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The Future of Women Law Professors

Herma Hill Kay*

I. The Past: 1896-1945

Women began teaching law so that other women could learn law. The first women to instruct law students were practitioners who accepted women to study in their law offices. In 1896, Ellen Spencer Mussy and Emma Gillett offered a series of part-time courses to three women students in Mussy's law office in the District of Columbia.1 At the time, only one of the five law schools operating in the District admitted women: Howard University.2 Mussy and Gillett must have been shocked to learn, two years later, that no law school would admit their three students so they could complete their training. Thereupon, the two women founded a law school of their own—Washington College of Law—in 1898. Ellen Spencer Mussy became the school's founding dean, a post she held until 1914. Five other women deans followed her in an unbroken line until 1947, when the school was accepted for membership in the Association of American Law Schools (AALS).3 All subsequent deans of Washington College have been men. In 1949, Washington became affiliated with American University.4

The first woman law professor appointed to a tenure-track position in an American Bar Association (ABA)-approved, AALS-member school was Barbara Nachtrieb Armstrong, who began her academic career in 1919 at the University of California, Berkeley.5 Professor Armstrong earned her Ph.D. in economics in 1921. Her initial appointment was a joint post as a

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2. Id. at 73. The other four schools were National University School of Law, Columbian University School of Law, Georgetown University Law Center, and Catholic University of America School of Law. Columbian later merged with George Washington University National Law Center. Mussy herself attended Howard.
3. See AALS, Handbook, Proceedings of the Annual Meeting of the Association of American Law Schools, 1947, at 92. As pictured in the school magazine, 2 The Advocate 2-3 (Spring 1984), the women deans at Washington College were: Ellen Spencer Mussy (1898-1913); Emma M. Gillett (1913-1929); Elizabeth Harris (1923-1924); Laura Halsey (1924-1926); Grace Hays Riley (1926-1943); and Helen Arthur Adair (1943-1947). The unbroken line of women deans ended when Horatio R. Rogers became Dean in 1947. Thomas Buergenthal, Message, 2 The Advocate 2-3 (Spring 1984).
4. Morello, supra note 1, at 75-76.
5. The ABA first published a list of law schools that complied with its standards in 1923. The School of Jurisprudence at the University of California, Berkeley, was among the schools listed in class "A" as being in full compliance. See John B. Sanborn, Law Schools Meet Association Standards, 9 A.B.A. J. 728 (1923).

The information presented in this Article about women law professors is drawn from the author's research for her projected book on that subject. See infra text accompanying note 20 and references throughout.
lecturer in the School of Law and the Department of Social Economics, and she was given a tenure-track appointment as an instructor in law and social economics in 1922. In 1923, she became an assistant professor, and five years later she moved to the law school full-time. The following year, in 1929, she acquired tenure as an associate professor, specializing in family law (then called “Persons”), and labor law (then called “Industrial Law”). In 1932, she published her first book, *Insuring the Essentials*, and in 1935, she was promoted to professor. Barbara Armstrong published her authoritative two-volume work on California family law in 1953. She was appointed to serve as Chief of Staff for Social Security Planning of the Committee on Economic Security in 1934. In that post, she helped to draft the Social Security Act. She retired in 1957, but continued to teach in the law school as Professor Emeritus until 1965.

The first woman to become a full professor of law in an ABA-approved, AALS-member school was Harriet Spiller Daggett of Louisiana State University. Like Barbara Armstrong, Harriet Daggett's initial appointment in 1926 was a joint position as an instructor in law and political science and she became a full-time teacher at the law school in 1927. Harriet Daggett left Louisiana State University to do graduate work in law at Yale in 1929, where she earned a J.S.D. She was awarded tenure as an associate professor in 1930, and became a full professor in 1931. Her major areas of expertise included mineral rights, community property, and domestic relations. A prolific writer, Harriet Daggett's bibliography occupied six pages of the *Louisiana Law Review* when she retired in 1961.

