

YALE LAW SCHOOL
FACULTY & STUDENTS

Speak Up

about

**GENDER:
TEN YEARS LATER**



YLW
Yale Law Women

YALE LAW WOMEN
APRIL 2012

YALE LAW SCHOOL
FACULTY AND STUDENTS
SPEAK UP ABOUT GENDER:
TEN YEARS LATER

Yale Law Women • April 2012



Yale Law Women works to advance the status of women at Yale Law School and in the legal profession at large. To realize this mission, we create programming, resources, and mentorship opportunities to bolster women's pursuit of their professional and personal goals. YLW is a non-partisan organization committed to building a supportive community of women at Yale Law School.

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PREFACE

For several decades, Yale Law Women has worked tirelessly to advance the status of women at Yale Law School and in the legal profession at large. The organization has grown over the years to become one of the most visible and active groups in the Yale Law School community.

Each year, YLW provides a wide range of programs, events, and resources geared toward enhancing women's experience at YLS and helping them to succeed in the pursuing their professional and personal goals. Additionally, YLW seeks to be a good citizen of the Yale Law School community, hosting events and programs open to students of all genders, including YLW's annual Staff and Faculty Excellence Awards and the YLW Top Ten Study of Family Friendly Firms. In short, YLW serves as both a diligent participant in the law school community and a keen observer and critic of the legal profession. Speak Up, while unique in its scope and periodicity, is consonant with the range of projects YLW undertakes each year.

We embarked on this study in the fall of 2010 eager to carry forward YLW's long tradition of service and advocacy. We believe Yale Law School and the legal profession should be home to people of all genders who cultivate their best selves in their work. We want both to be places where the voices of all people are heard, developed, and empowered, regardless of their gender. This report, then, is not written to achieve a static notion of gender equality. Rather, it is shared to articulate the experience of the law school, as it is lived in 2012 by students and faculty, and to give voice to ideas for a better future.

In our adversarial legal system, evidence is marshaled to win arguments and close cases. Speak Up and its thick record of quantitative and qualitative data are intended to do something different. We share this report with you to invigorate a conversation, not end it. We believe this is the best way to honor the hard work of our predecessors and move toward a satisfying future for everyone in our community.

In that spirit of openness, we invite you to read, to reflect, and of course, to speak up.

The YLW Speak Up Board

New Haven, CT

April 2012

Ruth Anne French-Hodson, Fran Faircloth, Lauren Hartz, Casey Hinkle, Tracy Nowski, Tiffany Ng, Eric Parrie, Mridula Raman, Celia Rhoads, Alice Shih, Vidya Venkataraman, Julie Wang

CONTENTS

EXECUTIVE SUMMARY.....	3
I. INTRODUCTION	11
II. PREVIOUS YLS STUDIES ON GENDER: SUMMARY OF FINDINGS	13
III. METHODOLOGY	18
IV. RESULTS.....	21
A. CLASSROOM DYNAMICS.....	21
B. BEYOND THE CLASSROOM	34
1. Availability	34
2. Advocacy	41
3. Collaborative Work.....	51
4. Mentoring.....	55
5. Providing Feedback	60
6. Summary of Recommendations	61
V. A NOTE ON FACULTY DIVERSITY.....	63
APPENDIX A: CONTINUING DISPARITIES IN THE LEGAL FIELD	65
APPENDIX B: STUDENT INTERVIEWER INSTRUCTIONS AND QUESTIONS	67
APPENDIX C: CLASSROOM MONITORING TOOL	77
APPENDIX D: STUDENT RESPONSE INSTRUCTIONS AND QUESTIONS.....	79
APPENDIX E: SECONDARY JOURNAL MASTHEAD DATA.....	88

EXECUTIVE SUMMARY

In 2002, Yale Law Women (YLW) set out to study gender dynamics at YLS. YLW produced a detailed report that noted progress toward gender equality within the law school, identified areas for future improvement, and started a dialogue between faculty and students about these issues. Ten years later, YLW decided to recreate this original analysis and produce a second report documenting how gender dynamics have changed at YLS over the last decade.

This report synthesizes findings from three data sources: interviews with 54 faculty members,¹ observations of student participation rates in 113 class sessions in the fall of 2011, and student survey responses documenting the perceptions of 62% of the student body. Our report aims to educate the YLS community about the status of gender dynamics at the law school and to engage the wider academy on these issues.

