

Study on Women's Experiences at Harvard Law School

Working Group on Student Experiences

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I. EXECUTIVE SUMMARY

Over the past fifteen years, law schools and organizations around the country have conducted studies that found significant differences in the way women and men experience law school. Given that 2003 marked the fiftieth anniversary of women graduating from Harvard Law School (HLS), a similar study at HLS is especially timely. Over the past year and a half, a group of students investigated the experiences of female and male students at Harvard in order to contribute to the law school community's ongoing efforts to explore and address gender issues.

The study group collected and analyzed data from a variety of sources. We conducted three online student surveys, monitored student participation in 190 class meetings, analyzed three recent years of first-year course grades, collected information on extracurricular involvement, held a series of student focus groups, and compiled data on mental health visits, post-graduate employment, and clerkships.

Results

The experiences of female and male students at Harvard Law School differ markedly in numerous ways, in accord with the conclusions reached in studies conducted at other elite law schools.

Classroom Participation

We monitored student participation in 32 courses, totaling 190 class meetings, during the Spring 2003 semester. For each class meeting, we had two students – one woman and one man – monitor simultaneously, and we then averaged the results.

Women consistently volunteered to speak less often and made up a significantly smaller percentage of frequent talkers, those students who speak three or more times in one class. Although the monitored classes were on average 45% female, women made 39% of the 7,831 total comments in our sample. This disparity primarily reflects a gender difference in student-volunteered comments. A male student was 50% more likely to speak voluntarily at least once during a class meeting than was a female student. Men were also much more likely to speak multiple times in a given class meeting. Compared with female students, men were 64% more likely to speak three or more times in a class, and 144% more likely to volunteer three or more comments.

We also found a highly skewed distribution of student participation in first-year (1L) courses, with a small number of students – mostly male – accounting for much of the participation. Eighteen percent of 1L students accounted for 50% of all comments made in the approximately 12 class meetings monitored for each 1L section. The distribution of student-volunteered comments is even more uneven, although the extent of skewing varied a good deal between 1L courses. Overall, 10% of students accounted for almost 45% of all volunteered comments spoken in the 1L classes we monitored, and women constituted only 20% of this top

group of volunteers. Although a small number of students made up a large share of total participation, 85% of 1L students spoke at least once during the approximately 12 classes monitored per section, and 48% spoke voluntarily at least once.

Extracurricular Activities

We also found gender differences in involvement in certain extracurricular activities. Women held higher-up positions in academic journals at greater rates than men over the past six years. Women comprised 49% of executive boards and 56% of the top leadership positions of HLS-recognized academic journals. Excluding the Women's Law Journal decreased the overall percentage of women on the masthead to 44%, but only reduced the percentage of women in the top leadership positions to 52%. Most journals have had at least 50% female mastheads at some point in the past six years, with a notable exception of Law Review, with a membership that was 36% female on average.

Women also participated in the Legal Aid Bureau and Board of Student Advisors (BSA), two activities requiring a substantial time commitment and having a competitive application process, at higher rates than men. Over the past six years, women made up 57% of Legal Aid Bureau members and 59% of BSA members, compared with approximately 45% of the student body.

Student Life and Satisfaction

In terms of overall satisfaction, we found no gender difference in respondents' answers to how likely they would be to choose to attend HLS again. However, 2L and 3L men were more likely than women to respond that they would choose not to attend law school at all.

Women and men differed substantially in how they described their own abilities. Given the opportunity to rank their abilities in various areas, women gave themselves significantly lower scores in skills like legal analysis, quantitative reasoning, and ability to think quickly on one's feet, even after controlling for demographics and undergraduate major. Male respondents were much more likely than females to assess themselves as being in the top quintile of their class in legal analysis (33% v. 15%) and quantitative reasoning (40% v. 11%). Further research is needed to determine whether this difference represents overconfidence on the part of men, and to what degree the gender difference in confidence may cause self-selection in terms of courses, classroom participation, extracurricular involvement, faculty interaction and career efforts.

Additionally, according to data from Harvard Mental Health Services, women visited university mental health services significantly more often than men in recent years, mirroring national trends. In 2001 and 2002, approximately 16% of law students received mental health services from Harvard, with women making up almost two-thirds of that group. However, these findings should be interpreted cautiously because we have no information on the prevalence of preexisting conditions, visits to non-Harvard providers, the extent of Harvard health insurance coverage, or the purpose for or type of visit.

Academic Performance

We investigated gender patterns in grades by examining commencement honors and 1L course grade data. The Registrar's Office provided us with data on 1L course grades for three recent years, allowing us to examine whether women and men received different 1L course grades, and whether grading patterns changed based on a professor's gender, the course topic, or the exam type.

On average, men received somewhat higher grades than women in 1L courses during the three years of course grades we received. Thirty-one percent of the grades for men were A- or better, compared with 25% of women's grades. This gender difference was mirrored in our 1L survey sample, with women expecting lower grades on average than men.

The gender difference in 1L course grades varied depending on the subject matter of the course. In our sample, the greatest gender disparity occurred in Torts, while Criminal Law showed no statistically significant difference. The gender pattern also varied to some degree based on the gender of the professor teaching the course. Compared with 1L courses taught by female professors, those with male professors showed slightly greater gender disparities. Exam type, in contrast, generally did not affect the gender disparity, at least among the limited range of exam types commonly used in 1L courses.

The gender disparities in 1L course grades also exist in graduation honors. From 1997 to 2003, women were more likely than men to graduate without Latin honors (55.1% v. 46.6%). Moreover, 14.4% of male graduates received magna cum laude honors, compared with 8.4% of female graduates.

Although we were unable to analyze enrollment data, gender differences also appear to exist in course selection. Among 2L and 3L survey respondents, 46% of men and 29% of women reported expecting to take multiple courses in the area of corporate or commercial law. Seventy-one percent of women and 43% of men reported expecting to take a clinical course before graduating.

Employment and Clerkships

Women and men also differed significantly in terms of employment, clerkships, and career priorities.

Women pursued public interest work during summers and after graduation in significantly higher rates than men. From 1998 to 2003, nearly 11% of female graduates took a public interest job as their initial employment (excluding clerkships), compared with 5.5% of male graduates, according to data from the Office of Public Interest Advising and Office of Career Services. Additionally, 55% of Low-Income Protection Plan (LIPP) enrollees during the past six years have been women.

Over the past six years, women held judicial clerkships in rates similar to their percentage in the student body. However, there were differences in where men and women clerk. Only 36%

of HLS clerks at the U.S. Supreme Court and Circuit Courts of Appeals were women during the past six years. In contrast, women were overrepresented in state court and U.S. District Court clerkships.

We also found significant gender differences among survey respondents in the three most important factors they considered in choosing a career. Compared with men, women were more likely to choose “helping others” (41% v. 26%) and “advancing ideological goals” (24% v. 15%), and less likely to choose “high salary” (32% v. 44%). Differences in career priorities appear to result in a gender difference in long-term career expectations, but not in immediate job plans. Women in our 2L/3L survey, for example, were significantly less likely than men to expect to be at a law firm or in-house counsel in 10 years, but we found no such gender difference in students’ post-graduate job expectations. Additionally, the career goals of students – especially male students – appears to change during the course of law school. For example, 2L and 3L men in our survey sample were significantly less likely to choose “helping others” than were 1L men.

Conclusion

This study does not purport to provide a comprehensive overview of the incredible range of student experiences. Rather, by identifying substantial differences along one important dimension – gender – we hope not only to bring additional light to that dimension but also to provide a lens on student experiences generally.

We believe our findings can be viewed through a number of perspectives and can shed light on a number of issues. As a result, this study should prove helpful to all members of the HLS community in exploring and addressing gender differences. HLS is not alone in facing these issues. Studies of other law schools and of legal employers have also found gender differences, although direct comparisons are difficult due to methodological differences. However, regardless of the degree to which similar gender patterns are present at other law schools, Harvard can lead in exploring and responding to these issues.

Despite the obvious focus of the study, however, our findings are not only relevant to women or to gender. Although our results demonstrate that gender is an important dimension of student experiences at Harvard Law School, it is only one of numerous factors that influence students’ experiences. As a result, the HLS community should consider focusing not only on gender differences but also on the potential broader issues of which gender disparities may be a manifestation.

We hope that the information from this study helps to provide a more concrete foundation for a dialogue about, and further investigation of, the experiences of all students at Harvard Law School. Some of the gender differences should raise questions about whether the institution is equally hospitable for the learning and career development of all students; other differences, such as areas where women are “overrepresented,” could indicate experiences and career pathways that all students might benefit from. Discussion of women’s experiences should assist the Harvard Law School community in its continuing efforts to reassess its practices to ensure that all students can maximally contribute to and gain from the academic experience.