long did you work full time during this period? (Total time need not be consecutive.)

1[ ] less than 1 year
2[ ] at least 1 but less than 3 years
3[ ] at least 3 but less than 5 years
4[ ] more than 5 years
Appendix B

51A. What was the highest level of education your father attained?

1[ ] Less than 12th grade
2[ ] High school diploma
3[ ] Some college but no degree
4[ ] AA degree
5[ ] Bachelor's degree
6[ ] Legal degree (J.D., LL.B.)
7[ ] Other professional degree(s): _______________________
8[ ] Other graduate degree(s): _______________________

51B. What was your father's occupation when you were sixteen (including student, homemaker, etc.)?

____________________________

52A. What was the highest level of education your mother attained?

1[ ] Less than 12th grade
2[ ] High school diploma
3[ ] Some college but no degree
4[ ] AA degree
5[ ] Bachelor's degree
6[ ] Legal degree (J.D., LL.B.)
7[ ] Other professional degree(s): _______________________
8[ ] Other graduate degree(s): _______________________

52B. What was your mother's occupation when you were sixteen (including student, homemaker, etc.)?

____________________________
Appendix B

53. Where would you place yourself on the political spectrum?

[ ] 1 Far Left
[ ] 2 Middle of the Road
[ ] 3 Far Right
[ ] 4 Left
[ ] 5 Middle
[ ] 6 Right
[ ] 7

54. Are you currently living with a spouse or "significant other"?

[ ] 1 Yes
[ ] 2 No

55. Do you have children who live with you? (Please include the children of your partner.)

[ ] 1 Yes, full-time
[ ] 2 Yes, part-time
[ ] 3 No

56. What are their ages?

57. What is your sex?

[ ] 1 Male
[ ] 2 Female

58. How old are you?

[ ] 1 Under 22
[ ] 2 22-24
[ ] 3 25-29
[ ] 4 30-39
[ ] 5 40 or over

59. What is your ethnic background?

[ ] 1 Black
[ ] 2 Hispanic
[ ] 3 Pacific Islander
[ ] 4 Asian
[ ] 5 Native American
[ ] 6 White
[ ] 7 Other (please describe): ____________________________
Appendix B

60. Please feel free to use the space below to add any additional comments.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

* * * * * * * * * *

* THIS COMPLETES THE QUESTIONNAIRE.

* * * * * * * * *

PLEASRE REMEMBER:

DO NOT DETACH THE COVER LETTER.

THE PROCEDURE ENSURING ANONYMITY IS EXPLAINED IN THE BOALT BULLETIN BOARD.

IF YOU WISH, YOU MAY STAPLE YOUR QUESTIONNAIRE CLOSED OR RETURN IT IN AN ENVELOPE.

COMPLETED QUESTIONNAIRES SHOULD BE RETURNED BY APRIL 13 TO "BOALT QUESTIONNAIRE" BOXES WHICH HAVE BEEN PLACED AT THE STUDENT MAILBOXES, ADJACENT TO THE 1ST FLOOR ELEVATOR AT THE MOOT COURT BOXES, AND ON THE COUNTER IN THE REGISTRAR'S OFFICE.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT LOIS SCHWARTZ (2L) OR SUE HOMER (2L) THROUGH THE STUDENT MAILBOXES.

THANK YOU VERY MUCH FOR YOUR COOPERATION.