Both Barbara Armstrong and Harriet Daggett were married; both were mothers. Indeed, Harriet Daggett did not commence her law studies until her husband's rice farming business collapsed, forcing the family to seek another source of income. By that time, she had two small boys, both of whom ultimately attended law school—thus earning her the affectionate title among her students of “Ma” Daggett.

Between 1900, when the AALS was founded with a charter membership of thirty-two schools, and 1945, when World War II ended, exactly three women held tenure or tenure-track appointments in member schools. This small band consisted of Armstrong, Daggett, and Margaret Harris Amsler, who became a full-time instructor at Baylor University Law School in 1941. Margaret Amsler was the daughter of Judge Nat Harris, who

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6. The University of California, Berkeley, Law Department was known as the School of Jurisprudence at the time. The AALS Directory first lists Barbara Armstrong under the name Barbara Nachtrieb Grimes. AALS Directory of Teachers in Member Schools 30 (1925).


9. The 1935 AALS Directory of Teachers in Member Schools reported that Armstrong was “[a]bsent on leave first semester 1934-35, Washington, D.C., to assist President’s Committee on Economic Security.” AALS Directory of Teachers in Member Schools 18 (1935).


taught law at Baylor from 1920 until 1944. She earned her A.B. degree from Baylor in 1929, majoring in English and French, and subsequently received an M.A. from Wellesley in English literature in 1931. In 1938, she became one of the first women elected to the Texas Legislature where she served as the representative from McLennan County from 1939 until 1941, when she began teaching law. Her law teaching was interrupted briefly when Baylor Law School closed between 1944 and 1946 because of World War II. When the school reopened in Spring 1946, Amsler was named acting dean.

Margaret Amsler primarily taught business law courses. During her thirty-year career at Baylor, “Lady A,” as the students respectfully called her, taught contracts, agency and partnership, corporations, commercial transactions, bills and notes, real property, personal property, insurance, and suretyship and mortgages. In addition to her academic work, she served as a member of the Texas State Bar’s Special Committee on Revision of Corporation Laws, which drafted the Texas Business Corporation Act later adopted by the legislature. After completing that project, Margaret Amsler turned her attention to nonprofit corporations. She chaired the State Bar’s Subcommittee on Nonprofit Corporation Code from 1956 to 1958, drafting the proposed changes to the existing code herself, and patiently explaining the theoretical basis and practical impact of the new Code to Texas practitioners. Margaret Amsler retired from teaching in 1972. She continued to practice law in McGregor, Texas, until her retirement in 1990.

Between the late 1800s and the years immediately preceding World War II, few women were practicing law. At the close of the Civil War, in 1865, there were no women lawyers in the entire country. The national census counted 5 women lawyers in 1870, a number that slowly increased over the next three decades to 75 in 1880 and 1,010 in 1900. Prior to World War II, women law students represented three percent of the total nationwide law student population. Among the legal profession, only a little more than two percent were women. Those statistics improved during World War II because the exodus of young men to fight in the war virtually decimated law schools. Some law schools, such as Baylor, closed during the war years. Others temporarily increased their enrollment of

13. Morello, supra note 1, at 5-8. Morello identifies Margaret Brent of Maryland as the nation’s first woman lawyer. She appears to have been recognized as an attorney when she served as administrator of the estate of Leonard Calvert, the former Governor of Maryland, following his death in 1643.
women students. The percentage of women students enrolled in ABA-approved law schools reached an unprecedented twelve percent in the fall of 1942. Not all of the elite schools, however, were driven to this method of replenishing their supply of students. In 1943, Harvard President, James B. Conant, responded to a query from Harvard graduate Herman Greenberg about how the law school was faring during the war with this appraisal: "Not as bad as we thought. We have 75 students, and we haven't had to admit any women." Little did Conant suspect that only four years later he would approve hiring a woman to teach law at Harvard.

