“Hersay,” An Exception to the Rule: A Narrative inquiry of Women Law Professors Navigating the Gendered Organization of Law School

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ABSTRACT

“HERSAY,” AN EXCEPTION TO THE RULE: A NARRATIVE INQUIRY OF WOMEN LAW PROFESSORS NAVIGATING THE GENDERED ORGANIZATION OF LAW SCHOOL

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Northern Illinois University, 2019
Carrie A. Kortegast, Director

The purpose of this study was to understand how women law professors navigate the gendered organizational realm of law school. Stories of women’s experience illuminate structures within the gendered organization of the law school that reproduce gendered inequities. By understanding how these inequities are reproduced, we may learn how to create more equitable structures. This research thus provided an opportunity for women law professors to tell their stories, thereby giving voice to their experiences within the gendered organizations of law schools.

This study used the qualitative approach of narrative inquiry to explore participants’ experiences. Eight women law professors, either tenured or tenure-track faculty, participated in this research. Their personal stories were collected through lengthy one-on-one interviews, artifact collection, and field notes. The data was then transcribed, and open coding was used to identify patterns. The data collected was examined using Acker’s Gendered Organizations theory, with higher education and law analyzed as gendered professions.

The findings centered around the fact that gender still mediates the lives of women law professors. Four main themes emerged from the legal data: gendered assignment of workloads; the feminization of work in the Pink Ghetto of education; gendered expectations of students; and
the disproportionate responsibility of childcare and family obligations falling more heavily to women than men. Stories of experience from these women law professors indicated that genderism affects their hiring, promotion, and work-life tensions. The study concludes by discussing the addition of its empirical data to the literature surrounding women professors in legal education and offers recommendations to law schools and other women professors.

*Key words:* gendered organizations, narrative inquiry, legal education, women law professors, Pink Ghetto
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“HERSAY,” AN EXCEPTION TO THE RULE: A NARRATIVE INQUIRY OF
WOMEN LAW PROFESSORS NAVIGATING THE GENDERED
ORGANIZATION OF LAW SCHOOL

BY

LISA M. MATICHE
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A DISSERTATION SUBMITTED TO THE GRADUATE SCHOOL
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE
DOCTOR OF EDUCATION

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Doctoral Director:
Carrie A. Kortegast
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CHAPTER 1
INTRODUCTION

Background on How Women Become Law Professors

When a woman enters the legal profession, she finds herself in a male-dominated world (McGinley, 2009). The Litchfield Law School, the United States’ first law school, was opened in 1784, with the intention of bringing together apprentices and lecturers of law (Harno, 1953). Harvard University followed by opening its own law school in 1817 (Harno, 1953). Previous to Litchfield, lawyers were apprenticed and there was no formal education; women lawyers were extremely rare in this system (Morello, 1986). It was not until 1869 that the first women were admitted to law schools, and in 1870, the first woman graduated from law school (Rury, 2012). This trend has reversed itself in recent times, with women making up 49.3% of first-year admitted students (Cataylst, 2015) of law school students. Women have similar bar passage rates to men, and women now make up about 36% of all of those practicing law (American Bar Association, 2016b).

The law school experience is considered to be a transformative one for all students (Stone, 1997). Law school students have completed an undergraduate degree in a discipline of interest to them, meaning law students do not come into law school with the same educational background or training. A 1L, or first-year law student, classroom can be made up of people who studied philosophy, engineering, education, or even literature, as an undergraduate. Law students transfer reading and study skills from undergraduate classes to legal analysis, adapting to the epistemological beliefs of lawyers. The basis of legal epistemology is legal analysis; legal
research is complex, as it involves the in-depth analysis of primary and secondary sources that span decades of legal precedent (Stone, 1997). The Socratic method of legal education pedagogy, in addition to the significant change in learning and study habits, requires students to be independent learners able to absorb large amounts of information (Stone, 1997). For many young law students, this amount of reading and analysis is very different from their undergraduate experience. Professors expect students to prepare for class the way they would for an exam. Changing from an undergraduate student to a law student is transformational: the student goes from a more passive learning environment with the teacher as the focus, to one where the law professor expects the student to engage in an adversarial approach to problem solving (Guinier, Fine, & Balin, 1994). Legal theory is debated and analyzed in small groups for studying purposes, and class time is devoted to the nuances of theory. Law students are transforming themselves from learners to practitioners of a profession. This transformational experience has an additional layer for women because the structure of the typical legal education is male-dominated (Stone, 1997). During law school, women generally are taught by men professors, read cases written by men judges, and if these women go on to practice law, most will work for partners who are men (Rury, 2012).

In legal education, the numbers of women law professors have grown significantly over time. In 1950, there were eleven women tenured, or on the tenure track, as law school professors (Angel, 2005). At that time, women law professors made up only 0.5% of all law school faculty members (Angel, 2005). Those numbers have improved as the decades have progressed. As of 2013, 45.4% of full-time law school faculty were women, and as of 2013, 23% of them were in tenure or tenure-track positions (American Bar Association, 2013). [It should be noted here that the disclosures required by the American Bar Association no longer distinguish tenured and
tenure-track positions from other full-time instructor positions at law schools (American Bar Association, 2019a).] Outside of law schools in higher education, women faculty make up 48.9% of the tenure-track positions, but only 38.4% of the tenured positions (Catalyst, 2017).

The seeds of gender bias begin in the law school classrooms and can be found in the ways law schools socialize their students (Rury, 2012). Students have men as their primary source of education, often lacking women mentors on the faculty (Rury, 2012). All the experiences of law school transform the student learner, the goal being the student becomes someone ready to take on the challenges of legal analysis as well as the social and economic relationships that arise in the actual practice of law (Stone, 1997). Law school transforms the student through classroom pedagogy, including the Socratic method (Rury, 2012). A high level of competition is also fostered between students, and unique faculty-student relationships develop that serve as both an instructional relationship and a mentorship (Rury, 2012; Stone, 1997). Not all students feel transformed in a positive way. Some argue law school fails its women students because it ignores their experiences and values (Rury, 2012), resulting in the dismissal of women. In effect, this a gender bias in legal education because it exalts masculine traits of competition, hierarchy, and confrontational discourse.

The practice of law reflects a gendered organization. The profession values male-dominated ideologies of competition and hierarchy (Martínez Alemán, 2008) reflective of a gendered organization. The term “gendered organizations” refers to those institutions historically created by men, currently dominated by men, and symbolically interpreted by men in roles of power (Acker, 1992). The absence of women has defined these institutions, as the only institution where women have held a defining and central role is in the family (Acker, 1992). The ideal worker is seen as one who is always available to the organization, and because of the
role women play in families, by default that ideal worker is a man who lacks responsibilities outside of the workplace (Kanter, 1977; Ward & Wolf-Wendel, 2008). Even organizations that put in place “gender neutral” provisions or policies to try to minimize or eliminate gender in the workplace fail because those provisions or policies are never gender neutral. Gender cannot be checked at the door of an institution because gender is not irrelevant to the workplace structures (Martin, 2006).

In that same vein, institutes of higher education (Martínez Alemán, 2008; Park, 1996), including law schools (McGinley, 2009), are also gendered organizations. How a woman professor navigates her law school faculty experience has not been fully explored in the literature.

A significant amount of research has been done on women in higher education and the challenges they face (Chrisler, 1998; Collins, 1998; Martínez Alemán, 2008; Monroe, Ozyurt, Wrigley, & Alexander, 2008; Park, 1996). However, what is missing is how women negotiate the gendered structure of law schools. As noted above, law schools are a part of higher education, and genderism issues that confront women professors in colleges and universities apply to women law professors as well (Ward, 2008). For women law professors there is an additional layer in that they are also lawyers, a gendered profession in its own right (Farley, 1996). There is a gap in the literature when it comes to women law school faculty members, and those few articles focus on the minority women’s experience (Conway-Jones, 2006; Deo, 2014). Additional literature and some empirical research can be found in law review articles (Kessler, 2006; Rury, 2012; Stone, 1997), and one discusses the modern university and its law school, looking at the hierarchical structures to see why tenure is disappearing (Angel, 2005). None of these ask the women law professors about their experiences to investigate the gendered structural
hierarchy of law schools and its subsequent effect on women faculty. Gender analysis research needs to be conducted on how institutional structures in law schools constrain or support women faculty members, exploring areas of sacrifice and resiliency, and concerns about the work-life balance. With little literature on women law school faculty members’ experiences, there is a place for research like this study.

The requirements of tenure in higher education are scholarship, teaching, and service (Chrisler, 1995). Law schools have the same requirements for their tenure and tenure-track faculty (McGinley, 2009; Ward, 2008). These expectations themselves, however, are rooted in gender bias (Chrisler, 1995). Research and scholarship have come to be seen by tenure committees as the objective way to evaluate candidates, but as other researchers point out, women professors are often not presented with the appropriate support systems to produce the acceptable amounts of scholarship for advancement such as formal mentorship programs and support for nonmainstream legal research (Collins, 1998; Park, 1996; Ward, 2008). Without adequate scholarship, women professors do not advance and have difficulty in future hiring situations (Chrisler, 1995; Park, 1996).

Traditionally, teaching has been viewed as naturally feminine, and therefore it tends to be automatically relegated to the lower categories of any economic system as having little to no value (Martínez Alemán, 2008). The gender bias against the value of teaching classes in higher education is also present. Women professors end up with significantly heavier instruction-laden workloads than their male counterparts, giving women professors less time for research and scholarship (McGinley, 2009; Merritt & Reskin, 1997). In law schools, women professors and instructors end up teaching the least theoretical courses as well as the majority of the skills- and writing-based courses (generally non-tenured positions, without scholarship requirements)
(American Bar Association, 2015; Merritt & Reskin, 1997), all of which are considered low-status jobs (Kornhauser, 2004).

Regarding service, women do much more of the service work at the university (Ward & Wolf-Wendel, 2008). That service work is generally of lower status than research and teaching and is not rewarded by the system (Monroe et al., 2008). Demands placed on women professors to serve are disproportionately high, resulting in loss of time and energy for scholarship, the most important basis for tenure consideration (Terosky, Phifer & Neumann, 2008).

Purpose of the Study and Research Questions

An analysis of a woman lawyer’s desire to become a law professor, and her experiences before and after she becomes a professor, will fill the gap in gender analysis research of law schools. The purpose of this study was to understand how women law school faculty members navigate the larger socio-culture of the gendered organization of law school. Through stories of experience, I hoped to illuminate structures within the gendered organization of the law school that reproduce gendered inequities. By understanding how these inequities are reproduced, it may be possible to find a way to create more equitable structures. This study was intended to provide an opportunity for women law professors to tell their stories, thereby giving voice to their experiences within their gendered organizations of law schools. Thus, the purpose of this study was to understand how women law professors navigate a male-dominated profession. The following research questions guided this narrative inquiry qualitative study:

1. How has gender structured participants’ professional careers?

2. According to participants, how did institutional structures within law schools constrain or support participating women faculty members?
3. How does genderism inform teaching, research and service for participating women law professors?

4. According to participants, what are the gendered expectations of women law professors?

Significance

The study was intended to provide information on how women faculty members view their professional and personal responsibilities. I wanted to explore whether the gendered system of law schools needed institutional changes, and if so, determine which changes should be made to create more equitable working environments in this system. To get to the heart of these matters, there were several areas to explore through the participants’ storytelling.

The personal stories of the study’s participants about their experiences within the gendered professions of law and higher education are important to effect changes in practice for professional development, the education of future women lawyers, and requirements for hiring and retaining professors in law schools. My retellings of their experiences, with experience serving as the construct for knowledge, drew me to this type of study and influenced the choice of my methodology.

Research Design

This qualitative study used narrative inquiry rooted within the theoretical framework of gendered organizations. Narrative inquiry was chosen as the methodology of this study because it allowed my participants to share stories of experience. Their storytelling created an opportunity to reflect on what they had learned about themselves. The format of having participants recall experiences provided information on how and why these women made the
choices they had. Using a constructivist epistemology, I was able to see how these women professors engaged in the structures of their professional lives.

Researchers agree that representing and understanding experiences is the center of social science research (Clandinin & Connelly, 2000). Narrative inquiry allows for a rich exploration of participants, and through a retelling of their stories, the researcher is able to make meaning of their experiences. Narrative inquiry methodology was tailored to this type of study because stories of experience allowed participants a format where they could explore what it meant to be a woman law professor from law student to retirement. Additionally, I used a feminist lens to analyze the data collected. With gendered organizations as a framework, it was necessary to understand feminism and the impact of genderism on individual and collective experiences. Narrative inquiry helped illuminate the social and theoretical contexts in which I positioned my inquiries, making for a strong gender-analyzed research approach to contribute to the literature. The research design is discussed in greater detail in Chapter 3.

Gendered Organizations

When looking at gender inequality in the workplace, sociologists refer to Joan Acker’s (1990) theory on gendered organizations (Williams, Muller, & Kilanski, 2012). Acker’s theory is built on the idea that an organization’s structure is what creates the inequality. She discusses the preference for male workers, seen as the ideal candidate because they do not have family obligations (or are willing to forgo them) and their willingness to always put the organization first (Acker, 1990; Kanter, 1977). Women are still seen as the family caregivers, unwilling or unable to put the organization and its goals ahead of everything else (Kanter, 1977). In the theory of gendered organizations, five processes reproduce gender in an organization: cultural
symbols, division of labor, workplace interactions, individual identities, and organizational logic (Acker, 1990).

Under Acker’s (1990) theory, the professions of law and higher education are gendered organizations. Acker (1990) says that:

[to say that an organization, or any other analytic unit, is gendered means that advantage and disadvantage, exploitation and control, action and emotion, meaning and identity, are patterned through and in terms of a distinction between male and female, masculine and feminine. (p. 146)]

In fact, the hierarchy of an organization is considered naturally gendered (Acker, 1990). Organizations are developed with the idea that there are strong connections between responsibility, job complexity, and hierarchical position (Acker, 1990). The gender structure is set up so those who are committed to paid employment are “naturally” more suited to responsibility and authority, and those who must divide their commitments are in the lower ranks (Acker, 1990; Martínez Alemán, 2008). The phrase “gender-typing,” when used in reference to jobs, is defined as women handling working tasks that are more emotion-based, such as interactions with clients, in contrast to more masculine positions like monetary matters, which are given to men (Park, 1996). Often women find themselves in the lower ranks either due to actual or perceived commitments outside of work based on gender-typing (Martínez Alemán, 2008). The gendered hierarchy is maintained in these organizations, and women, even accomplished ones like women law professors, find themselves stuck in a power structure that may not support or benefit them (Acker, 1990).

Gendered organizations are the way they are because gender differences in organizational behavior are due to structure rather than to characteristics of women and men as individuals (Kanter, 1977). Even in organizations that boast diversity or “gender-neutrality,” there are underlying masculine principles dominating their authority structures (Kanter, 1977). Within
those organizations is a built-in class structure, constructed through gender, such as the structure of the labor market, relations in the workplace, the control of the work process, and the underlying wage disparity (Acker, 1990). Because my study involved an exploration of the traditionally male-dominated professions of law and higher education, an examination of their structure was therefore appropriate.

This study focused on the law school as a gendered organization where women law professors are required to navigate the masculine hierarchy that currently exists. Successful navigation of gendered organizations is crucial to career advancement. Without guidance or an example to follow, these structures may be difficult to manage. My study elicited personal stories of experience to understand how genderism informs the personal lives of my participants, in the hope of offering recommendations for changes in law school structures.

Summary

This chapter provided an overview of the research project involving the experiences of women lawyers who have transitioned to the role of law professors. Chapter 1 covered the background, the problem statement and guiding research questions, the significance of this study, and the theoretical frameworks of the research. Chapter 2 will explore the current literature surrounding the gendered organizations of law and higher education. Chapter 3 will discuss the research design and the methodology that was used for this qualitative research study. Chapter 4 will offer profiles on each participant, with Chapter 5 presenting the findings from the study. Chapter 6 will conclude the study with a discussion of the findings, recommendations, and areas for future research.
CHAPTER 2
LITERATURE REVIEW

This literature review, presented through the theoretical framework of gendered organizations, will explore the current research and scholarship on organizational behavior, gender stereotypes, and the gendered professions of law and higher education. It will conclude by exploring the transition of women lawyers to law professors and the implications that this holds for their personal and professional lives.

History of Women in Law

The first legal professionals in the United States were actually barristers from England who had immigrated to the colonies (Stein, 1981). The practice of law, prior to the formal establishment of The Litchfield Law School in 1784 (Harno, 1953), did not require any kind of formal legal education (Drachman, 1990) and was an informal system of apprenticeships where a practicing attorney took on one or more young persons interested in studying and practicing law (Rury, 2012). Law schools, as they are understood to be today, opened at the College of William and Mary in 1793 with Harvard following in 1817, creating a process for learning legal doctrine (Douglas, 2010). Some law schools began admitting women as students in the last quarter of the nineteenth century (Rury, 2012), but it was hardly in large numbers nor was it without stumbling blocks. Documentation shows that in 1880, there were 75 women practicing law, which jumped to 208 in 1890 (Drachman, 1990). The admittance of women to law schools did not propel women to success; these women were surrounded by men students whom society dictated they keep a distance from, and it limited their connection and friendship with other women.
(Drachman, 1990). For example, in 1870 Myra Bradwell was denied admission to the State of Illinois Bar by the Illinois Supreme Court. Bradwell had the proper legal education and had passed the bar exam, but the Illinois Supreme Court denied her admission because the law of coverture stated that women could not enter into contracts without the consent of their husbands, and therefore Bradwell did not have a separate legal existence from her husband (In re Bradwell, 1869). The U.S. Supreme Court upheld the Illinois decision (Bradwell v. State of Illinois, 1872). Shortly thereafter, coverture was overturned in Illinois in 1872, and Bradwell was admitted to the Illinois Bar by the Illinois Supreme Court. Women began entering law schools in greater numbers in the 1980s and 1990s, after token admittances in the 1960s and 1970s as a result of civil rights and gender equality movements (Drachman, 1990). Currently, women make up almost half of all first-year admitted law students (Catalyst, 2015).

The Law School Experience

The law school experience is considered a transformative one for its students (Stone, 1997). The transformation is the result of the academic environment of legal education: the stresses and tension of the first year of law school include high workload, the Socratic method, competition between students, and the toll on personal relationships due to separation from friends and family (Stone, 1997). The stresses of law school are hard on students (Silecchia, 1996).

What is considered to make the experience of women law students unique is the inherent inequities in the structure of the law school educational system (Stone, 1997). Law school is a place of ideological training, and Kennedy (1982) argues that the training is hierarchical. There are concerns that the pedagogy promotes elitism through the use of the Socratic method and the way cases are taught to the students, because these methods tend to mystify the law (Kennedy,
The law professors become the sage on the stage, reinforcing the notion of the superiority of professors, and more specifically, of men professors as the “sage” is often male (Auerbach, 1976). All of that, Kennedy (1982) argues, trickles down to the students who accept the hierarchy as normal and gives them feelings of superiority and entitlement. The hierarchical structure of the law school is nurtured and maintained through all the ways the school educates and grooms its students.

Law school education based solely on the Socratic method is considered to be outdated (Stone, 1997). Few law professors use it exclusively to teach legal analysis, and when it is used, it is not to damage a student’s confidence or instill fear as a motivational learning tool (Stone, 1997). In fact, if a student seems confused about the material, the professors do not reprimand or humiliate the student (Stone, 1997). A more passionate pedagogy may alleviate some of the stresses of the law school experience; however, it does not seem to completely dismantle the hierarchical structures that exist.

Other researchers concur with Kennedy (1982) about the acceptance of hierarchy as endemic in law school education. Guinier et al. (1994) found that although men and women entered law school with similar academic qualifications, men were receiving higher grades. Newer studies, however, have found that disparities in academic success, as measured by objective grades and anonymous grading, seem reduced, and some studies indicate that women are actually outperforming men in some law schools (Neuman, 2000).

Rury (2012) argues that women in particular need to be aware of how law schools socialize their students, because the students are being trained to think and behave like lawyers. If the socialization includes the absorption of explicit and implicit biases, students will model this discrimination in the classroom and carry it over to their professional conduct when
practicing law (Rury, 2012). Stone’s (1997) study suggests that certain changes to the structure of legal education can help correct the inequities women face in law school. One such suggestion would be to encourage classroom participation by all students (Stone, 1997). Another suggestion involves increasing the type and amount of interactions between students and faculty: encourage students to meet with their professors outside of class for substantive questions about legal theory and build relationships that can lead to career opportunities (Stone, 1997). Mentoring is also seen a way to build positive professional relationships between faculty and students (Batlan et al., 2009). Researchers are advocating for pedagogical and structural changes in law schools so that the law school experience does not perpetuate the challenges faced by women lawyers (McGinley, 2009; Rury, 2012; Stone, 1997).

Hierarchy and Hiring Practices in Law

More women are graduating law school and entering the profession, yet statistically the profession is still very much gendered. In the 2017-2018 school year, 52.39% of law students were women (American Bar Association, 2019a). Although women are graduating law school in almost even numbers to men students, when it comes to the actual practice of law, the number of women lawyers is still significantly lower compared to men lawyers because there are only three generations of women in the practice of law compared to four generations of men lawyers. In 2018, women made up only 36% of all practicing lawyers (American Bar Association, 2019b), which accounts for the three generations of lawyers created since the influx of women law students in the 1970s.

Even with women law students graduating around the same numbers as men, about 46% practice law after law school (Dinovitzer, et al., 2004). Few legal scholars have written on the topic of why not all women graduates enter practice after graduation. Some authors suggest
issues of gender pay gaps and hiring and promotion practices play a role (McGinley, 2009; Pierce, 1995). Rury (2012) indicated inequalities exist inside law schools between men and women students, and those either discourage women from becoming lawyers, or the inequities that are perpetuated in the practice of law induce women to leave the profession.

The hiring practices of law firms is one of the inequities to which Rury (2012) was referring. How law firms attract and hire entry-level attorneys can be explored through the use of legal resources. Gorman (2005) used Martindale-Hubbell, a law firm information and directory series, to track the hiring practices of the large law firms with their new associate positions. The study was designed to measure the extent to which an organization uses role-incumbent schema, including stereotypical masculine and feminine characteristics. Gorman (2005) concluded that “organizational decision makers perceive male and female candidates through the lens of gender stereotypes and compare those distorted perceptions to the cultural role-incumbent schemas that prevail within their organizations” (p. 722). If a gender-biased schema is present in the minds of the hiring partners, Gorman (2005) seems to argue, women lawyers are at a disadvantage during the new associate hiring process.

Gorman’s results (2005) are supported by Pierce’s (1995) qualitative research study looking at the role of gender within law firms. Pierce (1995) determined that most large law firms have a pyramid structure in the workplace, with a professional stratum resting on top of a non-professional or support staff tier underneath. Each stratum is strongly associated with gender; the top tier is mostly comprised of male lawyers, with women making up the vast majority of the second tier (Pierce, 1995). The organizational structure of these law firms seems to reinforce the gendered hiring practices Gorman (2005) found.
As for specific hiring practices, certain personality traits may be considered required for a good lawyer. Being a lawyer is a highly stressful job, and lawyers are expected to be zealous advocates (Pierce, 1995). Zealous advocacy includes traits like intimidation, strategic friendliness, and manipulation of others’ emotions (Pierce, 1995). Competent lawyers have to be able to play the game, so to speak, and gamesmanship includes the ability to control and dominate others through manipulation (Pierce, 1995). Hiring managers or committees end up reverting to gender stereotypes when looking for good lawyers, and it seems that gender stereotypes indicate that men make better lawyers (McGinley, 2009). Men are considered to be agentic and expected to exhibit assertive, controlling, and confident behavior such as aggression, ambition, dominance, independence, and self-confidence (Martínez Alemán, 2008; Pierce, 1995)—all the qualities needed in a zealous advocate (Pribetic, 2008). On the other hand, society dictates that women are communal, expected to act in delicate, sensitive, sharing and communal ways (Pierce, 1995). In fact, assertive women are viewed negatively even though they exhibit the requisite traits for zealous advocacy (McGinley, 2009). In essence, the gendered structure of law firms shapes the practices of the members of the firm, and at the same time the lawyers and support staff of the firm end up participating in this “reproduction of gender relations” (Pierce, 1995). Women lawyers could not get into law firms until they were given “token entry” in the 1960s and 1970s (Drachman, 1990), and it seems that those discriminatory practices based on gender stereotypes are still at play in current hiring practice. Based upon the current rates of hiring, it will take many decades for women to become fifty percent of the partners in law firms across the country (Abrams & Kariem, 2008).
Law Schools and Faculty Makeup

Only a few studies look at the employment environment of law schools and gender (Kornhauer, 2004; Merritt & Reskin, 1997). Merritt and Reskin’s (1997) study found that women are at a distinct disadvantage in hiring and rank at the most prestigious law schools. Additionally, Kornhauser’s (2004) empirical study shows there is an occupational segregation by gender in law schools. It continues to grow even though more women are entering the legal academy as faculty (McGinley, 2009). Based upon a review of the statistics compiled by Catalyst (2015) comparing two school years (1990-1991 and 2002-2003), women still occupy a disproportionate percentage of the lower-paying, lower-status jobs in law schools. The same report indicates that overall, the number of women is increasing, going from 20 to 29.3% of full professors during the 1990-1991 academic year to the 2002-2003 academic year; but they made up 61.3% of lecturers and 65.4% of instructors at law schools compared to men, who made up 38.7% of lecturers and 34.6% of instructors. When it comes to upper administration, it seems that women only made up 20.6% of all law school deans (Catalyst, 2015). Kornhauser (2004) found that men hold the majority of high power and high prestige positions, making up 80.2% of deans and 70.7% of full professors.

Some argue that women choose not to be in these high-power positions (Pinker, 2008; Subotnik, 2011), but there is evidence that shows women’s choices are often shaped by their work environment, specifically the opportunities and policies within those environments (Schultz, 1990). McGinley (2009) points out that in many places women are not in high-power positions because their hiring and initial rank is low, in direct opposition to their male counterparts with similar academic and work backgrounds. The women find themselves hired to assistant professor positions, while their counterparts are hired as associate professors.
Issues also surround the gendered structure of the tenure track, and possibly the deliberate segregation of women into gendered female positions at a law school (Angel, 2005; Deo, 2014). Additional issues such as the gendering of jobs and the proliferation of masculine practices that harm women also play a role in the scarcity of women in the upper-level ranks of a law school (Angel, 2005; McGinley, 2009). There are other reasons for women’s lack of power in law schools; McGinley (2009) argues there is evidence to support women-gendered course assignments, that students have beliefs about gendered occupations (e.g., professors should be male), and that the feminization of service work is prevalent in the law school and the university.

A review of the social science literature reveals few qualitative or quantitative studies of law school faculty. What does exist centers on minority women law faculty or law faculty of color of both genders, focusing on their status as minorities and their barriers in hiring and work allotment within the law schools (Chused, 1988; Deo, 2014; Epstein, 1993; Essien, 2003; Kornhauser, 2004). Additionally, most of the literature on law school faculties is written in law journals and not written for the broader social science discipline (Angel, 2005; McGinley, 2009; Stone, 1997). Educational social science research tends to focus on masculinities, gender roles, and leadership roles in corporations (Kanter, 1977; McGinley, 2009; Williams, 1989). This is also applicable to law schools, making the topic of women professors in law schools an appropriate, and much needed, avenue for study.

Career Pathways

Making the switch from attorney to law professor is not a common path for most lawyers. There are many examples of lawyers moving into politics, the judiciary, corporations, and financial sectors, all with the promise of more money and prestige than being a law professor
(Smith, 1998). The path to becoming a professor can be convoluted: many women enter through The Association of American Law Schools’ Faculty Recruitment Conference; there are those who come from a judicial clerkship; some come up through a Visiting Assistant Professor (VAP) program or a post-doc fellowship and then attend the AALS conference; others are recruited personally and outside of AALS based upon their standing in the legal community or their expertise in a particular field of law. The main pathways will be looked at in turn, followed by a discussion on the difficulties of becoming a law professor. This section will conclude with the transition one has to make from lawyer to professor.

**Attending AALS Faculty Recruitment Conference**

The AALS Faculty Recruitment Conference is held each October in Washington, D.C. (Association of American Law Schools, 2019). Almost all law schools participate in the conference, and the AALS candidates have a serious interest in legal education as a career choice (Yale Law School, 2018). The schools’ representatives review the Faculty Appointments Register of interested applicants, and then pre-arrange interviews during the conference time (Association of American Law Schools, 2019). The conference is held at a hotel, and law schools schedule 20- to 30-minute interviews during the weekend conference (Association of American Law Schools, 2019).

**Judicial Clerkships**

Law students assume that the main pathway to professorship is through a clerkship. In fact, that is not the case (Stanford Law School, 2019). Instead, clerkships are a way to increase one’s writing skills and opportunities for scholarly writing (Yale Law School, 2018). There does not seem to be a type of clerkship that is preferred, but one source indicated that more prestigious clerkships, such as for federal judges or state supreme court justices, may be valued more by
lower ranking law schools, perhaps to increase the school’s prestige (Stanford Law School, 2019).

**Post-Doc Fellowships and VAP Programs**

The focus for fellowships and visiting assistant professorships is on teaching and scholarship opportunities. In particular, the post-doc fellowships create additional academic experience and research for the fellow (The University of Chicago The Law School, 2017). According to Stanford Law School (2019), in 2013 almost 80% of fellowships resulted in a teaching position. Fellowships can be specific to a program within a law school, or more broadly used for first-year legal research and writing or lawyering programs (Yale Law School, 2018). Fellowships usually range from one three years, although it depends on the program (Stanford Law School, 2019). Part of the fellowship usually includes time to prepare the fellow to enter the job market through the AALS conference (Yale Law School, 2018).

VAP programs are offered at several law schools as a way to begin teaching in legal education. The programs are similar, so Chicago-Kent College of Law will be used as an example. Chicago-Kent College of Law uses their VAPs within their legal writing program (Chicago-Kent College of Law, 2019). These visiting professors must be at least three years out of law school before they can apply to be a VAP. The VAPs at Chicago-Kent are then assigned legal writing courses and at least one doctrinal (legal theory) course. The contracts are for two years, and there is an expectation of publication of an article (Chicago-Kent College of Law, 2019). The goals of Chicago’s VAP program are to give assistant professors the opportunity to teach, create scholarship, and even participate in service work for the law school (The University of Chicago The Law School, 2017).
Becoming a Professor is Difficult

Professorship is not easy for many lawyers to achieve. According to Schachter (2004), law professor candidates need to have an excellent academic background, previous publications in the legal field, a desire to continue research and writing analytic legal commentary, combined with public service like a judicial clerkship or outstanding legal practice, or additional post-juris doctor degrees in law or a doctorate in another field. Regardless of how one is hired, to continue down the path to tenure and long-term teaching, a law professor must have the desire to pursue scholarship and keep updated on current legal developments (Barnes & Mertz, 2012; Subotnik, 2011). Entering the law school academy is not for the faint of heart; it requires a dedication to the study of law and the shaping of future creators of legal precedent. Unlike other disciplines, law schools do not exist to produce future law professors as their main function.

Once a woman lawyer has been hired as a professor, she finds herself as the “addition” to the faculty; generally a woman is added to an already-existing male-dominated faculty (Tierney & Bensimon, 1996). There tends to be pressure to be a good team player, to be accommodating, and if not, those are the kinds of things brought up when she applies for tenure. Tierney and Bensimon (1996) talk about women professors finding themselves in the position of “doing mom work” within the college. Women professors are viewed as nurturing and therefore caretaking roles are thrust upon them. But none of those responsibilities have value when the time for promotion comes around. When things like structured absences for childbirth and family illness occur, the concern of the department is the college and not the faculty member (Tierney & Bensimon, 1996). Very often, the professors’ personal lives are seen as divisible from their academic responsibilities. Although women lawyers are forced to juggle the responsibilities of work and family, being in higher education means a closer personal relationship with students
than one might have with clients (McGinley, 2009; Pierce, 1995). This change in itself may be shocking for the new law professor.

Law professors are a different type of educator, and it takes a certain personality to fit into and work effectively within a law school. McFarland Jr.’s (1983) dissertation asked American law professors which specific and identifiable traits make up the law school professor’s persona. He found that professors tended to fall into one of three categories: caring liberal arts teacher, teaching lawyer and activist, and tough humanist scholar (also seen as traditional legal scholar and Socratic method instructor) (McFarland Jr., 1983). Based upon the results from professors, law students and practicing lawyers, it is this first category, the caring liberal arts teacher, who is most effective in teaching first-year law students (McFarland, Jr., 1983). The tough humanist scholar is seen as the one who fits best into a tenure committee’s dream in that he or she is devoted to research and publication, although this devotion is not seen as important or welcome to law students or practicing attorneys (McFarland Jr., 1983). Each professor has a practical training side and an academic side (McFarland Jr., 1983), and both are to be used to the advancement of their career as well as to the benefit of the law students (Dark, 2004).

