

“I CAN HEAR YOU:” HOW LISTENING TO MSU LAW STUDENTS’ VOICES CAN IMPROVE THE LEGAL PROFESSION

EXECUTIVE SUMMARY

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Law school teaches its students the legal concepts of torts, contracts, and other basic tenets of the law, but it also influences law students’ opinions of the legal profession.ⁱ Women’s experiences in law school matter because those experiences have a resounding impact on the legal profession.ⁱⁱ “The messages that a law school sends to its students about the law are perhaps the most enduring messages students receive about appropriate behavior within their chosen profession.”ⁱⁱⁱ

The results of a school-wide survey that I conducted in spring of 2010 indicate that the women of MSU Law face challenges in their legal education that are unique from their male counterparts. Women experience more apprehension about approaching professors than the male students, and are not developing mentoring relationships with MSU Law administrators, faculty, or staff. It is important that women become aware of the ways in which law school socializes its students because they are being trained to think and behave like attorneys. Absorbing implicit and explicit biases and discrimination, students come to model their conduct in the legal profession based upon learned behavior in law school.^{iv}

I. MSU LAW’S STUDENT BODY

During the 2009-2010 academic year, MSU Law had 955 enrolled students.^v About 61% of the students are men, and 39% of the students are women.^{vi} For the 2007-2008 school year—the most recent year for which national statistics are available—53.1% of law students nationally were men and 46.9% of law students were women.^{vii} Nearly half of the MSU Law student body identify as white males.^{viii} Nearly 28% of the enrolled students identify as white women, and 5.4% of the student body identify as female and minority.^{ix} 16.6% of the student body are minority students.^x

Male and female MSU Law students chose to attend law school for reasons that align with traditional gender values. More women than men chose to attend law school “to serve society/advance a cause” and for “the intellectual stimulation and training.”^{xi} The men were motivated by the prestige of the legal profession, and a desire to earn a lot of money.^{xii}

II. STUDENTS’ EXPERIENCES AT MSU LAW

Law school socializes its students so that they learn to think and act like a lawyer.^{xiii} Through classroom pedagogy, classroom dynamics, and faculty and student relationships, law school students begin to develop legal minds.^{xiv} Students react differently to this experience^{xv} and form lasting impressions of the legal profession.^{xvi}

A. Students and Class Participation

A student’s gender seems to influence how he or she perceives classroom behavior. Nearly half of the men in the survey responded that they did not think, “cold calling” or using

volunteers influenced how often men or women participate in class.^{xvii} The women, however, disagreed. Many female respondents who provided open-text explanations in response to this question stated that men dominated classroom discussions, and even some of the men agreed. One male student stated: “Some people would never volunteer, and this group seems disproportionately female, while the group most likely to volunteer discussion seems disproportionately male, so without random or structured ‘on-call’ policies, more men would participate.”^{xviii}

The women also relied on gender stereotypes to explain away classroom behavior. “I think women are much more afraid of being called on and not knowing the answer than men are – therefore women are more likely to speak when they can volunteer on questions they feel confident about. I think this relates back to the stereotype of women being inferior at law and thus women don’t want to answer a question wrong and further this prejudice.”^{xix} Another respondent put it this way: “First, women are less likely to talk unless called upon – this is cultural and these cultural stereotypes are reinforced strongly in the law school classroom. It is as if Men [sic] are allowed to think and have an opinion and women are expected to be passive and listen. After a few weeks of not being called on – women quit participating.”^{xx}

The size of the class also has a direct impact on students’ willingness to volunteer in class. 74% of women are “often” or “always” more likely to volunteer depending upon the size compared with less than half of the men.^{xxi} Women tend to be more self-aware than the male students and regulate their participation so that other students can contribute.^{xxii} All this behavior is reflected in the findings that male students are much more confident than their female counterparts. When asked if respondents agree with the statement, “I feel that I am a competent person, at least as much as others,” 92% of men stated feel as competent as others, compared with only 78% of the women.^{xxiii}

B. The Approachability Factor – Faculty/Student Relationships

The classroom is the first contact students have with faculty and it is important that these are positive interactions because it is from these connections that students form their first perceptions of the legal profession.^{xxiv} As a result, the classroom provides the threshold to law school success. Students and faculty members “size each other up in the classroom and may seek one another out based on their interactions in class.”^{xxv} This can be particularly detrimental to female students who do not participate in class, and do not avail themselves of these opportunities.