II. THE PRESENT: 1945-1990

A. The First Twenty Years: Slow but Steady Growth

The immediate post-war years saw the entry of two more women into full-time law teaching: Soia Mentschikoff and Jeanette Ozanne Smith. Mentschikoff began her career teaching law as a visiting professor at Harvard Law School in 1947. Ironically, President Conant authorized Dean Erwin Griswold to hire her three years before women were admitted to Harvard as students. Jeanette Smith rose from her position as Dade County Law Librarian to become an assistant professor of law at Miami Law School in 1949. Thirty years had elapsed between her appointment and that of Barbara Armstrong at Berkeley in 1919. During the next decade, from 1949 to 1959, the number of full-time, female tenure or tenure-track law professors in ABA-approved, AALS-member schools more than doubled—from five to thirteen. These thirteen women, listed in order of the dates of their initial appointment at an ABA/AALS school, are: Barbara Nachtrieb Armstrong, University of California, Berkeley, 1919; Harriet Spiller Daggett, Louisiana State University, 1926; Margaret Harris Amsler, Baylor University, 1941; Soia Mentschikoff, Harvard University, 1947; Jeanette Ozanne Smith, University of Miami, 1949; Clemence Myers Smith, Loyola University, Los Angeles, 1952; Ellen Ash Peters, Yale University, 1956; Helen Elsie Steinbinder, Georgetown University, 1956; Janet Mary Riley, Loyola University, New Orleans, 1956; Dorothy Wright Nelson, University of Southern California, 1957; Joan M. Krauskopf, Ohio State University, 1958; Maria Minnette Massey, University of Miami, 1958; and Miriam Theresa Rooney, Seton Hall University, 1959.

18. Telephone Interview with Mr. Herman Greenberg (Mar. 13, 1990) (notes on file with author).
19. Miriam Theresa Rooney served as law librarian at Catholic University of America School of Law from 1942 to 1948, during which time she also held several academic appointments: first, as assistant professor (1942-48) and later as associate professor (1948-51). She did not become a full-time or full-fledged law professor until 1951, when she became the founding dean and professor at Seton Hall University School of Law, a post she held until 1961. Although Seton Hall received ABA approval in 1951, the school did not become a member of the AALS until 1959. Miriam Rooney is said to have been the first woman dean of an ABA-approved law school. See First Woman Dean was at Seton Hall, XVI Syllabus 3 (ABA Section on Legal Education and Admission to the Bar, Mar. 1985). This report is accurate only
These women are our professional foremothers. I am presently working on a book that will tell their stories. They are a fascinating group. They include the granddaughter of a Russian noble and the wife of a rice farmer. Five of them began their legal careers as law librarians, and subsequently became full-time law professors. Three of the five women who began as librarians were Catholics who taught at Catholic law schools. Five served as law school deans or acting deans. Ten were married; eight had children. At the time of this writing, five have died. Of the eight women who are still living, only two—Joan Krauskopf and Minnette Massey—are still full-time law professors. Two are judges and four have retired. No women of color are among the thirteen. The earliest tenured or tenure-track African-American woman law professor I have identified is Sybil Marie Jones Dedmond who began teaching in 1951, but who never taught at an ABA-approved, AALS-member school. Three women were assistant professors at the University of the Philippines Law School, which was an AALS-member school during the middle 1950s, but which was not an ABA-approved law school at that time.

Impressive as these women are, however, our celebration of their success should not obscure other women whose efforts to become legal academics during this period were not as swiftly realized. Alongside the thirteen pioneers exists another group of women who occupied less prominent positions in American legal education before 1960. Some of these women held a sort of “shadow tenure” in their law schools: they taught standard law courses, but lacked regular appointments enjoyed by their male colleagues. Their job titles varied. Some were called “research associate,” “lecturer in law,” or even “visiting assistant professor.” These classifications usually did not confer tenure-track status and frequently did not require a formal vote of the law faculty. Some of these women ultimately were admitted to the regular academic ranks, often after they had devoted their full-time efforts to the law school for many years.

if it is understood to exclude acting deans. Helen Arthur Adair, the last of the six women deans of Washington College of Law, was named acting dean of the school on January 15, 1943, three months before the ABA approved the school. See Susan Notar, Grace Hays Riley and the Quest for ABA Approval, 10 The Advocate 32, 34 (Fall 1989). Between 1945 and 1947, when Horatio Rodman Rogers became dean, the school’s catalogs consistently list Helen Arthur Adair as acting dean. Margaret Amsler also served as acting dean at Baylor in 1946, when the school reopened after World War II. See supra text accompanying notes 11-12.