CLASSROOM DYNAMICS

The classroom is the heart of the YLS intellectual experience, as well as the forum in which students begin developing relationships with the faculty and their peers. The study used quantitative and qualitative analyses to understand these interactions:

1. Participation by women students continues to lag behind their men colleagues.
 - Of the 2,934 participation events recorded, 58% came from men and 42% from women. When adjusted for YLS enrollment, men still participated at a higher rate, constituting 57.2% of the participation events versus women's 42.8%.
 - The classroom monitoring completed in 2012 recorded more gender disparity than was found in the 2002 iteration. In 2002, men spoke more often in 12 out of the 23 classes (52.2%). In a comparable period for 2012, men accounted for the majority student participation in 15 of the 21 monitored classes (71.4%) in raw numbers and when adjusted for attendance.
 - Some faculty and students note that women students may be penalized socially for participating more frequently than average in class.
2. Participation rates varied based on the type of class.
 - When weighted for attendance, women do not make the majority of comments in any of the large classes monitored (excluding the first semester 1L courses).

¹ Eighty-three non-visiting faculty members were invited to participate, and 54 interviews were conducted, resulting in a yield rate of 65%.

- There is much less of a gender disparity in participation for classes with peak attendance under 25. In seminars, men account for the majority of participation events in four of the six courses. However, when adjusted for attendance, women account for the majority of participation events in three of the six courses.
 - In the three 1L small groups monitored, men account for a majority of participation events both in raw numbers and adjusted for attendance.
 - In large 1L sections, when adjusted for attendance, women account for over 50% of the participation events in three out of the five classes.
3. Classroom management styles can affect participation rates.
 - The cold call system provided the least gender-disparate result, with men accounting for 54.8% of cold call responses.
 - Many students suggested that professors either use more non-voluntary participation systems (i.e., cold-calling or panels) or more conscious classroom management to ensure that more voices are heard.
 4. Both faculty and students felt that teaching is under-valued at Yale Law School.
 5. Summary of recommendations for improving classroom interactions:

For FACULTY:

- Be aware of classroom dynamics.
- Practice conscientious classroom management:
 - Students overwhelmingly asked for some form of non-voluntary classroom participation. Many students mentioned cold-calling, especially panels, to ensure that more voices are heard.
 - Think about ways to get students engaged in the material before class.
 - Provide questions to think about for the next class's readings.
 - Assign ungraded written response paragraphs for large groups and response papers for seminars.
 - Try to hear from everyone in the class on a regular basis.
 - In large classes, make sure you have called on every person in the first half of the semester.
 - In seminars, make sure you have heard from every student once a week.
 - Develop strategies for dealing with students who dominate classroom time.
 - Preface questions with comments about your expectations: "I would like to hear comments from someone I haven't heard from today..."
 - Wait five seconds before calling on students. Do not always call on the first person who raises his or her hand.

- Send e-mails or talk to those students outside of class who dominate classroom conversation, emphasizing how much you appreciate their enthusiasm, and suggesting other ways to discuss their ideas, either during office hours or via e-mail, in order to create more space for others to participate.
- Observe other professors teaching, and discuss teaching strategies with one another.
- Interact with students informally outside of class. Students are more likely to participate if they feel comfortable with professors.
 - Suggestions include having lunches with small groups of students in the dining hall or implementing mandatory office hours at the beginning of the semester.

For STUDENTS:

- Do not undermine your participation: avoid apologetic prefatory remarks.
- If you are struggling to participate, select a class or two in which you are particularly interested and focus your energy on participating in those classes.
- Do not wait to speak; break the ice by speaking early. This applies both to the entire semester and to each particular class.
- Encourage fellow students by providing positive reinforcement—telling a fellow student that you appreciated his or her comment in class goes a long way in building a classmate's confidence who might otherwise not participate.
- Avoid making disparaging comments about students who do participate in class.
- Know that contributing to class discussions consistently throughout the semester does not make you a “gunner” but that hogging the discussion and being unaware of how your comments affect the classroom dynamic does.
- Allow yourself a generous margin of error. With practice, you will improve at making valuable comments in class, and it will feel more natural to participate.

For ADMINISTRATORS:

- Share best practices for teaching at faculty meetings or retreats.
- Organize a pedagogical workshop each year for faculty.
- Implement a default rule: each professor's class is videotaped three times each semester (at the beginning, middle, and end) so that he or she can review his or her classroom management strategies and potentially receive feedback from an external pedagogical expert.