As with law, women in STEM professions—also a male-identified field—seem to feel a lack of respect or interest from their colleagues, leading to feelings of marginalization (Tierney & Bensimon, 1996). McCall, Liddell, O’Neil, and Coman (2000) researched the strategies to increase more women faculty at medical schools, as medical schools have run into similar problems as law schools in that they need to entice doctors away from practice and into professorships. Their study showed that 47% of Australian medical student enrollments in 1995 were female and 45% of graduates in 1994 were women. Although their study uses Australian
data from 1994 and 1995, it is included in this literature review because very few research articles explore the transition doctors make to professors. These numbers are similar to numbers of women law students in the United States (52.39%) (American Bar Association, 2019a) and subsequent practicing women lawyers (36%) (American Bar Association, 2019b). With fewer women practicing law, there are fewer women qualified to become law professors.

The medical school faculty at Monash University has women underrepresented in their medical school faculty. Medical school faculties are similarly situated to law school faculties. Both are professional terminal-degree schools for the education of members of gendered professions. Issues raised by the study show that women, regardless of the gendered organization, face similar issues based on stereotypes: women will need more flexible careers to raise a family and take care of the home; they are not aggressive enough for certain demanding disciplines; women are inferior to their male counterparts, regardless of the degree or prestige earned; women will not be able to produce research due to the time break needed for family (McCall et al., 2000). Medical school faculty also have fewer women to act as role models to their women students, something law schools struggle with (McGinley, 2009; Rury, 2012), especially since mentoring is considered to be an important step in correcting inequities in law schools (Rury, 2012).

The Transition from Lawyer to Professor

If a professorship is just trading one gendered organization for another, without any relief or tangible benefits in sight, there must be reasons why a woman lawyer trades “Attorney” for “Professor.” While scant literature exists to show why lawyers would choose to become law professors (Dark, 2004), Klinker and Todd (2007) looked to see why people transition from one profession to another. They argued that transition may result from the emergence of dreams or
perhaps a need to reinvent oneself. Klinker and Todd (2007) say that in mid-life, there is a high value on self-actualization and self-fulfillment.

With regard to transition, some research out of Britain indicated that there are reasons, each with several dimensions, why women change careers to pursue higher education (Evetts, 2000). A cultural dimension involves family and feminist ideologies, as well as organizational cultures. Evetts (2000) says that in this dimension, femininity—and what it means to be a woman—plays a large role, in opposition to the traditionally masculine ideals of labor and workforce. In fact, wanting a “career” is essentially a masculine desire. “Such powerful cultural expectations and ideological forces have had, and continue to have, a clear controlling effect on women’s career choices, aspirations and expectations” (Evetts, 2000, p. 60). The second reason is grounded in structural dimensions, family structures and organizational processes. The labor market does not lend itself to the hiring of women in upper-level positions and ends up dictating women’s career choices. The third reason is an action dimension, with women’s choices and strategies taking center stage. Women construct their own meaning, make choices, and select strategies to support their decisions based on experiences. Evetts (2000) says “all three dimensions are needed for a full explanation of women’s career experiences, of aspects of change as well as continuity in women’s careers” (p. 58). The exploration of these dimensions should be the purpose of any study regarding the navigation of women law professors through the dual-gendered organizations of law and higher education.

Women Leaders in Law and in Legal Education

Part of the discussion about genderism of law should be about celebrating pioneer women in law as well as women leaders in law (Smith, 2015). History shows that for American women, it was not until the 1860s that their legal voices began to be heard. After the Civil War, women
took a stronger leadership role in society to advocate for themselves and other similarly situated women. Some fought for the rights of widows of the Civil War to receive their husbands’ pensions (Lin, 1994). Others began the fight for a woman’s right to vote and the passage of the nineteenth amendment (Lin, 1994).

From the first woman law school graduate in 1870 (Rury, 2012), women lawyers have strived to pave the way for others. Other women lawyers have entered the political arena: Janet Reno, the first women Attorney General of the United States (Farber, 1995), and former Senator, Secretary of State, and Democratic Nominee for President, Hillary Clinton. From one branch of government to the other, women lawyers have made their mark. The first woman to sit on the bench of the United States Supreme Court was Justice Sandra Day O’Connor, appointed in 1981 by President Ronald Reagan (O’Connor, 1991). Since that time, women have made great strides in their representation on the highest court. Currently, one-third of the United States Supreme Court are women (Supreme Court of the United States, 2016a). It was not an easy road to the highest court for women lawyers. Justice Ruth Bader Ginsburg recounted she was denied job interviews solely because she was a woman even though she graduated from the elite Columbia Law School (Carmon & Knizhnik, 2015). Justice Ginsburg did not let that stop her; she has become the elder stateswoman of the Court, having served as a Justice from 1993 until the present (Carmon & Knizhnik, 2015).

Justice Ruth Bader Ginsburg and Justice Elena Kagan supplemented their legal practice with a teaching workload at law schools. Both women were professors at some of the most prestigious law schools and actively promoted women in law and women law faculty; Justice Ginsburg was a law professor at Rutgers University and Columbia Law School, while Justice Kagan taught at the University of Chicago Law School and Harvard Law School, where she was
also the Dean (Supreme Court of the United States, 2016b). Although an appointment to the bench is not the ultimate goal of every woman lawyer, some women lawyers indicate that mentoring up-and-coming women lawyers is an important leadership role. After discussing the importance of mentorship, the past president of the American Bar Association, Laurel Bellows, said that “every lawyer must spend time reflecting on what she wants from her career, what values are most important for her to have a sense balance and joy in her life, and then we must each be fearless in pursuing ways to achieve that” (Sungalia, 2012, p. 11). For some women, their fearless pursuits led them back to law school and into the classroom.

Schneider (2012), a woman law professor, acknowledges the importance of feminist women lawyers to know and understand their history so that they may recognize the achievements of those feminists in law. There is a need to acknowledge and sustain those institutions built by women in the law (Schneider, 2012), and one of the ways to do that is to become a member of a law school faculty. The Association of American Law Schools has a specific section for women law professors (Association of American Law Schools, 2016). The section functions not only as a place for women law professors to continue their professional growth, but it serves as a way to participate in the future of legal education (Schneider, 2012). The legacy left by women law professors is not one to be ignored.

Higher Education

Much like the legal profession, higher education has also been defined as a gendered organization (Park, 1996). Before examining law schools specifically, it is important to look at the genderism that arises at colleges and universities. The hierarchal and power structures that exist in higher education are similar to those in law schools. Therefore, research and theories involving women professors will be transferable to women law professors.
**Women Professors**

One of the missions of higher education is knowledge creation and knowledge transmission (Bingham & Nix, 2010). The faculty of colleges and universities do this through research and teaching. Like the practice of law and law schools, the hallowed halls of higher education have mostly been filled with male professors and male administrators (Park, 1996). But even with the strides in gender equality in higher education, women researchers often leave within ten years of starting in the field (Easterly & Ricard, 2011). A significant amount of research has been produced about higher education as a gendered profession (Bingham & Nix, 2010; Chrisler, 1995; Monroe et al., 2008); however, there are many areas left to explore, including how women professors navigate their experience in higher education.

Stress is prevalent for women professors. Acker and Armenti (2004) argue that further research and activism are needed to combat the stress and fatigue of women in higher education. Acker and Armenti (2004) say there needs to be “a concentrated effort to examine systematically and take seriously university practices that contribute to a gender regime that has worked against the interests of many of its members, especially the women” (p. 19). Gender is at least partially responsible for harsher evaluations of tenured and tenure-track women than their male colleagues in the law school community (McGinley, 2009).

Success in the academy is focused on three things: scholarship, teaching, and service (Chrisler, 1995). Hiring and tenure committees do not weigh these categories evenly, and so there is an inherent discrepancy in how success is measured in higher education (Chrisler, 1995; Park, 1996). As woman professors and women law professors have learned, this discrepancy does not work in their favor, and it is a main reason why these women are unable to advance within the gendered organization of higher education (Barnes & Mertz, 2012).
Expectations of Professionalism and Tenure

Women face many problems trying to be successful in higher education, and many of these stem from undercapitalization: monetarily, scholarly, and emotionally (Aisenberg & Harrington, 1988). As in the legal profession, being a woman in higher education does not mean she will be on equal footing with her male colleagues (Barnes & Mertz, 2012). Gender, race/ethnicity, and marital status all seem to affect faculty salary (Toutkoushian, Bellas, & Moore, 2007). There is an assumption that for women, serious professional work is not compatible with family responsibilities. “Having it all” is considered a dirty word that is thrown at women who are balancing work and family (Aisenberg & Harrington, 1988); the belief is that women cannot have it all and it is selfish to try. There is also pushback that women cannot be in positions of power because they are “soft,” and cannot make the hard decisions (Kanter, 1977; McGinley, 2009).

Collins (1998) notes there is increased scrutiny on professional and personal lives of women in higher education. There is also more pressure to perform, with women having to perform better than their male counterparts to be considered their equals. Collins (1998) sees a social isolation that takes a toll on women, in the form of limited social opportunities and limited time for family. Collins (1998) goes on to talk about how “evaluations and interactions in academe are often tainted by racial and gender stereotypes” (p. 51) with tenure as a “highly arbitrary, subjective political process” (p. 53).

If there are still issues of gender stereotyping within higher education, one wonders how women have been successful at all in academia. In fact, Subotnik (2011) argued that law schools did not mistreat their women faculty, and that the statistics bely his argument that gender discrimination has either diminished or disappeared because men and women are hired in tenure
and tenure-track positions in almost equal numbers. The American Bar Association, however, has changed its reporting requirements for law schools, and in fact allows the inclusion of adjunct, clinical, visiting professors, and full-time instructors to be included in their faculty data broken down by gender (American Bar Association, 2015). With the inclusion of these other positions, most of whom are women, at first glance it does seem like law schools have men and women faculty in almost equal numbers. Ward and Wolf-Wendel (2008) say that “[t]he discourse of successful academia is imbued with ideal worker norms that lead women to make certain kinds of decisions…based on what they believe the dominant discourse is telling them is the ‘right’ way to act in order to fit existing norms” (p. 266). If a woman professor acts the “right” way and fits in with the normative culture of the campus, she will find herself more successful that those that do not (Ward & Wolf-Wendel, 2008), perpetuating the issues of misogyny and dominance in higher education.

Tenure is a foreign concept to lawyers, because even partners at a law firm can be removed. Generally, law firms hire associates who tend to be young lawyers looking to find a way into a partner-track position (Wilkins & Gulati, 1998). Making partner does come with much more job security and an increase in salary (Smith, 1998), but there is rarely a situation in law that allows for permanent job security (Wilkins & Gulati, 1998) like tenure does for professors. On the other hand, if a woman lawyer becomes a law professor, she has the opportunity to become tenured (Gordon, 2009). The tenure process is not an easy one, and gender stereotypes and gender job typing all play a significant role in whether a woman professor gains tenure.

The criteria for tenure and promotion are scholarship, service, and teaching (Chrisler, 1995), although the requirements within each criterion may vary from institution to institution.
Park (1996) found that committees in charge of promotion do not evenly balance these three criteria. If research is not scholarly enough and one is not published enough, no amount of teaching or service will overcome that concern. Even with hiring, McGinley (2009) found that scholarship demands have risen in law schools, with hiring committees requiring large numbers of high-quality published articles on an applicant’s curriculum vitae. This is leading to committees for hiring and promotion asking whether the candidate is building a national or international reputation. Some service activities carry more weight, and therefore professional service is weighted more heavily than university service, and that university service outweighs community service (Park, 1996). Tenure and promotion committees view the requirement of research as a way to separate the wheat from the chaff, and they consider it an objective standard, although the imbalance of the weight of the criteria is not (Chrisler, 1998).

Scholarship

Chrisler (1998) looks at women professors in the role of scholar and determines that there still is a credibility issue when it comes to women as true scholars. When women study other women or women’s issues, this scholarship is not considered valuable, and is counter to traditional disciplinary concerns. This devaluing of one’s research interests forces women professors to pursue more masculine research areas to legitimize their scholarship. It is not enough to be published or present at conferences; they must focus on the “right” type of research or presentation topic. Also, many studies compare publication rates of men and women, but Chrisler (1998) points out that these are hard to properly compare because one cannot simply count how many times a man or a woman has been published. Weight must be given to the type of publication, the research involved, and its contribution to the discipline’s knowledge (Chrisler, 1998).
Traditional gender roles regarding femininity indicate that women should not be assertive, demanding, competitive, selfish, or aggressive, but instead should be modest, patient, receptive, and accommodating (Chrisler, 1998). None of these traditional feminist behaviors lead to building and maintaining a woman’s reputation as a scholar, especially because pressures such as increasing competition between law schools, fewer resources, and masculine traits of hyper-competition and aggression are showing up within law school faculties. There is a belief that law schools’ rankings can be laid at the feet of the faculty and what they produce, or fail to produce, in terms of scholarship. Competition turns to aggressive treatment of law faculty members who do not publish in prestigious journals, fail to write in intellectual areas (discrimination and gender issues are not considered “intellectual”), or fail to provide sufficient scholarship (McGinley, 2009).

But what does help with the advancement of women scholars? Dickens and Sagaris’s (1997) study showed that feminist women scholars use collaboration regularly. The collaboration was sought to create and enhance personal relationships that they do not often find within their own departments or colleges. The women indicated that, regardless of their field of work, they prefer to work collaboratively as equal partners, and not within a hierarchy, which supported work of previous studies (Dickens & Sagaris, 1997). Even without official support of the institute of higher education, some women professors are finding ways around the traditional hierarchy and forge a path to successful scholarship through collaboration. However, collaboration in writing may not be an avenue available to all women law professors. In legal education, co-authored works are often not given the same weight by tenure and promotion committees (Lerman, 2001).
Teaching

The research indicates that women professors find themselves in the classroom at a higher percentage than male professors (American Bar Association, 2013). There is some argument that women prefer teaching (Levin, 2001; McGinley, 2009), but just because some women have a preference does not give the university a right to either require more teaching hours or not recognize the accomplishments of teachers in the classroom when it comes to promotion or hiring.

Because modern universities function like a free market corporation, the commodity of knowledge production, instead of knowledge dissemination, takes precedence. With men more likely to be in roles of knowledge production (research and scholarship) and women more likely to be in roles of teaching, the teaching commodity is not as highly valued in the academic economy (Chrisler, 1998; Martínez Alemán, 2008). Martínez Alemán (2008) argues that teaching inherently carries a “symbolic femininity” (p. 147), and work considered feminine or domestic is relegated to the bottom of any economic system as having little to no value. Even when women professors are teaching at law schools, the types of courses they are given are considered to be less-than. Women teach classes viewed as less prestigious (trusts and estates, family law, courses with a gender identity) (McGinley, 2009). They are often more likely to teach skills-based courses (legal writing, clinics, advocacy, research). The more theoretical classes like tax law and constitutional law are given to the male professors. It is not clear whether women professors are not considered scholarly enough to teach prestigious courses or that they are thought to be better suited for classes that require more student-teacher interaction because their gender role indicates they are more communal (McGinely, 2009). Either way, women professors are being forced to prove their competency in the classroom (Farley, 1996).
Women find themselves in the position of teaching more often than their male counterparts and are disappointed to discover these challenging and rewarding activities are not valued by tenure committees (Chrisler, 1998). There is an indication that activities related to service (including student-related service and committee work), as well as teaching, are viewed as appropriate and compatible to the female gender role, and therefore women will routinely find themselves involved in these activities (McGinley, 2009; Park, 1996). Being funneled into teaching roles, and then being given less prestigious courses to teach, along with an increase in service-based roles because of their gender does not help women faculty increase their chances of tenure and promotion.

Service

Service is another area where female faculty is heavily involved. The type and amount of service seems to be disproportionate to the faculty percentages (Monroe et al., 2008). Women and minorities have more opportunities to serve and are actively sought for mentoring and student organization advisement (McGinley, 2009). Women spend more of their time in teaching and service, while their male counterparts are able to spend more time in research, the only area a committee deems the objective measure of achievement (Park 1996).

Terosky et al. (2008) found that some forms of service within the university that women perform may draw these professors away from their scholarship work. After tenure, the women reported that they had a significant increase in service requirements—requirements they felt unprepared for and not supported while performing them. Two areas of concern with this shift toward service requirements are that it keeps women professors from their potential contributions to scholarship, and it shows that service in these forms are not the route to reward and professional advancement. There is concern that certain types of service may be a detriment to
Some forms of service, if not thoughtfully selected and designed, may draw women away from their scholarly learning and from their knowledge construction in the university and society” (Terosky et al., 2008, p. 73). One way law schools can decrease the time spent away from scholarship is to shift to the administration all committee work that is not necessarily a faculty function (McGinley, 2009).

Research has found that women in law school faculties end up playing domestic, supportive roles; even when they are hired into positions that are equal in name and title to their male counterparts, the women faculty end up performing the law school’s “housework” (Levit, 2001). One study at the University of California-Irvine found that women do much more of the service work at the university and that service work is generally of lower status than research and teaching and is not rewarded by the system (Monroe, et al., 2008). If service is not equally balanced with scholarship, then women will be left out of tenure positions and promotion. It stands to reason then that without adequate scholarship, women professors do not advance and have difficulty in future hiring situations.

It is through the narratives of women law professor’s experiences that there can be a focus on the structures of the gendered organizations of law and academia. Acker and Armenti (2004) argued that there needs to be “a concentrated effort to examine systematically and take seriously university practices that contribute to a gender regime that has worked against the interests of many of its members, especially the women” (p. 19). To have a more equitable environment in law schools, changes must be made to the current hiring, tenure, and promotion practices. McGinley (2009) advocates for an egalitarian law school environment:

Establishing procedures to promote more egalitarian workplaces for faculty members will benefit women and many men faculty as well as our students. Without this introspection and the new policies and procedures, we allow gender dynamics to reproduce not only on
the faculties of law schools but also in law firms and legal offices across the country because we have failed to model egalitarian workplace behavior for our students. (p. 154-155)

To fully understand the experience of women law professors, it is necessary to open the discourse about their navigation of legal profession and law school academia. Within the theoretical frameworks of poststructural feminism and gendered organizations, this qualitative study will explore the structures within law schools that gender stereotypes and work-life balance, help define success, and identify strategies for easing the transition from practitioner to professor.

**Theoretical Framework**

This section will explain how Acker’s (1990) theory of gendered organizations was the proper framework for the interpretation of the women’s experiences in this study. Feminism will be explained as it relates to gendered organizations theory. Gendered organizations will be introduced, with last part on the background on the underpinnings of Acker’s (1990) gendered organizations–gendered hierarchy and strategies; organizational behavior; gendered professions; and gender stereotypes.

Before addressing the specifics of gendered organizations, there must be an understanding of the theory of feminism. Elias and Merriam (2005) describe feminist theory as “a comprehensive philosophical perspective that seeks to explain the nature of unequal power relations based on gender, race and class” (p. 178). The central focus of feminist theories, as Elias and Merriam contend, “is a body of interrelated principles that tries to explain women’s oppression” (p. 178). Feminism is meant to question the assumptions society makes about women, indicating that those assumptions are either irrelevant to a woman’s actual experience or
that due to women’s exclusion from the discourse, the assumptions are patently false (Weedon, 1997).

Feminism has come in three waves, and is considered to be generational (Batlan et al., 2009). The first wave of feminism was the result of the women’s liberation movement of the 1960s and 1970s (Garrison, 2004). Second-wave feminism believed, as its fundamental premise, that the personal is political, and strived to engage feminists to act collectively and to write about a collective experience (Batlan et al., 2009). Some of this continues into the third-wave; however, it seems third-wave feminist writing is more autobiographical, and wants to get at individual stories (Garrison, 2004). Third-wave feminists focus more on the individual experience to help continue to break down the structures of patriarchy that society continues to support in many areas (Garrison, 2004). Some of this is done through personal storytelling as part of a methodology in research (Crawford, 2007).

Part of feminist theory tries to explain the definition of gender and its meaning in society. Gender is not a static thing, but is socially produced and historically changing (Weedon, 1997). Similarly, distinct male and female roles can be biological, but most researchers and theories assume that these are socially learned (Molm & Hedley, 1992). What society believes to be biologically assigned male and female roles are really just how society has defined those roles; the attributes of what is masculine and feminine are not the result of genetics.

Feminist theory explores how society assigns gender to certain structures and processes. Acker (1990) explains that “[t]he idea that social structure and social processes are gendered has slowly emerged in diverse areas of feminist discourse” (p. 145). Gender differences studies are largely inconsistent with their findings because many researchers use sex as a proxy for socialized gender roles (Molm & Hedley, 1992). Instead of looking at how gender is defined and
used in society and then adjust data collection to reflect society’s understandings, the biological sex of the participants is like a control. Many researchers do not think that biological sex should be used as a control in research (Molm & Hedley, 1992). If biological sex is simply swapped for gender, then the results will not explain how gender is affected in the greater society. Gender stereotypes and biases are an automatic response to cognitive categories as a way for the brain to make sense of the world easily and quickly (Valian, 1998), with gender roles defined as the widely held beliefs about attributes about men and women and the roles they play in society (Eagly & Karau, 2002).

The social construction of gender helps explain how hierarchy, power, and oppression are structural within organizations. Individual-level theories of gender and power propose that gender carries with it certain characteristics that affect power use (Molm & Hedley, 1992). Socialized gender differences in behavioral traits are assumed to be related to power use, such as aggression, competitiveness, influenceability, and bargaining skills (Molm & Hedley, 1992). Specifically, there is normative masculinity made up of aggression, competition, and anxiety (Kimmel, 2004). Perhaps, Kimmel (2004) suggested, these behavioral traits exclude women from power because they may lack masculine traits or are punished when they exhibit them, and it also excludes men from power who do not live up to the normative definition of masculinity. Other researchers confirm that women may be “punished” when they do exhibit the requisite normative masculinity and are not rewarded for their masculine behavior (Kanter, 1997; McGinley, 2009). All of this lends support to the argument that women are not “man enough” to do the heavy lifting required of powerful jobs within society. Men and women do not have an equal opportunity to exercise power because of social stratification at the macro-level (Molm & Hedley, 1992). Acker and Dillabough (2007) argue that women’s work can be viewed as a
symbolic struggle for legitimacy within a specific field that has its origins in the legacy of the
gendered state and its pervasive operations.

The research contained within this literature review was chosen for its ability to shine a light into the dark corners of the woman law professor experience. It is not enough to say that the issues of hierarchy, power, and oppression have been explored fully and there is no need for such conversations in gendered professions. Problems associated with these power relationships continue to have a daily impact on the lives of women. Acker and Armenti (2004) ask “why, in these changing times and after thirty years of feminist writing and resistance, do these problems appear to persist?” (pp.3-4). If the study determines that problems still persist, then there is a need to continue researching gendered organizations and their effects and come up with strategies to combat the issues that arise.

Lewis (2005) calls for additional gender analysis research to be done of women in higher education because it needs to be determined whether the issues of the past are still concerns for women in gendered professions. Issues regarding whether women have to produce more work than men to be considered at the same level of success, or whether women sacrifice their physical and mental health (or work-life balance) to be part of a male-dominated profession, are areas for exploration in feminist research. It seems that Lewis (2005) is asking for an examination of the organizational structures that support or perpetuate gender discrimination or gender bias. The lessons to be learned from the lived experiences of women law professors are the reason why this framework of gendered organizations was used.
Gendered Organizations

Organizations mirror society, reflecting society’s classifications, job roles, family roles, and stereotypes (Martin, 2006). This means that organizations, in turn, reflect the gender inequality present in society (Kanter, 1977):

Something has been holding women back. That something was usually assumed to be located in the differences between men and women as individuals: their training for different worlds; the nature of sexual relationships, which make women unable to compete with men and men unable to aggress against women; the “tracks” they were put on in school or at play; and even, in the most biologically reductionist version of the argument, “natural” dispositions of the sexes. Conclusions like these have become standard explanations for familiar statistics about discrimination. (p. 261)

Research shows that there is a gendering of both the organization and the work that goes on in the organization. Martin (1992) argues that most jobs are gendered, and that includes before they are filled, and when they are filled or refilled; this is because the jobs and job roles are socially constructed, enacted, evaluated, or altered. Similarly, the labor market seems to be gendered. The core of the labor market is people who are most desired by businesses and are actively sought after by employers (Williams, 1989). Generally, this core market is made up of men who are not young or too old (Williams, 1989). Outside of that core market of potential employees, there is a peripheral market, made up of women, minority men, and young or old white men (Williams, 1989). Even after all the strides towards equality in employee and human rights, women and minorities are still the least likely to be seen as the core market from which organizations hire. Perhaps to remove structural inequities in the labor market, and within organizations, researchers should seek to discover why organizations are gendered and what changes can be made to these structures to make the workplace a less gendered environment.
Even today, most women work in organizations dominated by men and therefore, post-structural feminist theory is applicable. Women did not enter the workforce in significant numbers until World War II (Kanter, 1977), but since that time, men continue to hold the most powerful positions within organizations (Acker, 1990; Kanter 1977). This may especially be true in organizations within higher education and in gendered professions like law. Acker (1990) argues that feminist theory should continue to chip away at the issues of gender in organizations with the hope that someday dominance, control, and subordination will be eradicated from the organizations and their structures. The best working environment would have a utopian view of work and work relations, with equality being the new norm (Acker, 1990).

Although the members of a gendered organization are concerned about women being too soft for demanding and ambitious careers, and worry about issues surrounding child rearing and family, there needs to be more focus on the masculine principles and structures that exist in businesses and other organizations that give male employees distinct advantages over female employees (Park, 1996). In particular, there seems to be gender typing of jobs, with women handling tasks that are more emotionally based, such as interactions with clients, whereas men are placed in more masculine positions like handling monetary matters (McGinley, 2009). Gender typing of jobs is just one of many ways in which the masculine power structure is advanced and maintained in gendered organizations (McGinley, 2009; Weedon, 1997). A woman’s sexuality cannot be divorced from her intellectual capabilities (Aisenberg & Harrington, 1988), but to get someone to see the intellectual behind the gender, the gendered organization and its patriarchal structures should be transformed (Weedon, 1997).

Gendered organizations are battling years of hierarchal structures based upon stereotypes that no longer fit society. An organization’s structure has much to do with why and how gender
stereotypes persist (Williams, 1989). Kanter (1977) recognizes that the responses to work are “a function of basic structural issues, such as the constraints imposed by roles and the effects of opportunity, power, and numbers” (p. 261). This requires that organizational structures change, and in turn, change the mindset of the members of the organization (Weedon, 1997).

Continued research into gendered organizations should center around the gendered segregation of work created and inequality of income and status as a result of organizational practices. To change the workplace to one that is more egalitarian requires an understanding of how systems of work are organized (Kanter, 1977). The should be a realization of how these systems themselves can be modified to provide more opportunity, more power, and a better balance of the numbers, for all the kinds of people whose work lives are spent there (Kanter, 1977). The goal is to raise awareness of these issues, move beyond the gender-neutral proclamation, and create strategies to combat them, making organizations more democratic and humane (Acker, 1990; Kanter, 1977). To fully explore gendered organizations, one must look at organizational behavior, gender stereotypes, and gendered professions.

**Gendered Hierarchy and Strategies**

Gender stereotypes help support the gendered organization’s hierarchical structure of dominance (Acker, 1990). Martínez Alemán (2008) indicates that traditional Western masculinity is seen as “rational, deliberative and authoritative” and finds that it operates in the public sphere, “where rational knowledge is employed to make social arrangements consistent with tangible evidence” (p. 146). On the other hand, Western femininity is found in the private sphere, centering around subjectivity (individuality, emotions, affection), with the public sphere trumping the private sphere in terms of societal good. Additionally, there is literature suggesting that men and women employ different strategies of interpersonal relations while working in
organizations (Johnson, 1976; McGinley, 2009). The research reflects that men use direct, bilateral strategies in interpersonal relations in contrast to women, who use indirect, unilateral strategies (Johnson, 1976). Perhaps the differences in strategies arise from gender discrimination and availability of resources within the organization (Acker, 1990; Johnson, 1976). These gender stereotypes and strategies reinforce the balance of power issues prevalent in organizations (Kanter, 1977; McGinley, 2009).

Moving beyond the gender stereotypes and toward a more egalitarian system is preferable when trying to eliminate the hierarchy of dominance, suppression, and oppression in gendered organizations (McGinley, 2009). To remove the inequities in a working environment, additional research may be needed to examine gendered professions and how women in those professions navigate the gendered hierarchy.

Organizational Behavior

Organizational behavior is a reflection of the corporation or organization, much like gender roles are a reflection of society at large (Kanter, 1977). For example, how employees are hired, treated, and promoted can provide an insight into the beliefs held by the organization’s upper management (Acker, 1990). As a result of an organization’s belief system, the hierarchy, power, and oppression of the working structure is relevant to a study about gender in the workplace. A declaration of gender neutrality by an organization does not fix outstanding inequalities; without structural changes, a gendered organization simply cannot become gender-neutral. In fact, in direct contradiction of the gender-neutral mandates, behavior within organizations continues to reinforce the social order of dominance, suppression and oppression (Kanter, 1977). Kanter (1977) points out that, as a result of organizational behavior, men and women of the corporation relate to each other and to their work through jobs that are often sex-
segregated and laden with idealized images of the capacities of the people in them. The employees learn how to treat others after observing the roles given to each gender within the corporation. Workers adapt to their work environment, even if the gendered roles run contrary to their own prior understanding or beliefs (Kanter, 1977). If the organization has not changed its hierarchical and gendered structures, it stands to reason that the workers will not change how they treat one another.

**Gendered Professions**

Included in the discourse of gendered organizations are gendered professions (Witz, 1990). Gendered professions look at the broad groupings of work activities. Williams (1989) defines *occupational sex segregation* as the clustering of men and women in different occupations. Women are socialized from an early age into certain professions (McGinley, 2009) and Oswald’s (2008) study suggests that women may partially choose an occupation or field of study based upon cultural gender stereotyping. The study looked at science, math and engineering degrees and careers, which can easily be equated to other gendered professions like law and higher education. Oswald (2008) confirmed previous research that indicated, “women who are strongly gender identified are more susceptible to stereotype threat effects” (p. 200), meaning that these women may have difficulty navigating gendered professions that go against traditional stereotypes. “[S]tereotype activation causally influences liking for and perceived ability to succeed in feminine occupations” suggesting that “gender stereotypes may be one reason why we continue to see women pursing occupations that are gender traditional rather than nontraditional” (Oswald, 2008, p. 202). Pursuing a job in a gendered profession may be a daily struggle for many women if they feel they are fighting against traditional gender roles at work.
Gender Stereotypes

Organizational behavior stems from beliefs cultivated from gender stereotypes that are then reinforced in the organization. To a large degree, organizations make their workers into who they are; in fact, workers change to fit the system in place (Kanter, 1977). If the system also has in place gender roles for men and women, these tend to be replicated throughout the hierarchy of the organization.

The qualities ascribed to men and women tend to be the ones required of men and women, which Prentice and Carranza (2002) refer to as prescriptive stereotypes. For example, since organizations are pervasively gendered, certain jobs or positions, or activities, are deemed “men’s” or “women’s” work (Williams, 1989). When it comes to certain job roles like managerial positions, “it is expected, taken for granted, that people in such a setting will be men” and it is “only noticeable when they are not” (Ridgeway & Diekema, 1992, p. 171). Stereotypes linked to traditional social roles and social inequities continue to persist even in the face of contrary evidence (Kanter, 1977). For example, when someone goes against a stereotype, there is a form of social punishment; when there is clear evidence that a woman is a good leader, and others agreed she is successful, the woman will end up being judged less likable (Heilman, Wallen, Fuchs, & Tamkins, 2004). Women are in a double bind. The double bind constructs that they are either “the bitch” or “the doormat.” If these women act in too feminine a manner, they are not qualified for the job; if they act too masculine, they are ostracized because they do not conform to stereotypical expectations of how women should behave (McGinley, 2009).

Agars (2004) notes that the act of stereotyping is not necessarily the result of “intent, malice, or blatant prejudice” (p. 104). He argues that the effects of stereotyping do not need to be intentional, but that the specific outcomes of its applications have real-world effects on hiring
and promotion. These outcomes include women hired in mostly low-rank, low-power positions, such as staff support roles, and men are hired disproportionately into high-ranking, high-power positions in administration. The real-world effects prove the need to study stereotypes and their effect on organizational behavior.

Eliminating stereotypes and removing workplace inequities should be the goal of all organizations with gendered structures in place. Some scholars have suggested how to eliminate stereotypes. Collins (1998) says that “[s]tereotypes will be perpetuated when individuals’ behaviors confirm stereotypes and can be reduced when behavior runs counter to them” (p. 63). This means that stereotypes will continue in the workplace when the worker seems to act as society expects their gender to act. But once someone acts contrary to their gendered stereotype, like women in positions of management or leadership roles, stereotypes start to diminish (Collins, 1998). To change these stereotypes in an organization starts with the recognition of when a stereotype is in place. The next step is a willingness to accept when ideas and people run counter to those stereotypical behaviors (Kanter, 1977).

To recognize how stereotypes play out in an organization, Gorman (2005) suggests looking at gender stereotypes to see if they influence staffing decisions. Interestingly, the research indicates that people are more likely to notice and remember when an applicant conforms to a traditional stereotype, and that person then is considered to have stable personality traits; those who do not conform are considered unstable (Kanter, 1977). Kanter (1977) also suggests that trust comes from homogeneity: similarity of social background and characteristics, or similarity of organizational experience. This leads to some gendered hiring practices. For example, males in management positions tend to hire other men because they feel they can only trust those most similar to themselves. Few women are in the upper echelons of an
organization’s hierarchy, which affects both hiring and support (McGinley, 2009). The higher up a woman is in a corporation, the few peers she has (Kanter, 1977). Without a peer group, the woman does not have someone to whom she can go for help with stresses, advancement, and support (Kanter, 1977). There is research which suggests that gender stereotypes do play a role in the hiring and promotion of faculty within law schools (Angel, 2005; Deo, 2014) and the structures which support this finding should be examined.

Summary

Through the narratives of women law professor’s experiences, there can be a focus on the structures of the gendered organizations of law and academia. Acker and Armenti (2004) call for “a concentrated effort to examine systematically and take seriously university practices that contribute to a gender regime that has worked against the interests of many of its members, especially the women” (p. 19). To have a more equitable environment in law schools, changes to the current hiring, tenure, and promotion practices are needed. McGinley (2009) advocates for egalitarian law schools because law school is where behavior is modeled for students. If students do not see an egalitarian workplace behavior within the law school, gender dynamics continue to be reproduced on the faculties of law schools and also in law firms and the profession.

To fully understand the experience of women law professors, it was necessary to open the discourse about their navigation of the legal profession and legal education. This chapter discussed the historical background on women in the legal field and women law professors, explored the gendered structures within higher education, and finished with a summary of the application of the theoretical framework to this study.
CHAPTER 3

METHODOLOGY

This study focused on the law school as a gendered organization where women law professors are required to navigate the masculine hierarchy that currently exists. The purpose of this qualitative, narrative inquiry was to retell the stories of women law professors’ lived experiences, through the theoretical framework of gendered organizations.

Chapter 3 begins with the identification of the research design, data collection, data analysis, and data reporting of the study. Next is a discussion of the criteria used to select participants. The chapter concludes with a discussion of researcher positionality and the criteria for goodness of data.

Research Questions

My study centered around questions of the lived experiences of women law professors defined by the theory of gendered organizations. My central question was: How do women law professors, through their lived experiences, navigate their male-dominated profession?

The research questions guiding my study were as follows:

1. How has gender structured participants’ professional careers?

2. According to participants, how did institutional structures within law schools constrain or support participating women faculty members?

3. How does genderism inform teaching, research and service for participating women law professors?
4. According to participants, what are the gendered expectations of women law professors?

Research Design

The research design of this study was created with the intention of drawing out stories of experience from women law professors. The literature review suggested there are quantitative studies which focus on how many women graduated law school, what percentage became practicing attorneys, and how many women lawyers entered legal education as professors. But I wanted more than just a number; I wanted to know why or how choices were made. It is not enough to find trends in statistical data when one is trying to understand a person’s motivation or reasoning. There is very little empirical data centering around the experiences of women law professors. Through a qualitative research design I hoped the professors would feel free to share with me their reasonings behind their choices, the experiences that brought them to this point in their lives, and how gender mediated their professional lives.

Rationale for a Qualitative Approach

Qualitative researchers see the world through process theory: exploring people, situations, events, and the processes that connect them (Maxwell, 2013). If the researcher is interested in understanding meaning, contexts, and processes, as well as identifying unanticipated phenomena and influences and developing causal explanations, then qualitative research is the right path (Maxwell, 2013). As an attorney, I am client-focused, and as an educator, I engage in student-centered instruction. This means that I am more concerned about individuals than larger populations, and for me, the greatest amount of relevant information
comes from those individuals explaining their motivations, processes, and emotions. This orientation led me to choose qualitative methods for research over quantitative research methods.

**Narrative Inquiry**

I chose narrative inquiry as my methodology because it is used to represent and understand experiences. It is an exploration of the phenomena of experience. As experience is key to the social sciences (Clandinin & Connelly, 2000), research that is rich in experience-laden data helps add to the knowledge.

The experiences of women lawyers were stories that have not yet been told and could best be explored using a methodology that retells past stories and tells of current stories. Stories of the past frame a participant’s standpoints, moving from the personal to the social (Clandinin & Connelly, 2000); how women see themselves in the space can be compared to others. Participants would share common experiences which would lead to patterns that were analyzed for broader themes. By hearing stories of experience, questions could be raised, in turn illuminating the social and theoretical contexts in which the stories are situated (Clandinin & Connelly, 2000). Narrative inquiry helps one make sense of life as lived, looking for “taken-for-grantedness” (Clandinin & Connelly, 2000). I used narrative inquiry to explore what had been taken for granted by my participants, and to see whether the “taken-for-grantedness” experiences illuminate genderism within law schools. There is much to be learned from stories for both the participant and the researcher.

The narrative inquiry field texts can be descriptive or explanatory. There are certain terms that are associated with narrative inquiry that position the lived experience but also provide for movement within the story-telling aspect of the literary narrative methodology. These terms
include tension-producing devices, paradoxes, and interruptions (Czarniawska, 1997). Narrative inquiry is not just the reiteration of interview transcripts; the researcher-turned-storyteller must position the narrative so that context becomes central to understanding the experience (Czarniawska, 1997). There must be an acknowledgement of the notion of temporal context, spatial context, and context for other people (Clandinin & Connelly, 2000). Context provides a lens by which one can make meaning of the experience being voiced.

Utilizing narrative inquiry allows for what Clandinin and Connelly (2000) call a “3D narrative inquiry space” and the intersection between these dimensions allows for traveling for a fuller understanding of the experience. Field texts are no longer a one-dimensional piece of data. Instead there are aspects of interaction, continuity, and situation in which to analyze each story of experience. Connelly and Clandinin (1990, 1994) write that their methods for the study of personal experience are simultaneously focused in four directions: inward and outward, backward and forward.

Focusing inward refers to the internal conditions of feelings, hopes, aesthetic reactions, moral dispositions, and so on (Connelly & Clandinin, 1990, 1994). By an outward focus, Connelly and Clandinin (1990, 1994) mean existential conditions; that is, the environment or what Bruner (1986) calls reality. When the authors refer to the focusing of backward and forward, they are referring to temporality: past, present, and future (Connelly & Clandinin, 1990, 1994). To experience an experience is to experience it simultaneously in these four ways and to ask questions pointing each way (Connelly & Clandinin, 1990, 1994).

When narrative inquirers want to research an experience or phenomenon, Clandinin and Connelly (2000) suggest that they position themselves metaphorically within this three-dimensional inquiry space and ask questions, collect field texts [of different kinds], derive
interpretations, and write a research text that addresses both personal and social issues by looking inward and outward, and also addresses temporal issues by looking not only to the event but to its past and its future.

The main goal of narrative inquiry is to observe, understand, and then provide rich descriptions of the settings observed and of the activities, beliefs, understandings, and ways of knowing of those who live out their lives in those settings (Beattie, 1995). It is through specific forms of data collection that these rich descriptions can be compiled and later transformed into narrative texts. Narrative inquiry researchers must be prepared to give an account of what they learn about their phenomenon that is special, something that could not be known through other theories or methods (Clandinin & Connelly, 2000).

**Constructivism Epistemology and Feminist Lens**

A paradigm is a worldview; in essence, it is a way of thinking about and making sense of the complexities of the real world (Patton, 2002). A paradigm describes the worldview, positionality, and philosophy the researcher uses to conduct the qualitative research (Guido, Chávez & Lincoln, 2010). All research is interpretative because it is guided by the researcher’s beliefs and feelings about the world, including how the world should be studied and understood (Denzin & Lincoln, 2008). The paradigm helped me develop questions for my participants, and determined my interpretations (Denzin & Lincoln, 2008). This study was grounded in an epistemology of constructivism, in that meaning is created by individuals (Crotty, 1998).

Constructivism is the epistemological considerations that focus on the “meaning-making activity of the individual mind” (Crotty, 1998, p. 58). The paradigm suggests that each individual’s unique experiences, each one’s way of making sense of the world, is as valid and
worthy of respect as anyone else’s (Crotty, 1998). The theoretical framework of this study, gendered organizations, interrogated the organizational structures, possibly to transform the inequities within the law schools. Therefore, a constructivism epistemological perspective was well suited as a research paradigm when collecting lived experiences of women within gendered organizations.

To build a cohesive language with which to discuss the issues of gendered organizations and the effects of gender stereotypes, a feminist lens was applied to the gendered organizations’ framework. Feminism, with its focus on the “social construction of gender” (Butler, 1992), acknowledges an existing power struggle between men and women that needs to be changed (Weedon, 1997). Elias and Merriam (2005) describe feminist theory as “a comprehensive philosophical perspective that seeks to explain the nature of unequal power relations based on gender, race and class” (p. 178). The central focus of feminist theories, as Elias and Merriam contend, “is a body of interrelated principles that tries to explain women’s oppression” (p. 178). Feminism is meant to question the assumptions society makes about women, indicating that those assumptions are either irrelevant to a woman’s actual experience or that due to women’s exclusion from the discourse, the assumptions are patently false (Weedon, 1997). Feminism challenges the inequities in societal systems, seeking to interrogate relationships among gender, race, class, the environment, and power (Crabtree, Sapp, & Licona, 2009).

Feminism has come in three waves, and is considered generational (Batlan et al., 2009). The first wave of feminism was the result of the women’s liberation movement of the 1960s and 1970s (Garrison, 2004). Second-wave feminism believed, as its fundamental premise, that the personal is political, and strived to engage feminists to act collectively and to write about a collective experience (Batlan et al., 2009). Some of this continues into the third-wave, but it
seems third-wave feminist writing is more autobiographical, and wants to get at individual stories (Garrison, 2004). Third-wave feminists focus more on the individual experience to help break down the structures of patriarchy that society continues to support in many areas (Garrison, 2004). Some of this is done through personal storytelling as part of a methodology in research (Crawford, 2007); this study provided stories of experience and tied into the third-wave of feminism.

Feminism is both an intellectual commitment and a political movement, attempting to end sexism in all forms (Haslanger, Tuana, & O’Connor, 2012). It is also philosophical; hooks (2000) argues that in fact feminism seeks to end structures of dominance and looks to transform the lives of both women and men. Participant interviews were conducted to explore hierarchy and power structures within law schools. To expose structures of dominance and to set about transforming those structures, the lived experiences of women should be told.

Description of Sites and Participants

Qualitative researchers generally work with small samples of people so they can be studied in-depth (Miles, Huberman & Saldâna, 2014). As narrative inquiry involves the collection and retelling of personal experiences, it was important to limit the number of interviews. The focus of the narrative inquiry was on women law professors who were either already tenured or on the tenure track. Although law school faculty members such as legal writing instructors, clinical instructors, law librarians, and adjunct and visiting faculty members are on the rise in law schools (American Bar Association, 2013), these women members do not have the same experiences as tenured and tenure-track professors. Because those kinds of faculty roles do not influence legal doctrine, they do not tend to hold influential posts, and do not
have the same workload or requirements outside of the classroom, non-tenured or non-tenure-track faculty were excluded from the study (Deo, 2014; Zenoff & Lorio, 1983-1984). Additionally, women in law school administrative roles do not face the same challenges of scholarship, service, and instruction as do those in the tenure system (Angel, 2000). To collect as many stories of experience about navigating law school professorships, the study was limited to those women law professors who were tenured or were on the tenure track.

Even with the limitation of the study to tenured and tenure-track women law professors, there was still a very large pool of women who met those criteria. The American Bar Association (2013, 2016a) (hereinafter “ABA”) reports there are 205 ABA-approved law schools with 1,766 tenured women professors and 731 tenure-track women professors. It was unrealistic to interview all or most of these women. To further limit the study’s participant pool, I made a conscious effort to include a sample with reasonable variation in the settings of the type of law schools: size; public and private institutions; rural and urban locations of the law school (Marshall & Rossman, 2011). I used both purposeful sampling (Denzin & Lincoln, 2000) of women law professors from Midwestern law schools, which also included snowballing of interviewees. Because narrative inquiry is about personal experiences, allowing participants to suggest additional research participants in a snowball fashion led to additional relevant interviewees, focusing on the unique contexts of women law professors (Miles, Huberman & Saldana, 2014). In the end, eight women law professors agreed to participate in this study.

Table 1 gives an overview of the eight participants. The participants ranged in age: four were in their 30s, two in their 40s, one in her 60s, and one in her 70s. Six of the women professors identified as Caucasian and two identified as African-American. Five of the participants were tenured professors, and three were tenure-track professors. As for the settings,
institutions were grouped by the size of their enrollment. Small law schools were those with 300 or less law students enrolled; medium schools had 300-500 law students enrolled; and large schools had more than 500 law students enrolled. Four institutions were represented in this study: one large, two medium, and one small. Of the four institutions, three were public law schools and one was private. Additionally, I have included the percentage of women faculty at each institution; this number is not reflective of just full-time tenured and tenure-track women. The ABA no longer requires law schools to separate out full-time tenured and full-time non-tenured positions at law schools; therefore, percentages may be higher for women because women are often the majority of non-tenured full-time faculty.

Table 1

*Participant Overview*

<table>
<thead>
<tr>
<th>Participant</th>
<th>Age</th>
<th>Race</th>
<th>Marital Status</th>
<th>Children</th>
<th>Tenure or Tenure-Track</th>
<th>Size of Law School</th>
<th>IPDEDS Classification of Law School</th>
<th>Public or Private Institution</th>
<th>Percentage of Women on Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garland</td>
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<td>Caucasian</td>
<td>Single</td>
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<td>Large</td>
<td>City</td>
<td>Public</td>
<td>38.9</td>
</tr>
<tr>
<td>Lautern</td>
<td>60s</td>
<td>Caucasian</td>
<td>Married</td>
<td>Yes</td>
<td>Tenured</td>
<td>Large</td>
<td>City</td>
<td>Private</td>
<td>38.9</td>
</tr>
<tr>
<td>Cooke</td>
<td>40s</td>
<td>African-American</td>
<td>Married</td>
<td>Yes</td>
<td>Tenured</td>
<td>Medium</td>
<td>Suburban</td>
<td>Public</td>
<td>48</td>
</tr>
<tr>
<td>Kirsch</td>
<td>30s</td>
<td>Caucasian</td>
<td>Married</td>
<td>Yes</td>
<td>Tenured</td>
<td>Medium</td>
<td>City</td>
<td>Public</td>
<td>42</td>
</tr>
<tr>
<td>Roma</td>
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<td>Yes</td>
<td>Tenure-Track</td>
<td>Medium</td>
<td>Suburban</td>
<td>Public</td>
<td>48</td>
</tr>
<tr>
<td>Hanson</td>
<td>40s</td>
<td>Caucasian</td>
<td>Single</td>
<td>No</td>
<td>Tenured</td>
<td>Small</td>
<td>City</td>
<td>Public</td>
<td>70</td>
</tr>
<tr>
<td>Jefferson</td>
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<td>Married</td>
<td>Yes</td>
<td>Tenure-Track</td>
<td>Medium</td>
<td>Suburban</td>
<td>Public</td>
<td>48</td>
</tr>
<tr>
<td>Rouge</td>
<td>30s</td>
<td>African-American</td>
<td>Single</td>
<td>No</td>
<td>Tenure-Track</td>
<td>Medium</td>
<td>Suburban</td>
<td>Public</td>
<td>48</td>
</tr>
</tbody>
</table>
Methods of Data Collection

Based upon the suggestions of Connelly and Clandinin (1990), I created field texts by conducting interviews and collecting artifacts. In narrative inquiries, the data collected are referred to as “field text.” These are interpretive texts that are co-created by both the participant and the researcher to represent aspects of field experience (Clandinin & Connelly, 1994, 2000). Oral history interviews are the most common, as well as artifact collection and field notes.

Data collection consisted primarily of interviews, field notes of each of their offices and educational settings, and artifact collection of the curriculum vitae of each participant. Extensive interviews encouraged these women professors to tell their truth, understanding that the use of interviews was the “prime way of eliciting life histories, stories of identity, or narrative accounts about a certain facet of experience” (Butler-Kisber, 2018, p. 69).

Interviews

To solicit participants, I sent out a recruitment email asking for their interest in participating in my study. A copy of the recruitment email is in Appendix A. Each participant agreed to a lengthy interview; most interviews lasted about sixty minutes, with one lasting over three hours. Most interviews took place in the participant’s office at their law school. Two interviews were conducted by phone due to illness and scheduling. Appendix C contains the interview protocol questions.

The most important part of the narrative inquiry was my exchange with each participant; our relationship was critical to the telling of a complete and viable story: “The way an interviewer acts, questions, and responds in an interview shapes the relationship and, therefore, the ways participants respond and give accounts of their experience” (Clandinin & Connelly,
Interviews normally have an inequity about them, as the researcher is in control of the type of questions asked during the interview.

I constructed a protocol list of interview categories to be covered in my interviews. The questions fell into categories based upon the lifetime of the participant. For example, the first set of questions asked when the participant knew she wanted to go to law school and her experiences as an undergraduate. The next set of questions focused on her law school experience as a student. The third section elicited stories about the participant’s life after law school graduation, and the experiences that led her to become a law professor. The final set of questions centered on her law professor experience, the structures of the law school(s) where she taught, and her personal reflections on those experiences. I interviewed eight women law professors; I conducted a single, in-depth interview with each participant, most lasting about sixty minutes, and one which lasted for almost three hours.

For narrative inquiry, however, the interview has a tendency to morph into more of a participatory conversation and have less of the feel of an interrogation (Clandinin & Connelly, 2000). With women law professors as participants, it was interesting to note the format and tone of the interviews as they progressed. During all of the interviews, I made notes that allowed me to ask clarifying and supplemental questions as necessary. Generally, Clandinin and Connelly (2000) acknowledge that narrative inquiry is a more intimate research methodology, one that may allow for a deeper connection between participant and researcher, especially with a researcher who has had a similar career path to her participants. To build rapport with my participants, I started each interview with a short summary of my own career path, ending with my current teaching experiences and the reasons for this study. With some participants I found I needed to ask for more detail in their stories, while one participant believed she knew what my
study should cover and began talking to me about the history of women in law before I could even ask a question. This latter experience required me to interrupt the participant to guide her stories back toward her personal experiences, and not those of women lawyers and professors at large. Admittedly, her explanation of how women began entering law school in large numbers provided a much-desired backdrop to the current status of enrollment and projections for future reduction of law schools and law school faculty members.

Artifact Collection

In addition to interviews, documents and field notes are also considered field texts. Merriam (1998) defines documents as written, visual, and physical material relevant to the study. I collected curriculum vitae of each participant so that I had a timeline of my participants’ professional experiences as well as a written record I could refer to during the interview to probe into her past experiences as a student, lawyer, and professor. The curriculum vitae served as a way to organize the life history of the participant, highlighting accomplishments, education, and work experience. When telling a good story, it is important to be mindful of where someone has been, where they are now, and where they want to go. Since narrative inquiry is a form of storytelling, this type of document text gave structure to the story and helped contextualize the work (Clandinin & Connelly, 2000). Similarly, being able to see a list of published works by the participant gave me a more detailed picture of the type of research she had conducted, her interests in particular areas of law, and more information on the participant’s own storytelling of her experience.
Field Texts

During and after each interview I created field notes in anticipation of turning them into field texts. The field notes consisted of observations I had made about the office of the participant as well as personal notes taken during the interview. When looking around a participant’s office, it was visually evident how she navigated the multiple responsibilities in her life. For example, I saw pictures of spouses or children, as well as professional achievement awards. At times I could even view the organizational “file by pile” that so many lawyers use to stack their research. Some of my personal notes included memorializing a conversation between a participant and her student that occurred during my interview; a student had stopped by with questions about the final exam and wanted to meet with the participant.

Life experiences as the source of the field texts collected require the researcher to continuously link the experiences with the inquiry. How these field texts are positioned have consequences for the epistemological status of the texts and the research texts drawn from them (Clandinin & Connelly, 2000). It is not enough just to reiterate what was said in an interview; the researcher’s data analysis should reflect how and why the specific stories were collected and retold.

Methods of Data Analysis

Qualitative research is an approach that explores and tries to understand the meaning that individuals or groups ascribe to a social or human problem (Creswell, 2014). There are theoretical perspectives through which the data can be analyzed. Some of these include feminist theory, queer theory, critical theory, and radicalized discourses (Bogdan & Biklen, 2007; Creswell, 2014; Miles & Huberman, 1994). The theories are part of the inductive process when
doing analysis; the data is gathered and formed into categories or themes that then are compared with the current literature for the chosen theory (Creswell, 2014).

Qualitative research processes involve emerging questions and procedures, and the researcher has to make interpretations of the meaning of the data (Creswell, 2014). The researcher does not determine alone what is important in the data. Narrative inquiry requires a certain amount of flexibility by the researcher because this type of qualitative research involves collaboration with the participants of the study (Clandinin & Connelly, 2000). The collaboration and working closely with the participant are part of the data collection process in order to have a rich, full telling of the participant’s stories of experience.

As narrative inquiry involves the mutual construction of stories (Clandinin & Connelly, 2000) by participant and researcher, I explored the personal experiences of participants as well as my own role as researcher turned storyteller. These stories could not be captured through simple quantitative data, regardless of how detailed the survey was. Collaboration between myself and the participant, and the in-depth interviewing led to the more reliable and authentic data collection and analysis.

When I collected my data, I entered into a portion of participants’ lives. In my data analysis, this stage setting was important when constructing my narrative text. In re-storying, narratives are often examined and analyzed for literary elements such as theme, plot, time, place and scene (Creswell, 2005) to provide greater understanding of individual experiences. To do this, interviews were digitally recorded and transcribed in order to create a thick record (consisting of verbatim transcription, field notes, and artifacts).

Analysis consisted of coding the collected data. To evaluate the data collected, I used an open coding method (Creswell, 2014; Miles & Huberman, 1994). I read through each transcript
and created codes for the data. After the initial open coding, I entered the transcripts into the MAXQDA software package for secondary coding, and parent-child coding to develop narrative coding categories, as suggested by Bogdan and Biklin (2007). The first coding was an attempt to label experiences that were recounted in the open-ended questions. The codes themselves were tags or labels that allowed me to assign meaning to the chunks of descriptive or inferential data collected (Miles & Huberman, 1994). The first coding had little interpretation—the terms or phrases chosen as codes merely helped me organized the gathered stories; it was a way to summarize segments of data. From there, I created pattern codes for my secondary coding.

Pattern codes are more explanatory and allow the researcher to see emergent patterns in events or relationships (Miles & Huberman, 1994). The pattern codes required an exercise of judgment by me as the researcher. The search for patterns, narrative threads, tensions and themes that shape field texts into research texts is created by the writer’s experiences (Clandinin & Connelly, 2000). This was done by me bringing stories of my past experiences forward and laying them alongside field texts, and then reading the field texts in the context of other research and theoretical works. From those codes, I developed themes and constructs. It was from that second type of coding that I organized the stories of my participants into key themes within a chronological framework. I found myself responding to issues of gender, race, socio-economic class, bias, and stereotypes and how they played out in the lives of my participants (Kanter, 1977; Seidman, 2006).

When it came to acknowledging voice during analysis, there was an emphasis not just on the voices heard, but on those voices not heard. Our silences, both those we choose and those of which we are unaware, are also considerations of voice in our research texts (Clandinin & Connelly, 2000). Signature of both the participant and the researcher is concerned with rhythm,
cadence, and expression, which was reflected in the field notes and notations made after each interview. I used the field notes and notations to create analytical memorandums on the themes I found to be most prevalent. The analytical memorandums helped me organize the re-telling of my participants’ stories of experience.

The narrative researcher’s experience is always a dual one: the researcher is the collector and meaning maker of the stories but may also be part of the experience itself (Clandinin & Connelly, 2000). The narrative inquiry interview style made for an intimate relationship between the participant and me, which at times blurred the line between researcher and participant. Because of this duality with a narrative inquiry, I needed to be concerned with ethical issues revolving around my researcher role and the trustworthiness of my data.

Researcher Positionality and Criteria for Goodness

I began my research from the position that law schools are gendered institutions. Some of this came from my own experience as a law student. I recall that the professors who taught legal theory using the Socratic method were men faculty. In fact, the “weed out classes”, those designed to cause the less serious legal students to drop out of law school, were taught by two old white men, complete with tweed jackets. The majority of women professors taught legal writing and research, as well as education law and family law. Only one woman taught a first-year doctrinal class, and that was criminal law. I never crossed the threshold of the “weed out” professors, yet I felt perfectly comfortable dropping by the office of my women professors. I do not know if I was following gender stereotypes, either a belief about women professors or about myself as a woman.
I read through past and current literature about higher education as a gendered organization, perpetuating gender roles and gender stereotypes on faculties. The literature combined with my own experiences led me to believe that law school faculties were also gendered institutions. Although I made sure to ask open-ended questions about my participants’ experiences, I came to believe that law schools were gendered organizations.

To be apparent about interpretations of data, the qualitative researcher must be forthcoming about his or her subjectivity and address any potential influence it may have on the data collection, analysis, and eventual findings (Bogdan & Biklen, 2007). For this study, it is important that I was forthcoming not only with my dissertation committee but with my participants about my background as a lawyer, a paralegal instructor, and as a college instructor. I have walked many of the same paths as the women I interviewed as I went from law school to trial litigator to solo practitioner and then to higher education. My research is concerned with the lived experience of women law professors and their ways of navigating gendered organizations. It was important to allow these women to tell me their stories about being a woman law professor. My own stories may or may not have been relevant, and therefore my positionality was acknowledged at each stage of the study, from proposal to data collection to data analysis to my report of findings. I owed it to my participants to report the data as I found it, even when their stories of experience deviated from my own.

The goal of narrative inquiry is to make meaning of experience. As the researcher I acknowledged, and embraced, that my justification for using narrative inquiry was strongly autobiographical. Research interests come out of our own narratives of experience and shaped our narrative inquiry (Clandinin & Connelly, 2000). Choosing narrative inquiry may have been my way of validating my own experiences as an attorney and an instructor. I kept in mind that
what I learned about gendered organizations, stereotypes, and genderism may not be the true experience of my participants. I made sure to ask about other experiences they had, especially including their counter-stories. My own stories may or may not have had a place in this narrative inquiry, but I felt it was best to acknowledge my role as researcher-turned-storyteller. As narrative inquiry involves the mutual construction of stories by participant and researcher (Connelly & Clandinin, 1990), I made sure to present my perspective as researcher as part of my discussion.

Summary

This chapter focused on the research design and underlying methodology of my study. Through a qualitative narrative inquiry, I interviewed my participants about their experiences. Collecting verbatim transcripts, artifacts and field notes completed my research. After several coding sequences, themes and patterns emerged that I then used to organize the findings of the study. Chapter 4 will explore each participant through a profile, using a pseudonym, which includes their background and why they decided to become law professors, with the goal of seeing how gender structured the participants’ professional careers.
CHAPTER 4

PARTICIPANT PROFILES

This chapter introduces each of the eight participants of the study. Starting with their own experiences in law school through their current positions as full-time law school faculty members, these professors recounted stories of their own law school experiences through their current positions. Themes emerged about gendered assignments of work load, law school structure, the law school classroom and gendered expectations of students, the tenure process and biases that exist in hiring and promotion, the Pink Ghetto, and childcare and family responsibilities. Those themes are discussed more fully in Chapter 5. This chapter of profiles will explore the commonalities and divergent patterns found in participant experiences, clarifying how gender structured participants’ professional careers.

Professor Garland

After graduating law school in the late sixties, Professor Garland was able to count herself as one of the first 100 to 125 women law professors in the country. After graduation she worked for the State of Illinois in several capacities prior to being hired as a law professor. She was often asked to speak at conferences and was widely published both in legal circles and in the popular press. Looking around her office, her love of reading and legal theory was evident from the stacked books, articles, and legal digests that lined the floor and cabinets. She admitted that here was someone who saves important things and remarked that “I am, by nature, a saver and precise person in keeping things but as you can see, I frequently don't live up to my goals the way this office looks.” But there was nothing in her office or her demeanor to suggest that she
wasn’t a serious and dedicated legal scholar. She was more than willing to meet for our interview and was glad that I had reached out to her. Professor Garland said, “I'm so glad you're doing something with higher ed. It's been some time since anybody has come to me with any requests about women law professors. So, what do you want to know?”

With that opening, Professor Garland discussed what informed her decision to attend law school. She made it seem that her career path was chosen for her; however, she did not regret her choices. She explained who influenced her to attend, and what role her parents played in her life plan. Her family’s background was a significant influencer. Professor Garland’s mother came from a working-class family in Iowa, and she wanted to make sure her daughter had the ability to make a living and have status. She shared that her mother “was the first in her family to graduate high school, let alone college…it [was] a very important thing to her in a sense to have education but to kind of have a status to make a living.” Professor Garland’s father was “the classic penniless refugee immigrant” and he believed that education was the path to success. Her father came to the United States in search of the American Dream, and for him it meant making sure his daughters would take every advantage offered to them. It all started with education. Thanks to the support and encouragement from her parents, both she and her sister pursued graduate degrees in their chosen fields. In terms of a role model, the only lawyer she knew belonged to the same Eastern European ethnic group, and she was close to him growing up. Between her parents and this family friend, she knew to attend the highest-ranking law school she could get into and push herself to do the best she could. Professor Garland’s family pushed her to be self-supporting, with a profession that would give her financial stability. This forward-thinking was not typical of the time. With family support in a time where women were
just beginning to make inroads into law as a profession, Professor Garland was on the path her family helped carve out for her.

As she recounted her time at law school, Professor Garland explained that there were many hurdles to overcome, and a lot of stereotypes and biases that existed in legal education. Professor Garland shared the men in her law school class have since admitted they were there, some of them, to avoid the Vietnam War draft. “One of them actually came out and said when he was in his cups [when he had been drinking alcohol], ‘We hated you women because you were not there to avoid the draft.’ So, they had concocted this idea, we were there to catch them as husbands.” The gender bias extended to the students in the classroom, as Professor Garland’s story identified. Her male classmates did not see a place for a woman in legal education or in the profession, believing that their reason for attending law school was nefarious or underhanded; they were there to find a husband. Professor Garland never did “catch herself a husband” but instead used her legal degree to pursue interests in commercial law and constitutional law.

Professor Garland was keen to discuss the history of women in law school, and specifically how the legal profession evolved in Chicago. Her knowledge of the American Bar Association (ABA) and their decisions regarding legal education were helpful when framing questions for my future interviews. In particular, Professor Garland seemed irritated that the ABA was slow to make changes in law schools when they knew that the typical law student was changing. The ideal or traditional law student, the male bachelor, would lead to the ideal worker in law firms; the ideal worker being dedicated to the employer first and foremost. Professor Garland said that the traditional (ideal) law student was changing, and legal education had to change with it. She noted that more women with children were becoming students and the number of people who had to work their way through law school was growing. Professor Garland said a lot of it came to a head
in the late sixties when the ABA refused to acknowledge the evening law schools, treating the legal education provided to night students as secondary. That changed in 1969, according to Professor Garland, when the newly appointed Chief Justice of the U.S. Supreme Court, Warren Burger, came from a night school legal program. Professor Garland laughed and remarked that the ABA was hard-pressed to argue that the Chief Justice did not have a quality legal education. The gender bias that existed in only enrolling the ideal law student kept the ABA from embracing change when it was apparent that the law student body was changing. The change provided an avenue for a different version of legal education that was just as rigorous and produced quality legal scholars.

Professor Garland was not one to hold her tongue when she saw injustice or poor decision-making. She felt that law schools were not helping the changing student body. She told legal education leaders that the traditional law student from before the 1960s was not who was currently sitting in their classrooms:

The unmarried male, the bachelor, preferably white, whose parents are paying his way through, except in the summer he can work for a law firm. Some of them got money working for teachers at their law school and they lived on campus in a dorm or in an apartment nearby. I said, “That is your concept of a law student. That stopped years ago and in fact all of these evening law students can tell you that a legal education designed for that model is not appropriate for them. And now that you have all of these women with children and if you get one third women in the class, you're not going to get women like me who have no family obligations.”

The “traditional” law student was not what Professor Garland was seeing in her classroom, and it was affecting law school admissions. She explained that as women started coming into law school in larger numbers, the universities saw this as an opportunity to make more money. Professor Garland said that law schools were seen as “cash cows” because those students tended to pay higher fees than undergraduates, and many of them had money to pay the full tuition. In
her opinion, it was not altruistic intentions about gender equality that made law schools open their doors to women in larger numbers, it was the money women students would bring in. The new student body contained more women, as well as other students interested in gaining a legal education; doors that would have been closed to them because they were not the “ideal student,” the traditional male bachelor student.

The interview with Professor Garland devoted a lot of time to gender divisions in law schools and the legal profession. When asked about whether she herself experienced gender bias, she indicated that at times she does, and many of her stories are shared in the next chapter. She remarked that the genderism occurred inside and outside of the classroom. In particular, she recalled an incident with a male professor colleague where he assumed a student was talking to him because he approached their table to talk to the professor. Either intentionally or not, or perhaps more accurately to say either consciously or subconsciously, this male professor answered a question directed at Professor Garland because the student was looking for insight from his professor. Professor Garland shared:

The student said, “I have been thinking about going into law school teaching. What would you suggest I think about with that?” I opened my mouth to answer and [male Professor] ought to have known that the phrase “Professor Garland” meant that the question was not directed at him. He answered [the student]…I sat there and the student, who was to my right, said, “I want to apologize for Mister [Professor].” I said, “No apology is necessary. It's his problem. Not yours. Not mine.”

Professor Garland indicated that this story demonstrated gendered beliefs about male faculty being the ideal professor or the one with more knowledge than his women colleagues. There was a power imbalance on faculty. Professor Garland went on to explain that addressing the power imbalance within legal faculty, she stated that it was not about equity but about being egalitarian. She said:
Women…shouldn't talk about making law school more humane for women. We should talk about making law school more humane and appropriate for everybody. And that would include the men as well as the women. Who says men always love that kind of old macho thing that used to go on?

Professor Garland did not believe that men are interested in the old model of law schools where men thrived and women were seen as second-class students, or that male faculty are better professors just because of their gender. Perhaps men do not go for that “old kind of macho thing,” but there are still structures and processes that keep women in lower positions of power within law schools. Some additional stories of genderism are provided by Professor Garland in the findings of this study.

To end our interview, Professor Garland discussed why she continued to be a law professor. For her, she enjoyed contributing to legal scholarship and teaching the next generation of lawyers. There is something that would make Professor Garland leave her office at the law school. She said, “The day that I just don't like going in the class is the day that I start looking at -- as I always say, looking at TIA [retirement contract] to see when I can retire.”

When it no longer is a challenge, when it is no longer something she enjoys doing, Professor Garland will step away.

Professor Garland in many ways was the ideal student that she lamented law schools would be hard pressed to find now. She was a bachelor student who had family support to attend law school. She did not have to deal with issues involving family responsibilities and childcare, and she admitted that this allowed her to have more freedom in her professional life. Professor Garland acknowledged that she had experienced gender bias as a law student as a faculty member, but she advocated for egalitarian policies in her law school and is committed to the success of all students and faculty.
Professor Lautern entered into legal education as a legal writing instructor in the 1980s and was the only participant in the study to move from legal writing instructor to associate professor; in fact, she taught at the same private, medium-sized Midwestern law school for her entire career. Professor Lautern was a service-oriented professor and had a lot of contact with students on campus. A Caucasian married mother of two, Professor Lautern found being a member of the law school faculty conducive to her professional and personal goals. Professor Lautern’s scholarship interests included administrative law, trusts and estate, and corporate law.

Like Professor Garland, there was a push by Professor Lautern’s family to enter the profession. Professor Lautern shared:

There was no decision-making process. My dad told me I was going to law school. My mother told me I was going to law school. I knew I was going to law school when I was in fourth grade because my father told me I was going to law school and I didn't know you told you parents no.

For Professor Lautern, there was no questioning of why she should go to law school; she just did. It also did not matter that at the time she went to law school in the 1970s, there were still more men than women in the classes. Professor Lautern shared she did well in law school and credited that success to how she was raised. Her father told her that it didn’t matter that there were mostly men in the profession. He told her she could accomplish this goal, advising her to “always stand up, always speak out, always be the one to be responding to questions. Never sit in the back. Always be the one raising your hand.” Her father pushed her to defy gender norms and be the outspoken student. At a time when women were entering legal education in larger numbers, Professor Lautern would still recall how gender influenced her legal education and her position as a law professor.
Professor Lautern indicated that she had only had one woman law professor during her law school time, and that was between the two law schools she attended. Her first law school had about 280 students in its first-year class; it was very hard to get to know professors just because of the number of students. After transferring to the smaller law school, she was able to create relationships with her professors. Professor Lautern found her niche in moot court, which is an organization in law schools where students are given a set of facts and a mock client. Students then are expected to do research on the legal issues of the case and then argue the mock case in front of a panel of volunteer judges, who then determine which team of law students were the better advocates. Moot court allows students to practice legal research for a client, the drafting of legal arguments, and then trial experience. Professor Lautern was the advisor to the school’s moot court team and also served as a teaching assistant for the legal writing courses. Although she got to know some of her professors, especially her moot court advisor, it did not lead to strong relationships. She admitted that she didn’t know what kind of difference a good relationship with a law professor could have done for her professionally. There was not expectation of mentorship, and with only one woman law professor, there were very few role models for young women law students. In contrast, Professor Lautern mentioned that recently her daughter found a position in her field because of her close relationship with a professor who opened the door to a summer job. Professor Lautern understood the need for students to have a positive relationship with their professors and encouraged her own students to seek her out. Professor Lautern said that who one knows in the legal field can have a beneficial impact on their professional trajectory.

Professor Lautern thought she was going to be a great trial lawyer when she finished law school. The idea was to go to law school, get a great-paying job, make partner at a law firm, and
then retire. This was not the path she found herself on. Not all of this related to her gender; it was based more on her professional choices without the lack of mentorship or guidance. She quickly learned that she did not choose the right job out of law school if litigation was her goal. She was working in a part of the attorney general’s office that did not do trial work; in the six years she was there, only three cases either went or almost went to trial. This was not the way to begin a prestigious trial career. Professor Lautern’s work experience was in the type of law that many law firms were not hiring. This made it very difficult for her to find a legal job. While working, she had also been an adjunct at her former law school. These adjunct positions combined with her previous legal writing teaching experiences allowed her to seek out a full-time legal writing teaching position. Professor Lautern combined the teaching position with a Master’s in Law (LLM) in tax to make herself more marketable: “I figured I was making a choice to upgrade my credentials or shift my credentials, more accurately, because no tax firm would even consider me.” But as time went on, Professor Lautern found other doors opened for her, and in an unusual move, she was offered a full-time position directly from an adjunct position in legal writing. This was unusual because in most law schools non-tenured legal research and writing instructors cannot apply for a tenure-track position; these positions are considered less prestigious and less rigorous. As a result, her previous teaching experience would not count as years of teaching experience under an application for a tenure-track position. For Professor Lautern, however, a member of the tenure committee at her law school suggested she apply for the open tenure-track position. He wanted to know why she wasn’t applying for the tenure-track position, as she had better credentials than the other two applying. She responded that she believed it wasn’t her turn: “Being a typical woman, it wasn't my turn. They were here ahead of me. So, you do not push ahead in line.” Her gender, and the expectations
that came with being a working woman, felt that tenure would come to those who took turns: if she just waited her turn, then she could apply without guilt. That committee member told her to consider applying anyway and not to wait, and she did. She ended up being offered the tenure-track position. To push ahead in line, Professor Lautern was challenging the gendered rules of hiring and promotion. She was more credentialed and deserved to be considered for a tenure-track role. She did not allow the past hiring practices to keep her from pursuing her chosen career path. Professor Lautern found she enjoyed her new role as a law professor, and all the benefits that went with being tenure-track versus an adjunct.

Professor Lautern shared what it meant to be a good law professor. She said that the way most people become good law professors is by trying to look at somebody who is good and try to emulate them. She explained that teaching evolves over time: “When you first start teaching, you're teaching – let’s do the cases, ask the questions, give hypotheticals. As you go on your teaching starts to evolve and you incorporate things you hear from other people.” It is that incorporation of learning best practices from others that helps inform one’s own teaching and it evolves. She admitted to learning a lot from the professors she had at both of her law schools, and from the supportive faculty she found at her current position. She hoped that she would be that mentor for others.

Professor Lautern mentioned that there were some challenges at her law school. In particular, with the cutbacks on faculty and the student body shrinking, the faculty do not always get to teach the classes they want. She explained that

[I]f you’re a good teacher they put you in a classroom with 70 students in a first-year class because you need the good teachers in there. You can put a marginally competent professor in prisoner’s rights and it’s not going to affect anything but if the constitutional law professor isn’t any good, they’re not going to do well on the bar exam.
It’s not enough to graduate the students, but bar passage rates are the actual measure of how well law schools are doing. Bar passage rates define rankings and affect financing, admissions, and alumni donations. Professor Lautern said that law schools are very concerned with bar passage rates and therefore the best teachers find themselves in those bar exam courses, even if that is not their area of interest.

It was partly personal motivation keeping her in her law professor position. Professor Lautern was very honest in admitting that “I was 40 years old when my daughter was born and she’s graduating from college this year. You can’t exactly take an early retirement.” With bills still left to pay, Professor Lautern did not feel she was in a financial position to retire. She added that her husband was retiring, and she was not interested in being at home when he was at home all the time; she would rather go into work. It sounded like Professor Lautern was ready and willing to be the type of grandparent that her parents were: “If one of my kids got married and had kids, I’d be willing to help out so that they could continue their career.” Professor Lautern’s parents each took time during their retirement to help raise her two children. She and her husband balanced two full-time jobs, and she admitted that without their help, working full-time would have been difficult, if not impossible. As she noted from her own experiences, having grandparents involved makes it much easier for the young family to balance two parents working full-time jobs and she was looking forward to helping her children’s families in a similar way.

At the end of the interview, Professor Lautern said, “I joke about the fact that I’m a lawyer because my father told me I was going to be a lawyer. It just happens that this was my natural niche as well.” After decades of teaching and professorship, it seemed that Professor Lautern had found her calling in the classroom.
Professor Cooke was a tenured associate law professor at a middle-sized law school outside of a large metropolitan Midwestern city. The walls of Professor Cooke’s office reflected her commitments to students and student activities, as well as her love for her three sons. As a Black woman in her forties, she had the opportunity to serve as faculty advisor and mentor for the Black Law Student Association, where she has been repeatedly recognized for her service. Professor Cooke’s scholarship interests included intellectual property, copyright, and trademark law. She combined years of professional experience with her pedagogy to create an engaging classroom. Professor Cooke admitted that becoming a law professor was “the best choice of my career and the best choice for my family as well. I love it.”

During the interview, Professor Cooke discussed her undergraduate experiences. She married and became a mother for the first time during her undergraduate studies. While an undergraduate, Professor Cook was a television reporter intern. She covered criminal law as part of her job. Professor Cooke shared that she wanted to learn more about the law and around the same time she was disillusioned with broadcast journalism. That was when she made the decision to apply to law school and entered law school the fall after receiving her undergraduate degree.

Professor Cooke admitted that she did not know much about law school. She had talked to attorneys in the courthouse during her job as a reporter intern, but there was no one close to her who practiced law. At the time, the type of law she was interested in was some type of international work, maybe international corporate law. She did know that she did not want to do litigation because she believed it would not fit her personality. She took the opportunity during law school to clerk at a law firm after her first year and clerk at another law firm after her second
year, working in various practice areas, and tried to figure out what she liked and what she did not like.

Professor Cooke enjoyed her law school experience. She was part of the International Law Journal, a member of the Black Law Students Association, and the chair of the orientation committee, which she said was a lot of fun – she enjoyed meeting prospective students and showing them her life at law school. For an elite, Ivy League law school, Professor Cooke indicated that the student body was very supportive of one another. She said that it was a collegial environment: “I think oftentimes law schools, and especially higher-ranking law schools, have this negative image and there's this perception that it’s very competitive and students aren’t friendly. And that really wasn’t the case. Students were supportive and they’re still supportive.” She went on to say that one of her former classmates kept in touch with the entire class and collected information on their lives to share with each other. It kept them all connected, and she enjoyed reading up on her colleagues.

Professor Cooke’s entertainment law professor influenced her post-law school plans. She said that she asked her entertainment law professor if he would supervise her paper because “I wanted to write a paper about the intersection of trademark law and the film industry, and I expressed interest in teaching at the time…he told me that the best thing that I could do for my students is practice and that was a pivotal moment for me.” She wanted to practice but he helped her understand the value of practical experience. Professor Cooke took her professor’s advice and entered private practice in the area of intellectual property (IP).

Entering private practice allowed her to repay her loans, and financially support herself and her son after her divorce. The law firms she interviewed with came to her law school, and it presented the students the opportunity to intern with a firm before graduation, and then get an
offer upon graduation. But for Professor Cooke, it was not exactly the path she wanted to take. Instead she asked the career services office to provide her a list of names of alumni who worked in Chicago in IP. She then contacted all of them to talk about her interests. One alum put her in touch with a firm that was looking to hire, and this gave her the in she needed to begin private practice in her chosen area.

Professor Cooke said that she measured success as a new attorney based on her own assessment of her abilities. She said:

If I felt like I knew what I was doing and at a certain point I felt like okay, I understand what I’m doing. Sometimes I felt like I was flailing and then I felt like a failure, but then if I had drafted a motion before and now I had to draft something similar I felt good about it and that was more of a success because at least I had the feeling like I knew what I was doing.

She learned a lot at her first firm, not only about IP but about what it meant to be a practicing attorney. She was able to move on other firms to do more transactional work. Even with billable hour requirements, Professor Cooke admitted that she always enjoyed the work: “I really did - I know some attorneys don’t like practice or didn’t like it. I love it. I still practice on a limited basis. I like working with clients.” But there came a time when family needed to come first, and when she needed the time off to help her second husband after surgery, she did not feel she could take it. Although entitled to policies like the Family Medical Leave Act (FMLA) as well as her own stocked vacation time, Professor Cooke could not take more than four days in a row off to help at home. Professor Cooke ended up back in her former firm, which allowed her more flexibility because she found that affordances like time off when family needs her was important.

She continued there until she met the appointments committee member from her current law school who offered her a new path: a professor position teaching IP. Being a professor was not something she had considered before. The committee member told her, “As you know, you
can always practice but there aren't many opportunities for fulltime, tenure-track positions and there are less than 200 law schools in the country.” He told her to interview and if she did not like what she heard in the interview she could always go back to practice. Professor Cooke acknowledged that even though she had moved from one employer to the next, she was always doing at least similar work - it was always IP. She said that although “it might have been litigation or transactional or a different environment…I was comfortable. [Being a professor] would be something very different so I was a little nervous about it, but my family was very supportive.” She said that “my son thought it would be really cool to be a professor.” The big draw was the flexibility that a professorship would offer her and her family. Remarried with two additional children, family responsibilities were ever-present. With her family behind her decision, Professor Cooke began her career as a law professor.

Professor Cooke did not set out to be a professor but found that academia was a passion of hers: “I enjoy practice, but this is even more rewarding, and working with students and seeing the growth and knowing that I’ve played a part in that is very rewarding. I mean, I enjoyed working with clients and seeing them accomplish their goals, but this is more fulfilling.” Similar to her orientation committee experiences in law school, Professor Cooke enjoyed being part of the admission process and getting to know the prospective and new students: “I thought it was great when I taught the entire first-year class and I knew a lot of them because I was the chair of admissions that year and that was my committee that admitted those students.” She enjoyed attending events, including alumni events, and being part of these activities allowed her to show students and former students that the faculty really cares about them. She wanted to provide that support and mentorship to students that not all participants were given as law students.
It was important to Professor Cooke to develop and maintain relationships through the law school. One of the first things I noticed was a bulletin board by her desk that was covered in thank-you notes. When I asked her about them, she said that they are reminders of the relationships she had developed. Those were important to her. She said “I guess I’m not one of those people who has big aspirations. I aspire to do what I’m doing well at the time I’m doing it.” Just by looking at the student work, awards, and notes in her office, one could tell she was doing well as a professor. I wanted to mention that I sent Professor Cooke a thank-you note, as I did with all of my interviewees. Professor Cooke took the time to email me to let me know she had added my note to her wall.

Even though Professor Cooke was not the traditional law student, she found comradery in her law school classmates, which was against stereotype for an elite law school. She found that some firms in private practice do not value personal or family time, and that led her to positions that offered the ability to spend time outside of the office without added pressure or reduction in status or money. Without even searching for a new job, Professor Cooke was offered the opportunity to apply to be a professor. She did not take the traditional path of the AALS recruitment conference, a VAP, a fellowship, or as an adjunct, but she did find what she believed is the perfect career for her. It afforded her the opportunity to work closely with students like she used to do with her clients in private practice. Professor Cooke was involved with students from their admittance through graduation. In addition, the professorship affords her flexibility to work with clients and be there for her family. Professor Cooke shared that although work-life balance is not something she believes actually exists, she felt that when she focuses on an aspect of her personal and professional life, she was the doing the very best she could for that role.
Unlike many of the other professors interviewed in this study, Professor Kirsch did not have any interest in practicing law. Her main reason for going to law school was not typical: “I physically do not like getting my hands dirty. I don’t like dirt on my hands. This is probably not the common choice of why people go into law. But literally, you don’t get your hands covered in dirt.” Professor Kirsch had an undergraduate degree in the natural sciences, and she would spend research time on dig sites physically sifting dirt. It was not something she wanted to do for the rest of her life. Professor Kirsch instead wanted to be able to pursue innovative scholarship in the areas of environmental law and regulation. Professor Kirsch taught abroad and at elite law schools, expanding her CV and professional reputation. A wife and mother, Professor Kirsch was a full law professor at a large Midwestern university.

Looking around her office, I saw charts and graphs on the walls and on stands. It was very apparent that she was involved in the research portion of her role and was showing students how to incorporate data into their legal arguments. Professor Kirsch explained that it was the graphic representation of the information being studied in her pet ownership class. I had not had a pet ownership class in law school and was intrigued. Professor Kirsch admitted that listing the total amounts of revenue the zeroes themselves just don’t give enough information; after a while the number of zeroes did not give the reader an indication of how large or small the problem was. She recognized that students might have difficulty understanding the data, and in turn so would their future clients, so she was breaking down the information in a way to foster greater understanding. Beyond the charts and graphs, I noticed a breast pump under her desk indicating that she was a woman balancing a professional and family life while at work. Professor Kirsch told me that she was still breast feeding her first child, a son, and indicated that during the
interview she may need to pump. She did not take time to pump while we spoke, and we spoke for three hours. The rest of her office, with its nice large window, was filled with what I usually found in professors’ offices—legal books and a computer. Along the wall was a small table and a few chairs that allowed for collaboration or discussion with students or other faculty members.

Professor Kirsch, a Caucasian woman in her early thirties, seemed young to me to be in a tenured full-professor position. I soon learned that she had attended college at a very young age, graduating college when she was only eighteen. Based upon her age, she did find undergraduate life to be a very different experience than my own. Professor Kirsch said that interactions with her classmates could prove difficult when asked to participate in social activities. For example, she said after class students would talk about going out to a bar later. Her response internally was, “Do I say I can’t go because I’m not 18?” She indicated that to reveal that information would have a lot of layers attached to it: “You didn’t always want to get into that. It could freak some people out a lot.” There were legal, and maybe even ethical, implications with hanging out with your sixteen-year-old classmate. She mentioned that there were young men students in her similar situation, but that because young men tend to look very young, she was able to “pass” for an older student. These young men were not always as accepted at the college as colleagues, whereas she did not have as many issues in that regard. She laughed recalling her stress about these situations in college, because she was academically holding her own, and often surpassing, her older classmates. For Professor Kirsch, it seemed her gender afforded her more social opportunities and greater acceptance amongst her classmates, especially if they did not realize she was so young.

It was actually during her undergraduate research position that she found that if she could not be in control of the situation, the work, then she did not want to do it. She did not do well
just following orders, especially when she believed that there were important pieces of information being missed. Professor Kirsch explained it this way:

I thought what do I love? What do I need? I need to have control over my own projects. If I have an idea I’m confident is right, it feels too terrible to have somebody telling me not to follow up on it or to do the opposite…to do things that I think are wrong. So I can’t have that anymore… I remember thinking [what] was it that I love about [science]? I love having these kind[s] of ideas and facts or data points that you can pick up and rearrange them in various ways. You can tell stories…If something was wrong, I wanted to be able to change it. I wanted there to be a sense of – which I now recognize is sort of a policy sense or an ability to adjust processes so that they can be improved. When I put all those things together, you know what might work is law.

Professor Kirsch kept science in her back pocket by applying to law schools at universities that offered graduate work in her chosen science in case things did not work out. Professor Kirsch found that being wait-listed at her preferred law school meant she had time to enter the private sector. Professor Kirsch went from the natural sciences to the tech world, becoming a video game tester. She met her husband during that time, and together they set out to plan their lives so that she could go to law school and he could continue in technology. Professor Kirsch seemed to be on a trajectory of male-dominated professions, from science to technology to law.

Professor Kirsch was not considered a traditional law student; she had not come directly from undergraduate study, she was already married, and her parents were not supporting her financially. These constraints would bring up some issues as she progressed through her legal education. Professor Kirsch had many stories that were based on her experiences of living at or just over the poverty level. Her parents had lost their own jobs due to 9-11 and were not in a position to help her financially with law school. She had to find her own finances to pursue her interest in law. A small scholarship was not enough, and it did not provide for moving costs or housing. Professor Kirsch told stories about how impoverished she and her husband were. For her, gender discrimination was less of an issue than socio-economic status:
While I was also in law school, I was living in poverty. I didn’t have a coat. I ended up getting pneumonia my first semester. It was not a good situation. For none of that really that I’ve talked about except possibly working at the [video] game school did I feel any kind of gender – anything that disadvantaged me because of my gender, but class and socioeconomic status, absolutely and just complete cluelessness in Chicago that there would be anybody there who had anything even approaching the kind of stresses that I did.

Although she admitted that she had been poor before, there was something about being amongst other law students who had many more financial advantages than she did which made her feel apart from her classmates. She had larger issues to be concerned about such as rent payments, food insecurity, and even not having proper clothing for Chicago winters. There was no structure to help students like her. In addition, she was worried about her parents, who were also at the poverty level in another state. Despite her financial insecurity, Professor Kirsch found her own ways to make sure she was successful in law school.

Inside the classroom, Professor Kirsch found herself connecting with certain professors because of their epistemological beliefs about knowledge. She said:

Professors that appreciated novelty in thinking and were not particularly insistent on people having done all of the work… I liked them the best and ended up taking more classes with them later. And it did matter. I had [one professor who] seemed to just like novel thoughts. I took another class with him in my second year. And that was … a real watershed both in my ability to become a professor eventually and also my decision that that was something I wanted to do.

Professor Kirsch shared that she and this professor went on to co-author a piece that had forty-seven rewrites before they published it. While collaborating, she found that she loved the whole scholarship process; she wanted to be up late doing things like that paper, solving problems and hopefully influencing policy. It did not matter that the professor was a man or that she was a financially strapped woman law student; for her, it was the opportunity to do what she wanted. It was just the first step among many on the road to becoming a law professor.
After graduation from law school, Professor Kirsch began working as an associate in a products liability firm. The typical billable hours model did not fit with her ideas of studying and reading up on critical legal theory. She found her managers did not appreciate time spent on research that was not directly related to the client’s case, and most importantly, could not be billed to the client. Although the firm was very supportive of women attorneys and it provided her a way to help her parents buy a home so that they were no longer homeless, Professor Kirsch felt she needed to move on. As she put it, “as soon as I was able to get my parents the house, the incentive to basically be a high-powered, high-salaried attorney was basically gone” and she was then able to apply to be a fellow at a law school in Chicago. She knew that the fellowship would be a good opportunity to gain legal teaching experience while progressing toward a professor position.

Professor Kirsch was one of the few participants who went on to a fellowship after law school; that gave her an opportunity to teach so that she could enter the “Meat Market,” correctly identified as the Association of American Law Schools’ Recruitment Conference (AALS Conference). She noted that the fellowship did not offer support in how to teach, indicating that she was told to supply the faculty secretary with her student reading list “and go ye forth.” There was very little mentorship on the actual teaching, but she was able to look back on some of the student teaching she did in law school. As a fellow she was able to teach a class of her own design, which she enjoyed, and by her second year she went on the teaching market. There was a lot of faculty support for the fellows as they maneuvered the AALS Conference.

During the interview, Professor Kirsch had spent time talking about the recruitment conference experience. She referred to the AALS Conference as the Meat Market, as did all the other participants. The Meat Market was called this because it is like a cattle call – 30-minute
interviews, back to back, for several days. Law schools interview many applicants, and the applicants, at times, can be seen running from one interview to the next. For her, the first impression of the Meat Market was not a comfortable one. Professor Kirsch said:

These things have changed a lot in the market in recent years. It’s still held in the same hotel. And I had some sort of weird feelings about that initially because the idea that you would be having multiple interviews in a hotel room I found to be creepy.

She did not know what to expect. It was a stressful situation in an enclosed space. She indicated that she did not know what the psychological implications would be for interviewing in a hotel room and was concerned about things such as whether there would be a bed in the room as well. As a woman, would there be additional layers of stress if she was the only woman in a bedroom filled with men? Professor Kirsch admitted that the AALS Conference ended up going well, and she was offered several callbacks that resulted in her accepting at position at her current law school. To her relief, there was no bed in the room.

After accepting her new position, Professor Kirsch was able to take on her teaching workload and focus on her scholarship. When asked what it means to be a successful law professor, she shared:

You have to make the law better. So, there’s multiple ways that you might be able to do that. But in order to do that, you need to have some kind of account of what it means for the law to be better. You can have some kind of account of how it is that the law can change. And you need to have the ability to detect, identify what the law is now and what it could be – the imagination to see what it could be in the future. And then you need to be able to find some kind of pathway to get from point A to point B from the current status of the law to whatever it is that is better as point B.

Making the law better is the measure for success for Professor Kirsch. She also said that creating better lawyers was part of her job as a professor. For her, people who make things worse are the ones who are failing at their job as a professor. In particular, she shared that cronyism in legal education and the legal profession is a form of bigotry and is just as detrimental. Men hiring
men, or offering opportunities to other men and not women, was a concern. But she also said that some of the women faculty could also participate in this cronyism, usually if they tried to be more masculine in terms of their expectations; for example, a woman professor bragging about only taking two weeks maternity leave so that she could get back to work where her “real” responsibilities lay. Professor Kirsch said there needs to be a willingness to allow for growth in both the law, the pedagogy, and in the student.

When asked about what keeps her motivated to be a professor, Professor Kirsch explained that it is finding problems that one can fix with the law:

I like the moment of kind of crystallization when there’s something that’s wrong with the world...with the law and you see the tool that you can use to fix it. I like that moment. That’s the high for me. And then the follow-up to that where you explain to whoever it is you need to explain to how to take this tool and use it in this way and how it’s going to be effective in these ways and how we’re going to be able to live with the fact that allows everything, I like that. And I enjoy it. But I enjoy it mostly because I’m sort of reliving that moment of ah-hah. I fixed this. That’s what mostly keeps me going.

Professor Kirsch acknowledged that identifying and fixing problems is part of what drew her to science and then the law. In a way it came full circle for her. She believed that the kind of law professor she aspired to be is one who makes things better, shaping the world around her.

Professor Kirsch was not the typical law student; she had come from the science and technology fields, was married, and was interested in legal scholarship. Her lack of financial and family support put her at odds with her classmates, but she transcended those issues to find a professor who believed in her and her novel ideas. Professor Kirsch eliminated her financial issues while a lawyer, but knew she wanted more. She wanted the time to devote herself to legal scholarship, to make the law better. With her current position as a law professor, she pushed her students to incorporate data into their legal arguments, and she still had the time to do her own
research. The flexibility afforded to her in her profession allowed for family time even while shaping legal policy.

Professor Roma

Professor Roma was another participant who had an alternative route to her professor position. Once a law professor in the southwest United States, Assistant Professor Roma, a Caucasian woman in her thirties, took a position at a middle-sized Midwestern university to teach taxation and business. Her position was a tenure-track one, and as of the time of the interview, she was putting together promotion documentation. Professor Roma had a national and international reputation in taxation and brought real-world experience to her classroom. When asked what an ideal professor is, she said “I don’t know that there is one ideal in my mind. I think there are various ways to do it and to do it well. And then I think it depends very much on where you teach and who your students are.” Her scholarship interests included U.S. securities and taxation, and she has written a textbook, and numerous articles, on these subjects.

Professor Roma’s interests in securities and taxation started further back with her undergraduate degree in political science. She was a political science international studies major but did not know what she wanted to do upon graduation. She had studied abroad and took classes in law of those countries she lived in. Professor Roma also completed an internship with the State Department which, in addition to her study abroad experiences, got her thinking about international relations. While working abroad, Professor Roma took the LSAT (the law school entrance exam) and began researching law schools. No one in her family had ever gone to law school, so she did not have any guidance on where to apply. In the end she chose a law school because of its international program.
Professor Roma had to consider family when looking for a job post-graduation. Professor Roma met her husband while in law school and stated that it had an impact on what type of job she might do after law school. She said: “Our relationship was shaped around trying to end up in the same place at the same time, which was rather difficult.” Professor Roma admitted she did not have any specific plans about what she was going to do with a law degree and her interest in international relations. She did know that she wasn’t interested in the type of bureaucracy she saw at the State Department. She came out of law school with debt, and believed she needed to practice in a larger firm to pay off the debt. For her, the financial implications of attending law school played a major role in what kind of job she needed to cover the repayments and have enough to live on. Unfortunately, Professor Roma graduated at the time of an economic recession, and that had an impact on what she could do or what type of job moves she would be able to make. Professor Roma did not want to move to Chicago where her future husband was living because she was not able to find a corporate job and did not want to go into more debt just to move closer to him. She did not live up to the stereotype of a woman following her man; she did not choose to put his professional life ahead of her own. Instead she found a visiting professor position open in the South and chose to move there. She and her husband found that even after two years of working there, her choice of universities did not provide an option for her husband to work in the same area. By this time, he also was a professor in business, but that did not mean there was a place for him at the university where she wanted to teach. Professor Roma recounted that “there’s a huge university there. But there were no options for him. They have a business school. But they don’t hire tenure-track business law professors” and instead they used adjuncts. This was not the life they saw for themselves as a family unit, and Professor Roma decided to pursue an LLM in taxation and move to Chicago.
Her LLM opened the door for her to work in securities regulation and teach tax and business. She did that for a while but came to two realizations: her passion was not in that area of tax and she wanted a better quality of life with her husband and new daughter. Although she was earning good money at the law firm with her LLM, this concession did not outweigh the flexibility of time she wanted with her family. While she was considering her options, the position at her current university opened up, and she was hired.

When asked if her former law professors influenced how she approached her job, she said that they did, to an extent. Professor Rome relayed, “I would think that sort of my experience with my professors shaped how I teach, maybe more subconsciously than consciously. But I have tried to sort of adopt things that I thought were good that some of my professors did.” She indicated that the large size of her law school (1200 law students plus 400 LLM students) made it difficult to have personal relationships with professors. Even when she found a professor to work with, when he invited students along to meet with dignitaries or legal scholars, she found that he only invited his LLM students and not his JD students, herself included. She felt that was unfair, especially as she was working closely with this professor. Knowing what she does now, Professor Roma said she would have done more to build relationships with her professors with the understanding that they could help create connections and offer advice to young lawyers. Professor Roma pointed out that upper-level classes did allow for smaller class sizes, and in turn, more face time with professors. In fact, one of her favorite professors was an adjunct who did not hold office hours, but he went out of his way to make time for his students. She found that the favoritism at law school was less about gender, but more about master’s students versus law students. LLM students brought in more money than law students and were most were already attorneys practicing in the field.
Having been a professor for several years, she saw the role of the law professor in the life of an attorney as about teaching the next group of lawyers. Professors are tasked with helping students learn what they do not know and how to get the information they need when it is missing. She said:

It’s so much less about the substantive law because it’s almost impossible to give somebody the substantive law they need to do anything after law school. They need to have some foundational bits. But it’s really about how to figure it out. How do you figure out what you need to know? Knowing what you need to know. Knowing what you don’t know. How to learn what you need to learn. And frankly, there’s some people that you cannot teach that to. And they should never be lawyers. But some of them unfortunately are. And maybe I’m wrong. Maybe with the right amount of time and dedication, the right people or persons could teach a person could teach even those people. But I just think there’s people who don’t know how to learn. And if you don’t know how to learn, you’re never going to be a good lawyer unless you’re doing very sort of rote stuff. But then your job’s going to be replaced by a robot in the next ten years. So good luck with that.

Professor Roma did not believe you could teach a law student everything they need to know to be a successful lawyer. Lawyers need to learn to teach themselves, to be continuously learning. The profession of law changes and laws change all the time. For Professor Roma, it was about teaching the skills young lawyers need to help them tackle the larger legal issues out in the real world. Part of that comes from continuing to contribute to the legal field in which one teaches; for example, Professor Roma presented at conferences and influenced tax policy. There are tangential benefits students get from professors who are accomplished in their field. She argued, “but who else is in a position to sit there and think about the big ideas and think about where tax policies should go” other than professors? Practitioners don’t have time to produce high level thought that can be translated into policy; that is left to the legal scholars, who are supposed to be law professors. Professor Roma saw a higher calling for law professors than just teaching classes.
Professor Roma admitted that “the goal is to stay on path and to achieve the goal of tenure and to keep doing this. I mean, I think it’s the best job in the world.” She was honest and said that she missed practicing law and hoped that further along her path she may find ways to incorporate that more into her life. Professor Roma indicated that one aspect of being a tenured law professor would be the ability to add a client base into her professional life. When reflecting on what would cause her to change her professional path, she admitted that her husband’s job is important to him as well, and if he were to receive an amazing opportunity, she would encourage him to take it. Family comes first, she said. And perhaps if a president were to call and ask her to advise them on tax policy, she might just have to take them up on that offer. But she was happy as a law professor and reflected on what she enjoyed about teaching by saying, “I want to be a teacher that opens students’ minds to something they maybe hadn’t previously considered that makes them aware of opportunities and the joy of tax and other things.”

Professor Roma’s experiences from law school through her VAP and adjunct teaching, as well as her private practice time, did not seem to be affected by genderism. Upon a closer look, Professor Roma kept coming back to family responsibilities and “family first” remarks in her interview. Although wanting to spend time with one’s family is not necessarily gendered in itself, she did look for positions and paths that allowed her the opportunity to carve out family time. Professor Roma did seem to balance the responsibilities of the job, the teaching and service and scholarship, with the needs of her growing family and saw her position as one that let her focus on each one in turn.

Professor Hanson

Professor Hanson, a Caucasian woman in her forties, taught at a small Midwestern university, and came to legal education after years of living abroad. Unlike the rest of the
participants, Professor Hanson received her law degree from a Canadian law school and had completed her Ph.D. Professor Hanson worked for government and international organizations, which helped inform her research on immigration and international law, human rights, and critical race/gender issues in law. A self-proclaimed feminist, Professor Hanson was eager to talk issues involving women, especially those oppressed by their government, family, or financial situations.

Professor Hanson explained she was always interested in international development. She had spent time living abroad after her undergraduate study, and it was during this time that a friend had suggested that in order to pursue her interests it would be better for her to get a law degree. Professor Hanson was not excited about law school but figured that if it could lead to a job where her interests lay, then it was worth going. Professor Hanson chose one of the top five law schools in Canada and was admitted. Although recruited by another law school in Toronto, she found that they were not as student-centered as they claimed to be; they were not willing to give her a stipend with her tuition scholarship, but then were going to limit her ability to work outside of school to just ten hours a week. Knowing there was no way to sustain a full load and living expenses on just ten hours of work, she chose another law school that was more flexible. Like several other participants, the financial considerations of a law school choice affected where they could attend.

Professor Hanson was one of the participants who openly admitting to hating their law school experience. She said she “absolutely despised” law school, but she did love the people there and was active in campus organizations. She did not like the professors or the style of teaching. She found that her previous life experience was more of a hindrance than a benefit; she saw the positives of diplomacy, but law school was adversarial in too many ways. The
masculine hierarchy of the law school system did not fit her learning style or her professional goals. Professor Hanson was not interested in traditional legal practice, but it seemed that was the only pathway students and professors saw for graduates. At one point, a fellow student asked her that if she was not going to practice, was she planning on working at McDonald’s, as if that was the only other option with a law degree. She was appalled at the idea that a law degree was only good if the lawyer went into private practice and made millions of dollars.

One of the more stressful aspects of law school came from the graduation requirements. In Canada, there is a one-year legal apprenticeship requirement; unlike in the United States, Canadian graduates cannot hang up their law shingle after passing the bar. Law school graduates need to be matched with a firm or a government entity. For Professor Hanson, the stress of law school and getting one of these interviews for a match was overwhelming. She said:

I still felt crappy that I wasn’t top of the heap. You know, you go into law school, you’re always top of the heap. Everyone’s top of the heap that gets in. So, you’re kind of used to excelling. And then all of a sudden, I’m not getting these interviews. And you take it pretty personally. And then you’re saddled with these massive amounts of work. So, you’re sort of coping emotionally as well as physically with this work, staying up late and doing all the other things that we do in law school. I think that was really it. It was the emotional burden of trying to excel at something I didn’t really want to excel at in the first place and not really understanding the niche until I got out and went oh, that’s why I was miserable.

What was interesting was that Professor Hanson said it was a professor at her law school that was able to articulate the feelings she was having and helped her to get on the right track. Her professor was there for her when things were at their worst. She recalled:

When I was sort of flailing at the end of first year and all that was stuff was laying on me and I was working a lot because I needed money, I was able to sort of call him and say why I haven’t been in class. And I really have no good excuse except for I haven’t been able to get out of bed for a few days. And he was wonderful. He said oh, my, spiritual illness. That’s much, much worse than physical. Okay, I understand. And he was just great. He said law school will do this to you. So, let’s see what we can work on baby steps and getting you back out into the world.
Thanks to the care and concern shown by her criminal law professor, Professor Hanson was able to get back on track. Without this informal mentorship, Professor Hanson indicated that she did not believe she would have continued with law school. It was a troubling time, and she was grateful that a professor noticed her distress and reached out. After graduation, Professor Hanson was able seek out jobs that aligned with her interests and put her law degree to use.

Professor Hanson worked with international organizations and while in Kosovo, she met her husband. He moved with her to Canada and then to the United States while she taught at a law school in the South (they are now divorced). Eventually Professor Hanson was recruited by senators to work government research contracts. She was allowed to keep the raw data from the research, and was able to turn that into a dissertation, earning her a Ph.D. At the time she indicated that even the United Nations was looking for master’s and above degrees, and JDs did not count. When she decided to go back to teaching as a professor, she took a tenure-track position teaching legal research and writing at a university. It is from this position that Professor Hanson was looking to move into a tenure-track position at a law school. Even while searching for a new position, Professor Hanson continued her small firm practice in another state, focusing on immigration. Although she knew that she wanted to be a professor, the desire to maintain connections in international law was important to her. She also said that if teaching did not pan out, she wanted the ability to seamlessly transition back to private practice in an area of law that interested her.

As part of a governmental agency, Professor Hanson found herself doing policy training for judges and prosecutors. It was this experience that Professor Hanson relied on when teaching in her first law classes. She said she remembered what it was like to be a student and found ways to make the classroom more engaging. This translated to her legal writing classes, as she incorporated more civil procedure into the classroom activities. She found that since no one tells
students how to write for a law exam, she added that into what she taught her students so that they could be successful not just in her class, but in their other classes. Professor Hanson lamented that there is no pedagogical instruction given to new professors, that they either come into it by accident or through some workshops that are offered usually at conferences. In her opinion, there would should be more education for the professors before they begin teaching. The lack of mentorship and support in learning to be an effective teacher was concerning to her. Professor Hanson said that “popularity in teaching…doesn’t necessarily mean you imparted knowledge in the best way” and therefore it’s not enough to rely on student evaluations as a valid indicator of whether a professor is imparting knowledge in the best way.

For Professor Hanson, the best part of being a professor was seeing the students find their passion and helping them grow. She related a story about a student in her class that had come to an epiphany of her own. The student was stunned by the transformation Professor Hanson explained she went through as an interviewer in a post-war country, and how it changed her perspective and allowed for growth. Professor Hanson shared how she had interviewed women who had physically survived war but were struggling emotionally. Her student had not heard about war’s effects on women and families until that class. Professor Hanson said that the student told her she learned more in that class than anywhere else. But Professor Hanson denied she taught her anything. She recalled the student by saying:

This girl has given me the most amazing heartfelt cards throughout these past couple of years saying you’ve influenced me more than my parents. I mean, I couldn’t ask for more celebration than what this woman has played into. I just feel so lucky that I was able to – because I don’t feel I taught it to her. I feel I gave her the space to explore. And that’s what it’s supposed to be. And to watch somebody come out of their shell like that and start exploring different perspectives and ways of thinking, I mean, I can’t ask for any more than that. I think that’s all I ever wanted to do.
For Professor Hanson, the transformation was what she wanted to see in all her students. She encouraged logical arguments with her students even if they did not share the same ideology. She said it is a fine line at times because students have accused her of being biased just because she came at the issue from a different perspective. Students have called her a feminist in class, as if it was a bad word. She laughed and said, in her defense, that “I don’t know about left leaning or right leaning because being Canadian, I don’t always fall within the categories.” But for her, that was just part of the teaching and learning process. It was important to her that students have professors of different perspectives, whether that comes from their life experience, their race, their gender, or something else, so that they can have the space to explore their own beliefs.

Professor Hanson was beginning the search for a new law professor position as of the time of the interview. For her, it was time to move onto another tenured or tenure-track position. She was nervous about entering the job market, some of it based on her gender and age. She joked that a single 40-something woman needs a little nightlife after work, and that she would want to be at a university that did not see her as odd because she was unmarried without children. Professor Hanson wanted a position at a law school that lets her be the type of professor she wants to be, to help her students learn and grow and find their passion.

Professor Jefferson

Professor Jefferson, a Caucasian, married woman and mother, started her interview reflecting back on her undergraduate and law school experiences. As an undergraduate, Professor Jefferson was an international studies major, and it was in her third year when she considered law school as an option that would fit well with her major. She said was thinking
about working in international relations, “but then started being a little dissatisfied with how
unapplied it felt. So, I started thinking about law school is maybe a place where I could find that
kind of policy aspect but a little bit more of the practical rules and things that I could dig my
teeth into.” Professor Jefferson wanted to do more than just read about international relations,
she wanted to be part of the process of writing policy. The law school she chose was in
Washington D.C., an area where she could do many things related to policy building. Even
though international law drew her to law, while in law school she gravitated towards litigation.

While in law school, Professor Jefferson had the opportunity to intern for several
governmental places and also was a judicial intern. She enjoyed law school and commented on
how challenging it was. She did not recall having any experiences of gender bias as a student and
she had good relationships with her classmates. Law school is also where she met her husband.
When discussing her professors, she mentioned that her professors of both genders were open
and friendly; she was able to be a research assistant for one, and eventually “I developed a close
working relationship with one of those who was actually in environmental law that kind of sent
me down that path.” Professor Jefferson went on to work in the areas of environmental law and
land use for the government and in private practice.

Before becoming a professor, Professor Jefferson moved to be closer to her husband and
begin private practice in litigation. She was not recruited for a job in that location; she ended up
researching a job that fit her interests and was close to her husband’s work so that they could be
a family. She did not find the first firm to be a great fit; she spent a lot of time trying to
understand her role as well as the mechanics of the job. She wondered, “How do I make a copy
even and trying to figure all of that out on top of kind of the lack of support structure and lack of
I would say any kind of understanding from anybody there.” Not finding the firm to be
supportive and unwilling to work with her, she left and became a judicial clerk. Judicial clerks usually work on writing briefs and memorandums of law for a judge. Thankfully the judge she clerked for introduced her to a firm where she then worked for about four years. This firm was almost a complete opposite to her first firm experience. She related that “[y]ou were really busy, but then you’d have a couple light months. Nobody harassed you about that. And it was just much more up to each associate to kind of chart their own course.” The firm’s attitude and environment were much more to her liking. They offered a generous maternity leave policy; six months off with four of those being paid. There was also the possibility of having a mentor assigned to help with her transition. She remarked that the law firm really went out of its way to retain women attorneys. There was more of a focus on having a life outside of the office as well as being an attorney. Professor Jefferson, however, was not enticed by the partner track at the firm, and had gotten pregnant with her first child, so instead she looked back to her law school alma mater and began a fellowship there. The fellowship allowed her more freedom with her schedule, working only a few days a week with the goal of entering the job market as a candidate for a professor position. This fellowship helped develop her as a professor. As part of the fellowship, Professor Jefferson was teaching classes, but more importantly she was required to take a pedagogy class. Professor Jefferson was the only participant in the study to have taken a formal class in instructional learning theory. She credited it with helping her understand the role of a professor in the classroom. Thanks to the fellowship, she found that she enjoyed teaching and applied to her current law school to be a professor.

Professor Jefferson was another participant who went through the Meat Market. She recounted that it was very stressful, and she was most concerned about the questions she might get. Thankfully, she explained, her fellowship helped prepare her for the Meat Market and
subsequent on-site interviews. Part of the fellowship program had professors work with fellows to do mock interviews and they talked her through the entire process. Professor Jefferson ended up completing about twelve interviews during the Meat Market, and then eliminated on-site interviews for law schools not located next to a metropolitan area. Because her husband was also an attorney, there needed to be opportunities for him as well. Unlike some participants, Professor Jefferson had to be concerned about family while participating in the AALS conference. This put some limitations on her search. She chose her current school for two main reasons – it was close to a large city and they were looking for someone to teach and research in environmental law. As a result of her location choice, her husband was also able to find work and build a family life together at her current law school.

Professor Jefferson appreciated the flexibility that being a professor afforded her. She continued to contribute to legal scholarship in her areas of interest in environmental law and land use while working towards her tenure:

I think that someone who can balance those two things of being – producing great scholarship and being thoughtful about issues because I do think that there is value to that and using the time that you have as a professor, which is such a luxury to think about things in a different way that you never have a chance to in practice and really advancing certain ideas and thinking about ways to make things better that might be actually useful.

Due to her previous time as a legal writing instructor, Professor Jefferson was interested in the pedagogy behind instruction and took time to discuss issues with her fellow faculty members and with others at conferences. This was a form of mentorship and faculty development that she indicated was not found in a lot of places for law school faculty.

Professor Jefferson said that the three aspects required of her as a law professor—writing, researching and teaching—were appealing. She said, “I already knew I liked the research component of it and had been writing articles and liked doing that and liked going to conferences
and talking about them. All of that combined just is a pretty nice job. It’s flexible.” Professor Jefferson had considered entering the clinical market, but there were different demands on time for those instructors. There were more time commitments on campus. For her, it was the fact that as a tenure-track professor she could continue to work on interesting things and have flexibility that paved the way.

Professor Jefferson said that the ideal law professor is someone who can produce great scholarship and can be thoughtful about the issues. She found that professors have the luxury to think about things in a different way as practitioners do not have the chance to do. She went on to say that there is more to do in the classroom than stand and lecture students; professors should get away from the “letter-of-the-law teaching” and use class time as a way to model real-world problems for the students.

At the time of the interview, Professor Jefferson was pregnant with her second child. She was in her second trimester and mentioned she was finally physically feeling better. Professor Jefferson was unsure of how her workload would be handled, and she did not want to lose out on any opportunities. Without a maternity leave policy, she did not know the specifics of how taking time for her family was going to work. With all that said, Professor Jefferson indicated she was not concerned about her maternity leave over the summer, and she said that her job had flexibility, and that was part of the nice things about the job. She was confident there would be a way to balance responsibilities of family, class preparation and scholarship.

Beyond the immediate issue of maternity leave, Professor Jefferson was looking forward to some upcoming possibilities on campus for the following fall that would allow for some interdisciplinary activities and indicated that there was still so much she would like to do and classes she would like to teach. There are some classes she had taken on outside of
environmental law, but she was willing to take on new areas and classes that are tangential to her research interests. Professor Jefferson indicated that she would like to see a stronger emphasis on legal skills in every class, not just the clinical classes. Having come from a litigation background, she knew that there are some kinds of skills that a lawyer needs to have to be successful. She explained legal skills as this:

Don’t just read the textbook, look up the case. Learn how to read a full case. Find the relevant stuff, not just the excerpt of stuff in there. You cover some of this in legal research. But I feel it’s not linked as much to some of the work that you do in classes. Figure out what the citing history – figure out how people are using this – stand up in class and actually make a legal argument, not just a what-if argument but an actual argument based on the cases. I think there should be a lot more of that.

She believed that focusing on legal skills gives the students an idea of what practice looks and feels like because they may end up in firms, like her first firm, that did not take the time to even explain the basics like how the copier worked. She said learning to write legal memos is fine, and frankly an easy assignment to give as a professor, but it is necessary to talk about what is going on beyond the theory.

Professor Jefferson did not see leaving her professor position any time soon. She explained being a law professor gave her what she and her family needed. The professor position would allow her to do more or less, depending on the demands of family. She said, “It felt like when my kids are 10, I can work as much as I want and still be doing interesting things and still be doing the same career. It just felt very scalable in that way.” Although the second law firm she worked at was also flexible, there was a balancing act that needed to be done because of work-life tensions. Professor Jefferson felt the balancing act was much less as a professor, and this made the position more desirable than private practice.
Professor Rouge

Professor Rouge was the only participant who knew as an undergraduate that the end goal was becoming a lawyer. She said, “I went to undergrad thinking I wanted to go to law school. Being a lawyer was so big that I thought, ‘I want to be a lawyer when I grow up.’” She knew that being accepted into law school required a good GPA and a good LSAT score. She was always interested in research, so she contemplated a JD plus something more, perhaps even a Ph.D., but she knew she wanted to practice law first and then come back to academia. As a single Black woman in her thirties, Professor Rouge was able to share experiences that crossed both gender and racial lines.

Professor Rouge was a native of the state where she went to law school, but she was worried about graduating from a law school that did not have a reputation for producing law professors. Since academia was her ultimate goal, she was concerned about finding a job as a professor. She explained:

I knew that if I didn’t go to Harvard or Yale, going into academia as a law professor might be impossible, if not extremely difficult. And it was facing the fact that I didn’t want to take out another $150,000 in debt. It’s like I want to be a law professor, but do I want to take all this debt for something that I want to do as a second-stage career?

She chose the school in her home state because it seemed the best value for the money. She had been offered a scholarship and that relieved her concerns about a lot of post-graduation debt.

Unfortunately, Professor Jefferson did not have a good law school experience. There was a lot of racial tension on campus, but more importantly there were professors in the law school who believed certain students should not be lawyers. She said that in her class of 400 students, there were 25 Hispanic students and she was one of 16 Black students. There was a cohort of professors who believed minorities should not be in law school and should be in trade schools.
instead. She shared that none of those professors were allowed to teach first-year classes, but they were not removed from the faculty. Professor Rouge indicated that this sent a very negative message to the minority law students about how the law school favored the privileged white men faculty over their current student body. She went on to say that there was no support from the faculty, even apart from this cohort. Professors did not hold office hours, and Professor Rouge said she had to go outside the law school to find support to get through her classes those first two years. Eventually she was fed up and transferred schools for her third year of law school; she felt that the final year was a much better experience. The faculty at the transfer school was much more diverse, with women teaching doctrinal classes, including women of color, and those professors were much more approachable.

After graduation, Professor Rouge worked at several law firms, but she knew that the partnership track was not something she wanted. She felt differently than the other associates at the firm. She said, “I thought it was intellectually stimulating but I didn't love the practice of law and I felt like my partners lived and breathed the practice of law. They sacrificed all: holidays, weekends, [and] family time for the practice of law. I was not that passionate about it.” Without the passion for private practice, she turned back to legal education. But she had a tough road ahead of her. There was little time to publish as an attorney, and she was only able to accomplish writing while on vacation or working part-time. She ended up going through the Meat Market three times, and each time there seemed to be things out of her control that kept her out of academia. For example, she had an offer from a law school and was ready to accept when the city where the law school was located went bankrupt. The offer was subsequently pulled. She finally received a visiting associate professor (VAP) position and was able to use that to her advantage. The VAP program was geared to not only give its visiting professors teaching
experience, but they prepared her for the job market and helped her navigate the system. She was able to use her VAP experience to become a tenure-track professor at a law school she liked.

Professor Rouge said she became a professor because she wanted to create better lawyers. She wanted to see law students who were open-minded, willing to work hard for their clients, and appreciate the diversity of their world. She explained that:

I aspire to be a thought leader and I aspire to be the kind of law professor that makes a change in a law student’s thinking in life. I want to be the person who in 20 years they remember having me…because of the way that I taught it. Or I want to imprint on people’s legal careers, and I think that’s what we all should want to do. I think we should all want to shape the future of legal education and imprint our thought and philosophy and approach to thinking about the law on generations and generations.

Like Professor Lautern, Professor Rouge felt that legal educators have a responsibility to shape young legal minds. Professor Rouge had been an attorney since the early 2000s, with a focus on business and corporate law. As a result, her teaching was mainly in the areas of contracts, corporations, and transactions. Her scholarship centered on federal corporate law, and other areas such as corporations and personhood. She chose the assistant professor position at her middle-sized Midwestern university because she appreciated their support of her academic and scholarship goals.

Professor Rouge did find a different kind of discrimination that occurs to applicants interested in professor positions. Professor Rouge expressed frustration at the response she received at conferences from professors who could not believe she was able to become a professor based on her law school choice. She summarized it by saying:

the bias of the legal community that you have to go to Harvard or Yale to be a law professor is crazy and pervasive and it’s ridiculous because a lot of people go to Chicago and a lot of people go to -- the top 15 is relatively well represented in law of teaching but there’s still this bias that the most qualified law professor...is the Yale graduate who has never practiced law and has no idea what they’re doing. It just makes no sense.
For Professor Rouge, she did not understand why professors could not come from other law schools, especially since so many of her colleagues had actual legal experience to draw on while teaching. She said that students at these top-tier law schools may not be getting the type of legal education they need to be successful. Professor Rouge lamented:

I also just felt like it’s a disservice to the legal profession that students at the top schools are often, in my opinion, getting the worst legal education and that that’s kind of terrifying. The assumption is they can teach themselves. They’re smart enough to get in here. We don’t have to teach them.

Professor Rouge felt that the duty of professors is to teach their students and make them better lawyers. To hold unrealistic expectations for students, such as they will eventually figure out the law on their own, does not create a viable and robust legal profession.

Professor Rouge focused her teaching on helping her students become “mentally flexible” and this included providing them with real-life documents to work with in class. Teaching discernment, which cases to use and when, how to take a current legal form and modify it to fit the client’s needs, was what Professor Rouge thought her job was. She was worried about the future of legal thought. She relayed a conversation she had with an older friend who was also a lawyer. They were trying to figure out where the next great legal thinkers would come from:

Who’s going to be nominated for the Supreme Court in 20 years? If you look around, where are the great legal minds? There were generations where there were so many people who were great legal thinkers, or you see trial lawyers emerging all across the country who are well known. You don’t see that anymore and it’s kind of – it’s really scary to me.

Professor Rouge did not want to have her students be unprepared to take on the legal challenges facing the world. By incorporating theory with practical skills, Professor Rouge hoped that at least her students would be better prepared.
At the end of the interview, Professor Rouge shared what kept her wanting to be a law professor. She said that it was inspiring when students come up to her and say that they want to be a transactional lawyer, that they had never thought about it before because no one has exposed them to it. She said if she could “help another first-generation lawyer see another path or see something that they’re passionate about,” that is what she goes to work for. There are less barriers to be a litigator, she told me, but in business there are still barriers for women and people of color. She wanted to eliminate that barrier to entry into the field of business law. She closed her interview with these thoughts on why she continues as a law professor: “This was always the plan. I felt like I'm living the dream. I'm doing exactly what I want to do… I want to teach, and I want to write and that's all I want to do.”

Summary

The participant profiles outlined in this chapter provided background for the findings discussed in Chapter 5. Participants talked of personal experiences, some of which were mediated by their gender, and they talked about the affordances and the constraints of their positions.

Participants shared their own law school experiences. Of the participants, Professor Garland and Professor Lautern were able to provide examples and stories that crossed several decades. Both women were one of very few admitted women law students in their class and began teaching at the professor level in the 1970s and 1980s. Professor Garland was the woman version of the ideal law student, single and without children, but still experienced gender bias from her classmates. Even once she made professor, her own colleagues would diminish her role and she had to continue to advocate for herself. Professor Lautern too felt the pressure of being
one of few women in law school and had only one woman law professor. Professor Lautern almost allowed the gender stereotype of women not “jumping the line” for promotion to keep her from applying for tenure. Some of their personal narratives involved language and situations current women law students and professors would be appalled to experience. Their stories, however, provided the basis for current biases that are still experienced by my other participants who had only been teaching for the last decade or less.

The younger participants talked about the financial and academic struggles of attending law school. Professors Kirsch and Cooke explained that law school financial aid did not take into consideration the financial conditions students find themselves in, whether it be poverty or the result of divorce. Single parents like Professor Cooke was during law school still struggle with trying to balance the financial needs of family and school. Professor Kirsch talked about needing to complete law school without a significant debt load, both to avoid long-term repayment and to plan for family responsibilities. Professor Jefferson was worried about debt and was happy to receive a scholarship to a state school, but she went on to describe the horrible experience she had in the first two years of law school. The scholarship did not seem to outweigh the need for a professional and supportive legal education. Professor Roma ended up with law school debt, and it influenced her choice of careers after law school.

When it came to family responsibilities, Professors Hanson, Garland, and Rouge were the only unmarried women without children. None seemed bothered by their status, and in fact they admitted that it gave them more freedom than their colleagues to make professional choices. Professor Lautern was free to pursue avenues of scholarship and devote more time to her professional goals. Similarly, Professor Hanson had less stress entering the job market again since she did not have to make any concessions for family or spouse. Professor Rouge’s
difficulties in finding a professor position were based solely on the downturn of the economy, and she explained that she was not “hindered” by family responsibilities. These women fit more into the ideal worker role than the other participants because they did not have outside responsibilities. The ideal worker is one who is single or has a spouse who takes care of the family responsibilities, so that the worker is free to dedicate their time to the gendered organization. Generally, this ideal worker, or ideal professor, is male. However, none of the three stated that they were interested in devoting all of their time to their law school; Professor Garland talked about her season tickets to the opera, and Professors Hanson and Rouge said they liked presenting at conferences that allowed them to travel.

Most participants had some experience with the AALS Conference for faculty recruitment and admitted it was a very stressful process. Professor Kirsch acknowledged that VAPs and fellowships like hers relieve some of the pressure, as fellows and VAPs are generally prepared by their schools to enter the job market. But there are other stresses felt by applicants. Professor Hanson was concerned about the financial implications of applying as one of her stresses; there is a high fee associated not only with applying for the listing but for travel to the conference and to call-backs. Professor Jefferson had to be concerned that her chosen law school would be located near a metropolitan area so that she could continue to practice law. Similarly, Professor Roma’s husband, a tenured professor, was not interested in giving up his tenure so she had to decide whether or not to take a job where he would not be able to continue his career. All of these stresses have an impact on job prospects.

Many of the women professors had prior teaching experience, through a VAP or fellowship or adjunct position, before becoming a professor and credited those experiences with helping them formulate their own teaching style. Professor Lautern was the only participant to
come up through LRW courses to a tenured position. She said that a big part of her service to the law school came as the Moot Court advisor. As a result, Professor Lautern indicated she has not published in twenty years, and the law school has not forced her to do so. The question is why. The law school either is not concerned about her scholarship requirements or believes she provided a service that was of greater importance. Perhaps being a moot court advisor, which takes up considerable amount of time outside of class for preparation and travel to competitions, was sufficient to cover any scholarship she might produce. Or perhaps she was doing a job that no one else was willing to take on because of the emotional labor and one-on-one student time involved in moot court. Either way, it sent a mixed message to other faculty at her school who were interviewed, because if professors are to be legal scholars, how does not producing scholarship fit into that role?

All the participants acknowledged the genderism that exists in law schools, from inside the classroom to their current faculty experiences. This chapter discussed the individual participants and their unique stories, looking at their career trajectories and the experiences that shaped them. Chapter 5 will be devoted more to the patterns and commonalities amongst the eight participants. The focus of the findings in Chapter 5 will be on the gendered organization of law schools and how genderism mediated their professional and private lives.
CHAPTER 5

FINDINGS

The purpose of this study was to understand how women law professors navigate the gendered organizational realm of law school. Four sub-questions directed the study: 1. How has gender structured participants’ professional careers? 2. According to participants, how did institutional structures within law schools constrain or support participating women faculty members? 3. How does genderism inform teaching, research and service for participating women law professors? 4. According to participants, what are the gendered expectations of women law professors? In summary, the findings indicated that gender still mediates the work lives of women law professors.

During the data analysis process, the stories told by the participants began to illuminate several themes under the four research sub-questions. The four major findings are organized as follows: (a) the gendered assignments of workloads; (b) the Pink Ghetto; (c) the gendered expectations of students; and (d) child care and family responsibilities. This chapter begins with a description of the findings supported by participant stories, followed by a conclusion of the data findings.

Gendered Assignments of Workloads

Gendered institutions want to separate the work from the worker (Martin, 1992). But seemingly gendered neutral practices, such as saying all employees are required to teach a full load of classes, still have gendered effects for the professors. Even when the language outlining
the requirements is gender neutral, their application or effects on workers’ lives may be very different depending on their gender. When talking with the participants for the study, several issues came up under each of these requirements, finding that law schools cannot separate the worker from their work. Participants’ stories centered on the gendered workload that affects which faculty members teach which courses, service commitments, and maternity leave.

Courses Taught

According to participants when describing how courses are delineated and assigned to professors, they indicated that the institutional structure of law schools constrains women professors. Before summarizing the findings about the gendered workload of the courses taught in law school, it is helpful to understand how courses are categorized. Law school courses tend to fall into one of two categories, doctrinal or theory and clinical or skills-based. Doctrinal or theory courses are those that focus on subject matter and legal analysis in specific legal fields such as contracts, torts, or business law (Grant, 2003). Many doctrinal or theory courses are the subject matter covered during a bar exam. Clinical courses usually involve legal research and writing (LRW), while skills-based courses focus on client interactions, trial skills, and mediation/negotiation. LRW and skills-based courses are considered to be less theoretical and therefore less rigorous than the doctrinal courses (Grant, 2003; McGinley, 2009). Additionally, LRW and skills-based courses are considered low-status jobs on the law school faculty (Kornhauser, 2004). Research showed that most clinical and legal research and writing based courses have women professors and instructors as teachers (American Bar Association, 2015; Merritt & Reskin, 1997).
Participants discussed that women often were given course assignments that were deemed “less” theoretical, often LRW and skills courses. Professors Garland, Rouge, and Lautern commented that there is a hierarchy related to which courses are seen as more rigorous or important. While some of the women taught courses in particular content areas, they all discussed a hierarchy and noted that men tended to get preference in teaching those doctrinal courses. Courses that required more time and personal interaction with students, like the LRW courses, were often relegated to women. These courses often had instructors responding to students outside of class, and Professors Lautern and Kirsch mentioned that each LRW student could require several drafts of writings, all of which had to be reviewed by the instructor. Revisions and constructive feedback would often occur in the evenings or on weekends, and participants said that LRW sometimes required staffing at writing clinics that were open in the evenings. On the other hand, participants also indicated that doctrinal courses, which fit a more 9-5 schedule with set office hours, were more often taught by men.

Professor Jefferson indicated that as a doctrinal professor there seems to be different expectations of the relationship between the professor and the student. As a LRW teacher, she had more face-to-face time with students. Professor Jefferson said, “When I was in the clinical realm ... occasionally students would – it’s a much more-close working relationship. I was working with the same six students all semester all the time; they’re in my office all the time.” She discussed having to work longer hours, nights, and sometimes weekends, especially when large writing projects were due. Professors Rouge, Kirsch and Lautern all expressed similar experiences with the LRW course students.

If the professor teaches clinical classes, then the expectation is that the students will interact with those professors more often. Of course, the data indicates that women are
disproportionally filling the roles of LRW and clinical classes (American Bar Association, 2019a). Their caretaker role is solidified by not teaching doctrinal classes. Doctrinal or theoretical professors would not be expected to main such a close relationship with students. But when there is an opening for a doctrinal professor position, it seems, at least in Professor Rouge’s experience, that potential women candidates were asked to cover clinical skills classes as well as their assigned doctrinal classes. She did not find men to be asked to do the same:

[During her post-interview reflection with her fellowship advisor] one of the things they talked to me about, they were like, “Okay, so how many of these positions that you’ve interviewed for that you had a fly-back for a doctrinal tenure-track position? And then once you got there, they asked you if you’d be willing to do trial advocacy and trial skills?” and I was like, “Almost every single one.”

Professor Rouge did not realize the issue at the time, since she had nothing to compare the experience to, but her advisor realized that she was being pushed to teach clinical plus doctrinal classes before she would even be considered for the professor position. When Professor Rouge discovered that men were not being asked to teach both types of courses, she was upset.

Professor Rouge had heard that doctrinal classes normally went to men, and this experience solidified that for her.

Even with women law professors making inroads into the type of doctrinal classes historically reserved for men, there are very few endowed chairs held by women (Becker, 1996). Professors Garland and Rouge directed me to look at the number of endowed chairs overall in law schools and the number of them filled by women. After reviewing the self-reported numbers to the American Bar Association’s (2018) required 509 disclosures, approximately 70 percent of the endowed chairs were given to men, with more men in endowed chairs at the elite law schools (American Bar Association, 2019a). It should be noted that at smaller and less prestigious law
schools, the percentages between men and women professors holding endowed chairs was much more equal.

The type of courses offered to women junior faculty are disproportionately clinical or skills-based courses. Participant stories of experience indicate that genderism does inform their teaching requirements and can affect promotion and tenure. As these courses are considered less rigorous and scholarly, consume more of the professor’s time outside of class, and are low-status positions, women are being downgraded because of the type of courses offered to them. When it comes to promotion or hiring, their work in these courses will not be weighed as heavily as those teaching doctrinal courses. This is a two-fold issue, according to participants. Courses that are skills-based or LRW are not seen as scholarly and are therefore less prestigious. In addition, those kinds of courses also take up a significant amount of time outside of class, thereby leaving little time for the most valued prong of tenure, scholarship. The hierarchy that exists in law schools, with men in the positions of greatest power and prestige, are perpetuated by the hiring of mostly women to teach the low-status courses.

Devaluing of Service

The service to the law school, the university at large, and the community is part of being a professor. Service is time consuming, and although it is evaluated as part of promotion, it is devalued next to scholarship and teaching (Guarino & Borden, 2017). Because of this devaluation, junior faculty have reduced service commitments in their first few years so they can focus on scholarship (Tunguz, 2016). These service commitments are gendered in that women tend to take on more service positions (McGinley, 2009). Women are socialized to be caretakers, and therefore they are expected to take on roles that provide caring or nurturing (Tunguz, 2016).
Although there is an acknowledgment that service is devalued in higher education, women still take on that caretaking role even after making tenure. On average, tenured women faculty report performing more service than their male counterparts (Guarino & Borden, 2017). Participants discussed examples of service requirements falling more heavily upon women faculty, resulting in a larger workload for women. Service requirements were discussed as formal activities, inability to turn down requests for service, and their accessibility to students outside of class.

Professor Hanson and Professor Cooke spoke to the prevailing view in the literature that women and minorities are service-heavy in higher education. Professor Hanson said, “We also know that women faculty tend to take on more service commitments and not even see them as service commitments.” Service comes in many forms, and participants shared that service comes in the form of activities like sitting on a committee or helping with a student club or organization. Professor Hanson talked about a time when she and another woman professor were put in charge of organizing a law school picnic. This was service that did not count towards anything that the tenure committee was going to review. Once given the assignment, it was left up to the women faculty to make sure everything was in place for the function. The one man professor who was supposed to help showed up late and there was no recognition for the hard work the women had done, while the man was not slighted in any way. She remarked:

And the only thing he had to do was buy cans of soda. We did all the ordering. Some people brought in meatballs. You need enough chairs. You need tables to work this way. You need to make the reservation. And you show up 15 minutes late with the cartons of soda. And everyone’s dying of thirst because they just ate all the pizza.

Professor Hanson noted that even though he didn’t do his job, the rest of the picnic’s success fell to them as the women. This was just one example of how service commitments fall along gender stereotypes. The women are given the role of homemaker for the school picnic, while the men do not suffer any consequences for not providing caretaking responsibilities. These stories
demonstrate how genderism plays a role in the tenure requirement of service and the gendered expectations of women professors versus men professors performing the similar tasks.

All forms of service may not be considered appropriate service when it comes to promotion and tenure committees. There are levels of service, and even some service is more devalued than others. At times faculty may take on service commitments without the knowledge of the law school, and then the promotion and tenure committee may not count that service as part of a faculty’s tenure package. Professor Cooke talked about how her law school’s promotion and tenure committee evaluates the service requirement for pre-tenured professors, providing new professors with service options. She said that junior faculty are asked about their interests and skills and try to match them up with available service opportunities. For example, if a junior faculty member has an interest in business law, they could work with the students’ business law society. Unfortunately, Professor Cooke noted that not every service opportunity or undertaking is considered service for promotion and tenure. It is up to the junior faculty members to bring their service activities to the attention of the promotion and tenure committee. At times, service commitments not associated with the law school are not considered by promotion and tenure committees:

They will ask the applicant about service and about the different ways in which you’ve provided service to the law school and the P and T [promotion and tenure] committee may know about some of those opportunities because there’s a list of committees within the law school. But the P and T committee won’t know about the other service outside of the law school. Perhaps there are committees or speaking opportunities or conferences or organizations and committees even outside of the university that should be considered as part of the tenure package.

The law school’s promotion and tenure committee is focused on the committee service on their preapproved list. If a professor is asked to participate elsewhere on campus or in the community, that service time would not be counted or have any value to the committee. Professor Jefferson
explained that one of her reasons for choosing her law school position was that she could help work on a master’s program with another department on campus. She expressed concern that her interdisciplinary work would not be considered service as defined by the tenure committee and therefore she would need to limit her time with that work. In this situation, there is a professor who is willing to work across departments to better the university as a whole but cannot find a way to have that fit into her current workload so that it counts toward her career advancement. With women providing the majority of service work at law schools, there are other obstacles involving the type of service counted toward promotion and tenure. Service is not only devalued by the promotion and tenure committee, but it limits the type of service junior faculty can provide.

To combat some of the concerns about qualifying service, Professor Rouge wanted to make sure that she had chosen service work that would count towards her tenure requirements. A secondary issue to choosing service comes from choosing service commitments that do not damage a woman’s ability to advance. Professor Rouge indicated that she was concerned about service that would not be controversial. Women should not be seen as combative, even in law schools, and are praised for being collaborative (McGinley, 2009). This stereotype plays into a woman professor’s service commitments and is an example of how gender structures participants’ professional careers. For Professor Rouge, her service activities needed to fit the tenure requirements but also provide a smooth pathway to tenure. Thanks to her fellowship advisor, she had ideas about what service commitments to choose that would not cause controversy:

I’m on libraries and faculty development…It’s like those are non-confrontational committees. You’re not going to make any enemies on libraries. You’re not going to make any enemies on faculty development, helping to bring in speakers. Kind of like
don’t be on appointments. They basically said, “Don’t be on appointments until you go through your mid review.” Things like that and I’m sure there’s flexibility in that but it was basically like just make friends until you have your mid review. You don’t have any opinions.

As a woman professor tries to meet her tenure requirements, not only does she have to be conscious of the fact that service is devalued, but she also must choose service opportunities that keep her from getting involved in controversy. There seems to be a balance between service opportunities based on gender stereotypes and what service will not hinder a woman’s path to tenure.

Although there are service requirements for tenure, it seemed to be the least of the concerns to the committee. In fact, some faculties realize that too much service is detrimental to the tenure requirements that hold more weight, such as scholarship and teaching. Professor Kirsch said that “[t]here was a strong norm against very much service from very junior people [based] on the idea that you’re protecting them from too many hours having to be spent on that when you’re getting up to speed on your teaching and you’re getting up to speed in your scholarship.” If service is not given as much weight, and junior faculty are even being shielded from some of it, like Professor Kirsch and Professor Cooke indicate, there were still stories of too much service being placed on women. For example, Professor Hanson provided an example during her pre-tenure time when the dean asked her to take on even more. She was sitting on a dean search committee when the acting dean asked her to chair a clinical professor search. Professor Hanson balked at the extra request, as it had come on the heels of her current committee work plus the heavy speaking engagement schedule the dean knew she had. She ended up saying, “Are you crazy? Where would I get the time to chair a search?” If it is true that service commitments are supposed to be limited during pre-tenure, then being expected to
take on additional service puts restrictions on a woman professor’s time. Professor Hanson was able to say no to additional service once she had met her tenure service requirements. She shared that “Last year was just heavy with conference and service and a joint project as well. So, this year I am learning to say no to commitments because I checked all those boxes for tenure.” After checking the boxes, Professor Hanson was able to turn her attention to the other requirements for tenure such as scholarship. There is research indicating that women have less time for research and scholarship than men professors at the same level (Guarino & Borden, 2012), so being asked to take on more has a detrimental effect on the other, more valued, tenure requirement of scholarship.

When it comes to service commitments, additional issues arise when the assistant professor is of a minority group. Women and minorities traditionally have been expected to help students of a similar ilk (McGinley, 2009; Monroe et al., 2008; Terosky et al., 2008). Regardless of prior commitments or scholarship and teaching workloads, women and minorities are burdened with additional caretaking roles based on their gender and their race (Tunguz, 2016). When asked to help, women professors cannot refuse based upon the gender inequity in higher education (Pyke, 2011). If a woman says no, then the burden of the service shifts to the other women, not to the men; that foments resentment with other women (Pyke, 2011). As such, women are routinely asked to be faculty advisors to student organizations (Guarino & Borden, 2012). Student organization faculty members spend time with students outside of class and office hours, and there may be evening or off-campus activities. Professor Lautern was asked to take on moot court, which requires after-hours preparation and face-to-face time with students, as well as travel for competitions. Professor Cooke said that she is the faculty advisor for the Black Law Students Association, which has evening and after-school-hours activities. Professor Cooke
said there is an awareness that certain service activities, like being a faculty member to a student organization, are not to be considered for tenure requirements, yet the junior professors may still feel they need to take on these additional roles because of their gender or race. Professor Cooke acknowledges that her faculty are trying to recognize the issue and help each other and attempt to shield junior faculty from feeling overwhelmed. The pressure to contribute whenever asked puts unnecessary stress on the junior staff, and as other participants explained, is more heavily felt by the women professors.

In addition to service commitments are unofficial service activities being performed by women faculty. Women professors are shouldered with the emotional labor involved with working with students. Schneider, Hanges, Goldstein, and Braverman (1994) posit that there is a customer service aspect to dealing with students; students are the customers who rate the quality of the service they receive from their professors. Knowing that the professor-student relationship has a disparate impact on women faculty members’ time and emotional labor, students are judging women faculty based on their accessibility to students. Being available and accessible to students may be what the students say they need, as Professor Kirsch pointed out, but expectations of access to professors and what role they serve in their students’ lives vary. It is a type of emotional labor, providing not only the mental tasks of scholarship and teaching, but also the support students need. Students say that they value accessibility, according to Professor Kirsch, but it is an abstract concept. One way to look at accessibility was student access to professors outside of class.

When asked to define “accessibility of faculty,” participants talked about office hours: Who held them, who didn’t, the purpose of office hours, and whether they really were an invitation for discussion between student and professor were discussed. If the professor has an
open-door policy, or always had their door closed, seemed to be a way to define “accessible.”
Professor Jefferson could see the distinction between the open doors and the closed doors. She summarized it by saying, “There were ones who kind of made it clear that their door was open and seemed genuine; I believed them. There were others who did not say that. It seemed pretty clear that they didn’t really want to be bothered.” Professor Rouge indicated that she saw similar “don’t bother me” attitudes at a previous law school where she noted that “It’s a faculty of people that don’t hold office hours. Their doors are closed.” The open-door policy was seen as an invitation to students, where closed doors indicated an unwillingness to meet outside of class.

When working with her own students, Professor Kirsch held office hours, and was accessible. Professor Kirsch said, “I love office hours if people come. I do find them to be a burden when no one comes.” Professor Kirsch, however, compared her current students to those she taught at an East Coast law school.

When I was at [elite law school], I never had this. I made the same offer there, and I had to shut my door if I wanted to actually finish something because students would come by. My office hours were completely booked the entire semester. Students here just have a different set of norms or different set of expectations.

When asked if anything increased student use of outside class help, Professor Kirsch added, “I’ve tried that where I’ll be at the coffee shop from this time to that time–no additional take up.” For her, the students themselves and their perceptions of outside help/discussion had an impact on whether they utilized office hours. Students wanted better customer service from their professors, but then did not take advantage of time offered to them.

To demonstrate accessibility, Professor Cooke stated that her open door truly means for students to come on in. She wanted to be perceived as approachable. For her, the students come first although there is some structure to her policy to prevent over-extending herself:
I’m an organized person but when I’m working with students if I’m in my office and I’m not in a meeting, then I have the door open. And if I’m doing something, it’s okay. I’ll drop what I’m doing, and I’ll talk to you. I don’t -- unless I’m on the phone or in a meeting, I don’t close the door because I still feel like students will be – they’ll feel like an interruption or a disturbance if I have my door closed.

The structure of her open-door policy, as well as the similar structure she has noticed with her colleagues, reinforced the emotional labor issues that arise with women professors when they find themselves needing to be “available” to students. The expectations of students regarding their professors’ conduct in the classroom and their approachability outside of the classroom play a role in how they evaluate their instructors. The student evaluation results have a large impact on a professor’s career, and yet student expectations of what it means to be knowledgeable about subject matter and what defines “accessible” varies greatly. The participants told stories of student expectations of faculty that have very little connection to the actual learning a student does, but student perspectives of availability hold a lot of weight when it comes to writing student evaluations. If a woman professor is not seen as “accessible,” it can easily have a detrimental effect on evaluations used to assess her teaching requirements even though accessibility has more to do with additional service given to students.

The gendered workload of service, both formal and informal, weighs more heavily for women than for men professors. The stories of experience provided by participants answer research questions about how gender has structured the lives of the participants’ professional lives. In particular, genderism continues to inform the service requirement of tenure and promotion by devaluing the increased service workload of women. It also reinforces gendered expectations of women as caretakers. Service commitments are devalued yet women professors take on more of the caretaking service activities with men being able to walk away or drop those commitments without penalty. Women professors also increase their service informally by
focusing on their accessibility to students, as that accessibility may determine the satisfaction of students. That satisfaction or dissatisfaction ends up being reflected in student evaluations of professors, again having a great disparate negative impact on women professors.

Perceived and Real Consequences for Taking Maternity Leave

The ideal worker in gendered organizations are men, as they are ever available to the employer (Kanter, 1997; Williams, 2005). Gendered organizations like law schools are structured around the assumption that reproduction and the responsibilities surrounding the effects of reproduction take place elsewhere (Acker, 1992). As a result, most law schools do not have maternity leave policies. With unwritten or unspecified maternity leave, participants talked about times where their maternity leave required them to either cut their leave short, frontload their work, continue to work while at home recovering with their baby, or schedule pregnancies to fall during natural school breaks.

The lack of a specified maternity leave policy required women professors to look to their colleagues as examples to balance work and maternity commitments. These examples often demonstrated the need to work until the last possible moment and take a shortened leave in order to show dedication to their job. Professor Lautern said that there was no formal maternity leave policy at her law school, and that she “learned” about how to behave based upon how the other women professors, instructors, and deans behaved while pregnant and working. She recalled one colleague “taught until her water -- her water actually broke in the classroom” and a second colleague planned her leave to minimize time lost at work:

[h]er child was born in January during break. She took off. She was given the semester off from teaching, but she still came back within about a month. She was the director of the writing program working on administrative stuff on the writing program.
Whether the director felt she could not be away, or that her workload was too heavy in the spring semester, there was not much in terms of accommodations for the birth of her child. Both of these examples for Professor Lautern were not examples of people who took substantial leave; therefore she followed suit with minimizing time away from her job:

when my son was born, my son was born in September. I arranged with two of my colleagues. I was teaching a writing course and ... estates and trust, that they would run-- when he was born they would each teach three weeks of my class. So, I came back to teaching after three weeks.

Once again, mimicking what she saw to be appropriate or expected of women professors, Professor Lautern did not take much time for herself or her child. Professor Lautern seemed to shrug off the concept of taking time off. She shared that this was just a fact of life, but went on to admit, “Then I did the stupidest thing I’ve ever done in my life. I had one more three-hour class to teach. So, she was born on Tuesday. I taught the makeup on Saturday.” Without a formal maternity leave policy, and two severe examples of returning to work as soon as possible, Professor Lautern considered it normal. Similarly, Professor Kirsch said that the women faculty at her law school discussed the lack of a maternity leave policy. An older faculty member, no longer on the faculty, boasted that she went back to work within weeks of having each of her children. Her story was an example to Professor Kirsch about how maternity leave and workload is handled at her law school. Lack of maternity leave policies does not create a supportive working environment and seems to encourage women professors to return to work as soon as possible to prove their dedication to their job or keep others from having to take on their assigned workload.
The expectation of frontloading the work that would be missed during a maternity leave was also an experience participants shared. Professor Kirsch said her dean attempted to make her sit on a hiring committee while pregnant. Professor Kirsch explained:

There was initially at least a sort of very uncomfortable sense of him thinking of this as a sort of quid pro quo – well, if I was going to be taking leave the following semester, I could at least give them service of being on hiring [committee].

Additional duties being placed on a pregnant faculty member are not new, and quid pro quo should not be the unwritten rule. Professor Lautern told of attempting to front load her schedule in preparation of the birth of her second daughter. She rearranged her schedule and workload to minimize time away from the law school and to limit pressure on other faculty members during her leave. All of her well-laid plans went awry when her daughter came early. She recalled that her daughter was due at the end of March:

I made arrangements with the administration to front load my course. First of all, I didn't teach writing that semester. They gave me two sections of estates and trust and I taught three 3-hour classes on three successive Saturdays in February and then the students were told they would be taking the final the first week in April. The problem was my daughter was born a week before she was supposed to. Since my son was two weeks late, I thought sure she was going to be late… then I did the stupidest thing I’ve ever done in my life. I had one more three-hour class to teach. She was born on Tuesday. I taught the makeup on Saturday.

Professor Lautern forced herself to get out of bed and stand up to teach for three hours days after giving birth. Nowhere in her interview did she suggest that she would be comfortable calling in sick that Saturday or asking a fellow professor to cover for her. Instead she got up and went in to work. Professor Lautern did mention that she did end up sitting down to teach that class, a small concession to stress she put on herself just to make sure she and her family responsibilities were not a burden to the law school. Professor Lautern did not feel she could say no like Professor Kirsch did. This front loading of work that participants experienced is considered normal, and is another example of the gendered work load felt by women professors.
Working during maternity leave or scheduling pregnancies is another way that workload is gendered. Professor Kirsch commented that a former woman professor remarked that women who take maternity leave use it to catch up on scholarship work. Professor Kirsch was appalled at that notion and was quick to tell me that was not what she did. Instead there was a discussion about rearranging schedules to limit time away from work. Several participants who were pregnant at the time of the interview indicated that they were rearranging their schedules so that they could have a break that did not interfere with their job obligations. Professor Roma shared that she had a typical “teacher pregnancy” in that her child would be due in May and she would take the summer off as her maternity leave. Professor Jefferson was in a similar situation, and her child was also due in May. She said that since there is no maternity leave, she shrugged and said she was just not planning to do anything over the summer. Other participants shared that many women professors on their faculties planned pregnancies to occur over the winter or summer breaks to avoid additional work or an interruption in their teaching schedules.

Whether the women law professors planned their pregnancies to coincide with natural breaks in the law school schedule, cut their leave time short, front load their work, or continue to work while on maternity leave, these experiences illuminate the gendered expectations of participants who were pregnant women professors. Men professors do not have these same expectations, as men are presumed to be competent and dedicated to the organization just because they are men, and if they are fathers, they are often rewarded or recognized for performing childcare activities (Williams, 2005). These experiences demonstrate the gender bias that still exists in law schools, and that it is fed by the unspoken requirements of additional stress and workload burdening women taking maternity leave. Without formal leave policies in place,
participants felt that the structure of the law school as it related to maternity leave constrained their professional careers.

The “Pink Ghetto”: Feminization of Content Area

Almost every participant mentioned the concept of the “Pink Ghetto” when it came to gendered roles of instructors, faculty, and administration within law schools. Participants agreed that the Pink Ghetto is an informal structure within law schools. The Pink Ghetto began in the 1970s as a reaction to the influx of women students. Law school faculties did not want to enlarge yet understood the need for more female role models (Durako, 2000). Two types of classes began to emerge, clinical courses focusing on legal skills, and legal research and writing classes. Women applied for and received these positions in overwhelming numbers. As so many women were filling these roles, it began to be referred to as the Pink Ghetto (Durako, 2000). These Pink Ghetto positions were typically non-tenured, low status, and paid less than doctrinal positions (Durako, 2000).

The Pink Ghetto is terminology used by the participants to distinguish clinical, legal research and writing classes, and many skills-based courses. Professor Garland was able to define “Pink Ghetto” by placing it in historical context: "I don't think the women in legal education have realized that so many women came in, starting in the late 70s through legal writing and it was created -- it's what was called the Pink Ghetto.” The Pink Ghetto was defined by Professors Cooke and Rouge referred to as well. They explained that the legal research and writing classes, as well as the skills-based course and some of the “softer” doctrinal classes like family law, were regulated to women and minorities.

There are three main study findings involving the Pink Ghetto. The first is that the Pink Ghetto has large numbers of women in these roles who are in fact providing a caretaking role in
the form of emotional labor for the law school. The second is that there is a myth that clinical, legal writing and research, and skills-based courses are not rigorous or scholarly, therefore maintaining the low status of positions. The third is that once siloed into the Pink Ghetto, women have a very difficult time leaving those positions to become doctrinal professors. According to participants, the Pink Ghetto served to limit women professors’ professional careers, increase the service requirements of women professors, and constrain the teaching opportunities for women professors.

**Pink Ghetto Professors Provide the Emotional Labor**

Emotional labor in academia manifests as the perception that women are biologically built or socialized for or motivated to create bonds that provide nurturing and warmth (Hochschild, 1983). With that in mind, certain types of courses offered in law schools require more interaction and relationship-building than others. Classes that have an expectation of closeness between teacher and student generally are housed in the Pink Ghetto of the law school. These legal research and writing classes, as well as the skills-based courses, involve a heavy workload for instructors. The workload consists of creating assignments, grading and revising multiple samples of a student’s work, and providing oral and written feedback on everything a student submits (Durako, 2000). In comparison, doctrinal professors usually only grade a final exam at the end of the semester. The workload is time-intensive and has expectations of significant professor-student interaction. In effect, Pink Ghetto jobs are the emotional labor of the law school. Emotional labor and caretaking roles have traditionally been carried out by women in gendered organizations (Tunguz, 2014). These Pink Ghetto roles involve considerable student interaction, and therefore, emotional labor roles should be filled by women. Participants
talked about the relationships built between Pink Ghetto instructors and their students and how doctrinal professors do not have those same relationships.

Professor Lautern explained that people who teach legal writing have a closer relationship with their students because of the amount of work required in legal writing courses involving individual tutorials with each student. This one-on-one instruction is typical for LRW courses, Professors Lautern and Kirsch explained. Students would often come in and sit with their LRW instructor and converse with them in ways that they would not with their theoretical professors. Professor Rouge pointed out that the work hours for LRW instructors and fellows would often go much longer during the day, and they would also need to be more accessible even if they were not on campus. Students expected more accessibility from these teachers than doctrinal professors. The Pink Ghetto courses required more time and face-to-face time with students, but the heavy workload feminized the Pink Ghetto to the detriment of the women instructors in those positions.

A feminization of the LRW and skills-based courses was based on the belief that the type of classwork involved required instructors who were willing to be more involved in the lives of their students. Women, seen as natural caretakers and the emotional labor workers, were therefore the appropriate choice to teach LRW and skills-based courses. Women are left to manage the emotional workload of the law school.

The Myth that Pink Ghetto Classes are Not Rigorous Reinforced the Gendered Organization

There is a perception of the Pink Ghetto in which women are relegated to teaching courses that are more clinical in nature. Moreover, because these courses are feminized, they are also seen as less rigorous. Because these content areas are feminized and seen as less rigorous,
these areas pay less in salary. This aligns with Acker’s (1992) gendered organizations because gendered organizations are hierarchal, and the low-status, low-paying positions are at the bottom of this hierarchy. According to participants, this characterization of their teaching had a negative impact on their professional career trajectories.

The majority of participants had previous experience teaching legal research and writing. Professors Kirsch, Rouge, Lautern, Hanson, and Jefferson had all taught clinical classes, mostly through a fellowship track. Fellows are post-doctoral students and are not given high status in a law school. Participants shared that they were usually housed within a legal writing program or institute at the law school. They did not sit on committees or have much say in the curriculum they taught. Professor Kirsch said that the fellowship was meant to give the fellow an opportunity to teach and complete scholarship. Fellowships are usually a one- to three-year position, and then these fellows are expected to enter the job market as a professor. This means that the instructors in the legal research and writing program are often short-term, with little vested interest in the law school for the long-term. This constant rotation of instructors solidified the low status and low pay of the Pink Ghetto.

Contrary to fellows are those instructors who dedicate years to Pink Ghetto courses but are unable to demonstrate to the law school administration that their work has value and is rigorous. Professor Lautern provided an example that administration did not believe clinical positions were rigorous enough to elevate her work out of the Pink Ghetto. Professor Lautern was in charge of the moot court teams for the law school. Moot court involves putting on mock trials, with attorneys or actual judges serving as decision-makers on the outcome of the mock trial. Professor Lautern taught students how to formulate arguments based on evidence and zealously advocate for their clients. She explained that the position involves much mentoring of
students, and she spent a significant amount of face-time with her student team members. Her dean, however, did not view that moot court experience as valuable for teaching a course about trial work. At one point she had asked her dean to teach one particular class and was denied because it was seen as best left to the men. Trial advocacy was seen as a class to be taught by doctrinal faculty or current and former judges and was the last clinical class to finally be taught by women. Although the skills Professor Lautern taught her Moot Court teams mimicked trial advocacy skills, she was not allowed to teach what was perceived as a more rigorous course. Years of experience and moot court trophies that lined the walls of her office did not sufficiently support her claim that she was competent to teach trial advocacy, courses generally taught by men who were retired judges.

The Pink Ghetto plays out in law faculties in similar ways as the lower-paying, less-prestigious roles are still going to women and minorities. These instructors may never find a way out of the ghetto and that keeps them siloed, hidden away in the legal research and writing department of most law schools. The instructors for clinical positions generally all have JDs, not unlike their tenured counterparts on the faculty. Not every doctrinal professor has an LLM, as evidenced by the fact that not all of our participants have one and yet they are tenured or tenure-track.

The siloed roles are still prevalent in many law schools. Professor Rouge said that as recently as a few years ago, the doctrinal classes were held by majority white, male professors. Professor Rouge remarked about her previous law school faculty by saying: “It was the typical Pink Ghetto where the trial ad[vocacy] professor who’s non-tenured was a woman, a black woman, …even the LRW [legal research and writing] staff was this way…at the all-white male [faculty] at University of [X].” After arriving at her current law school, Professor Rouge was
able to see the effects of being siloed in the Pink Ghetto: “So, the trial ad director, who was non-tenured and in a non-tenure-track position… her hands are tied in how much she can actually say and do.” Not only was the woman director in a typical role of the Pink Ghetto, but she also found herself in a caretaking role as the black student faculty advisor. Both her gender and her race mediated her job expectations at the law school. It was not enough that she was non-tenured, meaning she was probably contracted on five-year or less term, but she served in roles that doctrinal professors would generally not. Professor Lautern’s ability to move into a tenure-track position from clinical was very rare, and both she and Professor Garland noted that there are very few schools that offer tenure to their clinical professors. Professor Garland acknowledged that “[a] lot of those women like that pink ghetto because it was long-term contracts, two to five years; it was non-tenure-track, but in most places you could apply to go tenure track at the end of that term.” She said that this movement from non-tenured clinical positions to tenure-track positions is generally no longer the case at most law schools. These stories illuminate the low status of the Pink Ghetto positions inside law schools.

The lack of prestige and power requires those non-tenured instructors to constantly be on the lookout for new positions. Because their role is not guaranteed past a short contract, moving to find a new job happens frequently. This makes their careers unstable and forces them to change law schools to earn more money or gain a higher status. Professor Rouge argued that it was not a fair situation. She noted that to make the kind of money that tenure-track professors make, non-tenured clinical instructors change schools frequently. She said:

How I get my salary equal is to be willing to move across the country every three years, which is kind of crazy because then women who have families who can’t move every three years, they either get siloed in the Pink Ghettos of trial ad[vocacy] and non-tenured research and writing positions because they’re qualified but they can’t move to a school that does tenure that.
Professors in the Pink Ghetto who want to make more money or become tenure-track professors find themselves in an unstable working environment. As these positions are predominately held by women, the need to move to gain more status or salary reinforces the genderism of the law school hierarchy.

Professor Lautern wanted to talk about how gender bias plays out financially for women in these low-status positions. As she mentioned earlier, she went from a LRW non-tenured position to a tenure-track professorship. Her story demonstrated the lack of equity between the new tenure-track LRW professors and the tenure-track doctrinal professors. She described how the women were underpaid in LRW to begin with, and even when they made it into tenure-track positions, the raises they did get in those positions never really put them on par with the other tenure-track professors who did not move from LRW. When the director of the writing program became an associate dean for the faculty, there was hope that there would be equitable salaries, and Professor Lautern said initially there were huge increases, but once a male dean took over, the raises disappeared, and she found herself once again at a lower financial status. For her, this was sexism, but she was convinced that the new dean did not consciously do this because they were women. Professor Lautern said that she believed he was motivated by something other than gender; he indicated that he was worried about the financials of raises. His actions only disparately affected the newly promoted professors, who happened to be women. Professor Lautern remarked, “but I'd be shocked if the men who were in the same position as I was got those miniscule raises.” This subtle sexism reinforces the low status given to those who had been siloed in the Pink Ghetto.

The existence of the Pink Ghetto and the class disparities it brings to law school faculty are still issues facing law schools. Gendered organizations are those that were historically
developed by men, are currently dominated by men, and where women are nonexistent or have low status, low power positions (Acker, 1992). These participants’ stories acknowledge the financial difficulties and low power and less prestige issues clinical instructors face when they are siloed into the Pink Ghetto. The Pink Ghetto and the inability to leave once siloed reinforce the structures supporting the gendered organization of law schools.

The Pink Ghetto’s Effect on Hiring

Law faculty hiring reinforces gender divisions of labor, with men being offered tenure-track positions and women the clinical positions. The siloed structure of the Pink Ghetto affects hiring decisions. In fact, research indicates that “[t]he more likely the job of a legal writing director resembles a doctrinal teaching position—in terms of salary, tenure, title, teaching areas, and voting rights—the more likely the job will be filled by a man” (Durako, 2000). Participant stories supported the research that there is a gender bias in hiring for the Pink Ghetto, and that women tend to be overrepresented in these roles. Professor Rouge has had friends who have ended up siloed in the Pink Ghetto because of the gendered hiring practices at some schools. Women are being offered a tenure-track position but are also being asked to teach clinical classes. She was able to tell me about specific hiring practices and the results they have on women she knows working for those law schools:

That’s the Pink Ghetto. That is—we need to hire more than one person. We’ll hire the man for the tenure track position. We’ll hire the woman for this non-tenure track position and have her doing skill and things like that. So, they’re like, “One reason for teaching business is to avoid being siloed in the pink ghetto.” So, it’s interesting. My friend who’s at [southern law school], she’s tenure track but she’s at least one year behind schedule on tenure, if not two. And the reason is that she kept getting asked to teach some skills classes and teaching a slight overload, meaning she didn’t get her publications done. I kind of pointed out to her, I was like, “You started at the same time with a man and they’ve never asked him to do that job. The same resume but you're the one who gets asked to teach trial skills.” Or you’re the one who gets asked to teach the
summer bar class and help out. They tell you it’s going to contribute to your tenure but then they also tell you, “Oh, you still need the minimal publications and you’re behind.” So, I see it happening to my friends all the time…There’s a whole lot of bias around gender lines and it starts with hiring.

Professor Rouge’s friends found that women were offered the doctrinal plus clinical classes because the clinical classes were feminized under the Pink Ghetto. The fact that men applicants were not asked to teach the same type of course load reinforced the structures of the gendered organization.

Like Professor Rouge, Professor Kirsch was able to recall a gender bias that ran in their fellowship program, which ended up benefitting men fellows over the women fellows. She indicated that the extra mentorship provided to her male colleague was unfair and gave the young man an advantage in future job prospects. Professor Kirsch said that the gender bias works in subtle ways. The male professor probably did not see what he was doing as discriminatory; the young man reminded him of himself. But in a gendered hierarchy where the majority of senior positions are filled by men, it becomes a self-perpetuating gendered system if the men continue to favor those who are just like them.

The Pink Ghetto of law schools reinforces the hierarchy of the gendered organization. Participant stories illustrated how the Pink Ghetto structure constrained the professional careers of women professors. Legal research and writing and skills-based courses, which are crucial to becoming a successful attorney, are the least-valued courses at the law school. This is evidenced by the fact that the majority of those courses are taught by faculty with the lowest status and the lowest pay. This feminizes the Pink Ghetto courses. The work of the Pink Ghetto is gendered, and how we put bodies into the work has consequences. The feminization of clinical and skills-based courses makes them unattractive to men professors, and even in hiring contexts, women are preferred for those roles while men find positions in tenure-track doctrinal classes. Based
upon the participants’ experiences, gender is present in the processes and functionalities of the law school through the creation and perpetuation of the Pink Ghetto in legal education.

Gendered Expectations of Students

Law students have gendered expectations of their professors. Students expect their law professors to be experts, and for most of them, those experts are white men. The participants shared stories, not necessarily of the physical looks of their professors, but what gender the students expected their professors to be and the masculine traits they expected in legal educators. These expectations affected student perceptions of competence and played out in regard to respect in the classroom. The students’ gendered expectations would eventually be reflected in the student evaluations used by promotion and tenure committees to determine teacher effectiveness in the classroom, evaluations which have a negative and disparate impact on women professors.

**Considered Incompetent, Lack of Respect for and Treatment of Women Professors**

Students expect their law professors to be men, and when those expectations are not met, there is confusion and students raise issues of competency. Students also have a great lack of respect for women professors and treat them differently than men professors. Participant stories illustrate these gendered expectations.

Participants indicated that law students have different expectations for men professors than women professors, solely based upon their gender. Professor Cooke shared, “I think students are more deferential to male professors… Regardless of age…they give them the benefit of the doubt.” This benefit is not extended to women professors. Professor Rouge shared a story about the only male student in one of her classes. Professor Rouge had to push back against the
gender bias this student had about professors. He had begun to challenge women as competent professors, even though he had been complaining that his men professors were not as technically savvy as his women professors. Professor Rouge reflected this gender bias back on the student:

I never hear you make any complaints about your female professors and how they teach; I hear you making all these complaints about how your male professor doesn’t load things to Twitter or how you don’t know what’s going to be on their exam. But when you think about what a professor is, it’s not the person who’s giving you all the resources you need to succeed, it’s the person who is a guy in a tweed jacket with the grey hair?

Professor Rouge said the student ended up admitting that when he thought about law professors he stereotyped what a professor should look like. He acknowledged that the guy in the tweed jacket was what he expected law professors to be although those are the type of professors he complained about. In the end, Professor Rouge was able to get the student to realize his gendered expectation of professors is an older white man even when the most competent professors he had were women.

The gendered expectations of the students started with the appearance of the professor. As long as the professor in front of the classroom was a man, the class seemed to have less conflict between student and professor. However, when women law professors were teaching, other issues arose. The participants’ stories illustrate how professor-student interactions were mediated by gender, resulting in lack of respect and mistreatment of them as women professors.

Several participants articulated experiences they had in the classroom when it came to gender bias. Participants found themselves challenged by students because of their gender and the assumptions students made about their competency. Professor Lautern relayed, “Do they [women professors] get pushed [more by students in the classroom]? Do they get more push back than the men do? I have no doubt about that.” Professor Cooke noticed these kinds of
issues in her classroom and tried to find ways to limit the effects of gender bias for herself and the women law students. She provided this example:

I will say, in those first couple of years male students were more likely to challenge me than female students but I’ve also observed over the past several years that male students are more likely to volunteer to speak up than female students. So, in my first year of classes -- I teach property in the spring. I use index cards and I have it -- on the first day I have every student write his or her name on an index card and then I go through them. It takes – let’s see. We have 14 weeks of school. It takes about 10 or 11 to get through the entire class because I want equal contribution from the class. But when I’m seeking volunteers, inevitably, male students volunteer much more than female students volunteer to speak in the classroom.

Hoping to curb the effects of gender bias, Professor Cooke made sure that each student was able to give voice to their ideas. She went on to say that the equal contribution does have a positive impact on student participation and limits some of the effects of gender bias in her classroom.

Professor Rouge had similar experiences with her students in that students’ gender biases negatively affect how they perceive their instructors. She noticed that she needed to be more consciously aware of how she talked to her students in the classroom, and at times she had to stop herself from being honest when answering questions. Professor Rouge found herself worried about what she could and could not say in the classroom. She felt that as a woman professor there are thoughts or ideas she cannot express in class:

I don’t think I’ve significantly or fundamentally changed the way I teach but there are definite things that I am aware that I cannot say and do that a male professor can say and do. Like I’m not allowed to not be an expert. I’m not – men are allowed to say, “I don’t...” Like a female professor can never say, “I don’t know,” without getting a bad evaluation, at least in my experience. And it can be very, very innocent. And so, I’ve learned to finesse “I don’t know” to kind of hedging and then saying, “But I’ll look it up.” Just little tweaks like that where you would think saying, “I don’t know,” or, “That’s not relevant,” would be okay but it’s not. So, I don’t ever do that, and I’ve trained myself not to. Or things like male professors can stand in the room with no materials and talk from a sheet of paper and never write on the board and be totally boring. Female professors cannot do that. If a male professor does that, he’s scholarly and an erudite and he has it all in his head and how quirky is he. And if a female professor should stand in the front of a classroom and lecture you’ll hear people say, “She wasn’t prepared,” or you know. Those are little things where I’ve corrected for it, so I
think that’s why I never get a negative evaluation, but I don’t think that’s right or fair. But we can’t fix the biases that our students come to law school with.

For Professor Rouge, watching what she said and did in class was an adjustment based on gendered expectations of students. Professor Hanson recalled a specific class where men students accused her of having gender bias against men. Even though she had years of real-world experience dealing with immigration, including its political and social ramifications, her opinion on the topic was considered to be biased. The male students felt that she was not speaking from a place of knowledge; they believed she had some personal or political agenda: “If I don’t accept their argument [it’s] because I’m biased – you know, that hysterical stuff that women get – so I got a lot of that during the immigration class.” When speaking the truth of her experiences, she was labeled “hysterical” or “biased.” None of her male colleagues were treated in the same fashion. These experiences indicated that not only do women professors have to be experts in their discipline, but that they must continually provide a justification for their position as expert that men professors are not required to do in the classroom.

Gendered expectations of students often lead to a gender bias experienced by women professors. Most of the participants had a story or experience that discussed the gender biases felt by women law professors. Professor Lautern stated that “sexism plays out in very, very subtle ways” and experienced gender bias that came from an administrator. She recalled an incident involving a student complaint from an alleged encounter in the classroom. Although she was the professional in the room, and already had tenure at the time of the incident, the dean assumed she had not treated a student fairly. Professor Lautern recalled that “he [the dean] still started from the premise that the student was right and that I was wrong” even though this dean did not make the same assumptions when the professor was male.
Professor Cooke also spoke about how genderism informs their profession, indicating that many of her women colleagues have faced similar situations as Professors Lautern, Rouge and Hanson. She shared that,

As a female professor, I think we have some unique challenges. We, as women faculty, we’ve had lunches together and talked about some of those challenges...in the first couple of years, students seem to challenge you more. I think that there can be some difficulties in the classroom in those first couple of years and I had that experience. And for some of us, because there’s an intersection of all of these different statuses, it’s hard to know is it because I appear to be young? Is it because I’m female? Is it because I’m African American? Perhaps it’s a combination of things but we, as women faculty, have shared that experience.

The participants’ stories demonstrate a pattern of gender bias that comes from the gendered expectations of students. Their perceptions of competency, the lack of respect they show women professors and how they treat their women professors reinforces the genderism of law schools.

**Student Evaluations Have a Disparate Impact on Women**

Higher education relies heavily on student evaluations of teaching to assess the success of specific learning outcomes for courses. They are often used for personnel decisions for faculty as to re-hiring, promotion, retention and tenure (Kogan, Schoenfeld-Tacher, & Hellyer, 2010). The gendered expectations of students affect how they perceive their professors’ effectiveness. With student evaluations composing most of the criteria to determine teaching ability, participants’ experiences indicate that the use of student evaluations in personnel decisions have a disparate impact on women faculty and instructors.

Student evaluations are important to promotion and tenure. Professors Hanson explained that student evaluations were given a lot of weight by the tenure committee by saying "student evaluations being so important in the tenure process and re-hire.” She went on to identify the
gender and racial biases that exist in law school teaching, and how those negatively affect the student evaluations of their professors:

Women definitely have to do more than men; we know that. And evaluations show this over and over and over again. I mean, God knows how many studies that have been done now on why gender and equity and evaluation. And nothing ever gets taken into account. I mean, it’s not like it changes anything. It’s not like it changes anything in the tenure process. It’s not like that’s ever something that’s acknowledged by a hiring committee or anything. I think we have to walk a line that most professors don’t. I think that’s taken for granted by every female professor I know in pretty much every discipline. I don’t think law’s any worse. But I don’t think it’s that much better either. We’ve been talking about this for as long as I can remember. And no one’s done anything about it. We have all the evidence. We have all the studies. They don’t need any more studies. We know it’s there. Either someone’s going to pay attention or they’re not. I don’t really know what else. I think it’s something that should be introduced at tenure committees. But how we go about doing that I have no idea...The student evaluation stuff I think is getting worse because law schools are fighting for money more and more.

Professor Hanson believed that student evaluations are given too much weight with tenure committees. She said that what the students understand to be good instruction ends up being nothing more than a popularity contest "and popularity in teaching...doesn’t necessarily mean you imparted knowledge in the best way." Since teaching is part of the tenure and promotion review, then issues like gender and racial bias, as well as skewed student evaluations, should be taken into consideration by the tenure committee.

All participants agreed that tenure committees do a review of assistant professors as they progress towards tenure, but there is not always a full evaluation of the teaching pedagogy in the classroom. Professor Lautern said, “you have, actually, a one-year review because they [the promotion and tenure committee members] want to make sure you're not drooling in class. One of my colleagues calls it the ‘Can he stand up in class?’" Professor Lautern made it sound like the review is a simple observation of whether the professor is functioning in front of the students.
Professor Hanson was also shocked by lack of oversight by the tenure committee in the actual classroom of the professors:

And it was based solely on student evaluations, nothing else. Nobody stepped in. It’s not like anyone’s watching. None of them seem to be linked to our performance review. We have annual performance reviews. I just went through my two-year review. And nobody sat in on my class. So, we have a two year, a four year, and then tenure. We just went through the tenure process with somebody. And I don’t recall anyone sitting in on their class either. The only time that I’ve had people sit in on my classes was when – it was either three-year or five-year ABA accreditation review.

To only have observations with feedback during accreditation does not help professors become successful or increase the number of positive student evaluations. As other participants have explained, there is a lot more to teaching the next generation of lawyers than standing in the front of the room talking at them.

Other law schools are more diligent in their faculty evaluations and give feedback to the instructor. The promotion and tenure committee at Professor Cooke’s law school reviews the assistant professor’s teaching and part of that was an in-class evaluation. Professor Cooke said, “The promotion and tenure committee will visit the two classes for the semester and then assess your teaching.” That assessment then become part of the professor’s portfolio for tenure. The faculty review can then be weighed against the student evaluations received by the assistant professor, hopefully combating the gender bias which research has shown to exist within student evaluations.

In addition to the inherent gender bias contained in the student evaluations, Professor Rouge indicated that pre-tenured professors have less control over how their class can be run. She argued that unlike tenured faculty, her classroom had stricter standards that students did not fully understand, and it had an effect on her evaluations:
I have to be a little more diligent in the way that I teach class because I'm pre-tenure and my evaluations matter. So, I can’t be loosey-goosey with the rules the way that Professor Jones can be. It’s like Professor Jones has tenure. I don't so I understand that Professor Jones doesn’t pass his attendance sheet but I’m pre-tenure so I’m passing the attendance sheet. It’s things like that, that to me is the biggest distinction pre-tenure.

The power differential that exists with tenured and pre-tenure faculty, with most men holding the tenured faculty positions, reinforces the gendered expectations of students.

All the participants agreed that gender bias exists in their classrooms, and the research supports the position that student evaluations are affected by gender bias. Without a formal evaluation of teaching in every law school, dependence on the student evaluations to provide a an accurate and balanced picture of a professor’s effectiveness seems problematic. Student evaluations hold a significant amount of weigh although participants have pointed out the problems with relying on a student’s ability to fairly judge the education and the educator. It is important for law faculty to teach, and to teach well, but the use of student evaluations skewed due to students’ gendered expectations has a disparate impact on women professors (Kogen, Schoenfeld-Tacher & Hellyer, 2010).

Based upon the participant stories, there is an indication that many law students have gendered expectations of their law professors. Several stories were shared where students assumed the competency of their male professor as a legal scholar but wouldn’t make the same assumption about the participants. Women law professors faced difficulties based on those gendered expectations. There were presumptions about lack of expertise and competency as an instructor. These gendered expectations also have had an effect on respect from students and treatment by students in the classroom. If the student evaluations reflect the gendered biases of students, the gendered expectations of students can have a negative effect on a woman
professor’s ability to be promoted. According to participants, women law professors have had to find ways to mediate the genderism of their position because of the expectations of students.

Child Care and Family Responsibilities Disproportionately Fall on Women

The ideal worker in gendered organizations is one who is ever available to the employer (Acker, 1992). This worker has a lack of responsibility at home and can dedicate their time and energy to put the interests of the organization first (Acker, 1992; Kanter 1977). The ideal worker in academia is defined as one who does not need time off for family care (Williams & Segal, 2003). In particular, it is easier for men with no childcare responsibilities to be the ideal worker. When women law professors are also mothers and spouses, it creates tensions in the workplace that men do not have. In the end, most women professors end up trying to juggle careers and family responsibilities. Men are making strides in some household responsibilities such as housework and child care, but women still carry the burden of the caretaking that goes on in a family. The juggling act affects job opportunities and advancement. Being the primary caregiver increases the desirability of flexibility of a career so that there is more family time. All these concerns were raised by participants during their interviews.

Affects Job Opportunities

Participants explained that family responsibilities had an effect on how they approached securing a professor position, because most of these women had to navigate the dual roles of career and caretaker in the job search process. Professor Kirsch explained that although she did not have to worry about children at the time of her recruitment conference, she saw the additional stresses women had with callback interviews. Interview callbacks are the second step
in the hiring process after the AALS conference. Professor Kirsch indicated it was easier to do
the callbacks while unencumbered by children:

callbacks…would’ve been extraordinarily difficult to do … with kids – to do just the
schedule that was involved with kids – particularly gone for two days – incredibly intense
two days. I did that ten times in two months…He’s in technology. He has a more mobile
career than many people. So that helped a lot. I think that was actually quite important.
We didn’t have kids.

Professor Kirsch said she was traveling more than once a week for callbacks and it was difficult.

Just having a spouse at the time of interviewing forces the applicant to consider their
spouse and the spouse’s career. The study participants explained that during the AALS
conference, and at callbacks, it was not unusual for the interviewers to ask about spouses’
careers. Professor Jefferson explained that the questioning about spouses has an impact on who
might take a position with a particular law school, as location does matter to the applicant. If
one’s spouse wants employment opportunities near the prospective law school, career
opportunities must be weighed:

It’s nice for schools that do have a major city in terms of the spouse being able to do it
because otherwise, it’s just impossible for a lot of college towns in the middle of nowhere
to attract people.

Similarly, Professor Kirsch had to worry about her spouse when job searching, explaining that
having to keep a spouse in mind during hiring can affect what jobs women can take. Women
generally have to find job opportunities for their male spouses, while many male applicants still
tend to be the main breadwinners in the family. This has a disparate impact on women
applicants who are married. Professor Kirsch explained:

If you [the law school] need to recruit and you don’t have any way of funding a position
for a spouse, you tend to be selecting more from men than from women. If you don’t
offer something to spouses, then you’re selecting either single people or people whose
spouses are more likely to basically trail. That ends up being…the in-house spouse.
Spouses are a very real concern for law schools looking to hire new professors, and unfortunately it negatively impacts women if they have families to consider.

Ultimately, participants with children and a partner expressed that they felt they had to juggle both securing a position for themselves and meeting family responsibilities. These stresses affect the opportunities available and how these women were able to participate in law schools’ hiring processes.

**Negative Impact on Advancement**

Family responsibilities can have a negative impact on a woman professor’s opportunities for advancement. Tenure and promotion requirements and choosing how and when to meet those requirements for advancement, are mediated by family commitments. Professor Lautern decided that the added stress of advancement while balancing family responsibilities was not worth pursuing promotion beyond tenure. Professor Lautern explained:

> I made choices when my kids were little that I was going—that I was not going to worry about whether I made full professor. I was going to do a good job with my job where it mattered to the students and then any extra time I had I spent with my kids. If I valued success in the law school more I might have found ways to write even though it might have impacted my children a little bit… I made a conscious choice that it wasn't important enough to me whether I had full professor after my name than that I had an opportunity to do other things.

For Professor Lautern, scholarship was not as important to her as being able to be present for her children. Along the same lines, Professor Cooke mentioned stories about how lucky she was to be at her current law school because her colleagues were supportive when family commitments overlapped with work requirements, particularly because she had heard that is not typical. In one story she talked about having to bring her son to class with her because there was nowhere else for him to go. She shared that:
my middle son, he attended the campus child care from the time he was one until he started kindergarten. There was one time when he had an allergic reaction to something and then he was fine, but he couldn’t go back to the classroom. So, he sat in his stroller and I taught my class and then he was with me for the rest of the day because this happened an hour before class. So, it was a little late to cancel and at least I felt bad for the students because they’re prepped and ready and I didn’t want to walk in the classroom and say we’re canceling. So, he was quiet and occupied and so I just taught the class with him there.

She noted that there would have been a very different outcome if she had been a man. She said, “I've heard otherwise about other colleges and that women are viewed as weak if they bring their children to work but men are celebrated for being great dads if they bring their children to work.” In the end, women run up against a gender bias if they are trying to juggle family and work commitments. Sometimes they must make choices to not advance their career, whereas men professors do not face the same bias, and it seems that they are even regarded as a modern family man for doing the same thing that makes women seem weak (McGinley, 2009).

Financial Responsibilities Paired with Family Responsibilities Limit Women’s Choices

When women are both the primary caregiver and need to financially support families, career paths may be altered. The profession of law exudes a belief that all attorneys can make very good money in the private market (Stone, 1997). And for some, that is true. The private sector can offer financial benefits that other paths may not. Professor Roma said, “[f]rom what I understood – and I think it’s still fairly true – you can go work in a big law firm for a few years and still go on to do just about anything if you’re good.” For some participants like Professor Cooke, private practice was a choice made out of necessity. She believed she needed to enter private practice because of her financial and family situation: “I knew I was going to practice at a firm. I had loans that I needed to repay, and I had a son to support who was relying on me as his sole source of financial support.” The financial pressures of being head of household and
primary caregiver did not allow much flexibility for Professor Cooke’s career paths. These financial concerns affected her even while in law school. Professor Cooke indicated that her law school was not very understanding about the types of financial situations that students find themselves in as adult learners. Professor Cooke relayed:

my experience with the financial aid office…was actually a pivotal moment because I was going through a divorce and I was very surprised and disappointed that the financial aid office was so restrictive with their funds. I had to jump through a lot of hoops to prove to them that I wasn't receiving support from my spouse.

That negative experience stuck with Professor Cooke, and she said that she carried over how she felt about it into her future interactions:

The financial difficulties really shaped me in law school. I think it’s shaped my identity as an attorney too in working with clients. Not that I didn’t expect clients to pay, but I think I had more sympathy for clients who are experiencing financial difficulties.

Professor Cooke finds that she is more responsive to the needs of her students who are similarly situated as she was, the primary caregiver with financial responsibilities.

Professor Garland: “I think the problem they ran into after they graduated, it’s the one that you’ve probably seen, which is what do you do with a two-year-old? It isn’t the first child that kills you. It’s the second child because there are two different schedules.”

For several participants, once financial strains are lifted, career paths reopen. This is what happened with Professor Kirsch. Professor Kirsch remarked that “honestly, as soon as I was able to get my parents the house, the incentive to ... be a high-powered, high-salaried attorney was basically gone.” She was then free to go back to academia, which is where she wanted to go originally.
Time for Family Life Was Valued

The lure of high salaries was not always enough to overcome the heavy workload and the billing requirements at many law firms. Family time was seen as more valuable than the financial benefits of private practice. Several participants pointed out that the billable hours were a definite drawback to private practice and were what encouraged them to seek other ways to use their law degrees. Billable hours are billing requirements in private practice law firms that determine salary and promotion. Attorneys are expected to bill their clients for work done on their cases, yet not every hour worked on a client’s case can be billed to the client (for example, researching an area of law that the attorney has review to bring herself up to date cannot be billed to the client). And not all billable hours hold the same weight; for example, billing for drafting a document costs less than attending a court hearing for a client. If an attorney does not meet the firm’s billable hour requirements, that attorney may be reprimanded or terminated.

Before leaving private practice, Professor Jefferson spent time questioning her decision to stay at the firm: “There was just this expectation of working nonstop to the exclusion of anything outside the office. It was very much a culture of ‘Why aren’t you here?’” She admitted that she was not happy working all the time and preferred time with family and friends. Similarly, Professor Rouge explained that although practicing law was enjoyable, it was not enough to sacrifice her life outside of the office. She said,

I thought it was intellectually stimulating but I didn’t love the practice of law and I felt like my partners lived and breathed [it]. They sacrificed all—holidays, weekends, family time—for the practice of law. I was not that passionate about it. I did it if I had to, but it wasn’t going to be something that I would choose to do.
For Professor Rouge, her time outside of the office was more valuable than any salary. She took that as an indication to seek out a career path that allowed her more balance between work and home.

Participants who had worked in private practice lamented the billable hours practices in law firms. Each remarked that although the work itself may be stimulating or rewarding, in the end personal time was more important.

**Flexibility to Modify Work Schedule**

Flexibility was cited most often by participants as a reason for becoming, and staying, a professor. Teaching two to three days a week seemed ideal to many, especially those who did not live close to their law schools. Work-life tensions seemed to be better balanced with a less rigid working schedule, and being a professor offers that flexibility. The flexibility provided for a richer personal life and allowed time off or schedule adjustments for children and spouses.

Wanting the ability to have a personal life outside of their professional role drove several participants to look into academia. Professors Jefferson and Roma said the flexibility of a law professor’s responsibilities drew them to the career path. It was one of those things that allowed them to raise families and yet pursue academic interests. Professor Jefferson remarked she could work remotely and be with her young children, with the added advantage of being able to do more as the children grew:

The flexibility of this job means that I teach out here twice a week. I don’t think I would’ve taken the job here if it was a five-day-a-week position. I don’t come out every day of the week. I work from home anywhere from two to three times a week, depending on if I have a faculty meeting or not…But then it felt like when my kids are 10, I can work as much as I want and still be doing interesting things and still be doing the same career.
Professor Jefferson enjoyed her ability to work from home and not have to drive the hour and half it sometimes took to get to her campus every day. This extra time in her schedule let her be more connected to her family. She did want me to know that some of the positions on the legal faculty do not have as much flexibility, and therefore tenure-track positions appeal to many. She said that “clinical jobs are less flexible than classroom teaching jobs just because of the nature of clinical work. You tend to actually be there working with students. At least my impression is that most faculty members like the [tenure-track] job because it is so flexible.”

Professor Lautern also cited flexibility as a reason why she liked the idea of becoming a professor. The ability to balance her schedule with her husband’s schedule, and the availability of her parents to provide childcare, made a professor position very desirable.

Having more time for family encouraged several participants to look at becoming a professor. Professor Roma named flexibility as a main consideration for taking a law professor position and leaving private practice. She shared that she was making fewer sacrifices and it made them a happier family:

Part of the joy of this job is the flexibility. You have to work very hard. But you can do a lot of it without putting in the face time, necessarily, and/or have a little more control over when that face time is. But I want to be a good teacher at the end of the day. I need to find balance… I’m probably sort of a fairly typical example of somebody who has struggled with the work-life balance thing. I’ve sort of make sacrifices, if you will, for my decision to have a family… My husband would’ve gone insane before I had a kid if I was not coming home until 8:15 by the time I commuted home.

She admitted she struggled with the tensions surrounding family and work obligations, and the flexibility as a professor provided a better balance. Professor Cooke also explained that family leave was important and being a professor offers more flexibility than a traditional law firm. She recalled when she worked at a law firm and was unable to take the necessary time off to help her husband. Her husband had back surgery and she shared that he needed assistance getting out of
bed for those first few weeks post-surgery. Even though she had not had a vacation in two years, she wanted to take seven consecutive days off to help him. She immediately ran into issues with the job expectations. While home she found herself checking emails and returning calls all day long. Her husband could not understand why she couldn’t just take some time off, and she told him that clients expected responses within twenty-four hours and that didn’t stop if she wasn’t physically in the office. She shared that when she came to the office “I had files stacked up and I was just like, ‘I just can’t do this any more right now.’ I loved it, but it just [got] to the point that it was overwhelming.” Her experience at that firm had her looking for a work environment that was less demanding. The flexibility of a tenure-track position at a law school appealed to her so she could make family a priority when necessary.

Participants shared that flexibility allowed them to have a rewarding career without sacrificing family life. Being a professor has given them the flexibility to prioritize their various responsibilities. Work-life balance may not be an achievable goal but having the flexibility necessary to meet work and family demands is important.

Conclusion on Findings

The data analysis of this study recounts the experiences of eight women law professors from their time in law school through their current professor position within law schools. Their stories of experience illustrate that gender continues to mediate their work lives. The research sub-questions were answered by participant stories of experience, centering on four key findings. The first is that there are gendered assignments of workload on faculties, particularly in the type of courses taught, the devaluation of women professors’ service commitments, and the real and perceived consequences of taking maternity leave. Second, there is a Pink Ghetto which
feminizes content area. Women are often relegated into certain teaching positions and roles, which are viewed as less rigorous. Lower-status positions in law schools are overwhelmingly staffed by women. This Pink Ghetto affects hiring and promotion and reinforces structures of the gendered organization. The third key finding is that law students have gendered expectations of their professors, resulting in concerns about professor competency, as well as respect for and appropriate treatment of women professors. The gendered expectations can manifest as negative student evaluations used to determine teaching efficacy. The fourth key finding is that women still shoulder the majority of child care and family responsibilities. These responsibilities affect job opportunities and career advancement, especially since women are generally the primary caregivers, but it also leads to an increased desire for working in legal education because of the flexibility of professors’ schedules. Through their stories, researchers are afforded the opportunity to hear first-hand accounts that go beyond the law professor statistics and delve into the actual lives of women law professors.
CHAPTER 6
DISCUSSION, RECOMMENDATIONS, AND CONCLUSIONS

This chapter presents a discussion of the research study and its key findings. Based upon those findings, recommendations are made for law school administrators, as well as current and future women law professors. Chapter 6 ends with suggestions for further research and the final conclusions of the study.

Discussion

The purpose of this study was to understand how women law professors navigate the male-dominated profession. The majority of research on the genderism inherent in higher education does not focus on law schools (Chrisler, 1998; Collins, 1998; Martínez Alemán, 2008; Monroe et al., 2008; Park, 1996), and those few that mention law faculty are based on quantitative studies (Angel, 2005; McGinley, 2009; Stone, 1997). To examine women law professors’ experiences, a qualitative narrative inquiry based upon lengthy interviews with participants was designed through the framework of gendered organizations. An examination of that shared knowledge was the basis of the data analysis. The findings centered around how genderism continues to mediate the work lives of women law professors. Key findings centered on four main areas: gendered assignments of workloads on faculties; a Pink Ghetto that relegates women into certain positions and roles; gendered expectations that law students have of their classes and professors; and women still shoulder the majority of child care and family responsibilities.
Genderism Informs Teaching, Research and Service Requirements for Women Law Professors

The experiences of the women law professors detailed in this study indicate that although law schools acknowledge the need for faculty diversity, areas exist where genderism informs a woman law professor’s work requirements. Several participants shared that their experiences, and those of women around them, revealed a gendered assignment of work in law schools. The assignment of courses at times still fell along gender lines, with men teaching mostly in doctrinal or theoretical courses, and women professors serving in more skill-based classes or familial-based theory courses like family law. This is in line with what research has found; Levit (2001) concluded that male professors tend to teach substance while women teach skills and those which required “labor intensive student nurturing.” Although several participants talked about being recruited specifically for their experiences in non-traditional feminine areas of law like intellectual property, contracts, and business, other participants acknowledged that at least at some time prior to their current position they were clinical and legal writing instructors. Clinical or skills-based classes require instructors to have a close relationship with their students, spending more time and emotional energy on them than a doctrinal or theory professor would with his students. This is a type of caretaking or mothering expected more of women instructors than their male counterparts.

Women law professors in this study also discussed how much of their role included advising, and mentioned the expectation that because they are women, they are willing or should take on the emotional workload of the law school. Caretaking becomes a natural extension of their position (Tierney & Bensimon, 1996). To that end, a disproportionate number of women
are completing service tasks at the law school (McGinley, 2009). Although service is one aspect of the requirements of tenure, it is not valued as heavily as scholarship or teaching (Monroe et al., 2008). If service requirements are too high, then they interfere with the scholarship and teaching requirements which are more important to tenure and promotion. Participant stories supported these research conclusions, and several participants found themselves overloaded or expected to take on additional service that male faculty was not. Several participants, however, acknowledged that their law schools are attempting to mediate the issue, offering additional recognition of service provided by professors. This means there are many schools still out there which are not making the same adjustments for the gender bias.

Participants shared stories about maternity leave and how taking that leave time often results in additional workload for being gone. Specific incidents were related about expectations of having to make up the time used for maternity leave, or that maternity leave was seen as vacation time. This becomes an unexpected burden on a woman professor’s time, and generally an unwelcome stress during a time when the woman should be focusing on herself and her family. Without specific maternity leave policies in place to define work obligations, women professors looked to how their colleagues handled their leave. Some of those stories were not experienced directly by the participants but were related as examples of “how things are done” when a woman professor finds herself needing maternity leave. Based on the stories told by participants, following a colleague’s example often ends up perpetuating gendered workload issues.

With the bulk of childcare and caretaking of other family members like elderly parents falling to women (Monopoli, 2008), women professors are adversely affected by the constraints placed on them. Participants talked about financial constraints due to single parenting or
financially supporting parents or spouses. They also talked about times where they were unable to take the necessary time off to help with sick family members. These stories were in addition to their experiences of maternity leave. In situations where male professors would be praised for being modern men when they were seen taking care of their children, women professors were viewed as weak. Most law schools do not recognize the stresses women have resulting from being the primary caregiver in a family, and that leads to issues regarding reduction in time spent on scholarly pursuits necessary for advancement.

Along with the concerns of caretaking, participants each expressed the desirability towards their professorship. All participants talked about the flexibility of the job. Professors cited the ability to be flexible in their research interests and their teaching methods, but all mentioned the flexibility in their schedule that was one of the main reasons to become or remain a professor. Some participants pointed out that they only have to be on campus on those days that they taught classes, and for most of them that was only two to three days a week. The rest of the time could be used to work at home, contribute to community service opportunities, and perhaps most importantly, continue to work on their scholarship. Those participants with children explained that the flexibility allowed them to attend school events or spend more time with their children, limiting the need for outside childcare. The flexibility offered to professors drew several participants away from the billable hours of their law firms. In a world where telecommuting or online working has become easier, and more popular even at law firms, flexibility is a very desirable reason for being a professor.
Hiring and Promotion Are Affected by Genderism

The participants who participated in the AALS Faculty Recruitment Conference spoke about the genderism in hiring. Women seeking employment as a professor are disproportionately affected by the needs of family. These needs came in different forms and created their own stresses. If the participant was married, there were questions about whether their spouse can find employment near the campuses of the potential law schools. The law school representatives themselves were concerned about the people they were interviewing, for if they did not have the ability to offer the spouse a job as well, smaller law schools outside of metro areas had a lot less choices in hiring. For those women with children, scheduling a callback or a campus visit was difficult. In these cases, male applicants, especially those who were the sole or majority breadwinner for a family, ended up being a more ideal choice in hiring.

The AALS Faculty Recruitment Conference system has a disparate impact on applicants based on gender.

When law schools hire for positions at their schools, the Pink Ghetto becomes a factor in where those new hires are placed. The Pink Ghetto is the deliberate segregation of women into gendered female positions at a law school (Angel, 2005; Deo, 2014). These gendered female positions tend to be in clinical or skills-based courses. All participants discussed the Pink Ghetto and its mostly female, and minority, instructors. Several of the participants had also been part of the Pink Ghetto while teaching legal research and writing. Only one participant was able to transfer from a legal writing position to a tenure-track position. Generally, those in the non-tenure or short-contract-based positions of the Pink Ghetto do not have the opportunity to advance to become tenure-track faculty. Participants described how the lives of those in the Pink Ghetto were fraught with uncertainty, as the positions tended to be short contracts, and it meant
that those instructors would change law schools often, never being able to attain job security or the salary levels of tenure and tenure-track faculty. Women with family obligations would prefer a steady, permanent job, but more often face the constant moving or low financial rewards found in the Pink Ghetto. If the majority of positions open to women in law schools reside in the Pink Ghetto, it presents a gendered bias in hiring.

After an applicant is hired into a tenure-track position, part of the requirement of tenure is teaching. Unfortunately, most participants were unable to share stories of faculty evaluations conducted by other law school faculty. Instead, the participants said that student evaluations were used to determine a professor’s ability to teach effectively. Several participants addressed what the research on student evaluations has found, that students provide negative evaluations to women professors regardless of their credentials. There are gendered expectations of what a law professor should be, and that is an older, white male. Students carried those gendered expectations over to their student evaluations of instructors, and research has shown that student evaluations are more unfavorable to women professors (Farley, 1996). If the basis for retention, tenure or promotion relies on what students’ expectations of their professors should be, then it is a flawed system. Students are not trained in the legal theories that form the core of the curriculum presented (which is why they are in law school to begin with), and most have never had any experience with proper instructional theory. Instead their student evaluations center on abstract concepts like “accessibility,” as one participant explained. “Accessibly” will have different meanings to students depending on whether the professor is a man or a woman, with women being expected to be more available for meetings, be more supportive, and do more hand-holding with their students (Monopoli, 2008). Another participant said student evaluations were akin to popularity contests. Because of the gendered bias inherent in the student
evaluations, law schools would be better to have faculty evaluations completed by tenured faculty or administrators. Those people would be in a better position to evaluate teaching methods, curriculum, and learning than a biased student.

Gendered Expectations Pervasive in the Law Classroom

Participants articulated the experiences of gender bias in their own classrooms. Several were able to tell stories of having students challenge them in class. These experiences fall in line with what the research says about gender bias in the classroom (Kogen, Schoenfeld-Tacher & Hellyer, 2010). Male students feel more comfortable speaking up; they also tend to be more aggressive with other students and with their instructors (Banks, 1988; Rury, 2012). One participant recalled a male student in class who argued that she herself was biased when she was relating personal stories of interviews she had conducted with victims of war and sexual abuse. The student indicated that she was emotionally involved in her subjects and therefore was unable to be objective. After breaking down his claims, she was able to get him to admit that the majority of his argument was based on the premise that she was a woman, and if a man had been in the front of the room, the student would not have doubted his personal experiences. These kinds of stories demonstrate the gender bias that exists in the law school classroom.

Overall, students continue to assume that the well-learned law professor should be a white male (Farley, 1996; McGinley, 2009). Even though the women law professors I interviewed came from diverse legal backgrounds and taught doctrinal courses, it was as if their real-world experiences and previous scholarship did not legitimize their legal knowledge. Several participants shared stories of being overlooked as a professor or students questioned their legal knowledge. At times the gender bias was turned on the professors, meaning that students
accused their women professors of being biased against the men in the classroom simply for sharing their experiences. It is not as if the women law professors who are hired are not fully vetted by the law schools. My participants are prime examples of the type of professors hired by law schools. Law professors must be very well qualified to be offered a position. They need to have excellent academic credentials, outstanding legal practice or judicial clerkships; many have been published prior to hiring, and many have post doc degrees in law (Schachter, 2004). The gendered expectations of students that women professors are inherently unsuited or not qualified to teach are simply not true.

Specific Maternity Leave Policies Do Not Exist

It was surprising to find that all participants shared that their law school had no formal maternity leave policy. In fact, only one participant was able to tell me exactly her expectations for her maternity leave because she had explicitly contracted for it when she was hired. She went on to explain that even though there was a clause in her contract, the dean fought her when she went to exercise her rights under it. The Pregnancy Discrimination Act of 1978 supposedly protects pregnant women from discrimination as a result of their pregnancy status. Most institutions of higher education have faculty and staff use FMLA for maternity/paternity leave, without an additional formal policy that extends benefits under FMLA. FMLA is only a start; it is not a policy end by itself even though many campuses use it that way (Ward & Wendel, 2012).

Law schools provide some kind of benefit on an ad hoc basis (Kessler, 2006), with only the top tier law schools spelling out a specific maternity and paternity leave policy. What these informal procedures at most law schools do is prop up a discriminatory structure within the law school. Women do not understand how and when they can use their leave, and their only
knowledge comes from what previous women have done, and as the participants point out, those examples are not always beneficial to women and their families.

**Women’s Participation in the Gendered Organization**

The stories recalled by the participants presented the tensions that exist for women in gendered organizations. Participants explained the desire for equitable treatment by the institutional structures, their colleagues, and the students. Their experiences showed that tenure requirements are not applied fairly, with women suffering from both actual and unconscious bias by tenure and promotion committees (Marschke, Laursen, Nielsen, & Rankin, 2007; Meyerson & Fletcher, 2000). Similarly, Uhlmann and Cohen (2005) demonstrated that merit and success are often defined differently for men and women within the same discipline.

Within the data were stories of resistance against the gendered organizations, their biases and stereotypes. Professor Kirsch recalled having to enforce the negotiated terms of her maternity leave when her dean attempted to give her an additional workload to make up for the time she would be off. Two participants discussed times when they pushed back against students’ biases in the classroom. Professor Hanson recalled a student who was biased against women professors, but he was not able to see that himself; she explained that the issues he had with his women professors added up to nothing more than his gendered expectations of a competent professor being a male faculty member. Professor Cooke also discussed how her women faculty would talk about the push-back they received in the classroom from students and brainstormed ways to combat those situations. Professors Kirsch and Garland were outspoken about the need to speak up as a woman and advocate for oneself. Participants often met gendered expectations with resistance. It is often helpful to debunk stereotypes by pointing out
flawed reasoning and illogical arguments (Ward, 2008), something often done by the participants.

There were, however, instances of these participants praising aspects of their job that seemed to perpetuate gender stereotypes. All the participants spoke about the flexibility that their job as a professor afforded them and the desirability to have such flexibility. Those with families specifically discussed the fact that they had more time with children and spouses, that they did not need to be on campus all the time, and they had the ability to shift priorities towards home life. Even in a two-parent household, it seemed that the women participants were still trying to balance work-life tensions. Ward and Wolf-Wendel (2012) found that if the father had no flexibility in his work, the mother was the one who picked up the slack for family responsibilities. One could ask if “flexibility” is code for “family is more important than work.” Employers want committed employees; this harkens back to the ideal worker norms described by Acker (1990). If women professors are arguing that flexibility is important so they can have more family time, is this just another way for women to perpetuate their given role as primary caregiver? Ward & Wolf-Wendel (2012) believe that people are looking for harmony in their lives and understand that work and family life cannot be “balanced;” instead, they should be integrated. The issue of flexibility as desirable should also be viewed through the lens of gender stereotypes to see if in fact women wanting work to be more flexible is really a way of allowing them more time to be a caregiver.

Recommendations

The law tells us that “separate but equal” doesn’t work (Brown v. Board of Education, 1954). In that case, the United States Supreme Court struck down laws that allowed for school segregation under the precedent that argued as long as the services were equal, the races could be
separated. The Court further ruled that separate is inherently unequal. Therefore, we should not talk about equal treatment between men and women professors, but rather discuss equity. We have acknowledged the disparities in how the current structures present in hiring, promotion, and tenure have a disparate impact on women, and this needs to be addressed. The next section will discuss recommendations for both law school administrations and for current and aspiring women law professors.

**Recommendations for Law Schools and Their Universities**

There are several recommendations for law schools who wish to make their institutions less gendered and more equitable. The demographics of the higher education workforce has shifted from the mostly White male professor to a more racially, ethnically socio-economically diverse and younger generation of men and women (Thomas & McLaughlin, 2009). Other professional post-secondary institutions like medical schools and dentistry schools, which are similar to law schools because they straddle academic and non-academic marketplaces, are also seeing these changes in faculty (McDade & Dannels, 2009). There should be ways in which to encourage a more egalitarian workplace for all faculty.

**Be Aware of Bias in Hiring and Promotion**

With promotion and tenure committees concerned with teaching, service and scholarship of faculty, committee members should acknowledge the biases against women faculty. Academic merit is rooted mostly in scholarship, and research has shown that women publish less than men (Monopoli, 2008). The reasons for this include family obligations as well as spending more time with students than their male counterparts (Park, 1996). The time-consuming family work may erode professional work time in significant ways (Probert, 2005).
To reduce or eliminate bias in hiring and promotion, the University of Florida developed a mandatory training seminar for any faculty or administration members who will sit on committees for hiring and promotion (Thomas & McLaughlin, 2009). The training involves not only workshops on biases towards nontraditional candidates like gender, racial and ethnic minorities, and LGBTQ candidates but it also focuses on candidates who are part of a dual-career couple, like many of the participants in this study. In addition to addressing biases, the University of California at Davis requires training for review committees about family accommodation policies, their use, and instructions on how to evaluate faculty without prejudice who use those policies when they are up for promotion and tenure (Thomas & McLaughlin, 2009). Acknowledging biases and finding ways to reduce them will allow for a more equitable application of hiring procedures as well as tenure and promotion evaluations of faculty.

Implement Formalized Mentoring Programs

Rury (2012) emphasizes the need for institutionalizing a formalized mentoring program. The formalized program requires junior faculty to be paired up with or placed in a small group with seasoned faculty. Studies have suggested that mentoring offers the ability to facilitate the development, socialization, and integration of women into faculties (Haynes & Petrosko, 2009). Not only do formal mentoring programs reduce gender bias in the workplace, but they allow junior faculty to learn from other faculty. Without proper mentoring, there is a perpetuation of the socialization older faculty received as junior faculty, and that serves only to reinforce gendered structures and beliefs. Issues surrounding classroom management, curriculum and instruction, incorporation of legal skills into doctrinal classes, and assessment development can all benefit from collaboration.
Pause the Tenure Clock

To create a more equitable workplace, there are options to allow non-tenured faculty to adjust their work life as a result of issues that arise. One such option is a pause or a stoppage of the tenure clock, the time period in which a non-tenured professor has to complete tenure requirements. Some universities and colleges have implemented these “time-outs” with success. With the tenure clock stoppage or pausing, some schools offer on- and off-ramps of the tenure track to care for children, elderly parents, illness, or disability (Thomas & McLaughlin, 2009). The University of Washington has had options in place since the 1970s to allow faculty to extend the tenure clock for personal and professional reasons (Quinn & Shapiro, 2009). Approximately 25 percent of faculty have used these options, with women using them more often for family or personal reasons, and men using them more often for professional reasons. Either way, there was no difference found in the rate of tenure attainment between faculty who used the clock extension and those who did not. These results demonstrate that a pause or stoppage of the tenure clock did not adversely affect the faculty or interfere with the tenets and mission of the institution.

Create Flexible Work Arrangements

Beyond the tenure clock options, some institutions have found other ways to accommodate faculty needs outside of the classroom. Faculty career flexibility describes policies and practices that address concerns of work-life tensions for faculty (Thomas & McLaughlin, 2009). Only three of the participants in this study fit what Acker (1990) describes as the ideal worker: single or not responsible for child-rearing/family care, always available to the organization to do work. Even with such a small sample of participants, the majority did not
fit the ideal worker. Organizations in the 1950s through the early 1970s had a separate spheres model, when women were expected to keep their family responsibilities separate from their workplace responsibilities (Barnett, 1999). Similar to the ideal worker described by Acker (1990), Barnett (1999) found that women who worked outside the home were expected to leave their family responsibilities at the door and conform to the male-dominated cultural norms in the workplace. But the “American professoriate is no longer composed solely of ‘ideal workers’” (Thomas & McLaughlin, 2009). There is recognition that work and family are not separate spheres and to keep treating them as such is ignoring the interdependence of work and life (Sallee & Lester, 2009).

One specific example of the integration of work and life responsibilities comes from Duke University. Duke University has created a model that allows for flexible work arrangements for faculty university-wide, including its School of Medicine (Thomas & McLaughlin, 2009). Faculty can modify their work schedule for up to three years (with the possibility of renewal), and faculty, together with their dean or chair, decide which duties to reduce. In addition, the tenure clock is stopped during that modified time period. Faculty can choose to use that newly modified work schedule to either focus on certain areas of work commitments or to take necessary time for family responsibilities.

More institutions of higher education are looking at policies that span the life cycle to help faculty members who are also caring for spouses or aging parents (Sallee & Lester, 2009). There are other models involving active service modified duties, temporary relief or modification/reduction in duties such as reducing teaching, research, or service duties for a temporary period of time (Thomas & McLaughlin, 2009). These models could serve as a possible template for designing policies that acknowledge faculty members’ work-life tensions.
Implement Family Leave Policies

Administration should desire to have written, explicit maternity/paternity leave policies. Participants acknowledged the use of Family Medical Leave Act (FMLA) time for pregnancies and illness. Those participants who were pregnant at the time of the interview indicated that they were not sure exactly how their leave was going to be handled. Moreover, participants explained that the unwritten rules or policies did not lead to consistency of application between similarly situated faculty members. A few of the pregnant participants felt they planned their pregnancies at a particular time (usually summer births) so as not to have to worry about the lack of family leave or using much, if any, of FMLA. A lack of formalized procedures should not add to the stresses of pregnancy and family obligations. Although the loss of full-time pay during a maternity leave was not discussed with participants, Ward and Wolf-Wendel (2012) point out that unpaid leave under as FMLA is often not an affordable option for many faculty members, and the twelve-week leave provided does not account for the length of a typical academic term.

When designing appropriate family leave policies, there are other concerns other than just the time the professor will be at home and off campus. Researchers involved in studying higher education faculties proffer that these policies should include the alleviation of teaching and service obligations during the leave time (Aluko, 2009). Some universities have even allowed for the suspension or slow-down of the tenure timeline so as to allow for breaks in cases of family leave (Shalala, 2009). There can also be the option of allowing the faculty member to bank courses, through an overload, so that the semester she or she needs to be gone will not have teaching responsibilities (Ward & Wolf-Wendel, 2012). The University of Scranton provides a non-discriminatory application of the family leave benefit; its policy allows more than the primary caregiver to take time to bond with the family’s new child (Bickett & Arms, 2009). The
key is to have an explicit policy, with input from the faculty as to what provisions would benefit them as well as benefit the continuity of their students’ education.

No Matter the Policy, Make Faculty Entitled to It

Ward and Wolf-Wendel (2012) argue that family leave policies should be opt-out, not opt-in, meaning that the policies are there for every faculty member, and no additional steps are necessary to exercise rights under them. The University of California has gone further than many other schools to make an unambiguous message to its faculty regarding family leave – its policies are explicit in saying that faculty are entitled to the use of family accommodation policies rather than may request them (Frasch, Stacy, Mason, Page-Medrich, & Goulden, 2009). This change in language provides faculty with the right to the use of these policies. The policy at University of California contains a family accommodation package, supporting faculty over their life course. Faculty are entitled to fully paid childbearing leave; new parents with substantial caregiving responsibilities have full term of active service modified duties; and even assistant professors can extend their tenure clock for one year per birth or adoption. When illness befalls a professor or their family member, sick time is granted, and a modified schedule can be a permanent or temporary reduction in full-time appointment.

Entitlement language relieves concerns faculty may have about taking advantages of policies that are listed as “may” request policies; for example, a policy using the phrase “may use time off” indicates that the onus is on the faculty member to ask for permission to use a benefit under the policy. Research has shown that women who choose to use family leave or maternity policies risk being viewed as less committed to their job and end up being relegated to second-class members of their faculty (Mason & Goulden, 2004). There are concerns by faculty
that using these policies shows signs of weakness, neediness, and a lack of commitment to the field (Drago & Colbeck 2003; Hochschild 1995). Many senior colleagues entered higher education when “family friendly” was not an option (Ward & Wolf-Wendel, 2012). That no longer needs to be the case and should encourage faculty to make use of leave policies. Policy makers need to provide clear directions on how the policy can be used and be clear with both the faculty member using the policy and, more important, those who will judge her productivity come review time, on how a tenure extension will be evaluated (Ward & Wolf-Wendel, 2012).

**Recommendations for Current Women Law Professors**

With the shrinkage of law schools across the country, there should be an emphasis on how women faculty can maintain their positions and continue to positively influence the next generation of lawyers. Women professors can do great deal to be the change they want to see in their law schools.

**Women Professors Can Push for Equitable Family Leave Policies**

Because the Pregnancy Discrimination Act of 1978 provides for the creation of family leave, there is an opportunity to have a policy put into place. The effects of such a policy would benefit both the men and the women working in the law school, and research indicates that these policies enhance faculty recruitment and retention, thereby increasing faculty morale (Ward & Wolf-Wendel, 2012). Suggesting a policy would provide necessary clarity and benefit all faculty and would go a long way toward finding support across gender lines at the administrative level. Hart (2009) found that faculty grassroots activist networks have helped to create, implement and promote family-friendly policies and practices at various institutions.
Other policies can be implemented that are related to issues of family leave. When women come back to work after having a baby, faculty could advocate for necessary items such as lactation accommodation. One participant was still breastfeeding as of her interview, with her pump clearly visible in her office. Loyola College in Maryland provides a dedicated Mother’s Room for faculty, and the university even provides a hospital-grade breast pump for lactation (Bickett & Arms, 2009). To create a family-friendly culture, faculty members who use family leave should see their colleagues as a place of support and goodwill (Frasch et al., 2009). Ward & Wolf-Wendel (2012) argue that faculty members have an obligation to try and make it better for the next person. Advocating for family leave policies that are open to all faculty will do just that.

Help Eliminate Gender Bias

Speaking up when something is biased or unfair will help neutralize the discrimination illustrated during this study. Once the bias is identified, steps can be taken to eliminate it or mitigate its effects. The Illinois Supreme Court Commission on Professionalism (2017) offers strategies to interrupt bias, many of which are meant to be incorporated into the workplace. One strategy encourages a review of formal and informal policies to see what groups are excluded unfairly. The majority of the strategies suggest examining institutional structures and implementing programs that combat inherent biases.

Develop Informal Mentoring Relationships

Informal mentorship is also important on law school faculties. Genderism is present in law schools’ processes, practices, images and ideologies, and distributions of power (Farley, 1996). By offering mentoring to junior faculty by experienced faculty, some of the negative
vestiges of law school structures can either be eliminated or mediated. When junior faculty learn how to navigate the institution where they are working from older faculty, they are less likely to rely on what they see others go through as the norm. Starting off each new faculty member with the most current, and correct information, will go a long way to deconstructing the gendered processes in the law schools.

Along with mentorship, women faculty should support each other as professors. Ward and Wolf-Wendel (2012) propose that mentoring should continue beyond tenure to help faculty members be mindful of how they are spending their time and thinking about their career advancement. Ward (2008) suggests that women law professors align themselves with other women professors who believe in them. Together personal goals regarding scholarship, teaching and service can be achieved with less stress and tension.

**Negotiate a Work-Around of an Institutional Policy**

As seen through the participants’ stories, women faculty need flexibility in their professional lives, as they continue to shoulder the major of family responsibilities and strive to give due diligence to their teaching, scholarship, and service (Mason & Goulden, 2004; Thomas & McLaughlin, 2009). Many of these accommodations are negotiated informally and privately (Ward & Wolf-Wendel, 2012). One participant was able to negotiate a maternity leave policy when the only option that would have been open to her otherwise would have been FMLA. But even though she negotiated a work-around, her dean was hesitant to give her what she had contracted for once she was ready to exercise her option. Not every faculty member will think to negotiate terms for family leave, especially if they are not yet part of a family unit and it is impractical to expect new faculty to burdened with anticipating future needs.
Help Students See the Value in Professor-Student Relationships

Students should understand the power positions that exist on law school faculty. Until this study, I was unaware of many of the power dynamics that exist on a law school faculty. I am sure that most students do not know that they exist or how they can affect their relationships with professors. Professors should encourage the use of office hours and make sure all professors foster relationships with students—they do not always understand the benefits of having a professor’s guidance on their future career. Similarly, professors should point out the gendered biases found in their classrooms and explain how those biases do not promote fairness and equity. Women professors should confront the gendered expectations of students and seek to change the inherent bias.

Recommendations for Aspiring Women Law Professors

As the stories of my participants showed, understanding the hiring practices of law schools is essential to being successful in finding a law professor position. Aspiring women law professors should be aware of the requirements and stresses associated with the AALS Recruitment Conference. Participants offered advice about the hiring process, including not scheduling too many interviews back-to-back during the AALS Recruitment Conference, and attending callbacks only to schools where the applicant would realistically want to teach.

Increase Confidence in Teaching

If an applicant has the opportunity to attend conferences on teaching or to participate in a VAP program, these will help create confidence in their teaching. Participants acknowledged that there are very few opportunities for learning pedagogy once one is hired. Especially those participants who came directly from the practice of law, without the benefit of adjunct side jobs
or previous teaching at the college level, remarked that a good liberal arts education is not going to be sufficient to make one an effective teacher. Although what draws an applicant to a professor position may be a love of teaching or of scholarship or of service, professors have to manage to be successful in all of these areas to be offered tenure and promotion.

**Seek Out Mentors**

If there is no formal mentoring program at their law school, junior faculty should reach out to find mentors. There are benefits to speaking with those who have experience. Several participants said that asking for help does not make someone weak, and all of them remarked that they needed help along the way. Asking for help during the hiring process is a good way to start off the path to becoming a professor.

**Suggestions for Further Research**

Several participants brought up the socio-economic and class biases in law schools and those that exist in hiring quality faculty in law schools. At least one of participants had lived in poverty during law school. She explained the struggles that came along with lack of capital which her fellow classmates seemingly did not have. The need to be financially secure both during and after law school was cited by several participants as to reasons why they made certain choices in their life. More than one participant noted that financially secure or affluent students had different expectations of law school work and the subsequent opportunities for clerkships as second- and third-year students. Two participants talked about the “ideal student” – the male bachelor law student whose parents were paying for law school – as no longer the norm, yet many law schools act as if that is the ideal student or the student they have to serve. Most participants talked about financial obligations and financial instability affecting their job choices.
One professor talked about the fees associated with participation in the AALS Faculty Recruitment Conference and that there is a financial bias that keeps out some applicants. There was also a lot of discussion as to why working at a high-paying law firm was beneficial only in the short run. Some participants mentioned that although taking the professor job was not “big money” it was more stable than working at a firm. Exploring the socio-economic status of students would shed light on what structures exist to help students who are struggling. Research to look at how law schools can ensure they are getting the most qualified applicants, not just the ones who can afford to be hired, would also be a suggested area of research.

Studies should be conducted on how have other professional schools have handled gender diversity on their faculties. These other professional schools would be medical schools, dental schools, and veterinary schools, for example. Like law schools, these types of post-degree programs were male-dominated, and still tend to have gendered professions. In completing the literature review for my own study, I came across a few articles that discussed how medical schools also struggle with hiring more diverse faculty. Veterinary schools, however, are becoming women-dominated both on faculty and in the student body. Comparison of the hiring practices of other professional schools could result in recommendations for law school hiring. medical schools and veterinary schools.

Conclusions

In this study, I was looking to give voice to experiences women law professors have inside their male-dominated profession. As a paralegal and literacy instructor in higher education, I was curious about how and why women decide to go into legal education. In my own law school, I saw the effects of the Pink Ghetto in terms of legal research and writing, but I
did not understand how that construct developed and what effect it had on tenure-track professors. I too had watched “The Paper Chase” (Bridges, 1973) and expected my professors to berate their students, using denigration and insult as pedagogical tools. And, I have to admit, my Torts professor did in fact use those tools; I will have to further admit that my best grades were in his class. With the hierarchy of power and genderism in both the legal profession and in law schools, I wanted to know more about why professorships in legal education appealed to women. I wanted to know whether or not they were being successful, and what, if anything, helped them be a law professor.

I learned that legal education functions very similarly to other areas of higher education, and that includes even law schools that are not associated with large universities. Tenure requirements were the same, but scholarship and service looks very different at a law school. For example, although law professors are supposed to influence legal scholarship that lawyers and policy makers can rely on, publications that help the practice of law directly are not considered scholarly enough to count towards the scholarship tenure requirement. More importantly, I learned that the gender bias that students enter law school with can have a significant impact on whether a professor is promoted. I was surprised that no pedagogy seminars or classes, or even mentorship, is offered to these professors who may never have stood in front of students prior to accepting their first instructor position. With all the research that exist on adult learners and best practices in higher education, law schools do not offer curriculum or instruction support, or even just a formal mentorship to help junior faculty teach effectively. To rely mainly on students’ evaluations of faculty to determine effectiveness seems archaic and uninformed. What I learned from my participants illuminated areas of concern that formed the basis of my recommendations to law school administration and faculty.
Acker’s (1990) gendered organizations theory posits that an organization’s structure creates and perpetuates genderism. The ideal worker is seen as male, as women’s roles center around caretaking and family (Kanter 1977). The hierarchy and institutional structures of a gendered organization can enforce gender biases and gender stereotypes, whether they are explicit or implicit (Acker, 1990; Park, 1996). In order to break the cycle of inequity, the organization needs to recognize the genderism and find ways to eliminate its effects. Even the Illinois Supreme Court acknowledges the implicit biases we all have and put out a publication to encourage civility in the profession (Illinois Supreme Court Commission on Professionalism, 2017). The publications and the accompanying continuing legal education course include ways to identify bias and attempt to limit its effects in the work place and in the courtroom.

This study supports Acker’s (1990) work in that genderism does continue to mediate the work lives of women law professors. Each participant was able to recall at least one story of gender bias as a professor. Students and male colleagues made assumptions about their teaching ability and whether they were truly professionals worthy of the title of professor. Women continue to find themselves siloed in the Pink Ghetto of law schools, especially with the shrinking law school budgets and faculties. As primary caregivers, family responsibilities had an effect on where and when they worked. The two childless (and unmarried) professors acknowledged they were in a better position to meet tenure requirements than their colleagues who had families, supporting the research indicating male professors have more advancement opportunities without the family considerations.

My intent with this study was to illuminate how genderism still mediates the lives of women law professors. My qualitative study serves as an example of the kinds of stories women have to tell about their life experiences in their profession. Each participant was open to all of
my questions, and they provided honest answers, seeming to enjoy their “trip down memory lane.” At times I was even able to see first-hand their interactions with students during the interview. These gave me insight into the expectations of students in regard to their professors and how professors treat their students.

Current legal research and scholarship based their theories on statistics and precedent (previously decided law) to inform their audience. Knowledge instead is gained through the application of the rule of law to a set of facts. Legal research generally does not use constructivism as an epistemological belief, as one’s opinion does not hold much weight in a courtroom. But missing when all one focuses on is the application of law are the stories and voices of those who lived through those sets of facts. Quantitative studies are important and have their place in legal argument, but when discussing issues of equality, gender, and bias our experiences construct our knowledge. The numbers just do not tell the whole story. I hope to put women’s voices back into the conversations surrounding genderism on law school faculties.

This study and stories that were told demonstrate the need to continue to encourage women law professors. Although the profession is male-dominated, there are stories of resilience in the face of gender bias. There is much to learn from these stories and the stories of other women in the same positions. My intent was to have the stories of these women illuminate how gender mediates the work lives of women professors so that recommendations could be offered to offset any negative effects and encourage what is already working well within law schools. My hope is that legal education supports all of their professors and instructors, regardless of gender, for the benefit of the newest generation of lawyers.
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Dear Professor ____,

My name is Lisa Matich and I am a graduate student in the Adult and Higher Education program at Northern Illinois University (NIU). I have been working in higher education for the past eleven years, and prior to that I worked as an attorney in both DuPage and Will counties. I am interested in conducting research that specifically examines the experiences of tenured and tenure-track women law professors to understand how women law professors navigate their male-dominated profession.

If you are a tenured, or tenure-track, law professor, I would like to request your participation in this study.

If you agree to participate, you will engage in one individual 90-120 minute interview in which you will be asked to describe: 1) your experiences as a law student and as a law professor; 2) tenure expectations at your law school; and 3) the types of personal and institutional supports that are available to you as a law professor. The interview will be digitally recorded and transcribed shortly after the mutually agreed upon interview date.

The interview will take place from March-April 2017. If you would like to participate and this timeline does not work, I can work around your schedule, so please do not let this anticipated timeline deter your participation. After the interview has been completed and transcribed, I will follow up with you by telephone to clarify any points or ideas that may be unclear during the transcript review process.

Your identity will be kept confidential and no one but my dissertation committee and I will be able to connect your experiences with your name. All electronic files will be kept on a password protected computer and all paper files will be kept in a locking filing cabinet in my home. Pseudonyms will be provided for all participants.

It is my hope that participation in this study will not only benefit you as you reflect on your experiences as a professor, but also contribute more broadly to adult and higher education literature base. Moreover, it may also affect changes in practice for professional development, the education of future women lawyers, and requirements for hiring and retaining professors in law schools.
Finally, please know that your participation is considered voluntary and you can withdraw at any time. If you initially consent to participate and later on want to withdraw, your decision will be respected and will not result in any loss of benefits to which you are otherwise entitled. Participations will not be compensated for their time/participation.

If you would like to participate or have any questions about the study, please contact me at LMatich@niu.edu. Also, please contact me if you believe one of your colleagues could be a potential participant for the study.

Thank you in advance for your time and consideration.

Best regards,

Lisa Matich
APPENDIX B

INFORMED CONSENT LETTER

I agree to participate in the research project titled Telling Her Side Through Narrative Inquiry: Experiences of Women Professors Navigating American Law Schools being conducted by Lisa M. Matich, a graduate student at Northern Illinois University. I have been informed that the purpose of the study is to examine how women negotiate the gendered profession of law school professors and the law schools that support it.

I understand that if I agree to participate in this study, I will be asked to do the following: a face-to-face interview which will be audio-recorded for transcription purposes.

I am aware that my participation is voluntary and may be withdrawn at any time without penalty or prejudice, and that if I have any additional questions concerning this study, I may contact Lisa Matich at 630-854-9804 or her advisor, Dr. Carrie Kortegast, at 815-753-9200. I understand that if I wish further information regarding my rights as a research subject, I may contact the Office of Research Compliance at Northern Illinois University at (815) 753-8588.

I understand that the intended benefits of this study include a better understanding of my reasons for choosing my profession, how I define success and failure, and the work-life balance of female law professors.

I have been informed that potential risks and/or discomforts I could experience during this study include discomfort when sharing personal experiences. I understand that all information gathered during this experiment will be kept confidential by Lisa Matich. I
understand that I will be assigned an alias, and the institution where I am a professor will also be given an alias so that there can be no connection between myself and my institution. I understand that the audio recordings and transcript of the recordings will be stored in a digital format and saved in a password protected Dropbox account. I further understand that all collected artifacts will be scanned into the same Dropbox account, and shredded after scanning. All handwritten notes or memos will also be scanned into the Dropbox account, and original documents will be shredded. The Dropbox account will be maintained for five years after the study.

I realize that Northern Illinois University policy does not provide for compensation for, nor does the University carry insurance to cover injury or illness incurred as a result of participation in University sponsored research projects.

I understand that my consent to participate in this project does not constitute a waiver of any legal rights or redress I might have as a result of my participation, and I acknowledge that I have received a copy of this consent form.

___________________________________________________________
Signature of Subject                                      Date

I understand that the interviews will be audio recorded for transcription purposes. I understand that I have the right and opportunity to review the transcript of my interview. I understand that the audio recordings and transcript of the recordings will be stored in a digital format and saved in a password protected Dropbox account. The Dropbox account will be maintained for five years after the study.

___________________________________________________________
Signature of Subject                                      Date
APPENDIX C

INTERVIEW PROTOCOL

Individual Interview Protocols

Part 1: Review informed consent document

1. Provide participant with the informed consent document (via email) prior to meeting.

2. During meeting, discuss and review document.

3. Review the interview and topic of the initial interview.
   a. Open-ended questions about their life experiences as a law student, a lawyer, and a professor.
   b. You will get copy of the transcript to review and make comments to me about your responses. Time for clarification and correction or reflection by participant.

4. Ask participant if they have questions.

5. Sign form and give copy to participant.

6. Gain permission to start recording.

Part 2: Open-ended Questions themes and representative questions

Theme: Gendered organizations, power systems, resiliency.

Questions:

- Describe your law school experience.

- What professional and life experiences brought you to your law school professor role?
• Compare and contrast your experiences in the legal profession with your law school professor experience.

• Describe the ideal law school professor.

• Explain how a professor becomes a tenured faculty member at your current law school.

• What expectations or requirements are tenure committees looking for when evaluating candidates for tenure?

• What defines success and failure as a woman law school professor?

• What, if any, barriers do you see to your success and movement of position within the law school?

*Theme:* Role model theory, gendered body.

*Questions:*

• What types of relationships do you have with your students?

• Does it matter if the student is female or male?

• What role do emotions play in connecting with students?

• What character traits in law professors are celebrated or condemned?

• Describe for me a time, if any, when you were celebrated as a professor?

• Describe for me a time, if any, when you felt condemned for your behavior as a professor?

*Theme:* Gendered organizations, power systems.

*Questions:*

• What are your current teaching requirements as a professor and which subjects do you teach?
How are classes assigned to professors and staff each semester?

How is scholarly research conducted and support at the law school?

What service requirements do you have as a professor? How are you meeting those requirements?

**Theme:** Resiliency, power systems, gendered organizations

**Questions**

- What motivations/experiences keep you continuing in the path of the law school professorships?
- What motivations/experiences would cause you to leave your law school professor position?
- How do you balance your work commitments with your personal responsibilities?

**Participant questions:**

1. Is there anything you wished I had asked about your experience as a professor?
2. Do you have any questions for me?

**Part 3: Demographic information**

1. Race and ethnicity
2. Gender identity
3. Age
4. Where participant went to law school
5. How long participant has been an instructor; where participant has taught
6. Where along the tenure track is the participant
Part 4: Closing remarks

1. Thank participant.

2. Might I contact if I need further clarification about response?

3. Might I contact for a follow up study?