20. I am limiting my study to women appointed to tenure or tenure-track positions in ABA/AALS schools because the legal profession and legal educators’ recognize that these schools meet basic standards of professional competence and educational excellence. The women who gained admission to the faculties of these schools, therefore, were accepted by their peers as members of the common enterprise of American legal education.

21. Sybil Marie Jones graduated from the University of Chicago Law School in 1950 and taught at North Carolina Central Law School (NCCLS) from 1951 until 1964. NCCLS was ABA-approved, but was not an AALS member school. Patricia Roberts Harris, who began teaching at Howard Law School in 1963, appears to have been the first African-American woman appointed to a full time tenure-track position at an ABA/AALS law school.

22. The three women assistant professors at the University of the Philippines Law School were Maria Clara Lopez Campos, 1953; Irene Cortes, 1954; and Araceli Baviera, 1956. The school was an AALS member from 1914 until 1957. See Report of the Executive Comm., AALS Proceedings 127, 129 (1957).
Professor Elisabeth A. Owens, for example, went to Harvard Law School in 1955 to do research on international tax with Professor Stanley Surrey. In 1961 she published the leading book in her field, *The Foreign Tax Credit*,23 and in 1965 she began teaching a course at Harvard titled *International Aspects of United States Income Taxation*. She was not given a professorial appointment, however, until 1972 when she became a full professor. Professor Helen Silving spent two years as a visiting professor at the University of Puerto Rico Law School between 1956-5824 before she received a tenure-track appointment there in 1962.25 Prior to her appointment as a full professor at Ohio State College of Law in 1966, Professor Mary Ellen Caldwell spent six years at Yale Law School. Her title was initially research associate, and became research associate and lecturer. Other women legal scholars and teachers never received their due recognition. They, too, deserve our gratitude and remembrance, and I plan to tell their stories as well.

Between 1960 and 1965, only seventeen more women began legal academic careers with tenure-track appointments at ABA/AALS schools. One woman entered law teaching in 1960. Between 1961 and 1963, two women per year became law professors with tenure-track appointments at ABA/AALS schools.26 Four women became law professors in 1964,27 and six women received tenure-track appointments in 1965,28 which to that date was the largest number of new female law professors appointed in a single year.

B. The Pool Increases: 1965-1969

From 1900 until the middle 1960s, both the law student population in ABA/AALS schools and the legal profession in general were overwhelmingly white and male. Women lawyers experienced difficulty in finding law