- Provide other opportunities for professors to be observed in class and to receive feedback based on the observations.
- Recognize and celebrate teaching excellence (the YLW Faculty Excellence Prize is one example of a student-led initiative to do just this—the Administration should also take the lead on acknowledging superb teaching).
- Provide funding for faculty to take small groups of students for lunch or drinks in order to facilitate relationship-building outside the classroom.
- Encourage professors to attend school-wide happy hours to facilitate out-of-classroom, informal faculty-student interaction.

INTERACTIONS BEYOND THE CLASSROOM

This study identified and evaluated five primary forms of out-of-class interactions between faculty and students:

1. General availability to students (office hours and other policies):
 - 72% of professors report that they hold regular office hours; an additional 35% have open-door policies, and 74% meet with students by appointment.
 - Women professors (86%) are much more likely than their men colleagues (50%) to hold regular office hours and to meet with students by appointment.
 - Professors noted declining student attendance at office hours.
 - Among students, men attended office hours an average of 3.6 times last semester, while women attended only 2.6 times on average.
2. Advocacy for students through recommendations:
 - Among professors interviewed, women faculty wrote *significantly* more letters of recommendation. The 14 women interviewed reported writing 99 letters, an average of 7.1 letters per person, while the 40 men interviewed reported writing 158 letters, an average of 4.0 letters per person.
 - Professors reported writing roughly equal numbers of clerkship recommendation letters for men and women students, but significantly more Supreme Court clerkship recommendation letters for men.
3. Collaborative work (research/teaching assistance, supervised writing, etc.):
 - Women students account for 58% of the reported research assistants and 54% of the teaching assistants for the professors whom we interviewed. The fourteen women professors who provided numbers were especially likely to take on women teaching and research assistants, but men students account for 52% of the teaching assistants for men professors.
 - Men begin writing earlier: broken down by gender, 41.0% of men who responded to our student survey had their first writing-based relationship in their 1L spring compared to 35.1% of women.

- Men students were also more likely to have maintained contact with the professor with whom they had their first writing-based relationship (70.1% of men compared with 62.9% of women).
4. Mentoring:
 - A *majority* of students (51%) reported that they did *not* consider *any* YLS faculty member a mentor. A slightly higher percentage of women (51.8%) than men (45.5%) reported that they considered at least one YLS faculty member a mentor, but men reported having slightly more mentors of both genders than women did.
 - Women professors had a strong sense of what it means to be a mentor. They commented on what mentorship entails and how they interact within mentoring relationships. While a few men professors had also thought deeply about mentoring, a number said they have never given it much thought.
 - When asked how satisfied they were with the mentorship opportunities available at YLS, 44.9% of students reported that they were at least unsatisfied, if not very unsatisfied. Women were generally more unsatisfied with mentoring opportunities than men.
 5. Providing feedback:
 - Only 33% of students said that they sought feedback on exams: 36% of men students said they had sought feedback on exams compared to 30% of women students.
 6. Summary of recommendations on out-of-class interactions between faculty and students:

For FACULTY

- Professors wield an enormous amount of power during students' time at the law school and throughout their careers. Faculty members should see themselves as sponsors and advocates of students.
- Give feedback to students on their performance. Giving feedback throughout the semester can allow professors to encourage students and help them gauge understanding or command of the subject. Even just written feedback on an exam helps students gauge their grasp of the material and ability (and knowing where they stand with you academically will embolden many students to reach out and look to collaborate with you further).
- Provide positive reinforcement. Comments from professors mean a great deal to student confidence. Even a quick note to the student when she or he makes a strong comment in class can significantly change a student's perception of her or his abilities and the value of her or his contributions.
- Get to know students as people. Realize that different students are looking for different things in mentorships and tailor your assistance accordingly.

- Be proactive about providing opportunities, and make selections for research and teaching assistant positions thoughtfully and meritocratically:
 - Announce opportunities in class.
 - Use public systems of announcements (emails to the Wall, post advertisements in the hallways and on the YLS Inside Page).
- One-on-one interactions between faculty and students are important. A small number of professors and students expressed concern about the perception of men faculty spending time alone with women students, especially in venues outside of the law school. Because men comprise the majority of the faculty, this threatens to curtail opportunities for professor interactions with women students. Faculty members should avoid creating opportunities for interactions with men students that they would not with women students. If faculty members are concerned about how the interaction will be perceived by others or experienced by the student, allow her to determine the venue of the interaction.