MSU Law males report that they are much more comfortable approaching faculty members than are women. The male students go directly to the professor if they have a question regarding the material; men either raise their hand during class or ask the professor about it after class.^{xxvi} Male students feel much more comfortable visiting faculty members during her posted office hours than women.^{xxvii} These results mirror students’ responses at University of California Davis, suggesting that student/faculty relationships favor men.^{xxviii}

Emulating these findings, the narratives illustrate that the male students seem entitled to the professors’ time. “I pay \$30K a year to come here. It’s their job to be responsive to me.”^{xxix} “There is nothing that would make me uncomfortable – they are paid to [be] accessible and to instruct, approaching them [during office hours] is just an extension of the class room.”^{xxx} And, “[t]his is my time not his or hers.”^{xxxi}

The women are concerned that the professor will not think that they are smart. 66.67% of women *agree* with the statement, “I feel unsure of myself when a professor disagrees with

me.^{xxxii} Interestingly, 60% of the male respondents *disagree* with the exact same statement.^{xxxiii} The women's lack of confidence lead them to not seek faculty members' help to clarify the material covered in class. Over half of the women do not ask their professors if they have a question about the material, they instead rely on other students or reference materials.^{xxxiv} Women's self-censorship can lead to self-undertraining and disengagement from law school.^{xxxv} The women's narrative responses illustrate their fears. "One on one, I would be embarrassed if I didn't know everything we were learning in class."^{xxxvi} "If I go to office hours, I feel more put on the spot . . . [I] feel like I should have already figured out the answer myself, like going in is a cop-out."^{xxxvii} More simply stated, "fear of looking ignorant" about the material kept one female student from not visiting professors' office hours.^{xxxviii}

Insecurity is not the only factor that keeps women from interacting with professors. Female students report encounters with faculty members whose behavior conveys to the women that their questions are not worth interrupting the professors' "real work." "I have been told be[fore] that [the professor is] busy working on a project, even though it was their posted time."^{xxxix} "Even though professors have office hours, some tend to "discourage" the office hours."^{xl} "Some professors seem irritated when you come to office hours."^{xli} One male student reported a similar interaction, but had a very different reaction than the female students. "I had one professor that was clearly annoyed at my presence in his office, which didn't bother me because I figured it was his job to help me understand the material."^{xlii}

Two students' responses contrast nicely the different interactions that men and women have with faculty members, and highlight either a misperception, or implicit bias that confront women law students. One male respondent articulated this about his professors: "They are individuals who are concerned about the learning experience of their students so they have always been helpful and courteous with any questions I've had, so in turn, I've been comfortable approaching them when necessary."^{xliii} Yet, one female stated that she does not go to office hours "[b]ecause I don't feel prepared enough to ask them questions. I keep planning on sitting down and formulating strong questions, but I never feel confident."^{xliv} So when a proverbial office door is open to all students, the women do not even walk into the building.

C. Students Are Not Developing Mentoring Relationships

Men and women at MSU Law are not developing mentoring relationships with professors. 61% of female respondents^{xlv} and two-thirds of the male respondents^{xlvi} do not have faculty mentors. Mentoring is a powerful tool that extends the boundaries of the classroom. An effective mentor will offer guidance regarding which classes to take, write letters of recommendation, influence career choices, and guide students through the challenges of law school. Once students enter the legal profession, mentors contribute to greater job satisfaction, higher income, and promotions.^{xlvii} A mentor can protect against implicit and overt discrimination and can provide a source of validation to experiences.^{xlviii} For example, when a close friend of mine was an associate at a private law firm in Denver, she formed an informal mentoring relationship with a fellow Smith College graduate. The women offered each other a way to legitimize their experiences, and became each other's trusted confidant in the office.

Of the MSU Law students that have formed a mentoring relationship, men and women have formed the relationships in various ways. 31% of the female respondents have found their mentor through class participation,^{xlix} 16% through involvement in a student organization,^l 14% through writing papers (ULWR, etc.),^{li} 10% being a teaching assistant,^{lii} and 8% through the clinical programs.^{liii} 26% of the men formed mentoring relationships through class

participation,^{liv} 16% being a professor's research assistant,^{lv} 16% from writing papers (ULWR, etc.),^{lvi} 10% through the clinical programs,^{lvii} 10% through involvement in a student organization,^{lviii} and 8% as a teaching assistant.^{lix}

Both men and women MSU Law students seek mentors of their same sex. 55% of the female students have mentors that were women,^{lx} and a 76.5% of male students have a male mentor.^{lxi} According to statistics provided by Dean Howarth's office, 138 professors on faculty are men, and only 62 professors are women.^{lxii} These results suggest that students develop mentoring relationships with faculty members who looks like them.

III. CONCLUSION

Training a generation of future lawyers demands more than teaching its students the black letter law, it requires preparing its students for the challenges they face by giving them the tools they need to succeed. The problems and discrimination that female law students confront affect not only all law students, but also the legal community.

* This summary was taken from a paper written for Professor Hannah Brenner's Law & Gender class. The full paper is available upon request.

ⁱ Cheryl M. Herden, *Women in Legal Education: A Feminist Analysis of Law School*, 63 REV. JUR. U. P. R. 551, 568 (1994).

ⁱⁱ *Id.* at 551.

ⁱⁱⁱ *Id.* at 568.

^{iv} One female respondent stated her failure to understand the impact of law school socialization this way, "[h]onestly, most of these issues [about gender inequality in education] never even occurred to me to wonder about." Respondent 77855748; 1L; female; other (including mixed); 25-29 years old.

^v LAW SCHOOL ADMISSIONS COUNSEL, OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS, Michigan State University College of Law, <http://officialguide.lsac.org/SearchResults/SchoolPage.aspx?sid=42> (last visited April 23, 2010) [hereinafter ABA REPORT].

^{vi} *Id.*

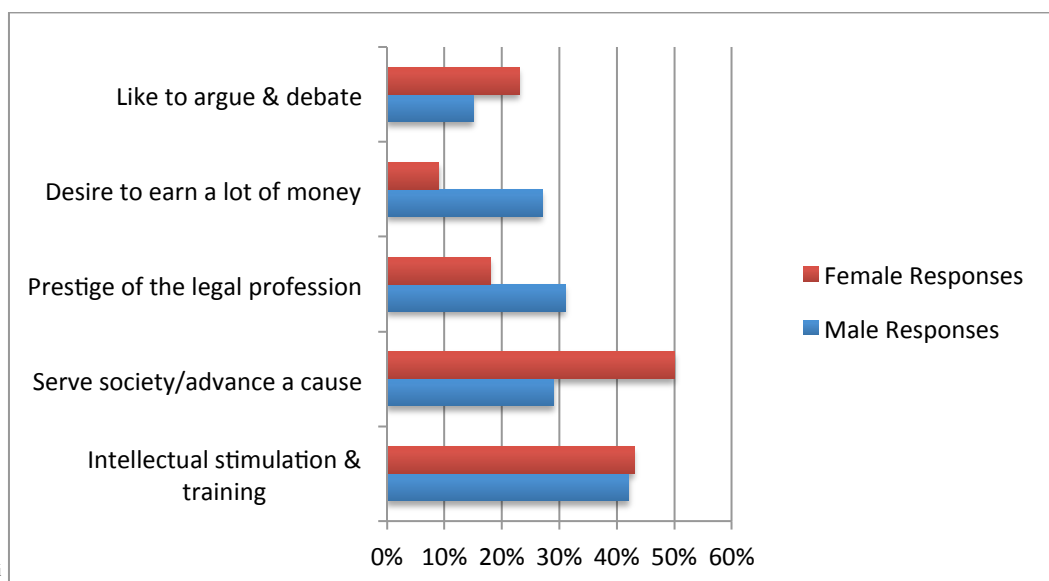
^{vii} ABA, LEGAL EDUCATION STATISTICS, FIRST YEAR AND TOTAL J.D. ENROLLMENT BY GENDER, <http://www.abanet.org/legaled/statistics/stats.html> (last visited April 23, 2010).

^{viii} ABA REPORT, *supra* note v.

^{ix} *Id.*

^x *Id.* 10.4% of students did not identify a race or ethnicity. *Id.*

^{xi} Question No. 1.



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xiii See Herden, *supra* note i, at 555; Fiona Kay & Elizabeth Gorman, *Women in the Legal Profession*, 4 ANN. REV. OF L. & SOC. SCI. 299, 301 (2008).

xiv Kay & Gorman, *supra* note xiii, at 301.

xv *Id.*

xvi Sari Bashi & Maryana Iskander, *Why Legal Education is Failing Women*, 18 YALE J.L. & FEMINISM 389, 392 (2006).

xvii Question No. 21. 46.1% or 65/141 male respondents.

xviii Respondent 75693439; 2L; male; Other (including mixed); 25-29 years old.

xix Respondent 77286289; 1L; female; White; 22-24 years old.

xx Respondent 77286289; 1L; female; White; 30-39 years old.

xxi Question No. 24.

xxii *Id.* at 413.

xxiii Question No. 7. xvi

xxiv Bashi & Iskander, *supra* note xvi, at 403.

xxv *Id.* at 403.

xxvi 42.66% or 61/143 respondents. Question No. 12.

xxvii Question 27 asked: “How comfortable do you feel visiting a professor during his/her posted office hours?” Students were presented a scale ranging from 1 to 5, with 1 being “very comfortable” and 5 being “very uncomfortable.” The men’s responses began with “very comfortable” and descended in numerical order. The women, however, were much more ambivalent. About a third of the women were neutral about visiting a professor during her posted office hours.

xxviii Celestial S.D. Cassman & Lisa R. Pruitt, *A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall*, 38 U.C. DAVIS L. REV. 1209, 1263 (2004-2005).

xxix Respondent 75696527, 3L, male, White, 30-39 years old.

xxx Respondent 75703688, 3L, male, White, 25-29 years old.

xxxi Respondent 75716590, 3L Transfer/Ottawa Program, male Native American, 30-39 years old.

xxxii 82/123 female respondents. Question No. 13.

xxxiii 86/143 male respondents. Question No. 13.

xxxiv 50.4% or 63/125 respondents. Question No. 12.

xxxv Irene Segal Ayers, *The Undertraining of Lawyers and its Effect on the Advancement of Women and Minorities in the Legal Profession* 114, 114, 117 (N.Y.U. Pub. Law & Legal Theory Working Paper No. 09-31, 2009) available at <http://ssrn.com/abstract=1404663>.

xxxvi Respondent 75694250, 3L, female, White, 25-29 years old.

xxxvii Respondent 75818503, 3L, female, White, 30-39 years old.

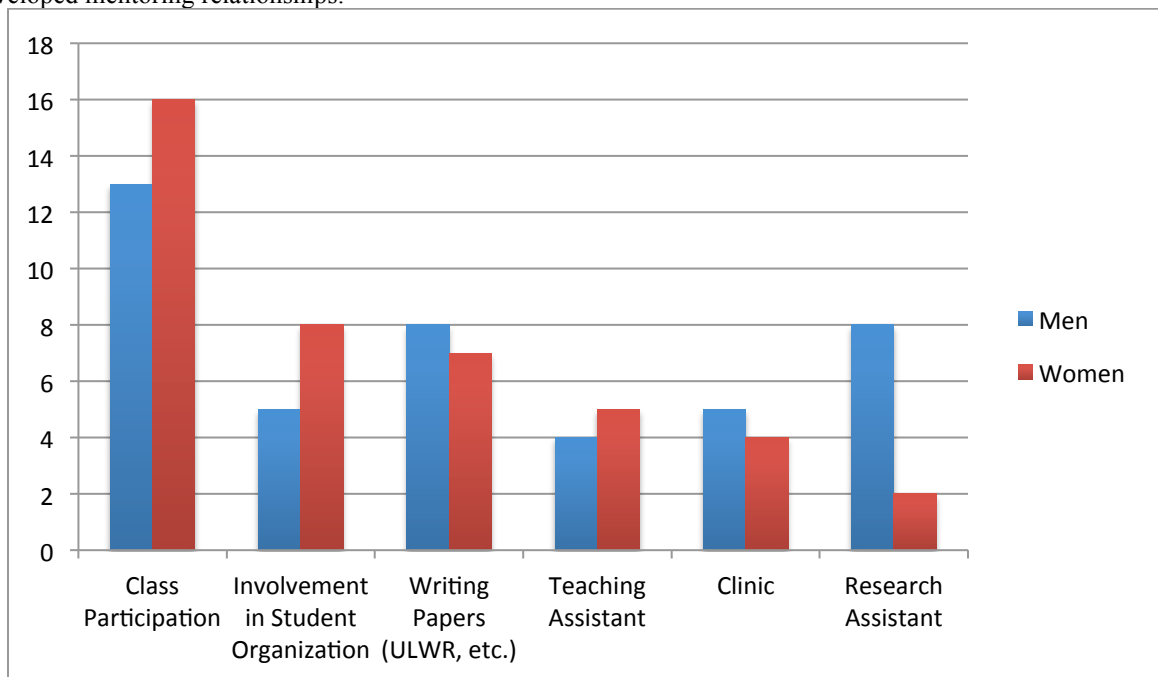
xxxviii Respondent 75697336, 1L, female, White, 22-24 years old.

xxxix Respondent 75693990, 2L, female, White, 22-24 years old.

- ^{xl} Respondent 75700076, 3L, female, White, 22-24 years old.
- ^{xli} Respondent 75702104, 3L, female, White, 25-29 years old.
- ^{xlii} Respondent 75730150, 3L, male, White, 30-39 years old.
- ^{xliii} Respondent 77544448, 3L, male, White, 25-29 years old.
- ^{xliv} Respondent 77020177, 1L, female, White, 22-24 years old.
- ^{xlv} 60.8% or 76/125 respondents. Question No. 28.
- ^{xlvi} 66.67% or 96/144 respondents. Question No. 28.
- ^{xlvii} Cindy A. Schipani, Terry M. Dworkin, Angel Kwolek-Folland & Virginia G. Maurer, *Pathways for Women to Obtain Positions of Organizational Leadership: The Significance of Mentoring and Networking*, 16 DUKE J. GENDER L. & POL'Y 89, 100 (2009).

^{xlviii} *Id.*

- ^{xlix} 31.37% or 16/51 respondents. Question 29.
- ^l 15.69% or 8/51 respondents. Question 29.
- ^{li} 13.73% or 7/51 respondents. Question 29.
- ^{lii} 9.80% or 5/51 respondents. Question 29.
- ^{liii} 7.85% or 4/51 respondents. Question 29.
- ^{liv} 26.00% or 13/50 respondents. Question 29.
- ^{lv} 16.00% or 8/50 respondents. Question 29.
- ^{lvi} 16.00% or 8/50 respondents. Question 29.
- ^{lvii} 10.00% or 5/50 respondents. Question 29.
- ^{lviii} 10.00% or 5/50 respondents. Question 29.
- ^{lix} 10.00% or 5/50 respondents. Question 29. The following chart illustrates how men and women students have developed mentoring relationships.



- ^{lx} 54.90% or 28/51. Question No. 30.
- ^{lxi} 76.47% or 39/51. Question No. 30.
- ^{lxii} A great deal of thanks goes to Lori Blankenship for compiling these statistics.

	Men	Women
Tenure	16	9
Tenure-Track	7	5
Visitors	5	0

Lecturer In Law/Professor in Residence	3	2
Fixed Term Faculty	2	8
Adjuncts – Fall Semester	55	20
Adjuncts – Spring Semester*	50	18

*The number of adjunct faculty is broken down per semester, however some faculty may teach both semesters so there will be a little overlap.