26. These women are: 1960, Herma Hill Kay, University of California at Berkeley School of Law; 1961, Alessandra del Russo, Howard University School of Law, and Marygold Melli, University of Wisconsin Law School; 1962, Eva H. Hanks, Rutgers, The State University of New Jersey School of Law, Newark, and Helen Silving, University of Puerto Rico Law School; 1963, Ruth Bader Ginsburg, Rutgers, The State University of New Jersey School of Law, Newark, and Patricia Roberts Harris, Howard University School of Law.
27. They are Brigitte Bodenheimer, University of Utah College of Law; Clara E. Kauffman, Loyola University Law School, Los Angeles; Kamilla M. Mazanec, Drake University Law School; and Marjorie Dick Rombauer, University of Washington School of Law. Bodenheimer, Mazanec, and Rombauer ultimately became full professors. All three women had taught in nontenure track positions before their initial ladder-rank appointments in 1964.
28. These women are Shirley Abrahamson, University of Wisconsin Law School; Josephine Y. King, State University of New York at Buffalo School of Law; Rita M. Kopp, De Paul University College of Law; Dawn Clark Netsch, Northwestern University School of Law; Martha S. Robinson, Loyola University Law School, Los Angeles; and Shirley Zabel, University of Idaho College of Law. Robinson taught at Southwestern University School of Law from 1947 to 1955, but the school was not approved by the ABA until 1970.
firms willing to hire them. Soia Mentschikoff, who became a partner at Spence, Hotchkiss, Parker & Duryee in 1944, was one of the earliest of those few women who would become partners in Wall Street firms. As recently as the 1950s and 1960s, other women could recount stories of their chilly reception from private law firms. Justice Sandra Day O'Connor, who graduated third in her class from the Stanford Law School in 1953, remembers that the only law firm to offer her a job expected her to work as a legal secretary. Chief Justice Ellen Ash Peters of the Supreme Court of Connecticut began her career as a law professor at Yale in 1956 in part because she could not find a job in practice. Judge Judith S. Kaye of the New York Court of Appeals points out that in the big Wall Street law firms, "[e]nlightened recruiters in the 1950s and 1960s didn't bat an eye either turning away qualified women because the firm's quota of women was filled (meaning they had one) or offering a privileged few female invitees lower salaries than the men." By the mid-1960s, however, the demographics of the law school populations began to change dramatically. For one thing, virtually all law schools had removed the barriers that had prevented the admission of women students. For another, the civil rights movement and the reborn women's movement had stimulated women's interest in the legal profession. Many young women who were active participants in the civil rights movement in the early 1960s later turned their attention to studying law. The rebirth of the women's movement is commonly dated from the publication of Betty Friedan's book, *The Feminine Mystique*, in 1963. That grass-roots movement, with its emphasis on consciousness-raising, helped to inspire women to pursue nontraditional careers, including law. These and other factors combined to produce a surge of women determined to study law. Thus, between 1965 and 1985, the proportion of women students in ABA-approved law schools increased from four percent to forty percent.

The dramatic increase in the number of women entering law school, however, is only part of the story. Their attitude toward law school was equally as significant in reshaping legal education. These new women students were not passive consumers of traditional legal education, and many of them were interested in fundamental change in our legal and social system, particularly with regard to the treatment of women.

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formed the National Conference on Women and the Law, which held its first meeting in New York in 1970. Encouraged by their successful first effort at networking, the women students returned to their home schools with renewed energy and began agitating on issues that remain high on the current agenda of legal education: faculty diversity, curricular reform, and treatment of women students and women's issues in the classroom.

Some of the same factors that stimulated women to study law slowly affected faculty hiring during the late 1960s. Between 1966 and 1969, twenty-three more women entered law teaching with tenure or tenure-track appointments. The progression was not, however, uniformly upward. Although eight women began law teaching in 1966, only four more women entered the legal teaching profession in 1967, followed by only five more women in 1968 and six in 1969.

C. Twenty Years of Expansion: 1970-1990

The decade of the 1970s marked the beginning of a dramatic increase in the number of women law professors. In 1970, double-digit hiring arrived: fifteen women began teaching in ABA/AALS schools that year. In the world of practice, the demand for legal services rapidly increased. The legal profession grew from some 200,000 lawyers in 1950 to approximately 700,000 in 1988.37

Two significant developments affecting law school policies helped ensure women would share in the general expansion of the legal profession. In the early 1970s the AALS created a powerful new incentive for law schools to hire women law professors. At the annual meeting on December 30, 1970, the AALS became one of the first national academic organizations to prohibit sex discrimination in admissions, employment, and placement by its member schools.38 Two years later, in 1972, Congress extended Title VII of the Civil Rights Act of 1964, which prohibits employment based on race, sex, and several other factors, to university employment practices.39 Policies of outreach and affirmative action which accompanied the new law opened the way for significant numbers of women to enter law teaching.40

Not all women legal academics, however, welcomed affirmative action for faculty women. Soia Mentschikoff, who attributed women lawyers' difficulty in achieving partnerships in Wall Street law firms to their own self-defeating belief that they had no chance to succeed,41 told a reporter that she found affirmative action in academic hiring "insulting":

37. MacCrate, supra note 15, at 999.
41. Smigel, supra note 29, at 46-47.
I don't believe in it for two reasons . . . . First, I don't like single-dimensional thinking. You're a woman, but you're a lot more than that; you have all sorts of other characteristics.

Second, . . . a great many people who believe in affirmative action really don't believe that women are as good as men: that's why they'll hire any goddamned woman that comes down the pike. I think it's insulting . . . .

Even if one assumes that most of the women who entered law teaching in the early 1970s did not feel insulted by the existence of the new affirmative action policies, some must have been bewildered by the complete change in attitude exhibited by the law schools implementing those policies. To these women, and to most who preceded them, being a "woman lawyer" was an obstacle to be overcome, not an advantage to be exploited. Given the difficulty most women experienced in becoming lawyers and obtaining work as lawyers, it is not surprising that many of them attempted to blend into the profession by becoming "one of the boys." The few women law professors actively teaching before the 1970s no doubt encouraged their women students in this strategy, either overtly or by example. Thus, Ruth Chance, who graduated first in her law class at Berkeley in 1931, remembers that Professor Barbara Armstrong was upset to learn that Ruth planned to marry a classmate, Jackson Chance. Professor Armstrong believed that marriage would make it difficult for a woman to succeed in practice. Jean Craighead Shaw, who graduated from Louisiana State University in 1940, absorbed the lesson by example. She reports that Professor Harriet Spiller Daggett was sometimes described as "the best 'man' on the LSU law school faculty." 43

The belief among women law professors and practitioners that women should strive for acceptance as lawyers, not as women lawyers, persisted through the 1960s. Professor Jean Love of Iowa remembers it well:

I went to law school at the University of Wisconsin in Madison from 1965-68. As one of six women in my class, I was extremely fortunate to be in the presence of two women law professors—Shirley Abrahamson and Margo Melli. One day during our first year in law school, we six women students met with Shirley and Margo to discuss the question of whether we should form a legal sorority. Their advice to us was to abandon the project. They told us that we should think of ourselves as "lawyers first, and women second." I could tell that they were speaking from experience. Moreover, their advice made good sense to me. I proceeded to go through law school thinking of myself as "a lawyer first, and a woman second," and I loved every day of it.

My self-perception was shattered when I entered the job market. After graduating at the top of my class, I sent out thirty letters of application to law firms in Omaha, Nebraska (where my

43. Letter from Jean Craighead Shaw, Attorney at Law, to Katherine Shaw Spaht, Professor and Vice-Chancellor at Louisiana State University (Dec. 1, 1989) (on file with author).
then spouse was stationed as a pilot at Offutt Air Force Base). I received thirty letters of rejection. The only lawyer that was willing to talk to me was Robert Kutak, but even he did not offer me a job. I was told that, because I was a woman, I would not be acceptable to someone—senior partners, junior partners, associates, judges, clients, wives. The list seemed endless. I thought to myself, "For the first time in my life, I think I understand what it must feel like to be black." I finally found a job in Lincoln, Nebraska with the firm of Mason, Knudsen, Berkheimer and Endacott. It was John Mason, the firm's progressive senior partner, who had the courage to hire me. I was the first woman lawyer in Lincoln who was not the wife or daughter of a partner in the hiring firm.

During the three years that I practiced law in Lincoln, Nebraska, I struggled to continue to think of myself as a lawyer first, and a woman second. It was not easy. Gradually, both lawyers and judges came to understand that I was competent. But they were forever opening doors for me, following me in and out of elevators, and engaging in other acts of chivalry. At the same time, the men in my firm were dissuaded by their wives from having lunch with me.44

Jean Love also experienced the turning point at which being a woman lawyer became an asset. Love states:

It was at this low point in my legal career that I received a call from the University of Wisconsin, asking me if I would like to teach there for a year as part of the school's affirmative action program. I was thunderstruck. In 1968, I had been unable to get a job in Omaha, Nebraska because I was a woman. Now, in 1971, I was being offered the opportunity to teach at my alma mater because I was a woman. I felt very uncomfortable in both situations. I still thought of myself as "a lawyer first, and a woman second." But the outside world clearly thought of me as "a woman first, and a lawyer second."45

The affirmative action program that precipitated Jean Love's appointment as a Visiting Assistant Professor at Wisconsin was part of a national mandate that opened the way for significant numbers of women to enter law teaching beginning in 1973.46 Their presence, in turn, encouraged even more women to choose law as a career. Today, women comprise approximately twenty percent of the legal profession.47 An accurate count of the women who have held full-time, tenure or tenure-track appointments as law professors in ABA/AALS schools is not readily available. One of the goals of my current research is to identify all of the women who fit that description between 1900 and 1990. Although I have not yet con-

45. Id.
46. See Fossum, supra note 40, at 532-35.
cluded my research, my interim observations indicate a pattern of increasing participation for women in legal teaching. My tentative count shows that the largest number of women entering law teaching in a single year is eighty-four in 1989. The total number of women listed as new hires in the 1974 AALS Directory alone—fifty-five—exceeds the total number listed for the fifty year period between 1919 and 1969—fifty-one. For the seventeen year period between 1973 and 1989, the smallest number of new hires is forty-one, and the largest is eighty-four, with a mean of sixty.

III. THE FUTURE: 1990 AND BEYOND

As these tentative figures illustrate, women are entering law teaching as professors at a slow, but steady rate. As others have noted, however, increased numbers of women faculty members are not appearing at all law schools,48 nor do they include large proportions of women of color or self-identified lesbians.49 Moreover, as we all know, getting inside the law school door is only the first step. Much work still needs to be done to ensure that women law professors can flourish as scholars and colleagues in the predominantly male atmosphere of the typical American law school. Our senior colleagues may find it is necessary, in order to make us feel at home, to rearrange the furniture. That done, some structural alterations in the framework of legal education may be required. First, we must rethink the tenure process for retention of junior faculty. Second, we must reconsider the process for advancement and promotion for mid-level faculty. The AALS Special Committee on Tenure and the Tenuring Process has taken the lead on the first question by re-examining the tenure system imposed at virtually every law school in the United States. When my study of women law professors is completed, I hope to contribute data and analysis that speaks to both of those issues. Once I am confident that my count of the population of women law professors is accurate, I plan to ask more sophisticated questions about career patterns, promotion rates, and job satisfaction across diverse subgroups, including race, color, and sexual orientation. In addition, I hope to produce a nationwide study of "disappearing women" that Professor Marina Angel documented so well at five law schools.50

I also plan to construct intellectual genealogies for women law professors by examining the "producer schools"51 to see how early they employed women faculty who might have influenced other women to go into law teaching. To do this, I will compare the schools that younger


49. See Stephanie Wildman, Integration in the 1980s: The Dream of Diversity and the Cycle of Exclusion, 64 Tul. L. Rev. 1625, 1626 (1990) (citing legal academia as an area where the goal of integration has not been fulfilled).


51. See Fossum, supra note 40, at 593-34.
women law professors attended as students with schools that employed women law professors to see whether a pattern emerges of women entering teaching in greater numbers from schools with women on the faculty. I will not try to prove a role model hypothesis, but I expect to document opportunities women law students had and have to observe women faculty as part of the law school setting. I am gathering stories from current women law professors, and I hope to draw some tentative conclusions about a more modest claim concerning the effectiveness of mentoring among women in predominantly male institutions.

Additionally, I will explore the influence women law professors have as scholars on the development of the law. I plan to use published reviews of their work as well as citation analysis as one tool to measure this influence. I will examine the extent to which women scholars cite each other and the extent to which they cite and are cited by their male colleagues. I am interested in whether women legal scholars are talking only to each other, which might suggest intellectual isolation, or whether women’s voices as scholars have been heard and acknowledged by other scholars regardless of their sex. 

Another way to measure the influence women legal scholars exert is to identify the new areas of inquiry they have opened and the new methods they employ to explore those areas. One obvious illustration is the now common inclusion of courses on “women and the law” or “sex-based discrimination” in mainstream law school curriculums. Clare Dalton traced the early history of these courses and examined assumptions underlying the subsequent appearance of courses on feminist jurisprudence and feminist legal thought. Specialized courses in these areas include seminars on domestic violence, courses on race and sex, and gay and lesbian legal issues. A number of law schools have expanded classroom scrutiny of the legal aspects of subordination in areas previously excluded from the law school curriculum. Feminist contributions to scholarly methodology are more recent. They include Kate Bartlett’s thoughtful and provocative article on feminist methodology, Pat Cain’s account of the role of lesbian experience in consciousness-raising, and Angela Harris’s trenchant critique of “gender essentialism” from the perspective of a woman of color. Bartlett discusses three methods of legal analysis that she claims are feminist methods:

All of these methods reflect the status of women as “outsiders,” who need ways of challenging and undermining dominant legal
conventions and of developing alternative conventions which take better account of women's experiences and needs. The[se] methods . . . include (1) identifying and challenging those elements of existing legal doctrine that leave out or disadvantage women and members of other excluded groups (asking the "women question"); (2) reasoning from an ideal in which legal resolutions are pragmatic responses to concrete dilemmas rather than static choices between opposing, often mismatched perspectives (feminist practical reasoning); and (3) seeking insights and enhanced perspectives through collaborative or interactive engagements with others based upon personal experience and narrative (consciousness-raising).

These methodological approaches to legal analysis are not limited to feminist scholars, but taken together they express a commitment to contextual and particularized inquiry that typifies the work of many feminists. As Bartlett explains, the "grounding of feminism" in the law is an ongoing process that simultaneously seeks and reexamines new understandings arising from particularized perspectives.

I plan to use all of these methods in telling the story of women law professors. Feminist jurisprudence has begun to deconstruct the dichotomy between "lawyers" and "women lawyers" by asking why scholars and practitioners present only these two categories. Other professions present similar categories: in medicine, we also encounter "doctors" and "women doctors." It is superfluous in either field to speak of "male lawyers" or "male doctors." If we look around for male counterparts of such descriptions, we find that there are "nurses" and "male nurses" as well as "secretaries" and "male secretaries," but neither "female nurses" or "female secretaries." The common usage of such terms is a sure sign that these professions and occupations are gender typed. The usage also suggests that a great many unspoken cultural attitudes will have to change before we can apply the designations "lawyer," "doctor," "nurse," or "secretary" to both men and women without the need for further refinement.

In ABA/AALS law schools there have been "law professors" and "women law professors" at least since Barbara Armstrong's appointment at Berkeley in 1919. And, beginning with Sybil Jones Dedmond's appointment at North Carolina Central in 1951, there have been "black women law professors" as well. Today, some women of color who are law professors have begun to tell the stories of their own distinctive experiences in legal education. By undertaking a detailed study of the lives and careers of the first thirteen women law professors and their relationships with their colleagues and students, I hope to begin a search for the sources of the professional identity we all share in common as law professors. Through

57. Bartlett, supra note 54, at 831.
58. Id. at 888.
the search we can learn to shape that identity, both as individuals with unique perspectives and as a group affecting the institutions we enter. In the end, perhaps we will see the choice between being law professors who happen to be women, or lesbians, or women of color and simply being women law professors as a dichotomy that is not only false, but unnecessary. If so, it will occur because we will transform the word “law professor” to include all persons who teach and do research in law schools without qualification of any kind.

We will not realize the future potential of women law professors solely through our scholarly achievements, through our contributions as teachers, or even through our quest for academic position and power within institutions still dominated by men. Rather, our future depends on the lived out, myriad examples we dare to impart to our colleagues and our students—both women and men—that will help them to define their own lives as lawyers, judges, or law professors as well as human beings.

In my work on women law professors, I hope to offer data confirming my intuitive belief that women flourish as scholars in institutions where a sufficient number of senior women hold positions of power that enable them to influence the school’s atmosphere in a positive and caring way. Beyond that, I hope to suggest that such an atmosphere of mutual support and respect can empower all women who work in the school, including librarians, students, staff, and administrators as well as teachers. The men who work in such a school, in turn, may find women who are treated with respect as equals in a common enterprise, in all aspects of the law school program, have transformed the very nature of legal education and brought new meaning to the concept of collegiality. The future of women law professors is not to adapt to legal education by being “one of the boys,” but to transform the enterprise so that all of its participants are equal members of the same team.