For STUDENTS:

- Be proactive—seek out professors. You are entitled to their time, attention, and efforts.
- Share your path at Yale Law School with students who are just starting at YLS.
- Seek out older students who have similar interests and learn from their mistakes and successes.
- Think about what you want from a mentoring relationship and start building relationships with potential mentors early in your YLS career.
- Write early. Be mindful of how much writing helps you to cultivate mentoring relationships—even if you do not want to go into academia, writing with professors is often important for obtaining letters of recommendation and developing mentorships.
- Attend office hours and have a strategy for meeting with professors:
 - Go visit a faculty member multiple times in a semester, do not give up, and do not be discouraged by a single awkward or flat interaction.
 - Prepare by thinking about a question from class or the reading, but do not feel like you have to come up with a complete paper.
 - Read something the professor has written and ask him or her about it.
 - Do not be surprised if faculty members start a meeting with an academic discussion. Faculty members are often most comfortable if you lead with ideas and discuss more personal matters once you have established an intellectual rapport.

For ADMINISTRATORS:

- Reconsider policies concerning the eligibility of visiting and clinical faculty for supervising papers.
- Give professors credit for the papers that they supervise and for the hours they devote to mentorship. Provide faculty with funding to support informal interactions with students they teach, collaborate with, and mentor (e.g., off-campus lunches).
- Expand the diversity of full professors by recruiting more
 - Clinical full professors;
 - Women;
 - Minorities; and
 - Professors with a variety of academic interests.
- Hold an orientation session for students about building relationships with faculty, demystifying office hours, etc.

A NOTE ON FACULTY DIVERSITY

- For 2011-2012, 22 out of 104 Yale Law School professors were women (21.2%). When visiting, clinical, adjunct, and emeritus professors are excluded, there are 17 women professors out of 75. Of the 17 Visiting Professors, 4 were women (23.5%). Only one of 12 clinical professors is a woman (8.3%).
- Both faculty and students noted the difficulty in fostering mentoring relationships and providing different perspectives on the law when the faculty has such a large gender disparity.

I. INTRODUCTION

Yale Law School (YLS) began admitting women in 1918, 75 years after it awarded its first degrees in 1843. Ten years ago, in 2002, women in the YLS JD class outnumbered men for the first time. Seeing this historic shift, a student organization called Yale Law Women (YLW) set out to study the gender dynamics at YLS. The authors of that study sought to discover whether this newfound gender parity in enrollment translated into gender equality in classroom participation. YLW produced a detailed report that noted progress toward gender equality within the law school, identified areas for future improvement, and started a dialogue between faculty and students about these issues. The report was a product of interviews with faculty, classroom monitoring, and a survey of student perceptions of gender dynamics. It had an immediate impact at YLS and created ripples across the legal academy.

The percentage of women in the JD class at YLS has fallen slightly since 2003, but enrollment numbers still hover near gender parity. In the fall of 2011, there were 310 women (49.3%) and 319 men (50.7%) enrolled in the JD program at the law school.¹ These numbers are slightly better than nationwide averages, which show women accounting for 46% of total JD enrollment.² While the gender disparity in law school enrollment may be small—with some schools even seeing more women than men enrolled³—women remain significantly underrepresented among legal professionals.⁴ At present, the roughly equal number of women enrolled in law schools nationwide has not yielded equal numbers of women in clerkships, law firm partnerships, legal academia, or the judiciary.

¹ *Official ABA Data: Yale Law School*, LSAC.ORG, https://officialguide.lsc.org/Release/SchoolsABADData/SchoolPage/SchoolPage_Info/ABA_LawSchoolData.aspx.

² In 2010, women made up 22,790 (45.9%) of the 49,700 students matriculating into JD programs nationwide. *LSAC Volume Summary – Matriculants by Ethnic and Gender Group*, LSAC.ORG, <http://www.lsc.org/lscresources/data/vs-ethnic-gender-matrix.asp>.

³ For example, women were 485 (52.9%) of the 892 JD students enrolled at the University of California, Berkeley, School of Law in 2011. *Official ABA Data: University of California, Berkeley, School of Law*, LSAC.ORG, https://officialguide.lsc.org/Release/SchoolsABADData/SchoolPage/SchoolPage_Info/ABA_LawSchoolData.aspx.

⁴ See further discussion of these disparities in Appendix A.

One hypothesis for why these disparities continue, despite gender parity in enrollment over the past ten years, is that women and men are having different experiences while in law school. In anticipation of the ten-year anniversary of the original report, YLW conducted a follow-up study to explore how gender dynamics have changed at YLS in the past decade. This report synthesizes three areas of investigation: conversations between student-interviewers and 54 faculty respondents,⁵

While the gender disparity in law school enrollment may be small... women remain significantly underrepresented among legal professionals.

observations of student participation rates among women and men in 113 class sessions in the fall of 2011, and perceptions of more than half of the student body as reported in a survey soliciting their views on gender dynamics in classroom participation and mentoring at YLS. We seek once again to educate the YLS community on the status of gender dynamics at the law school and to engage the wider academy on these issues.

While the focus of this study is student participation, we recognize that participation is not the only method of intellectually engaging or “proving oneself” in law school. Of course, students who do not participate in class are sometimes the strongest students, so we hesitate to ascribe excessive importance to speaking up in class. Nonetheless, participation is a valid area of emphasis for two reasons. First, relationships between students and professors affect professional opportunities for students in significant ways. Those relationships most often begin in the classroom.⁶ Second, student participation shapes the legal learning environment, which influences the values, interests, and identities of students and the school as a whole. Through these interactions, students learn from their peers and confront visions of the law they might not have otherwise encountered—and if students are not confronting perspectives from all their peers, regardless of gender, their learning experience will be far less rich. For these reasons, we believe it is worthwhile to study the role that gender plays in the interactions between students and faculty so that we can identify what progress YLS has made since the last study to support women’s full inclusion in the law school community, and what further improvements are needed.

We hope that our study will inspire faculty members to think about their roles as teachers, mentors, and role models for students of all genders, and we hope that students will reflect on how their own choices regarding classroom conduct and self-representation impact what they gain from their time at YLS. Many students who completed our survey stated that the keys to success at YLS seemed hidden or difficult to access. We hope this study will initiate a continuing conversation and prompt concrete reforms that enable students of all genders to enjoy equal opportunities during their law school careers.

⁵ Eighty-three non-visiting faculty members were invited to participate and 54 interviews were conducted, resulting in a yield rate of 65%.

⁶ 84% of the students who responded to our survey reported that they formed a relationship with at least one of their mentors by taking a class with the professor.

II. PREVIOUS YLS STUDIES ON GENDER: SUMMARY OF FINDINGS

The 2002 Yale Law Women study forms the foundation of this follow-up study. However, a long line of inquiries into the status and experience of women at Yale Law School preceded the 2002 study. In 1988, Catherine Weiss '87 and Louise Melling '87 conducted interviews of twenty women students regarding their experience at Yale Law School. Weiss and Melling argued that men and women experienced law school differently because of alienation and exclusion that disproportionately affected women students. They concluded that this isolation affected the intellectual and emotional life of the law school.⁷ Weiss and Melling reported that the most common recommendation drawn from interviews was to hire more women and minority professors. The authors also recommended expanding how professors teach subjects, to include more work from women academics and stories behind the cases, enhancing lawyering training, providing more formal feedback, and fostering more civil classroom exchanges.

In 1995-1996, the Dean established an Ad Hoc Committee on the Status of Women at Yale Law School to address students' concerns about gender disparities both inside and outside of the classroom. The committee gathered information on gender as it related to student organizations, teaching assistant positions, research assistant positions, faculty supervised writing, classroom interactions based on class size and professors, first jobs after graduation, clerkships, and teaching positions. While many of these metrics mirrored the gender disparity in the overall student body, women received a disproportionately lower percentage of clerkships than men did. On the committee's survey of students, women reported that they were less likely to participate in class or contact professors outside of class. More women than men reported that their confidence had diminished while in law school. Seventy percent of both men and women students reported that professors never, or only once, offered career advice.

⁷ Catherine Weiss and Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988).

Ten years later, Paula Gaber '97 followed up the Weiss and Melling article with interviews of 20 women from the YLS class of 1997 and a review of other similar reports done at other law schools. Gaber's study found that feelings of isolation and alienation persisted. Women at YLS not only participated in class at lower rates than men did, but they also received disproportionately lower grades.⁸ Gaber suggested that the law school hire more women faculty and faculty of color, improve the informal methods of information dissemination, hire student advisors, reduce class sizes, modify the Socratic method, improve the quality of teaching through evaluations and workshops (and special training for small group professors), and institute a formal system of faculty mentoring.

In 2002, YLW published *Yale Law School Faculty and Students Speak About Gender: A Report on Faculty-Student Relations at Yale Law School*. The report assessed gender dynamics at the law school through interviews with faculty, monitoring of classroom participation, and a student survey. All senior faculty members were invited to participate in one-on-one sessions with student interviewers. Forty-eight faculty members were interviewed for the 2002 study. To capture gendered patterns in the classroom, volunteers monitored participation in 24 law school courses. Finally, all JD candidates were asked to complete a 36-question online survey. Forty-four percent of students completed the survey.⁹ The findings from each of these components are summarized below, along with the recommendations the authors offered at the end of the study.

Classroom Dynamics

The data from the classroom monitoring did not show that women participated significantly less than their men colleagues did. However, men appeared to "volunteer" comments or questions more than women did. Professors reported that gender balance in classroom participation had improved substantially since the 1990s but that certain styles of student participation often correlated with gender. In the student survey, nearly two-thirds of students believed that men students participated more in class than women students did. The most common reason given for the disparity was that men students were more confident and assertive in the classroom setting. Nearly 86% of respondents felt that the way professors run a classroom discussion influenced how many men and women participated in class. Both students and professors felt that the gender difference was more noticeable in courses with more than twenty-five students enrolled.

Interactions Beyond the Classroom: Availability

The student survey revealed that men and women reported different levels of comfort with contacting professors outside of class. The level of comfort for both men and women depended on

⁸ Paula Gaber, "Just Trying to be Human in This Place": *The Legal Education of Twenty Women*, 10 YALE J.L. & FEMINISM 15 (1998).

⁹ More women (56%) than men (44%) completed the survey.

the type of interaction: visiting during scheduled office hours, scheduling appointments, visiting without an appointment, or approaching professors after class. The final category, approaching professors after class, produced the largest gender disparity: almost 60% of male students, as compared to 36% of female students, felt comfortable or very comfortable approaching a professor after class.

Interactions Beyond the Classroom: Advocacy

In interviews, faculty members reported perceptions that women students were more hesitant to ask for letters of recommendation. Professors who reported their recommendation letter statistics wrote slightly fewer letters for students of the opposite sex than for students of their own gender. Professors also reported recommending more men for “prestigious” positions, mainly because men made those requests more often.¹⁰ Male students were more likely to seek a recommendation solely based on having participated in a class or taken more than one class with a given professor. Female students were more likely to seek recommendations from those professors from whom they received an honors grade and/or for whom they had written papers.

Interactions Beyond the Classroom: Collaborative Work

The authors of the previous study defined “collaborative projects” as supervised writing, research, and teaching assistance. In interviews, faculty members reported that men seemed more comfortable asking for assistance on their own research projects. Female professors reported that they took on more collaborative projects with female students. Almost half of the students surveyed reported that they were unaware of opportunities to work with faculty.¹¹ However, awareness correlated with class year, such that students gained awareness of these opportunities as they advanced through their three years of law school. Professors noted that most opportunities for collaborative projects arose informally or through student initiative.

Interactions Beyond the Classroom: Mentoring

Mentoring meant different things to different faculty members. For some, it extended beyond academic or career counseling to deep, long-lasting friendships. Many faculty members reported an affinity for mentoring students with similar intellectual interests. In particular, clinical faculty reported that they felt a special obligation to help students navigate public interest opportunities. Some women professors and faculty of color reported feeling a special responsibility for mentoring women or students of color. Faculty members also believed that women students and students of color seek out faculty who are likewise women or people of color. Some male faculty members

¹⁰ One measure of men asking for more prestigious opportunities was reflected in the number of recommendation letters that professors wrote for men and women for Supreme Court and top appellate clerkships.

¹¹ This result was constant by gender and race/ethnicity.

hesitated to advise women about more personal issues, such as balancing career and family.

While the number of students with mentors increases with class year, men students in all classes were more likely to report having a mentor than women students. Almost two-thirds of students who reported having mentors had men faculty mentors. Slightly more women students than men students had women mentors. Both men and women responded that participation in a clinic was the most successful way to find a mentor. For men, writing with a faculty member and participating in class were the other key ways to find a mentor; for women, serving as a research assistant and writing with a faculty member were the other top ways. Women listed class participation as the least effective means by which to form mentoring relationships. Students generally felt that mentorship relationships with non-clinical faculty were based mainly on the quality of students' academic ideas. A significant majority (72%) of all students reported dissatisfaction with mentorship opportunities. Women students had higher levels of dissatisfaction (77%) than men students (64%).

Providing Feedback: Exams, Papers, and the First Term

Professors reported that they provided feedback for exams upon student-initiated request and that they provided more detailed and intensive feedback on papers. The overwhelming majority of student respondents reported that professors did not return exams to them in a timely manner. While a small minority of students did not care about receiving feedback, most respondents were dissatisfied with the amount and nature of feedback they received on exams. In particular, survey respondents reported insufficient feedback on first-term exams. Students were more satisfied with the feedback they received on papers.

Respondents also evaluated their small group classroom experiences. Just under half of respondents described a positive small group experience. Approximately one-quarter of students had a more mixed experience and noted that they did not develop relationships with their small group professors. One in six respondents reported a negative small group experience, and these respondents were twice as likely to be women.

Note on Faculty Diversity

Over two-thirds of student respondents had taken two or fewer non-clinical courses with women professors and one-fifth of all respondents had never been taught by a woman professor. When clinical classes were included, almost half of student respondents had been taught by a woman professor. Both faculty and students reported that dynamics favoring men inside and outside the classroom were unlikely to change if the faculty remained overwhelmingly populated by men.

Recommendations and Broader Effects

The 2002 report offered a wide range of recommendations from the student survey and fac-

ulty interviews. The authors made three broad recommendations. First, law schools should invest in a pedagogy that mirrors what students need to be good lawyers by rewarding depth and reflection and not simply quickness. Second, law schools should expand opportunities by increasing the transparency of the informal networks of information and guidance present outside the classroom. Finally, law schools could reduce bias by hiring more women faculty.¹²

This landmark study had an immediate impact at YLS and made ripples across the legal field.¹³ The full text of the study can be found at http://www.law.yale.edu/Speak_up_complete.pdf.

The above literature review provides a look into this vibrant area of discussion. With these findings in mind, this study compares the progress (or lack thereof) made in gender equality at YLS in the past ten years. It then offers its own recommendations.

¹² Sari Bashi and Maryana Iskander, *Why Legal Education is Failing Women*, 18 YALE J.L. & FEMINISM 389 (2006).

¹³ The study was replicated at Harvard Law School (Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School*, 13 J. GENDER, SOC. POL'Y & L. 511 (2005)) and at Victoria University in New Zealand. The study was also cited by other authors considering the future of legal education. See Irene Segal Ayers, *The Undertraining of Lawyers and its Effect on the Advancement of Women and Minorities in the Legal Profession*; 1 DUKE FORUM FOR L. & SOC. CHANGE 71 (2009); Theresa M. Beiner, *Some Thoughts on the State of Women Lawyers and Why Title VII Has Not Worked for Them*, 44 IND. L. REV. 685 (2011); Anita Bernstein, *Pitfalls Ahead: A Manifesto for the Training of Lawyers*, 94 CORNELL L. REV. 479 (2009); Lauren Carasik, *Renaissance or Retrenchment: Legal Education at a Crossroads*, 44 IND. L. REV. 735 (2011); Amy R. Mashburn, *Can Xenophon Save the Socratic Method?* 30 T. JEFFERSON L. REV. 597 (2008); Jennifer C. Mullins and Nancy Leong, *The Persistent Gender Disparity in Student Note Publication*, 23 YALE J.L. & FEMINISM 385 (2011); Joseph A. Rosenberg, *Confronting Clichés in Online Instruction: Using a Hybrid Model to Teach Lawyering Skills*, 12 SMU SCI. & TECH. L. REV. 19 (2008); Nina Schichor, *Mitigating Gender Schemas: the Women, Leadership & Equality Program at the University of Maryland School of Law*, 30 HAMLIN J. PUB. L. & POL'Y 563 (2009); 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 (2011).

III. METHODOLOGY

1. Faculty Interviews

Yale Law Women Speak Up Study Board Members invited faculty members to participate in one-on-one sessions with student interviewers, which generally lasted 45 minutes to one hour. This report reflects findings from 54 interviews completed between December 2011 and February 2012. Yale Law Women Speak Up Study Board Members sent requests for interviews to all professors who were in New Haven (even if they were on leave) during the 2012 spring semester. Professors who were in their first semester of teaching at Yale Law School did not receive invitations. Because professors chose to participate in the interview process, self-selection bias may be present. Out of the 83 professors contacted with an interview request, 54 professors participated.

Volunteers did not record the interviews anonymously but kept all interview information confidential. Quotations included in this publication are not attributed to individual professors. The ways in which the comments appear in this report reflect each interviewer's note-taking style. The questions that guided the interviews, along with the instructions given to student interviewers, are attached in Appendix B.

This report does not imply unanimity of opinion among faculty respondents. Trends and recommendations have been identified based on themes that emerge across many, but not all, interviews. We have made an effort to tally information from faculty members on their student supervision, research assistants, teaching assistants, recommendation letters, and references. However, not every professor provided exact numbers to the interviewer. The numbers provide information about a subset of the professors at Yale Law School, but they do not offer the complete picture.

2. Classroom Monitoring

Over three one-week periods in September, October, and November 2011, we monitored 113 class sessions for 21 law school courses. We monitored seven classes with peak attendance over 25, six classes with attendance under 25, three 1L small group classes, and five first-semester 1L classes.

The student monitors attended a training session before monitoring classes. The information these volunteers recorded included:

- Gender of the professor;
- Number of men students, women students, and number of students of unclear gender identity in the class;
- Origin of contribution (called on, volunteered, offered a question or comment without professor prompt, interrupted professor or classmate);
- Whether the contribution was the student's first in a class session or a subsequent contribution from the same student; and
- Professor's response to the contribution (incorporates into the discussion, cuts in or off, no response).

The recording tool used by volunteers for classroom monitoring is provided in Appendix C. In the 2002 study, the monitors recorded whether the participant was a man or woman. We added a third "unclear" gender category to recognize genderqueer and gender non-conforming students who do not either identify or express themselves as men or women. To be sure, this was necessarily an imperfect approach, as it wholly reflected the perspective of the classroom monitor (and whether it was "unclear" to them how a student gender-identified). Nonetheless, we wanted our study's methodology to reflect YLS's recent revision of its nondiscrimination policy to acknowledge gender identity and expression as a basis for discrimination, and ensure that we did not presume or reify a strict gender binary.

Volunteers tallied the information gathered and subjected it to several statistical calculations to determine relative rates of participation among gender groups, disparity ratios, and statistical significance. This statistical sample provides a quantitative complement to the qualitative faculty and student observations collected in the interviews and the survey. The study's data set is available upon request to the study's authors and will be posted online.

3. Student Response

All current Yale Law School students were asked to complete a 48-question web-based survey regarding gender dynamics at the law school. The survey contained two types of questions. The first type asked students to quantify aspects of their law school experience on a numerical scale. The second type was open-ended, inviting students to use narrative responses to describe their experiences and impressions of gender patterns in the law school. The order of questions was not randomized. The instructions and questions for the survey are included in Appendix D.

Survey participation was solicited through e-mails to the entire student body and outreach to

leaders of all student organizations, who were asked to encourage their members to participate. The online survey was open to students from February 22 through March 8, 2012. We provided prizes to randomly selected individuals who completed the survey. In order to identify prize winners, the names of participants were compiled separately from the survey data to protect anonymity.

Out of 629 registered JD students, 389 took the survey, for a participation rate among JD candidates of 61.8%. Student respondents were 55% women, 45% men, and less than 1% other.¹⁴ This compares to the overall J.D. enrollment of 49.3% women and 50.7% men. Approximately 34% of respondents were from the Class of 2012, 32% from the Class of 2013, 33% from the Class of 2014, and 1% from the Classes of 2015 and 2016. The student respondents identified as 69% white, 20% Asian or Asian-American, 7% Hispanic/Latino, 6% black or African-American, and 4% other.

As participation in the survey was voluntary, the sample of students who responded may not be representative of the YLS student body. However, the high participation rate suggests that the responses do at least reflect the perceptions of a majority of students at YLS.

4. