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LOOKING BEYOND GENDER: WOMEN'S EXPERIENCES AT LAW SCHOOL*

Eli Wald,** Carrie Golden, Erin Snow, Nicole Van Hook, Heidi Haberman, Elena Vigil, Tamara Henry, Jillian Kysor, Tseada Berhanu & Maureen Weiland***

This article explores the interplay between gender identity and racial, cultural, and ethnic identity as well as socioeconomic background, intellectual self-esteem, and familial support systems to investigate the experience of women law students in legal education. Consisting of nine narratives by female law students of varying identities and backgrounds, the article's main goal is to question the traditional focus on gender identity as a defining and explanatory factor of women's subpar legal education and examine its interplay with other aspects of students' identity and background conditions.

* In a seminal paper entitled *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, Lani Guinier and her co-authors found that legal education stratified significantly along gender lines, and that the law school experience of women differed markedly from that of their male counterparts. In meaningful ways, argued Guinier, becoming a lawyer inherently entailed becoming a gentleman. See, Lani Guinier et al., Comment, *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1, 2-6 (1994). In titling our article *Looking Beyond Gender: Women's Experiences at Law School*, we wish not only to acknowledge and build on Guinier's path-breaking work, but also to somewhat deviate from it — we argue that while law schools continue to institutionalize a dominant male legal identity, understanding the experience of contemporary legal education necessitates exploring not only students' gender identity but also other aspects of their multifaceted identity and background conditions. While becoming lawyers still entails becoming gentlemen, it also meaningfully involves developing and pursuing racial, ethnic, cultural, socioeconomic, and familial aspects of one's identity.

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INTRODUCTION

Gender equality in the American legal profession is still very much a work in progress. Thirty-five years since women first began to enter the profession in significant numbers, and twenty years since female law students regularly constituted approximately half of the national J.D. pool,¹ some notable strides toward equality have been taken, both objectively and symbolically. Overt systematic discrimination against women lawyers has been all but eradicated throughout the profession,² the overall percentage of women lawyers in the profession continues to increase, and women lawyers occupy positions of power in all elite segments of the bar.³ For the first time in history, three female Justices sit on the Supreme Court, one of whom previously served as the first female Solicitor General. Female law professors serve more regularly as deans of elite law schools, and women now serve with distinction as partners in large law firms, as judges, and as full-time law professors.⁴

These significant achievements notwithstanding, the road to equality remains a long and difficult one.⁵ Women lawyers are systematically under-represented in elite segments of the bar compared to their percentage in the profession.⁶ This is especially

1. “Between 1972-73 and 1982-83, the number of women grew from 11.8 percent to 36.8 percent of all law students” Thomas O. White, *A Retrospective Examination of Law School Admissions, The Law School Admission Council, and Law School Admission Services*, in LAW SCHOOL ADMISSIONS, 1984-2001: SELECTING LAWYERS FOR THE TWENTY-FIRST CENTURY 13, 28 (Walter B. Raushenbush ed., 1986). In the mid 1980s, women accounted for approximately forty percent of law students nationwide. See Abbie Willard Thoner, *Legal Education In The Recruitment Marketplace: Decades Of Change*, 1987 DUKE L.J. 276, 284 n.20 (1987) (“Forty percent of the students enrolled in J.D. programs in 1985 were women”); Symposium, *Twenty Years of Legal Ethics: Past, Present, and Future*, 20 GEO. J. LEGAL ETHICS 321, 338 (2007). By 1990, women comprised fifty percent of law students. MONA HARRINGTON, WOMEN LAWYERS: REWRITING THE RULES 15 (1994). “[I]n 2001, for the first time in U.S. history, women comprised over one half of all entering students in the nation’s law schools.” Reynaldo Anaya Valencia & Miguel A. Ortiz, *The Persistent Challenge of Gender and Law: Views From One Law School’s Student Body*, 3 SCHOLAR 157, 163 (2001). See generally Fiona Kay & Elizabeth Gorman, *Women in the Legal Profession*, 4 ANNU. REV. LAW. & SOC. SCI. 299, 300 (2008).

2. See, e.g., Paula Gaber, Comment, “Just Trying to Be Human in This Place”: *The Legal Education of Twenty Women*, 10 YALE J.L. & FEMINISM 165, 176 (1998) (“It is true that in the last twenty years, many formal barriers to women in legal education have come down. It is also true that more subtle forms of gender bias have replaced outright sexism in many cases.”).

3. Women lawyers began entering the profession in substantial numbers in the 1970s, and the percentage of career lawyers has since been steadily increasing. Nancer H. Ballard, *Equal Engagement: Observations on Career Success and Meaning in the Lives of Women Lawyers*, 292 CTR. FOR RESEARCH ON WOMEN, WORKING PAPER SERIES 1, 2 (1998); Cynthia Fuchs Epstein et al., *Glass Ceilings and Open Doors: Women’s Advancement in the Legal Profession*, 64 FORDHAM L. REV. 291, 313-14 (1995). By the early 1980s, women lawyers constituted approximately eight percent of the practicing Bar. ABA, LAWYER DEMOGRAPHICS (2009), available at http://new.abanet.org/marketresearch/PublicDocuments/Lawyer_Demographics.pdf. This number rose from approximately twenty percent in 1991 to twenty-seven percent in 2000. Clara N. Carson, *The Lawyer Statistical Report: The U.S. Legal Profession in 2000* (Am. Bar Found., Chicago, Ill.), 2004, at 3.

4. ABA COMM’N ON WOMEN IN THE PROFESSION, THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION 14 (2001) [hereinafter THE UNFINISHED AGENDA]; Cynthia Fuchs Epstein, *Women in the Legal Profession at the Turn of the Twenty-First Century: Assessing Glass Ceilings and Open Doors*, 49 U. KAN. L. REV. 733, 736 (2001); Judith S. Kaye & Anne C. Reddy, *The Progress of Women Lawyers at Big Firms: Steadied or Simply Studied?*, 76 FORDHAM L. REV. 1941, 1945-46, 1952 (2008).

5. Eli Wald, *A Primer on Diversity, Discrimination and Equality in the Legal Profession or Who is Responsible for Pursuing Diversity and Why*, 24 GEO. J. LEGAL ETHICS 1079, 1108 (2011) (“Substantive diversity and equality are still a long road ahead, and by some measures, not only is progress not being made but in fact women lawyers are worse off.”).

6. Robert L. Nelson, *The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society*, 44 CASE W. RES. L. REV. 345, 376-77, 379-80 (1994); Paula A. Patton, *Women Lawyers, Their Status, Influence, and Retention in the Legal Profession*, 11 WM. & MARY J. WOMEN & L. 173, 173

true at large law firms, where female attorneys regularly experience the glass ceiling effect.⁷ Correspondingly, women are over-represented in less prestigious segments of the bar.⁸ Female lawyers continue to make less money than their male counterparts for comparable positions,⁹ and report higher levels of job dissatisfaction, depression and attrition.¹⁰ Worse, these problems are not self-correcting; in spite of the fact that women continue to represent half of all graduating law students, the passage of time has not led to a consistently gradual increase in equality.¹¹ In some meaningful ways, women lawyers' quest to equality within the profession has reached a standstill.¹²

The reasons for this unfortunate unequal state of affairs are well documented. Women lawyers suffer from subtle, implicit forms of structural discrimination, face powerful negative gender stereotypes, are impacted by inhospitable traditional work environments, are affected by insufficient access to mentorships and business networks, and are held back by professional ideologies that reflect values and commitments inconsistent with work-life choices often made and/or imposed upon women.¹³

Legal education, in contrast, is one arena which could be expected to be in the

(2005) (stating that "women [lawyers] comprise about one-half of the ABA-accredited law school graduating class but account for [less than seventeen percent] of the partners in law firms nationwide," and the disparity in women partners is even more striking given that almost seventy-one percent of women lawyers work in private practice law firms).

7. Deborah L. Rhode, *Gender and Professional Roles*, 63 *FORDHAM L. REV.* 39, 58–59, 64–69 (1994); Deborah L. Rhode, *Myths of Meritocracy*, 65 *FORDHAM L. REV.* 585, 587–94 (1996); Deborah L. Rhode, *The "No-Problem" Problem: Feminist Challenges and Cultural Change*, 100 *YALE L.J.* 1731, 1764–68 (1991). See also Debra E. Meyerson & Robin J. Ely, *Using Difference to Make a Difference*, in *THE DIFFERENCE "DIFFERENCE" MAKES: WOMEN AND LEADERSHIP* 129, 130–33 (Deborah L. Rhode ed., 2003); Deborah L. Rhode, *Keynote Address: The Difference "Difference" Makes*, 55 *ME. L. REV.* 15, 17–19 (2003).

8. Eli Wald, *Glass Ceilings and Dead Ends: Professional Ideologies, Gender Stereotypes and the Future of Women Lawyers at Large Law Firms*, 78 *FORDHAM L. REV.* 2245, 2251 (2010).

9. A.B.A., *THE REPORT OF AT THE BREAKING POINT: A NATIONAL CONFERENCE ON THE EMERGING CRISIS IN THE QUALITY OF LAWYERS' HEALTH AND LIVES—ITS IMPACT ON LAW FIRMS AND CLIENT SERVICES* 6 (1991) ("Women in most positions continue to be worse off financially than their male colleagues."); NANCY REICHMAN & JOYCE STERLING, *GENDER PENALTIES REVISITED* 7–11 (2004) (documenting gender inequities in compensation); Ronit Dinovitzer et al., *The Differential Valuation of Women's Work: A New Look at the Gender Gap in Lawyers' Incomes*, 88 *SOC. FORCES* 819, 828 (2009); Joni Hersch, *The New Labor Market for Lawyers: Will Female Lawyers Still Earn Less?*, 10 *CARDOZO WOMEN'S L.J.* 1 (2003).

10. David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 *LAW & SOC. INQUIRY* 251, 258, 280 (1989) (noting that a survey conducted in the early 1980s found higher levels of job dissatisfaction from women in private practice than men in the same field); Ronit Dinovitzer & Bryant G. Garth, *Lawyer Satisfaction in the Process of Structuring Legal Careers*, 41 *LAW & SOC'Y REV.* 1 (2007); John Hagan & Fiona Kay, *Even Lawyers Get the Blues: Gender, Depression, and Job Satisfaction in Legal Practice*, 41 *LAW & SOC'Y REV.* 51 (2007); Kathleen E. Hull, *The Paradox of the Contented Female Lawyer*, 33 *LAW & SOC'Y REV.* 687, 691 (1999) (finding in a 1994 Chicago study that women were more dissatisfied with particular job aspects than men but that, overall, they were equally satisfied with their profession). See generally NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER* (Oxford Univ. Press, 2010) (examining the causes of dissatisfaction among attorneys and offering insight as to how lawyers may seek happier and fulfilling professional and personal lives); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 *VAND. L. REV.* 871 (1999) (describing the mental and physical challenges of the legal profession).

11. Rhode, *The "No-Problem" Problem*, *supra* note 7, at 1750–52.

12. Nancy J. Reichman & Joyce S. Sterling, *Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers*, 14 *TEX. J. WOMEN & L.* 27 (2004); WALD, *supra* note 8, at 2251–52.

13. *THE UNFINISHED AGENDA*, *supra* note 4, at 14–22; S. Elizabeth Foster, Comment, *The Glass Ceiling in the Legal Profession: Why Do Law Firms Still Have So Few Female Partners?*, 42 *UCLA L. REV.* 1631, 1645–48 (1995); Steve French, Note, *Of Problems, Pitfalls and Possibilities: A Comprehensive Look at Female Attorneys and Law Firm Partnership*, 21 *WOMEN'S RTS. L. REP.* 189, 203–04 (2000); WALD, *supra* note 8, at 2255–58.

forefront of gender equality. After all, legal education purports to be a professional meritocracy, with many of its core aspects being explicitly gender-blind, such as anonymous grading and anonymous writing competitions to gain admission to law reviews. Law schools have a reputation, at least outside legal academia, of being bastions of liberal thinking populated by cohorts of equality-seeking law professors.¹⁴ The systematic increase in the percentage of full-time female faculty members could be expected to correlate with increased opportunities for mentorship and networking as well as in increased role models.¹⁵ Additionally, law school ideology, while historically harshly competitive, is a far cry from the 24-7 hyper-competitive ideology that is increasingly dominant at large law firms. These features suggest that law schools should be institutions where women law students experience equality.

A robust body of literature, however, establishes quite the opposite.¹⁶ Law schools appear to exhibit the very same flaws that inhibit gender equality in other segments of the profession.¹⁷ As Lani Guinier and others demonstrate, law schools are in some ways the embodiment of inhospitable traditional and rigid institutions featuring many forms of subtle, structural discrimination, which systematically discourages women law students from class participation, active engagement with law school life, effective performance and success.¹⁸ Female law students continue to suffer from insufficient access to infor-

14. See, e.g., Karen Dybis, *Is your Law School Too Liberal?*, THE NAT'L JURIST, Feb. 2006, at 26–27.

15. Marjorie E. Kornhauser, *Rooms of Their Own: An Empirical Study of Occupational Segregation by Gender Among Law Professors*, 73 UMKC L. REV. 293, 294–95 (2004); Ann C. McGinley, *Reproducing Gender on Law School Faculties*, 2009 BYU L. REV. 99, 130, 152 (2009). See also Deborah Jones Merritt & Barbara F. Reskin, *Sex, Race, and Credentials: The Truth About Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199 (1997) (discussing the effects of gender and race on tenure-track law professors). But see Martha Chamallas, *The Shadow of Professor Kingsfield: Contemporary Dilemmas Facing Women Law Professors*, 11 WM. & MARY J. WOMEN & L. 195 (2005); Deborah Jones Merritt, *Are Women Stuck on the Academic Ladder?*, 10 UCLA WOMEN'S L.J. 241, 244 (2000).

16. E.g., Taunya Lovell Banks, *Gender Bias in the Classroom*, 38 J. LEGAL EDUC. 137 (1988); Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311 (1994); Allison L. Bowers, Comment, *Women at the University of Texas School of Law: A Call for Action*, 9 TEX. J. WOMEN & L. 117 (2000); Gaber, *supra* note 2; Marsha Garrison et al., Comment, *Succeeding in Law School: A Comparison of Women's Experiences at Brooklyn Law School and the University of Pennsylvania*, 3 MICH. J. GENDER & L. 515 (1996); Cynthia Hill, Comment, *Sexual Bias in the Law School Classroom: One Student's Perspective*, 38 J. LEGAL EDUC. 603, 603 (1988); Catherine Weiss & Louise Melling, Comment, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299, 1299 (1988) (“Powerful men made American law and American law schools by and for themselves. While . . . law schools are admitting increasing numbers of women[,] many of these women find legal education alienating.”).

17. See Sari Bashi & Maryana Iskander, *Why Legal Education is Failing Women*, 18 YALE J.L. & FEMINISM 389, 389 (2006) (exploring the experience of female law students at Yale Law School, and specifically investigating why “despite similar entering credentials, female students . . . are underrepresented among participants in class discussions and among students who form professionally beneficial relationships with faculty members”); Beth L. Goldstein, *Little Brown Spots on the Notebook Paper: Women as Law School Students*, 84 KY. L.J. 983 (1996) (presenting the narrative experiences of sixteen women involved in law school retention programs); Gaber, *supra* note 2, at 243–44 (analyzing the experience women were having in law school and how their conscious career paths may affect their experiences); Weiss & Melling, *supra* note 16, at 1300 (discussing the experiences of women law students in the 1980s and examining the premise that “women experience law school differently” than men).

18. LANI GUINIER ET AL., BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE (1997); Bashi & Iskander, *supra* note 17, at 391–92, 403, 409 (“Despite gender parity in entering J.D. classes, law schools are not adequately preparing female law students for success As individuals, law school professors treat women differently from men, and as institutions, law schools cultivate and reward patterns of behavior that are more likely to be found among men than among women.”); Guinier et al., *supra* note *. It should be noted that more recent studies find that women now perform as well, and sometimes out-perform their male counterparts. Celestial S.D. Cassman & Lisa R. Pruitt, Article, *A Kinder, Gentler Law School? Race*,

mal mentorship and networking with professors outside of the classroom, are often disillusioned by legal education's competitive rat race and, perhaps most strikingly, feel alienated by law schools and the culture of legal education.¹⁹ Study after study confirms female law students' feelings of alienation, disillusion, and discontent with law schools and concludes that legal education is failing women.²⁰

This body of literature has by and large studied the experience of women law students as women, focusing primarily on their gender identity as both a defining and explanatory factor. Some scholars made this choice explicitly and deliberately, assuming and expecting female law students to have a different, often negative, experience at male-dominated institutions.²¹ Others opposed making gender assumptions, yet nonetheless found significant gender differences.²² Most acknowledged that a focus on women's gender identity to the relative exclusion of racial, cultural, and ethnic identity as well as socioeconomic background, intellectual self-esteem and familial support systems was lamentable, yet unavoidable because of the relatively small sample size of minorities in law schools. Moreover, to the extent that women experience alienation and the other perils of legal education more commonly than men, greater attention may be paid to the experiences of women as women. But paying attention to women law students, in turn, requires treating them as a unitary and homogeneous group as opposed to individuals with complex identities that happen to share a common gender.²³ Thus, exploring the multifaceted identities of women law students and, in particular, the complex relationships between gender and other aspects of their identities was identified by many as the next step in better understanding and eventually improving legal education.²⁴

Emerging research has begun to explore the complex relationship between multiple facets of lawyers' personal and professional identity.²⁵ Some have studied the experience

Ethnicity, Gender, and Legal Education at King Hall, 38 U.C. DAVIS L. REV. 1209, 1256, 1260 (2005).

19. Bashi & Iskander, *supra* note 17, at 396 (“[F]emale students respond to law school by experiencing greater feelings of alienation and loss of confidence than male students.”); Felice Batlan et al., *Not Our Mother's Law School?: A Third-Wave Feminist Study of Women's Experiences in Law School*, Comment, 39 U. BALT. L.F. 124, 124, 128 (2009) (reporting a sense of “alienation, depression, and sinking confidence” among female law students, and summarizing the literature on women's experience in law school by saying that, “[g]enerally, such works have concluded that women are much less satisfied with their law school experience than men and often experience deep feelings of alienation while in law school”).

20. Bashi & Iskander, *supra* note 17, at 393 (“The findings reported from [this s]tudy are consistent with the literature describing women's diminished experiences at a range of other law schools.”).

21. Weiss & Melling, *supra* note 16, at 1302 (“[T]he critique of legal education that follows is distinctly, if not uniquely, a women's critique.”).

22. Guinier et al., *supra* note *.

23. Batlan et al., *supra* note 19, at 126–28 (expressing “aversion to essentializing women's experiences—that is, imagining that all women are the same and failing to take into account race, class, sexual orientation, and a myriad of other characteristics and identities,” and noting that “how people are situated by race, class, sexual orientation, age, family background, family relationships, political affiliations, and religion” recognizes “the multitude of ways in which people are positioned and how they self-identify”); Weiss & Melling, *supra* note 16, at 1301 (“[I]n focusing on gender, we do not want to obscure differences based on race, class, religion, sexual orientation, age, or any other aspect of identity. Indeed, in organizing the group, we learned that twenty women, most of us young, white, heterosexual, and middle class, can nonetheless disagree passionately on an array of issues.”).

24. See, e.g., Cassman & Pruitt, *supra* note 18, at 1241 (“[L]aw school experiences are significantly related to students' races, ethnicities, and genders [T]he predominant demographic factors affecting our survey responses were race, ethnicity, gender, and class year.”).

25. David B. Wilkins, *Beyond “Bleached Out” Professionalism: Defining Professional Responsibility for Real Professionals*, in ETHICS IN PRACTICE: LAWYERS' ROLES, RESPONSIBILITIES, AND REGULATION 207,

of women of color examining the interplay between gender and racial identity,²⁶ others have analyzed the relationship between gender and class identity,²⁷ whereas others have attempted to scrutinize the connection between gender, ethnic and class identity.²⁸ This article joins the undertaking by exploring the interplay between gender identity and racial, cultural, and ethnic identity, as well as socioeconomic background, intellectual self-esteem, and familial support systems in order to investigate the experience of women law students in legal education and, in particular, help explain the persistent findings of alienation, isolation, and silencing. Consisting of nine narratives by female law students of varying identities and backgrounds, the article's main goal is to illuminate the diversity and richness of women's experiences in law school, advancing the discourse and understanding of contemporary legal education and its challenges.

"Stories," argues Richard Delgado compellingly, "are powerful means for destroying mindset — the bundle of presuppositions, received wisdoms, and shared understandings against a background of which legal and political discourse takes place" and "can shatter complacency and challenge the status quo."²⁹ The nine law student stories that follow aim to achieve this very goal: to improve our understanding of contemporary legal education by questioning the traditional focus on gender identity alone and, instead, examining its interplay with other aspects of students' identity and background conditions.³⁰

This article is the result of a legal ethics class entitled Legal Profession: Women in the Law taught at the University of Denver Sturm College of Law in the fall of 2010. The class had nine students, all of whom were second and third year female students. The main goal of the course was to examine the American Bar Association Model Rules

218–225; 230–34 (Deborah L. Rhode ed., 2000); Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORNELL L. REV. 1259 (2000).

26. See A.B.A. COMM'N ON WOMEN IN THE PROFESSION, *VISIBLE INVISIBILITY, WOMEN OF COLOR IN LAW FIRMS* (2006), available at http://www.lgbtbar.org/annual/CLE_materials/4C/Visible_Invisibility.pdf; A.B.A. COMM'N ON WOMEN IN THE PROFESSION, *FROM VISIBLE INVISIBILITY TO VISIBLY SUCCESSFUL: SUCCESS STRATEGIES FOR LAW FIRMS AND WOMEN OF COLOR IN LAW FIRMS* (2008), available at <http://www.americanbar.org/content/dam/aba/migrated/women/woc/VisiblySuccessful.authcheckdam.pdf>; Carla D. Pratt, *Sisters in Law: Black Women Lawyers' Struggle for Advancement* (Aug. 17, 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2131492. See also Eli Wald, *The Visibility of Socioeconomic Status and Class-Based Affirmative Action: A Reply to Professor Sander*, 88 DENV. U. L. REV. 861 (2011) (exploring the visibility of racial and class identities).

27. See, e.g., Lisa R. Pruitt, *How You Gonna' Keep Her Down on the Farm . . .*, 78 UMKC L. REV. 1085 (2010) (recounting the author's personal experience of growing up in a rural area and tracing the impact of one's class identity on her development of professional identity at law school).

28. See, e.g., MARIA CHÁVEZ, *EVERYDAY INJUSTICE: LATINO PROFESSIONALS AND RACISM* 77–102 (2011).

29. Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2413–14 (1989). See also Kathryn Abrams, *Hearing the Call of Stories*, 79 CALIF. L. REV. 971 (1991) (offering a compelling theoretical defense of storytelling, refuting challenges that narratives are inferior to traditional legal scholarship). The Applied Storytelling Conference, co-sponsored by the Legal Writing Institute and the Clinical Legal Education Association, has generated a spur of narrative scholarship with over two dozen new articles over the past few years. See *Other Conferences*, LEGAL WRITING INST., http://www.lwionline.org/other_conferences.html (last visited July 30, 2012).

30. See Martha Minow, *The Young Adulthood of a Women's Law Journal*, 20 HARV. WOMEN'S L.J. 1 (1997) (arguing that personal narratives illuminate the multifaceted position and perspective of individuals thus challenging the seemingly objective perspective of traditional legal reasoning). See also Suzanne McKenzie-Mohr & Michelle N. LaFrance, *Telling Stories Without the Words: 'Tightrope Talk' in Women's Accounts of Coming to Live Well After Rape or Depression*, 21 FEMINISM & PSYCHOLOGY 49 (2011) (exploring the difficulties inherent in voicing women's narratives in a patriarchal structure).

of Professional Conduct and the law governing lawyers with a special eye towards their impact on women in the practice of law. Throughout the course, the notion of women's experiences in law school continually surfaced and often helped inform discussions of what life in practice would be like. Eventually, the students were encouraged to openly examine their own experiences as women law students. An extensive class discussion formed the impetus for the following narratives, as the students tried to amalgamate and understand what "experience" women law students are having in contemporary legal education. Each of the nine women in the class drafted a brief narrative describing her experience in law school and attempted to explore various aspects of her identity that played a role in and informed her law school experience.³¹

The narratives are loosely organized by the various themes they explore, but the order is nonlinear with some overlapping and conflicting ideas in each woman's narrative. Carrie's narrative offers a candid assessment of contemporary legal education and explores some achievements and unique challenges faced by women law students, including gender stereotypes. It is followed by Erin's story, which, in a way, builds upon Carrie's and explores some of its possible applications in her future practice. Erin's narrative also examines the relevance and availability of role models as well as a familial support structure by contrasting her own experience with that of her mother, also an attorney. Nicole and Heidi, respectively, explore feelings of alienation, isolation, and frustration with legal education. Nicole discusses the pressures of being a women law student, which involves feeling a sense of debt and obligation to past path-blazing generations of female law students while, at the same time, serving as a role model to future generations of women lawyers. Heidi tells the story of alienation from what she experiences as a male-dominated institution, with its emphasis on competition, individualism and the pretense of meritocracy.

Elena's narrative studies the intersection of gender, ethnic, and cultural identities. It also revisits Erin's insights regarding the importance of a familial support system, role models and networking as imperative aspects of a successful law school experience. Tamara examines the interplay of gender identity, socioeconomic, and cultural background and their impact on one's development of intellectual confidence and self-esteem. Her story is followed by Jillian's, who explores from a different perspective the relevance of socioeconomic and cultural background to success at law school. Read together, Elena, Tamara, and Jillian's stories reveal invaluable insights about the complex relationship between the multifaceted aspects of identity and background conditions that inform and shape one's legal education.

Tseada and Maureen's narratives could be read to contradict Nicole and Heidi's by telling stories of confidence, gender-free meritocracy, and of a successful and enjoyable experience in law school. Yet, in significant ways, their stories are consistent with the overall theme that seems to emerge from this collection of voices — highlighting the importance and relevance of multifaceted identities, values, and background conditions for

31. Storytelling has been a common method of exploring women's experience in law school. See, e.g., Cynthia Grant Bowman, *Bibliographical Essay: Women and the Legal Profession*, 7 AM. U.J. GENDER SOC. POL'Y & L. 149, 150–56 (1999) (listing narratives and personal accounts of women in legal education); Goldstein, *supra* note 17 (presenting the narrative experiences of sixteen women involved in law school retention programs); Gaber, *supra* note 2.

a contextual understanding of contemporary legal education. Tseada's narrative adds to the examination of gender and cultural identity the perspective of ethnic and national identity, whereas Maureen's narrative explores the impact of familial support, socioeconomic background, and intellectual self-esteem on one's experience as a law student.

Collectively, these experiences illuminate in rich detail what many of the prior works suggest in passing: that women's experiences in law school are complex and cannot simply be defined by gender.³² The narratives demonstrate that the experiences of women in law school vary greatly and are heavily influenced not just by sex, but also by age, background, culture, and race. We suggest that there is no singular, coherent "woman law student's experience," but instead a range of experiences as diverse as the women themselves, and that this diversity of experiences sheds an important light, in context, on reported feelings of alienation, isolation and silencing in law school. The narratives are followed by a short section highlighting some of the insights suggested by the stories.

I. FEMALE LAW STUDENTS: SUCCESSFUL AT COMPENSATING, OR TRULY SUCCESSFUL?³³

I have no doubt that the practical realities and law school environment of today make it easier for women to strike a work-life balance than it was for female law students of my mother's generation. But what does that mean when little was required to improve on a once herculean feat? Is not anything better than nothing? If mere acceptance of women to matriculate law school used to be the standard of equity, it seems that anything beyond that is a substantial positive change.

It appears to me that a more reliable indicator of an improved law school environment for women is to compare the difference between the experience for male and female law students. Is it equally easy for a female law student to balance work-life as her male counterpart? If our facility within the law school environment is similar to that of our male counterparts, then one could conclude that real progress has been made for female law students. Even with this more rigorous standard, I still do not doubt that the law school environment for female students is better than it was.

I believe that law school is a place where female students can — and do — thrive. I feel equally capable as my male peers to raise my hand in class, to take advantage of professional opportunities, and to set the curve on a final exam.

In fact, my experience has been that my fellow female law students are thriving — perhaps even more than my male peers. I noticed this almost immediately upon matriculation. At a welcoming orientation event for public interest scholarship recipients, awarded based on previous scholarship and commitment to public service, we were surprised to find that all twelve recipients for my year were women. The recipient groups of the two years before mine each had just one male recipient.

By the beginning of my second year of law school, I could not help but notice that

32. Goldstein, *supra* note 17 (exploring the experiences of women of varying racial and socioeconomic backgrounds involved in a law school's retention program); Gaber, *supra* note 2 (acknowledging the impact of gender on career path choice); Weiss & Melling, *supra* note 16, at 1323–25 (suggesting that political beliefs can impact one's law school experience).

33. Letter from Ms. Carrie Golden to Prof. Wald (Nov. 25, 2010) (on file with authors).

almost all of the student organizations with which I was familiar had female leaders. The outgoing and incoming president of the International Law and Policy Journal both were women. After a competitive selection process, all five members of the Jessup International Trial Team were women. Women held board positions as President or Vice President in the Spanish Speaking Lawyers, the Amnesty International Club, the Public Interest Law Group, Alternative Spring Break, the Latino Law Student Association, the Native American Law Student Association, and the Jewish Law Student Association, among others.³⁴

Of course, women were not on the boards of all student organizations. I will never forget the afternoon I walked into class early, accidentally entering a concluding lunch meeting. Looking around me at a group of approximately twenty students, I realized they were all men. What student group is this, I asked someone as he packed his things to leave. The LDS Mormon student group, he told me. I could not help but ask myself because I genuinely did not know — are Mormon women allowed to attend law school?

I did not just notice my female law student peers at school. One morning at the school gym, conveniently located across the street from the law school building, I snuck in an early workout before the busy day ahead. Halfway through my workout, still half asleep, I glanced down the line of elliptical machines. There, at six-thirty in the morning, behind every elliptical machine was a female law student. To me, this was undeniable proof not only that women in law school can balance our professional and personal lives, but that we are doing this. And, (dare I think it!) maybe we are doing this just as well as our male peers.

And yet, even though I believe that work-life balance for female law students is easier than before, and even if I flirt with the idea that we are balancing it as well as our male peers, I cannot commit to the idea that it is as easy for women in law school to do the balancing act as it is for male law students. Do we seek to pursue public interest because stereotypically male practice areas of law intimidate us? Do we strive for board positions to disprove our doubts about female leadership qualities or to compensate for less academic success than our male counterparts? Were we all working out before dawn because we want balance, or were we there because we feel pressured to keep a certain image?³⁵

Admittedly, it is difficult to ignore the expectation to be fit and have all realms of life under control. Why is it difficult to ignore? Well, people seem to notice if expectations are not met. I was miffed, for example, to hear the feedback a female peer received after her first year mock oral arguments, for which she had agonized over legal analysis and substantive arguments. She should, the judges told her, wear her hair up and not wear dangly earrings that draw attention to her or distract members of the courtroom from her arguments. What could one learn from this feedback? Rather than chide those easily detracted from legal issues in the courtroom, we female lawyers or law students

34. *But see* Jennifer C. Mullins & Nancy Leong, *The Persistent Gender Disparity in Student Note Publications*, 23 *YALE J.L. & FEMINISM* 385 (2011) (documenting a significant gender disparity in student note publication in a study of fifty-two general-interest law reviews).

35. *See generally* DEBORAH L. RHODE, *THE BEAUTY BIAS: THE INJUSTICE OF APPEARANCES IN LIFE AND LAW* (Oxford Univ. Press 2010) (describing the day-to-day pressure for female attorneys to maintain their physical appearance, which stems from gender stereotypes and discrimination in the legal profession).

should be less attractive?

But in some respects, the judges are right. In my experience, female law students are less likely to be assumed competent and savvy. As a twenty-seven year-old, five-foot tall woman, people often mistakenly assume I am naïve and young. Just last fall, for example, as I studied for my Administrative Law final exam, I was asked if I was studying for the SATs. I find that I am treated more like a professional if I trade my sneakers, curly Jewish hair, and contact lenses for a pair of heels, a blazer, a neat braid, and my glasses. And so I, too, spend time and money on those seemingly stylish accessories that, actually, are tools to look more sophisticated and command more respect.

Perhaps more troubling, it seems to me that there are gender-related realities, wholly apart from discrimination, that affect my experience as a female law student. Memories during my 1L year still make me hesitant to take advantage of professors' office hours. In my experience, office hours with male professors could not be more awkward. My attempts to engage with the material and cultivate a professional rapport were met with terse Yes or No single-word responses, darting eyes, and, in one case, a professor who stared at his computer screen the entire excruciating office visit. Detached responses and purposefully wide-open office doors made me feel that my male professors saw me as a potentially damaging sexual harassment charge that requires preemptive deterrence.

Still, I wonder if this is just a gender reality characteristic of today's workplace or a school environment that is distinct from discrimination. Or, do these awkward situations — that undeniably make learning and the law school experience harder for women — actually reflect some imbedded discrimination (motivated by perhaps justifiable fear) on behalf of law school professors? Do law school professors further gender roles in law school? Why is it, for instance, that at the Public Interest Law Group auction each year, male law professors auction tickets to baseball and hockey sports events, whereas female law professors auction jewelry-making and cooking lessons?

Despite my suspicions, I gratefully acknowledge the positive development of the law school environment for women, compared both to prior environments for women and to the current environment for men. Encouragingly, my experience has been that women in law school are more than capable of being successful: we are successful. Yet, I cannot help but wonder if today's successes of women in law school show not that we have an equal grounding from which to obtain success, but rather that we are successful at compensating for the gender hindrances — intended or unintended discrimination, external or self-imposed expectations, or other gender-related realities — that still distinguish us from men.

II. LIKE MOTHER, LIKE DAUGHTER?³⁶

As a third year law student, one distinctive fact about me has always served as an interesting anecdote: I was born during the winter break of my mother's second year of law school. This fact may have impressed upon my friends that I was destined (or at least strongly predisposed) to one day attend law school myself. Even more acutely, my female friends and I marveled at my mom's feat of balancing a highly successful law

36. Letter from Ms. Erin Snow to Prof. Wald (Nov. 25, 2010) (on file with authors).

school career with a happy marriage and a newborn baby. Not to mention nine months of pregnancy during the first half of law school, an experience I have yet to go through as a single woman in my late twenties.

My mother truly has achieved an astounding level of success in the various realms of her life, maintaining a productive legal career and a happy family and marriage, all while continuing to serve as an active member of her community. In doing so, she has made difficult choices and even some sacrifices along the way. She does not express regret about any of her decisions, and I agree that she always made the best choices to serve her larger personal life goals. However, the fact that she had to make career sacrifices at all exemplifies the difficulties that even the most talented and ambitious women face when trying to achieve a work-life balance.

My mother earned her master's in social work the year after graduating from college, and married my father that summer at age twenty-three. After working with troubled children for five years in San Antonio, she felt ready to transition from her career as a social worker and decided to attend law school, enrolling at St. Mary's in 1980. This was a time when the number of women attending law school was just beginning to rival the number of men, but the legal profession — law professors, practitioners and judges — were still almost exclusively male. Despite being female in a male-dominated field, and facing the challenges that came along with being a new mother, my mom graduated from St. Mary's in the top two percent of her class and was offered a federal clerkship in the Western District of Texas in El Paso. Due to the fact that my father's banking career was just beginning to take off in San Antonio, she had to make the difficult decision to turn down the prestigious offer, instead becoming an associate at a small real estate law firm.

Eventually, my parents did decide to move to El Paso after my dad was offered a promotion with his bank, and my mom became the first non-partner-track associate at a large corporate law firm. After my youngest sister was born, she decided to take time off (if raising three young girls can be considered a break). Six years later, she jumped back into the legal realm as an in-house lawyer at a real estate company, a job that she continues today.

Many of my mother's major career decisions have been "gendered" in the sense that she, not my father, made her decisions based on the needs of her family. Although my dad was actively involved in raising my siblings and me, he always worked full time and often traveled for work. My mom was the one who made career sacrifices for our family, a fact that she accepts matter-of-factly, and about which she expresses no regret. Even so, when looking back on the impressive offer she received to clerk for a federal judge, it strikes me that if my parents were in the same position today, my mother would have been more likely to accept the offer and moved her family to El Paso. Many couples today might approach the situation as an opportunity to advance the interests of the entire family overall; and surely, as a single woman with no children, I would not hesitate to jump on such a prestigious offer. To me, this decision serves as the most acute example of my mother's decision to prioritize her family over her career.

However, her choice to turn down the clerkship was in line with her bigger picture goals. The reason my mom decided to attend law school in the first place was not neces-

sarily a matter of fulfilling a life-long passion for a legal career, but rather a pragmatic decision to enter a career field in which she could help support her future family. She has approached her career with vigor in the sense that she has always worked hard and is highly respected in her field. Yet simultaneously, she tended to keep her work as a transactional lawyer mostly separate from her personal life. As a result, growing up I had only a dim perception of what my mom — and lawyers in general — actually did on a daily basis. Overall, by keeping her work life separate from her personal life, my mom was able to “have it all,” effectively balancing a successful career, raising three happy children, and all the while maintaining a wonderful marriage.³⁷

In addition to balancing a successful legal career and family life, my mother has served on numerous non-profit boards. In this way, she pursued her passion for helping others not directly through her work, but by making time to volunteer. My mother’s career path exemplifies a compartmentalized approach to achieving balance and fulfillment in multiple areas of life. She made money and pursued intellectual challenges at work, cultivated her family life at home, and pursued her passion for improving her community as a volunteer for local non-profits. In these ways, her choices serve as an example of a woman who has successfully achieved the ultimate work-life balance that eludes so many individuals, men and women alike.

Like my mother, I also took an indirect path to law school. As an undergraduate English major, I often confronted the seemingly hostile question, “What are you ever going to do with an English major? Go to law school? Or teach?” With all the maturity of a twenty-year-old who had no idea what kind of career I hoped to pursue, I outwardly scoffed at both suggestions; little did I know that I would pursue both of these career paths.

In college, I became passionate about education reform as an anti-poverty tool, and initially decided to pursue a career as a teacher. I joined Teach For America as a corps member teaching seventh grade English in inner city Los Angeles for two years, and simultaneously earned my Master’s degree in secondary education. Like my mom before me, I felt that my first job involved as much child welfare work as it did teaching English and Language Arts content. After two very difficult years in the classroom, I decided that I would be better suited to law than to my first chosen career in education. I followed in my mother’s footsteps and applied to law school, and was fortunate to be offered a scholarship for my public service experiences.

Overall, law school has been a very positive experience for me; I have enjoyed the intellectual challenges and even the rigorous workload. As a future lawyer, I have found a more suitable role within the education reform movement, having worked for a state senator who ran progressive education legislation, and serving as a founding board member of a new college-preparatory elementary charter school. As I approach graduation, however, I have begun to feel an impending sense of anxiety regarding my job search. Of course, the struggling economy plays a large part in aggravating my fears, but I also face two competing impulses: choosing my path based on pragmatism or passion.

On the one hand, I look to my mom’s example and feel that I should treat my ca-

37. See Anne-Marie Slaughter, *Why Women Still Can't Have It All*, THE ATLANTIC, July-Aug. 2012, available at <http://www.theatlantic.com/magazine/archive/2012/07/why-women-still-cant-have-it-all/309020/>.

reer as “just a job” while pursuing other sources of satisfaction through my community involvement and personal life. While having such a strong and successful mother has certainly impacted my life in a positive manner, I still long to combine at least two of the elements she has kept somewhat separate: treating my career as a means to make money, versus using it as a vehicle to pursue my passion for helping others. On top of my desire to find a job that fulfills my desire to positively impact my community, I also try to make time to date, given that I hope to one day get married and raise a family. Unlike my mother, who began her legal career as part of a dual-income family, the reality of being a single woman has affected my career plans. Ideally, I would like to stay in Denver after graduating, and eventually buy a house and live comfortably on a single income; of course, to achieve all this I will need a high-paying job. I face the challenge of achieving all these goals on my own, which has felt completely overwhelming at times. In an ideal world, I would find a career path that both embodies my passion for education reform and pays the bills, all while allowing time to enjoy my personal life. In short, I want it all.

Fortunately, I have grown up with a mother who serves as an example to show me how I can achieve all my goals, rather than choosing to sacrifice one or another entirely. I have begun to accept the fact that I might not achieve all my dreams in one fell swoop, and my future will likely not look the way I have always pictured it. I know that over time and through various choices, I can anticipate a productive and fulfilling balance between my career goals, my personal life, and my desire to serve my community. While I hope to eventually find a career that allows me to impact my community in a positive way, I also understand that I would be lucky to start out with a job that allows me to live comfortably. I know that in the meantime, I can continue to prioritize my personal life and community service by remaining patient and knowing that I will eventually find all I am looking for. Now that I am no longer an immature twenty-year-old who is preoccupied with denying my destiny to follow in my mother’s footsteps, I look up to the choices she made and know that I, too, can have it all one day. I am grateful to have been raised with a powerful example of a woman who truly has achieved a successful and happy work-life balance.

III. THE LAW SCHOOL EXPERIENCE: SLOWLY LEARNING THE SECRET TO SUCCESS³⁸

This semester, I am taking eighteen credit hours. In addition to my five substantive courses, I have devoted three “credit hours” to my non-law life. This “course” ranges from doing laundry to going out to dinner and spending time with friends and family. Why do I consider my non-law life a course? Because I have learned that if I do not schedule it the same way I schedule my law life, then I do not pay any attention to it.

I started law school in 2008 feeling like I had it all under control. I had taken two undergraduate law classes and worked for a year for a free legal aid office, and I was sure that this is what I wanted to do with my life. After just the first day I found myself buried in work and was not sure how to handle it. I had done very well in high school

38. Letter from Ms. Nicole Van Hook to Prof. Wald (Nov. 25, 2010) (on file with authors).

and college, and I felt I knew how to manage my time effectively. The problem I found when I got to law school was that the work never ends. There is always something else to do and something more to learn. I felt a huge amount of pressure to try and do it all. Within a few weeks I was devoted to studying sixteen hours a day, seven days a week. I was wracked with guilt if I tried to take time to do anything non-law related. And I was miserable.

Certainly a large part of this pressure to succeed was internal. But I did feel an external component brought on not from men, but from other women. I have had the fortunate opportunity to see and meet some incredibly prominent female lawyers and judges who paved the way for the women lawyers of my generation. The one message I kept getting from all of them was how fortunate I was to have opportunities today that they could only dream about: that there are doors open to us that had been slammed shut for them. I vividly remember seeing a panel of female state supreme court justices and one of them making the comment that if you do not raise your hand in class everyday then you are doing a disservice to those women who never had a chance to do so. I felt this huge weight on my shoulders. Not only did I need to succeed for myself and for my future, but also for women everywhere who never got this opportunity. What I saw when I looked at these prominent women lawyers was that they were the embodiment of the idea that you can do it all. Somehow, they had discovered the secret on how to be a successful lawyer, a loving wife and mother, and do it all in a power suit with perfectly coifed hair and a pie baking in the oven. The only problem: none of them ever talked about how they did it.

Unsure how to cope, hair very unkempt, and not in possession of a power suit, I just kept telling myself that I just had to get through the first year and then everything would be more balanced. If I could get through the first year then I could move on and discover the secrets to legal success. And I did survive the first year. Not only that, but I did surprisingly well. I felt relieved to have finished, and prepared to start what was surely to be an easier second year. But, if anything, it proved to be more intense. Now, on top of the same course load, I had an internship to deal with and more responsibilities with extracurricular activities. I had planned on using the second year to restore some balance and order to my life, but instead found myself in exactly the same boat: studying sixteen hours a day, seven days a week and being completely miserable. I became so wrapped up in trying to be successful, to not squander my opportunity, that I essentially stopped living. I realized that if being a lawyer meant a life of being this unhappy and stressed out that I did not want to be a lawyer anymore. My stress over law school and my unhappiness with it became so severe that two weeks before finals I walked into the registrar's office and withdrew.

I spent the next nine months questioning what I wanted to do and who I wanted to be. I came to the conclusion that my intuition before starting law school was right; I really do love studying law. It is challenging but exciting and rewarding. It is just that being a lawyer is not all I want to be. And if I was going to go back, I had to find a way to balance myself and have more in my life than just school. I want to spend time with my friends and family. I want to watch the news and know what is going on in the world outside of academia. I want to turn my cell phone off at night. One day, I may want to

have kids and go to their soccer games and art shows. In having all these revelations I think I learned the secret that the women of the previous generation were hiding from me: that you really cannot do it all. That while it may seem like everything is done to perfection, you have to pick and choose your battles. That in order to be a successful lawyer you may miss a soccer game or two. That to be a good mother you may not be able to take on every case that comes across your desk. That the pie baking in the oven is actually store bought and is really just being reheated. I firmly believe that if the drive is there then a female lawyer can achieve the same as any male lawyer can. Any lawyer who wants to become a partner in a law firm is going to have to make sacrifices, regardless of their gender. The question comes down to what someone is willing to give up to achieve a goal. It comes down to where the balance is for them.³⁹

I know what I am willing to give up, and it is not my non-law life. And, I know that in deciding this it means I may give up part of my career. It is a choice I am fully comfortable with. It does not mean that I will never make partner. There are firms who have a part-time partner track. It does not mean that I cannot accomplish everything I want to. It just means that I am not willing to try and do it all at once at the expense of myself. I feel I have already shown that you do not have to stay on the traditional track in order to be successful. I walked away from law school and then came back, something many people told me I would not be able to do.

Now as I near completion of round two of being a second year law student I can take stock of several things. I study less than I did last year. Some nights, I stop before everything I wanted to get done is finished. There are days that I do not study at all. Yet, I feel like I understand the law more than I ever have. The time that I do study is far more effective because I am not so exhausted. I participate more in other school activities because I want to, not because I feel like I have to. All of this, and I still manage to have things in my refrigerator other than take-out boxes.

This is why I say I am taking three credit hours in non-law life. It deserves the same amount of attention as my other courses do. Just as in those courses, there are some weeks where I have more work in my life class, and less to devote to my other ones. There are some days where not all my substantive schoolwork gets done because I had more pressing matters to tend to in my life class. And that is okay. If I do not learn now how to balance my time as a law student, then I never will be able to as a lawyer. Juggling both is only going to get more complicated.

I do feel that my idea of wanting to be a balanced lawyer is criticized by some women who view it as taking several steps backwards. But I also think that what the trailblazers before us have given is not only the option to climb up, but the choice not to. I think what they mean to say when talking about the doors that are open to women lawyers today are doors of choice. That we can go as far as we want without being inhibited by gender, but can also choose not to exercise every opportunity and yet still have a fulfilling career. Like the majority of my fellow classmates, I have no idea what I will do once I graduate. What I do know is that the skills I have learned and applied in being a

39. See Slaughter, *supra* note 37.

more balanced law student will go with me and I will use them to the best of my ability to become a well-balanced lawyer.

IV. PLAYING BY MY OWN RULES⁴⁰

I started law school at the age of thirty, as a full time day student. I am married, am a homeowner, and co-own a small business and a business property with my husband. I have no children. Owning a business has allowed me the freedom to finish school in three years rather than dragging it out to four, but it has meant blatantly ignoring the ABA's prohibition about first year students working, and the work limits established for upper level students. The decision has meant an increase in overhead and responsibility, strict limits on my study and research time, and the fiscal impossibility of taking a hiatus from work. Positively, my age and position have provided me with professional perspective, and they have removed the pressure of acquiring a job after graduation. I applied for school shortly before my company became profitable as a financial Plan B in case our efforts tanked.

The aggregate of my work and school demands create a "work" life that is unusually challenging. From May through December the balance cumulates in a schedule requiring at a minimum of 70 hours and at a maximum of 112 hours of work a week. From January through May, my business demands decrease to about 20 hours a week, which allows me to increase the number of hours on law work. My husband's hours are similar. In order to pick up the slack created by my studies, he has increased the time he spends working. This is more a blessing than a problem as we are both so busy that neither feels slighted, and since we work together on a similar goal our relationship survives where many have failed.

Theoretically, my personal life exists on Mondays, where if I am lucky I have the whole day off, but in reality it rarely works out. Outside of the time I spend with other law students during school hours, and the occasional post-school drink, I spend very little time socializing. Relationships with my non-school friends have dwindled to the point of disappearing. My parents, siblings and in-laws have started to ignore me out of fear of being a hassle, and I rarely contact them unless I am having an emotional breakdown. I have never been so busy or stressed, but I have also never felt such personal satisfaction and gain — both from the financial rewards of working for myself and from the reward of keeping my brain active and engaged in the pursuit of an advanced degree. However, this required a rejection of the law school grading system in order to feel rewarded academically.

I attended law school seeking refuge from the professional sphere not because I disliked working for others, but because of an infuriatingly pronounced disconnect between an employee's merit and associated compensation in every job I encountered. I have always loved school because it created the foundation of my self-esteem by rewarding my intellectual efforts. I was solely responsible for my performance, and I believed the ends were justified by my control of the means. I used to define myself as socially awkward, non-athletic, and lacking in self-promotional skills. In college, the academic

40. Letter from Ms. Heidi Haberman to Prof. Wald (Nov. 25, 2010) (on file with authors).

grading system allowed me to cope with my perceived ineptitude in these social spheres through reinforcement and validation of my intellectual pursuits and efforts. It provided an objective analysis of my performance which I could control, rather than the more subjective analysis at play in the social arena. I struggled to find this reinforcement and assurance of my abilities and efforts through the professional equivalent of supervisory guidance and compensation, and I was routinely disappointed. Eventually, I found an equivalent reward system in self-employment where input is directly related to outcome, but that realization did not occur until after I had been accepted at law school.

Ironically, rather than my return to academia providing me with the standard merit and effort based reward system I was longing for, the law school grading system turned out to be an extension of my professional frustration. Rather than rewarding students who actually know the law and understand its application, it is structured to reward students who test well. After the first year, students can game the system by selecting professors and classes that play to the individual's advantage. This is an attractive and advantageous approach for students motivated by financial reward, looking for positions in top firms who offer the greatest compensation but only interview students in the highest ranks of their class. I find this phenomenon to be objectively disjointed; law school success is remotely or coincidentally connected with what I would expect firms to value — knowing and applying the law and the social competence to interact with and maintain clients — yet success in law school is so strongly relied upon in hiring.⁴¹ I find this to be disconcerting about the profession in general; top firms refuse to interview a number of students who will be excellent attorneys, and these same students inflict mental abuse on themselves for their perceived failure.

Law school is structured to foster competition amongst individuals, which is most notably apparent in the required curve, the Socratic method, and an emphasis on the importance of class rank. All of these attributes have detrimental consequences for people with a competitive drive limited by an interest in the well-being of others and who base self-worth on relationships. The curve and class rank pit individuals against each other and discourage collaborative contribution in favor of the individual, and the Socratic method utilizes public humiliation to undermine individual confidence. Excellent students who have a real understanding of the material can be eliminated from the possibility of receiving an interview with a top firm based on their performance on a single exam — a grade that is influenced more by other students' performance than their actual merit.⁴²

There are distinct differences in the way people structure and view personal suc-

41. Alex M. Johnson, Jr., *Think Like A Lawyer, Work Like A Machine: The Dissonance between Law School and Law Practice*, 64 S. CAL. L. REV. 1231, 1246 (1991) (“[L]aw firms do rely on law schools. First, they depend on the sorting process of elite law schools’ admissions decisions. . . . Second, firms depend on the sorting process law schools create when they . . . ‘objectively’ sort the students by intelligence via a mean grading system. . . .”).

42. ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* 73 (2007) (“[T]he competitive atmosphere . . . and negative messages to students about their competence and self worth” impede the development and the attributes of professional lawyers.); Spearlt, *Priorities of Pedagogy: Classroom Justice in the Law School Setting*, 48 CAL. W. L. REV. 467, 468 (2012) (“Curves effectively put students in competition with one another, making a fellow student’s success zero-sum against one’s own. . . .”). *But see* Joshua M. Silverstein, *In Defense of Mandatory Curves*, 34 U. ARK. LITTLE ROCK L. REV. 253 (2012) (arguing that curves best serve the interests of students in fair and consistent grading).

cess, and they often reflect gender stereotypes. Generally, for men, personal success is based in achievement of goals, and for women it is based in the cultivation of relationships.⁴³ Therefore, in group situations, men are more likely to pursue individual achievement at the expense of the group, where women will seek the betterment of the group at the expense of their own performance.⁴⁴ In my experience, this psychological difference is both biological and learned; as a female I was often encouraged to play collaboratively with my friends at games that emphasized socialization, while my masculine counterparts were encouraged to play games that emphasized the individual and winning. Professions that have traditionally been dominated by one gender are inherently structured to that gender's reward and achievement system. Law school and the traditional structure of law firms are aligned with the masculine model — recognition of individual achievement at the expense of others.

My first year attempts to play the game resulted in detrimental effects to my health and my sanity. I stopped eating as a result of stress and anxiety, stopped exercising out of fear that I was wasting time, and resorted to drugging myself to get sleep. I was fighting with my husband, isolating my friends and family, and felt like I was continually on the verge of a panic attack. The relationships and collaboration I valued were pulled apart by the promotion of my self-interest. When my first semester grades returned with average scores, I resolved to try harder. Second semester I increased my study time, worked with my straight-A friends to reassure myself that I knew the material, and pushed all social and familial obligations aside. I was rewarded with second semester grades that had moved slightly — but in the opposite direction. My male friends remained in the top spots and could not understand my exam performance, explaining it as a lack of ability to test well and suggested I cultivate that skill for the future.

After dedicating time to reading and researching about best approaches to law exams, how to issue spot, and the importance of knowing the professor's interests, I realized that I was spinning my wheels. I was wasting my limited study time trying to learn the rules of the game, not the legal material. Given my limited schedule, age, and work demands it was ridiculous to invest in a game I had no interest or ability to win, particularly if the meritless system was perpetuated in the professional context. So I stopped. I refused to review my grades. Actively removing this fictitious ground for self-validation forced me to alternatively define success. My experience in school, relationships, and understanding of the material increased in importance. I prioritized subjects by those I had personal investment and interest in regardless of the reputational difficulty of the course or the professor's grading habits. As a result, my health and happiness increased, and my confidence in my understanding of substantive law ceased to require third party verification.

Understandably, my rejection of the game will lower the financial return on my law school investment, but I am alright with that. I am willing to prioritize my family, relationships, and business needs at the expense of my personal financial gain because the validation of my work input is within my control and not subject to a system that is inherently contrary to my instincts.

43. ROSABETH MOSS KANTER, MEN AND WOMEN OF THE CORPORATION 159 (1977).

44. *See, e.g., id.* at 150–51.

V. MY LAW SCHOOL EXPERIENCE: STRIKING A CULTURAL BALANCE⁴⁵

The toughest balancing act I have ever tried to do on my own is to keep my identity with my family while, at the same time, learning how to feel comfortable within the environment of law school, where Chicanas are often misunderstood. For me, this has meant sacrificing expectations within my culture.

In the beginning of my law school journey, I considered my struggles with balancing my life as a reflection of my own shortcomings. In other words, I struggled with the basics and felt that as a result, I would never be an effective advocate for anyone. I felt that I was supposed to know how to do everything perfectly. But today, I realize that I know exactly what I am supposed to know, and I realize that my legal analysis and writing skills will always need improvement.

During my first three years of law school I connected with other Hispanic law students. We shared rules, articles, and study aids, which was helpful and created a sense of community. However, now that those Hispanic classmates have graduated and moved on to pursue their professional careers as licensed attorneys, I find myself feeling very alone and unable to connect with my non-Hispanic classmates.⁴⁶

An example of this sense of isolation occurred in my legal profession class when a fellow classmate shared that she expected respect in any office she entered in the law school, regardless of whether the professor was a man or a woman. This is completely opposite of what I expect when I walk into an office in the law school. I wonder how I will justify my 'not knowing how' to do or say something. I am told that this is a reflection of my self-esteem. If self-esteem is determined by growing up in a minority family and always feeling as though I must be ready to justify myself, then I suppose there is reason for my expectations to differ from the expectations of my classmates.

In addition to feeling like I have to justify myself in all law school situations, the overwhelming pressure of attending law school spills over, affecting my family life. The pressure pushes through my bones as I think of the children in my neighborhood and the children and parents that share my racial identification. I think of the other Chicanas who dream of attending law school, and the part I must maintain as a role model, not just to immediate family, but also to my community. Because of all these levels of people I relate to, I am constantly worried that what I produce in law school will never be good enough.

At times, I have sadly paralyzed myself with worry to the point that I have procrastinated on my assignments because I fear they will never be perfect; I worry that if my work is not perfect, I will fail. After painfully sharing these worries with a few caring professors, I realized that a lot of my struggles in law school have to do with the fear imposed on all first year law students. During the first year of law school, I felt that my entire career was based on my performance in law school. I took this too personally and I made perfection my boogieman. Instead of allowing perfection to fiercely drive me to do my very best, regardless of how other law students in my class were performing, I al-

45. Letter from Ms. Elena Vigil to Prof. Wald (Nov. 25, 2010) (on file with authors).

46. The University of Denver Sturm College of Law offers a four-year evening time course of study, alongside its traditional three-year daytime course of study.

lowed it to defeat my potential.

Looking back at the moment I chose to enter law school, there was no room for my cultural and traditional obligations. Choosing to study instead of attending family events was initially not easy for me because family had always come first and was still the most important thing to me. Deep in my gut I felt a pain of guilt that I was losing my identity as a sister, daughter, auntie and godmother.

Finding the balance between my identity as a Chicana and my identity as a law student is something I continue to struggle with, especially because, traditionally, by the age of thirty-five I should be a wife and a mother, not a single Chicana woman with no children. All the “shoulds” of my culture are fence posts I chain myself to, and there are no chain cutters in sight. Traditionally, being the oldest of three girls, I should be responsible for my mother. These responsibilities should include paying bills, setting up doctor appointments, arranging grocery store lists and trips, and ensuring the household is clean and everyone is successfully providing an income so that we all may enjoy the comforts of food, shelter, and heat. These responsibilities reflect the strong ties my Chicano family passes on from one generation to another. However, these traditional family responsibilities have taken a back seat in my life. Not only have I refused my role as the oldest sister, I have denied my responsibility to ensure my mother’s health.

A close friend, not in law school, commented on how impressed she was with my family ties. I believe that is a reflection of how important my cultural background is to my identity. Struggling to keep my family connection while learning how to be a law student, it sometimes felt overwhelming to drive only twenty miles to eat with my family. But, I recall the memory I have of my baby sister speaking Spanglish with a bolio [rolling pin] in her hand one night as she made dinner. These memories are just one example of how my family connection helped to keep me sane during law school. It kept me motivated to run back to the law library more determined than before to understand non-Spanglish words in my casebooks.

Doing whatever needed to be done at the time it needed to be done with whatever resources we had at the time is how I was always taught to accomplish things. Elders in my family never showed me how to outline my goals, schedule my day in an hourly, color-coded format, organize overwhelming amounts of information into attack sheets for final exams, or to speak up and intellectually, rather than emotionally, argue about my position on any given topic. These are things I was not taught to do as a Chicana born in Denver, Colorado. I do not mean to reflect negatively on my culture because I cherish it and would not change anything that has brought me to this point, but it is so different from the culture of law school and the legal profession.

An example of the lack of structure I knew before law school is the memory I have of when my maternal grandmother came home after months spent in the intensive care unit at a local hospital. She had miraculously survived a horrific accident that was caused by a drunk driver, and was severely injured to the point that she needed to re-learn how to perform basic daily functions. An occupational therapist arrived at her home shortly after she was released from the hospital. Her well-intentioned therapist provided detailed structure and schedules for hourly medication intake, bathing, dressing, cooking, eating, and cleaning. My grandmother’s failure to follow the therapist’s structure and schedules

revealed the lack of structure or organization my grandmother's life had before the accident. My grandmother had always done whatever needed to be done when it needed to be done with all the ability she possessed. Because of her culture and traditions, my grandmother never adopted the theory of being on a schedule or being organized to the extent of the therapist's instructions, but this eventually proved how serious my grandmother's injuries were. In the end, she adapted to the forced change of structure, and accepted a complete dependence on her daughters to complete basic tasks such as bathing, dressing, and eating.

My grandmother's life-changing experience is similar to how I describe my law school experience. Jumping into the highly competitive environment of law school, and eventually the legal profession, without knowing how to structure, organize, and outline to the precise extent law school demands was a lot of pressure with no room for error. I survived the majority of my law school, just as my grandmother had, by doing whatever needed to be done, when it needed to be done, with little know how.

The only way I was able to attend law school was to work full time and attend law classes at night. My work and school schedule restricted my time even more than day students, and I had little time to allocate to learning the law. I read whenever I could, slept in short sporadic periods, asked my family not to take it personally when I did not see them for weeks at a time, and fell back on the reputation I had made for myself at work during the four years prior to law school.

Although keeping up with all the reading was a small piece of my new life as a law student, the time it took to read and re-read a case just to understand it was the large piece of my study time. Learning to read, speak and write the law has been an experience quite similar to my experience learning Spanish in Mexico. But, without the beaches, the delicious foods, and the music, learning to breathe, eat, and sleep the law is far less pleasurable. I never had to try and organize so much information into a clear and concise roadmap before in my life.

I was told that learning the law is like learning a new language. I believed it after I woke up one morning and remembered my dream that was all about the legal issues that were discussed in my reading the night before. There was maybe a four hour time gap between my class and the time I woke up, but I felt like I was finally getting it, like I had finally absorbed something and made some sort of sense of it in my head.

In addition to not learning how to organize, I was never taught to speak up and ask questions. Blending into the walls so that attention was not directed to me was what I knew how to do. But to rock the boat, especially in law school, and humiliate myself by asking for help when I was suppose to know everything already was unthinkable. After all, I did get into law school, and so I felt that I should have been prepared for it. Or not, maybe I got into law school because of my race — the dreaded affirmative action excuses. That is what I worried others would think if I dared to ask how to organize, schedule, and convert all the information into a clear, concise roadmap.⁴⁷

47. See, e.g., JOHN H. MCWHORTER, *LOSING THE RACE: SELF-SABOTAGE IN BLACK AMERICA* 229 (2000) (noting that affirmative action "creates private doubt," depriving its recipients of "the unalloyed sense of personal, individual responsibility for their accomplishments"); Paul Butler, *Affirmative Action and the Criminal Law*, 68 U. COLO. L. REV. 841, 856 (1997) ("Some critics of affirmative action argue that its pervasiveness has caused successful minorities to suffer a stigma: the belief that minority achievements are the result of affirma-

Thankfully, I snapped out of that nonsense really quick. I was placed on academic probation and shaken into fight-or-flight mode. I somehow created an amazingly clear, color-coded schedule of every hour I could squeeze into my day, including a few hours of salsa dancing, as proof that I could effectively balance my school commitments and my personal life. I marched into the dean's office with my very first roadmap, and although I wish I had created this bullet proof schedule sooner in my law school experience, I felt more successful when I scheduled time with my family, salsa dancing in between working and reading for classes, and even sleep.

Even after organizing my days into hours, I still got a huge knot in my stomach when I raised my hand in class or asked for help from the professors after class. I believed that I was expected to know everything, and if I admitted that I did not know everything I would be asked to leave law school for failing to know how to do something that all the other law students apparently knew how to do. Thankfully, I was proven wrong when I finally asked for help. The professors shared similar experiences of figuring out how to survive law school themselves. I was surprised to learn that their law school experiences were similar to mine. Although different in cultural and traditional responsibilities, their experiences calmed my fear of failure and I realized that I was not the first terrified law student, and that I will definitely not be the last terrified law student who happens to be a woman and a minority.

Because I am a minority woman, I rarely compare or worry about what the male law students' performances are compared to mine. Instead, I compare my performance to the other woman in my law school. In my legal profession class I have realized that all of my fellow women classmates compare themselves to the woman sitting next to them in class. I learned that my behavior is not a racial minority behavior, as I initially understood my actions. Rather, it is a woman thing.

After three years of law school, I realize that learning the law as a language goes beyond looking up words I had never heard of let alone read. Only now, in my last year of law school, do I understand what my great-uncle meant when he told me that he felt bad that he could not speak to me in legalese. He pointed to the fact that my mother and I are the only ones on my maternal side of the family to have gone to college; no wonder I struggle with fitting into this competitive world of the legal profession.

The expectations of getting married, having children and continuing the family traditions are no longer the most important part of my life. Now, I strive to be a positive role model to my nieces and nephew. If I can be accepted into law school, they will be accepted into any role they choose in their lifetime.

Becoming the Chicana attorney I am meant to be without losing my identity in my culture, traditions and family is a huge realization of the determination I have, just like my grandmother. When friends and family ask how I am doing in law school, I reply that even though I may not sleep much and I experience more anxiety to understand the rules than most law students in any given class, I cannot imagine doing anything else. Self-

tive action, not individual merit.”). Others, however, have discounted the impact of stigma on recipients of affirmative action. *See, e.g.*, CHRISTOPHER EDLEY, JR., NOT ALL BALCK AND WHITE: AFFIRMATIVE ACTION AND AMERICAN VALUES 81 (1996) (“[A]ffirmative action has a cost . . . [and] part of the cost is the risk of stigma . . . [however,] the stigma I may suffer is a small price compared to the price I would pay if I faced closed doors . . .”).

inflicted pain is how I have identified my choice to attend law school. It is this self-inflicted pain that has pushed me forward to sacrifice some of the expectations my culture and tradition had once weighed so heavily on my shoulders.

VI. LAW SCHOOL: THE MALE MODEL⁴⁸

After graduate school, I thought I would take to law school like a fish to water. I did not. Going to law school has been more like being a live lobster getting thrown into a pot of boiling water.

Anything I ever lacked by way of education, I certainly made up for in confidence and capability. I attended a small, private, somewhat elite college. I then moved across the country to undertake graduate school and receive my masters degree. Law school seemed like the next logical step.

I am the only person in my immediate family with a college degree. I grew up in an impoverished rural town and am a product of one of the worst public school systems in my state. None of those shortcomings ever really bothered me. I never questioned my abilities; I always knew I could do anything. However, since coming to law school, all of that has changed.

My first year was intellectually draining and emotionally debilitating. I completely lost myself and for the first time saw my life as a huge disaster. The Socratic method, large classrooms, and the curve — these things were all new to me. When was I supposed to cultivate relationships, inject empathy into reasoning, and get through one minute using nonaggressive behavior? How was I going to mold myself into a community leader and create real social change? I soon found out, that in the male world of the law school “project” there is simply no room for any of this. Here, it truly is every man for himself.

I began to believe that I had nothing worthwhile to contribute and getting called on was a sure way of showing everyone I was not smart enough. Forget volunteering answers; that was one minefield I was not about to tread through. I began to disengage and retreat into silence. Even if I read every assigned page and took meticulous notes, I would slide down in my chair and hide behind my dictionary size casebook. My first contact with a legal institution was a complete failure.

For the first time in my life, I did not see myself as the smart, capable girl I used to be. I began to think I would always feel isolated and alienated. But, most devastatingly, I began to think that law school had been a terrible mistake. Every day was another chance to be judged: by myself, by my classmates, and by my teachers. Judgment reinforced my station near the bottom of the law school totem pole. Being pitted against others was isolating and prevented me from making connections which, as a woman, are what I find most satisfying.

I began to feel that nothing I had done or accomplished before coming here had been worthwhile. The only thing that mattered was what happened within the walls of this institution. Any difficulties in my life outside of law school only compounded my already difficult experience as a woman in law school. I attempted to talk to a male fac-

48. Letter from Ms. Tamara Henry to Prof. Wald (Nov. 25, 2010) (on file with authors).

ulty member about my struggle as a female law student. He told me I was not suited to the legal world and that I would look back on my time as a law student someday and think, "That was interesting." I began to believe I may never be able to measure up.

If I did take a chance and speak up, I felt as if no one took me seriously. If there was something I did not understand I kept it to myself, the fierce competition prevented anyone else from admitting that they too struggled. Each day I left the building feeling stigmatized and diminished. My first year of law school was a lesson in the great male hierarchy, one into which I would certainly never fit.

The message I have received in law school is you are only as good as your number. We are all ranked in order of GPA and accordingly, measure ourselves against one another. The worse others perform, the better my chances of doing well are. Welcome to the curve. This competitive environment makes relationships hard. What kind of person am I if I want my friends to fail the exam, or botch the interview for a summer position I also applied for? I actually drove to a first year exam hoping that someone had experienced a bad break up the night before, that someone's kitten died, or that someone was in a fender bender on the way to school. Clearly, this is not healthy.

Having "adversarial-friendships" creates disconnects that I simply cannot reconcile. I have always been someone who wishes the best for everyone. Viewing my colleagues as the opposition is unsettling to my personality. I used to thrive on solidarity. But, suddenly, individualism is the way, the only way, to get ahead.

The importance of school rank in the real world outside of law is completely laughable. While realistically I did and do understand that this assigned number is not definitive in any way of who I am, how intelligent I am, or even what kind of lawyer and advocate I will be, I cannot escape my obsession and deep seeded conviction that this number is the ultimate measure of me. This number is all that I am.

During a particularly stressful time, I spoke to one of my male professors about a low grade I had received in one of my classes. I said I was feeling depressed. He said I should get a lobotomy and laughed. After registering my horror at his remark, he attempted to backtrack by telling me about a woman he knew who had become very depressed after being brutally attacked. That was the last time I spoke to one of my teachers about anything.

It turns out, in law school, the more you embody male attributes and develop a resume that mirrors that of men, the better off you are.⁴⁹ The women I know who focus on individual success are the ones who do the best, even if it comes at a detriment to others. Most high achieving women appear to have lost their feminine warmth and the unity of sharing with others. Essentially, to fit into the law school culture, I have to train myself to see the world through the eyes of a man, putting behind my traditionally "female" characteristics, my emotion, and my empathy.⁵⁰

Lani Guinier's study on women in law school found that many female law students felt that "learning to think like a lawyer means learning to think and act like a man. As

49. See Joan W. Howarth, *Executing White Masculinities: Learning from Karla Faye Tucker*, 81 OR. L. REV. 183, 206 (2002).

50. Amy E. Pope, Comment, *A Feminist Look at the Death Penalty*, 6 LAW & CONTEMP. PROBS. 257, 262 (2002).

one male professor told a first-year class, "To be a good lawyer, behave like a gentleman."⁵¹ If this is true, I can never truly be myself in school and by extension in the legal profession.

I have received the message that the only way to succeed is to submissively adopt "male" principles.⁵² For me, imitating a male philosophy is the ultimate affront. To embrace the male model as my own is like saying it is not okay to be a woman. Not only does male thinking disregard my experience as a woman, it perpetuates the idea that I am not good enough and cannot thrive in legal academics or in my profession as a lawyer.

I always viewed myself as competitive, but when it comes to the justice system, I do not agree with the adversarial model; having one winner and one loser overlooks the greater implications legal decisions have. Law school extracts the true context of disputes and the people in them. As a woman, I want to know more. How did these people end up here and how can the needs of all parties be met? How will resolution of this dispute affect the society as a whole? While these questions take on practical feminist reasoning, I am convinced that the law would be better off embracing these ideals.

The male model of law school and legal thinking can be devastating to women, myself included. It fails to account for at least half of the legal population. Women should not have to compromise their feminine identity in order to receive recognition and respect as law students or as lawyers.

As I round the bend of my second year, I have arrived at the realization that as the law school "project" is set up now, I will never fit in. I have also come to the realization that that is okay. While I have had to reassess my personal definition of "winning", I refuse to negotiate my femininity in order to achieve success. While I would love to be a part of the masculine minded majority, in law and life most changes begin with those in the dissent.

VII. MY EXPERIENCE IN LAW SCHOOL: STILL SURE ABOUT WHAT I WANT⁵³

My decision to come to law school is probably the first decision that I have ever made that I felt entirely sure of. I was excited when I decided to apply to law schools. I was excited when I got accepted. And I was excited when I started. Now, I am halfway into my second year of law school, and I guess some of my blind enthusiasm has worn off and certain realities have set in.

I grew up in a really small town in the middle of nowhere. My parents were both born and raised there, and neither of them went to college. In fact, not many people in my family went to college, and among those who did, I do not think any have advanced degrees. I like school. I always have. After I finished undergrad, I knew I wanted to further my education, but I was not ready yet. I worked several jobs before starting to think seriously about going back to school. To be sure law school would be a good decision for me, I decided to get a job as a receptionist at a law firm. The people I worked with there and the experiences I had are what led me here.

51. *Id.* (quoting GUINIER ET AL., *supra* note 18, at 28–29, which contrasts the idea of becoming a gentlemen and divorcing emotion from reason with that of the ethic-of-care model).

52. *Id.* at 265.

53. Letter from Ms. Jillian Kysor to Prof. Wald (Nov. 25, 2010) (on file with authors).

The first time I thought about what it meant to be a woman working in the legal community was while I was working in that law firm. There were only about nine attorneys in the office and maybe five other staff members, so the office was pretty small. Everyone knew I was applying to law school, and they were all very supportive and excited. One Friday, we were having a firm happy hour, and one of the more senior female partners began to tell a story. She told me, in front of everyone, that one of the male partners had told her, "I think Jillian has all the characteristics of a great female attorney." Of course, the female partner's response was, "Oh really? Why does she not just have all the characteristics of a great attorney? What makes you think she would make a good FEMALE attorney? What is the difference?" I felt bad for him because he was clearly embarrassed and was very supportive of my decision to go to law school, and he was certainly trying to deliver a compliment at the time he said it. As an aside, he wrote me an extremely kind letter of recommendation, which more than made up for any accidental remark. He is also a very good friend and mentor. But at the same time, it seemed to be the first in what might be a long line of little remarks that are not intended to cause any harm but, in reality, might. I started to think that my gender might affect my career in ways that I had never really thought of.

I took four years off after undergrad before starting law school. Because of my time off and my separation from any sort of academia, I had no idea how I would do. I started my first year with the mentality that I would do my best and be proud of myself regardless of how that compared with others. I was overwhelmed with law school at first and spent most of my time and energy just worrying about myself and making sure I was keeping up. I was not worried about what anyone else thought of me and really just focused on my own work. I was not stressed out about grades or other people. My stress was more focused on fear of being called on in class or of not understanding any of the material. I had enough to worry about without taking others into account. Over time, however, I think my general outlook has changed, and, unfortunately, I have paid more attention to what other students say and think.

More than half of my class is made up of women. I do not feel like people treat me worse because I am a woman, nor do I feel underrepresented. For the most part, I feel great about this law school. People respect me, and I respect them. I do not feel like professors treat me any better or worse than other students, and I do not think that gender plays a major role in my law school education. However, there are a few things relating to my gender that have caused me pause. Certain instances in the last year have led me to believe that gender stereotypes do exist in law school, even if women make up half of my class. Maybe they are changing over time, but I do not think they are going anywhere soon or fast enough.

The first time I felt like my gender was a factor in law school was when I was talking with someone I am actually pretty good friends with. I doubt that it is a widespread belief, but he is under the impression that women are the beneficiaries of some sort of hiring preference or favoritism. He has made several comments about how women have an advantage in law school or in getting summer jobs or even jobs after law school. When we were applying for on-campus interviews, he was talking about how his chances of getting a job were much lower than mine even though our qualifications were nearly

identical, because employers prefer to hire women. I thought this was insane. In 2010, how could someone possibly think that? The same friend also has followed up conversations with comments like “Well, just another thing that women get, that men don’t.” It is pretty shocking to have one of your friends say something to you that seems so disrespectful. I guess it bothers me because I do not want any of my accomplishments to be minimized by others as a result of my gender or any other characteristic about me. I want my accomplishments to be a reflection of my hard work and drive to be here and to do well.

Another way in which gender affects me in law school is that I have noticed I fit into traditional gender stereotypes about women in law school. Stereotypically, women are quiet in class and are generally more passive. I am very quiet in class, and in general, quite passive in this environment. I guess I do not think there is anything wrong with that. I like who I am, and think that I have a lot to offer the legal profession, maybe even more so with these qualities that are stereotypically associated with women.

I never raise my hand in class, especially not in any classes with more than ten people. It makes me anxious and uncomfortable. There is nothing specific about the fact that I am a woman that makes me feel this way, but it does line up with the common gender stereotype that women are quieter and participate less in the classroom. I have always been quiet in class. In elementary school, I was quiet in class. In high school, I was quiet in class. In undergrad, I do not think I ever participated. Additionally, in law school, I think it is pretty easy to stay quiet, especially in first year classes where there are seventy or eighty people, a few of whom always participate, which allows me to constantly fly under the radar.

I generally never go talk to my professors. This was especially true of my first year. There were big classes, none of my professors knew who I was, the grading was anonymous, and ninety percent of one’s grade was based on one’s performance on the final exam. Therefore, I did not have to leave my comfort zone. Aside from the occasional cold call, I did not really interact with my professors. Again, I do not think this is related to the fact that I am a woman, it is just who I am. A huge part of it is probably that professors are intimidating. Whether male or female, professors are academics; they are, or at least appear to be, experts in whatever class you are in. I never feel like I can formulate a question that I would even feel comfortable going to ask. When I do talk to professors, I think of it as a professional conversation. I interact with professors in largely the same way I interacted with my employers before law school, typically erring on the side of formality.

Generally, I am quite passive and non-confrontational. While traditionally a good lawyer was thought to be aggressive and adversarial, I do not think that my personality has been a detriment. I think that because I tend to quietly listen and observe an issue in its entirety, I am able to have a well thought out, objective viewpoint. I think I have benefited from listening and thinking things through before acting.

Law school is supposed to prepare you for a career in the law. It is supposed to give you the necessary foundation. Students are supposed to learn to “think like a lawyer” and they are expected to be able to write and speak like a lawyer, too. I think a major fault with law school is that students do not really have to do this to succeed (if suc-

ness is defined by grades). If you can write a solid exam, you do not have to push yourself to speak like a lawyer. I guess this is not entirely true of my second year of law school, but for the most part I think it is.

It is hard to say whether it is the comments about women, the anxiety about being called on in class, or the constant pressure to meet my own expectations that makes some days in law school hard for me. The longer I am here and the more classes I take, I become more confident in asking questions and raising my hand if I have something to say. One thing I do know is that I am still one hundred percent sure I want to be here. Regardless of the challenges I have faced or self-doubt I have had and continue to struggle with, I still love the law. I still think I will make a great lawyer. And I still know that this law school was the right decision for me.

VIII. LAW SCHOOL, CULTURE, AND NATIONAL IDENTITY (AND THE RELATIVE
INSIGNIFICANCE OF GENDER)⁵⁴

The purpose of this personal experience essay was to share and elaborate on the important gender related experiences we have had in law school. After having made the decision to participate, I realized that my experience has been completely different than that of my peers, not because my gender has had a separate and distinct impact on my law school experience, but because my experience has been very limited. The main reason for this essentially non-existent interaction, which made it difficult to put together a meaningful contribution to this group project, is my background. It has been my motivation for pursuing a legal education, but it has also played a significant role in my law school experience including the lack of interaction with my professors.

Women lawyers have historically faced a more difficult challenge striking a desirable work-life balance compared with their male counterparts. Women have been discouraged from pursuing a legal profession path, isolated in law school, and have been subject to persistent attacks on their credibility and competence. Moreover, women lawyers have had to face barriers to professional advancement both in the hiring process and once hired due to the demands of a professional career and the structures of work environments, gender stereotypes and discrimination.

However, nowadays, women have begun to establish a comfortable place in the legal arena where women's presence is being recognized and respected. Women are equally represented in the current law school enrollment rate and have made advancements in all sectors of the practice such as firm partnerships and even on the Supreme Court. Additionally, women law professors constitute a significant and growing number of law professors and are serving as role models for female students.

We have discussed in class how societal expectations of women as mothers and caretakers result in women being implicitly led into certain areas of the law such as family law, government positions and non-profit work. Although I found the readings and discussions interesting and enlightening, I completely disagreed with these views. I am a woman who has aspirations of someday working for social justice or doing public interest work, but my desire to do so has been influenced more by other aspects of my identi-

54. Letter from Ms. Tseada Berhanu to Prof. Wald (Nov. 25, 2010) (on file with authors).

ty, like my nationality, and less by my gender.

It is one thing to read about social injustice and human rights violations in a historical perspective, but it is a different thing to be born in an environment where your community, your country, and the region as a whole is experiencing ongoing atrocities. Under such circumstances, I believe it becomes imperative and a historic responsibility to help look for a resolution and play an advocacy role in the process. A resolution of such social injustices requires a systemic, legal, and organized approach. Individuals can play a crucial role in the process, but the effectiveness of the individuals to make long lasting and systemic changes requires talent and dexterity in the legal profession.

I was born in Ethiopia, East Africa, when the country was under the rule of a military regime that came into power after overthrowing a forty-year-long powerful monarchy. This period was characterized by rampant civil wars, red terror, genocide, and human rights violations never before seen in the history of the country. My own family was affected by these atrocities. Though I was too young to know exactly what was taking place, I knew enough to realize that my mother and two of my uncles were gone for quite some time. I was also old enough to see the anguish and distress in my grandmother's face. Sadly, this narrative is not unique to Ethiopia as other neighboring countries in the region share the same tales. From Somalia, a failed state in the southeast, to Rwanda, with a history of one of the world's worst genocides, to Sudan and its continuing troubles in Darfur, restoring acceptable human rights standards has been difficult. Consequently, governance in Africa, specifically in East Africa, has lacked civility, with mankind being endangered to a level unparalleled in history. This is precisely the reason I decided to pursue legal education in the areas of human rights and international law — in the hopes that one day I could take an active role in reconstructing human rights standards both at the national and regional level.

After having made the decision to pursue legal education, I can honestly say that I had never considered the possibility that my gender could actually be a hindrance. I believed I had all of the requisite ingredients to benefit from and contribute to the academic and intellectual environment of a law school and the legal profession in general. Growing up in Ethiopia, I had observed women encouraged to take a backseat to political and social policymaking. There are still continued repressions towards women participating in politics and policymaking and often consequences for those who dare to defy such conventions. After having left Ethiopia for the United States, I expected my gender to be irrelevant in an educational or professional setting and to be on a level playing field with my male counterparts. And thus far, relatively speaking, my experience has been that we are given the same rules and opportunities to compete with equal chances to succeed.

What has made my law school experience somewhat different has been the fact that I have a different background. Being an immigrant, I have a different culture, experience, and perspective in life that is not shared by most in the law school setting. I came to the United States at the age of thirteen, and although I have been here for half my life, my past and culture have had a significant impact not just on my desire to pursue a legal education, but also on my interactions with professors and my peers. Gender biases and stereotypes take a backseat to this strong sense of identity. Therefore, whenever I sense a communication barrier, I am more likely to wonder whether I am effectively conveying

my ideas or whether I clearly understand what others are trying to get across than attribute it to gender associated stereotypes.

Additionally, the social hierarchy that existed when I was in Ethiopia plays a tremendous role in my relationship with my professors. As a child, I was taught that professors were intellectually superior, not my equals, and thus were due a high level of respect. It was engrained in me that I was not to associate with or engage in small talk with these individuals, as it was believed we would have nothing in common. Consequently, I never feel very comfortable approaching my professors or going to office hours, unless it is mandatory or absolutely necessary.

I still remember the first time I had a one-on-one meeting with a law school professor. It was a mandatory introductory meeting during the second week of school and I was quite nervous. However, it ended up being a pleasant conversation as we discovered that we both had attended the same undergraduate institution and majored in the same field. Having something in common with that male professor definitely calmed my nerves and provided me with the right comfort level to freely engage in conversations with him. However, that was an exception to the reality in law school as there are not very many professors that I share a common ground with.

Although women have faced, and continue to face, impediments both in the legal profession and in law school settings, not all women face the same obstacles. My experience has been unique, such that the tasks of having to adapt to a new country, to learn the culture, and to learn the education system, have been the significant obstacles I have had to deal with. I am not claiming that disparities between the genders do not exist, just that the important factors that have impacted my law school experience are different, making gender related problems virtually insignificant in the grand scheme of things.

IX. COMFORTABLE IN MY OWN SKIN⁵⁵

When my Professor first asked the question, “Do you feel that you are treated differently because you are women?” I was a little taken aback. Though the idea of discrimination based on sex was certainly not a foreign concept to me, I had never really considered the question in terms of my law school experience. As I thought about my answer to the question, I quickly realized my response was quite simply a resounding “no.” But, to explain my answer to this question, I had to think quite a bit about who I am, and how that frames the way that I experience things like law school. While I unequivocally view myself as a woman, and more particularly as a strong woman, I have never framed my experiences in terms of my sex. The fact that I am a woman, while undeniably an important factor in my individuality, has never been the distinctive characteristic upon which I rest my identity.

My identity has always been grounded in a firm and unshakeable belief in myself. Another way to say this might be that I have a substantial amount of self-confidence. By this, I do not mean to invoke the objective image of cockiness, but I mean more particularly to describe the subjective way in which I view myself. I do not view my self-confidence as arrogance, but more simply as an absolute trust in my abilities, experienc-

55. Letter from Ms. Maureen Weiland to Prof. Wald (Nov. 25, 2010) (on file with authors).

es, skills, and a fundamental belief that I can accomplish what I put my mind to and that I have the ultimate ability to succeed. Some of this confidence is grounded in areas in which I have tested my skills and succeeded. However, much of my underlying self-confidence is not rooted in external validations, but some more intrinsic conceptualization of myself as a whole, completely unrelated to the fact that I am a woman.

Primarily, I have a strong sense of intellectual self-esteem. By this I mean that, while I certainly do not believe that I am the smartest person in the classrooms that I sit in at law school, I believe that I have no problem holding my own. I know that I was admitted to law school on the basis of my qualifications and that so far I have succeeded according to the established criteria. I know that I can carry on academic conversations with my classmates and many of my teachers. I know I can have positive and meaningful interactions with legal practitioners and other professionals. Moreover, I feel comfortable with my peers beyond the academic arena. Maybe this could be called social self-confidence, but I think it is more of the fact that I feel like I have a solid network of friends and family. My friends, in law school and out, are all smart and driven people that continually provide a positive system of support. And beyond that, I garner a strong sense of encouragement from my family. I believe these factors work to bolster the inherent self-confidence I discussed above; they help me to feel continually comfortable with who I am.

But even further, my broader self-confidence is still rooted in something deeper than this supportive upbringing and positive peer group; it is a fundamental and unshakable part of who I am. While somewhat difficult to articulate, my self-image can perhaps most aptly be described as an extreme sense of comfort in my own skin. I have always possessed some inherent degree of self-belief and self-respect, and as a result I have an unyielding personal image of self-confidence.

I think my self-image plays a huge role in framing how I perceive the world in three basic ways: it sets up my expectations, it determines my outlook, and it dictates the responses that I will have to negative outcomes. First, my self-image helps to frame the general expectations that I have for myself, and for others. Because much of my self-confidence stems from my experience, I know that I am capable of working hard and achieving a great deal. As a result, I expect a lot out of myself; I know that I have the ability to turn my hard work into success, and so I expect to realize most goals that I set for myself. Along these same lines, I expect a good deal out of the other people in my life. More than attaining specific goals or producing specific outcomes, however, I expect to be treated a certain way by people. I believe that while respect is something that I generally try to demonstrate and attribute to most people, it is also earned. As a result, I try to exhibit general levels of respect for the people with whom I interact, and in return, I expect to be respected. I believe that others should be able to see my hard work, my dedication, and my commitment, and that those characteristics should allow me to be treated with respect.

My self-image also impacts my outlook in that it is tainted by an essential shade of positivity. I think that in many ways, this is a direct result of the expectations that I have about the world. Because I anticipate respect and try to demonstrate it, I believe that good things happen to good people. I believe that people who work hard will be reward-

ed, and that the world is essentially a good place. Obviously I am aware that this is not always the case in reality; that is not the point. The point is that I believe there is little value in negative expectations or outlooks. In my mind, having a positive outlook breeds positive consequences, or at least an expectation of them. In turn, this means that I am less likely to expect an experience to be negative. While this may not actually yield positive outcomes, I believe it leaves me more likely to give people the benefit of the doubt and, as a result, more likely to have positive experiences. This is admittedly somewhat circular, but is still the lens through which I view the world.

Finally, I think my self-image determines how I react when I am confronted with frustrating experiences or failures. Because of my self-image, I am less likely to attribute negative experiences to myself. If I have a frustrating interaction with someone I am likely to assume there was a miscommunication, a misunderstanding, or a skill-based failure on my part. Because my fundamental value system rests on the notion that I am qualified and capable, and I expect to be treated that way, I believe that if I am not treated that way, it must simply be because I have failed to prove that to whomever it is that I am interacting with and not because I am a woman, or because I have blonde hair, or because I am younger than my counterpart. I also quickly discard most negative experiences that I have. While I do reflect on them for some short period of time, I generally frame my consideration of them as a learning experience. I try to discover what it is I can do better, and how I can improve the circumstance should it arise again. I rarely find myself attributing a negative experience to the person with whom I have the interaction.

As a result of this framework, I have always felt very comfortable in my own skin. I realize that I am fortunate to feel this way. I cannot really point to a single reason why, but I know that my self-image is firmly established, and has been for as long as I have thought about it. I am not sure whether it is an overall good or bad way to view myself; I simply know that it is how I do view myself. As a result, I have tended not to experience much resounding self doubt, and in the instances when I have come across such an emotion, I tend to quickly discard it as an unhelpful perspective. Much as with my outlook on the world as a whole, I give people the benefit of the doubt, and I expect the best. This approach, and my general experiences with the world have reinforced my self-image and established my overall self-confidence.

When reflecting about this outlook in terms of my gender, I feel like the fact that I am a woman has little to do with it. I cannot find a distinct connection between my experiences with the world broadly and my sex, but instead I feel like my experience is based much more on my self-image as a whole, and not on some singular part of my identity. And, I do not believe that as a part of this self-image I have marginalized my feminine identity in any way, but instead that many facets of my identity contribute to my identity.

I think the internal confidence that I have has traveled with me to law school, and is the primary reason that I am having the positive experience that I am. As a particular example, when I was asked about my experience in law school, I immediately began to reflect on my experiences with professors. While, by and large these experiences have been positive, there have been some negative ones, and I tried to nail down why. In my experience, most professors use vocabulary and a manner of speaking that is distant, if not foreign, to students, especially early on in law school. I think the ivory towerism of

law school, the fact that professors commonly interact with other academics and highly theoretical speakers, is at the root of my frustrating experiences with professors. I believe that breakdowns in communication play a much greater role in my frustrating interactions with law professors, and this is not unique to the fact that I am a woman.

What I find frustrating about the underlying idea of my self-confidence is that when this class discussion began, and I wanted to assert my position and beliefs, I experienced a sense of discomfort. To illustrate this point, when I expressed my views in class on the question, several of my peers seemed surprised by my experiences. I almost felt apologetic about the experience that I am having in contrast with the frustrations that many of my peers expressed; I was incredibly conflicted by my own discomfort. I am a strong and confident woman who is having an incredibly positive and rewarding experience, but I felt nearly ashamed of this confidence. I do not want to have to feel apologetic about the fact that my experience has been positive, and I do not believe that I should have to. I also felt immediately isolated — that because I had such a different perception than many of my female peers I could not relate to the alternative perspectives asserted. That perhaps because of my positive experience I was somewhat incapable of sharing the negative experiences they did. I felt, once again, that I should somehow feel bad or apologetic about my generally positive position. I struggled with this conflict in class, but it is also a conflict that I have struggled with more broadly in life.

Some people may want to call my perspective that of a privileged and wealthy white woman. I beg to differ. I do not dispute the fact that I have been very lucky in life: I have an incredibly supportive family, I have been given a wealth of opportunities, and I have been lucky to succeed at most things when I apply myself. However, I do not define myself by these conditions. While doors in life have been held open to me in different ways than that of my peers, we have all suffered setbacks and challenges. We all take different paths to where we are, and while these conditions may have fostered my internal conception of self worth, they did not establish it. My self-image rests firmly in something deeper than the environment that fostered me. It is fundamentally who I am, and is something that I have realized and cultivated on my own.

I am having an incredibly fulfilling law school experience, and I think this is largely attributable to the way in which I approach the world and my self-image. While it is not that I refuse to consider the fact that I am treated differently because I am a woman, it is more basically the fact that I cannot fit that assertion into my basic understanding of myself. The possibility of that premise simply does not comport with the valuation system that I believe in. This is why the answer to the question posed in class was a definitive “no” for me. According to my perspective, people are treated fairly and in accordance with their demonstrated abilities. I am certainly not suggesting that this is the objective truth or that this is the uniform experience in the world, but that it is generally my experience. I find that I am treated with respect according to my abilities, and this is particularly true for me within the law school.

CONCLUSION

“The model of the standard law student is a single person with few or no outside obligations. Many . . . [female law students] . . . however, have multiple roles and identities.”⁵⁶

A rich body of literature exploring the experience of American law students establishes that many women find legal education to be alienating and isolating, and find law schools to be hostile educational institutions in which they lose their voices, confidence, and enthusiasm for the law. Scholars have characterized this “‘gendered effect’ as implicating the institutional design of the law school experience, rather than personal qualities of individual female or male students,”⁵⁷ forcing law students, men and women alike, to adopt a distinctive gentlemanly professional identity on their way to becoming lawyers of a particular kind and sort. This literature often concludes by suggesting frameworks for improving inclusiveness in the law school environment and breaking the male-dominated attitudes entrenched in legal education, aimed at improving the experiences of law students.⁵⁸

Indeed, some of our narratives reflect a sense of alienation from law school, its male-dominated structures, emphasis on individualistic merit, and framing of the educational experience as a competitive rat race as well as feelings of isolation, and a sense of being silenced and treated as second-class citizens.⁵⁹ Other narratives, however, tell a story of a successful law school experience, of growth and achievement in a healthy and supportive environment, evidencing no gender bias or sense of being treated or perceived differently within law school.⁶⁰ Do Nicole, Heidi and Tamara’s stories tend to support the well-documented finding that legal education fails women law students? Should Jillian, Tseada and Maureen’s stories be read as tales of successful integration or as evidencing a desired transformation of legal education?⁶¹ Or do they suggest that Jillian,

56. Gaber, *supra* note 2, at 239.

57. Guinier et al., *supra* note *, at 45. See also Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. LEGAL EDUC. 247, 252–54 (1978) (criticizing the dominant culture of legal education); Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515 (2007) (same).

58. Bashi & Iskander, *supra* note 17, at 434–41 (suggesting that schools should “Invest in Pedagogy” and “Promote Greater Transparency”); Gaber, *supra* note 2, at 248–57 (discussing numerous ways to improve the law school experience for women including hiring more diverse faculty and increasing advising); Weiss & Melling, *supra* note 16, at 1356–59 (suggesting that law schools hire more women and minority faculty members and increase programmatic offerings that women demonstrate interest in).

59. See discussion *infra* Parts III, IV, VI.

60. See discussion *infra* Parts VII, VIII, IX.

61. See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS 191–92 (2007). Critiques of legal education have exploded following the Great Recession. See, e.g., Steven C. Bennett, *When Will Law School Change?* 89 NEB. L. REV. 87 (2010) (arguing for a greater focus on ethical practices in the law school curriculum); Richard W. Bourne, *The Coming Crash in Legal Education: How We Got Here, and Where We Go Now*, 45 CREIGHTON L. REV. (forthcoming 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1989114; Lauren Carasik, *Renaissance or Retrenchment: Legal Education at a Crossroads*, 44 IND. L. REV. 735 (2011); Brent E. Newton, *The Ninety-Five Theses: Systemic Reforms of American Legal Education and Licensure*, 64 S. C. L. REV. (forthcoming Fall 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1994189; Herwig J. Schlunk, *Mamas 2011: Is a Law Degree a Good Investment Today?* (Vanderbilt Univ., Working Paper No. 11-42, 2011), available at

Tseada and Maureen, in some meaningful ways have become gentlemen, either adopting a double consciousness in the law school environment,⁶² or by finding a less constricting way to merge their different identities with that which law school tends to foster and privilege? Do Carrie and Erin's stories suggest a tentative middle ground, acknowledging some current strengths in legal education while identifying certain ongoing challenges? Or does the great diversity of opinions, perspectives and values reflected in our narratives suggest that there is little to learn from and not much to draw on in our continued quest to improve legal education purely on the basis of gender?⁶³

We think that our narratives offer rich and contextualized insights about contemporary legal education. While no singular coherent linear theme emerges from our experiences, several commonalities surface. Our stories address how various aspects of our personalities and varying backgrounds have played into and informed our law school experience. Our diverse backgrounds, in terms of cultural upbringing, socioeconomic status, the availability and identity of role models and familial relationships, as well as our different features, in terms of how we understand our gender, racial, cultural, ethnic, and national identity all shape and inform our educational experiences. They explain, in context, the varying experiences of women law students, and, in particular, suggest why some women continue to experience alienation and isolation in law school while other women law students thrive in the very same environment. We are also all impacted by our ability to strike a balance between law school and other obligations, both personal and professional, our intellectual self-esteem, and our future careers.

Our stories suggest that it would be a mistake to try and assess contemporary legal education along simplified gendered lines, exploring feelings of alienation, isolation and loss of confidence as a women's issue. Some of us have not experienced such feelings, whereas for others such feelings are more a product of cultural and national heritage and identity than they are of gender identity. Read together, our narratives reveal the inherent importance of considering law students' multifaceted personalities and identities in assessing legal education, and demonstrate the rich and complex interplay between various aspects of our identities, background conditions and values.⁶⁴

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1957139. See also David Segal, *Is Law School a Losing Game?* N.Y. TIMES Jan. 8, 2011, available at <http://www.nytimes.com/2011/01/09/business/09law.html?pagewanted=all>.

62. See Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7 (1989).

63. The University of Denver Sturm College of Law may be a somewhat atypical law school. It has admitted women law students since its founding in 1892. See PHILIP E. GAUTHIER, *LAWYERS FROM DENVER* 12 (1995). In the 2010-2011 academic year 42% (22 out of 52) of its tenure and tenure-track professors were women, and women accounted for 41% (16 out of 39) of its tenured professors. It features one of the largest tenured and tenure-track clinical faculty in the country with a corresponding large number of small clinical classes and has a unique emphasis on modern learning, as well as a commitment to institutional diversity and inclusiveness. See *Faculty & Staff Directory*, THE UNIV. OF DENVER STURM C. OF L., <http://www.law.du.edu/index.php/directory/full-time-faculty> (last visited Sept. 15, 2012).

64. See sources cited *supra* notes 25-28.

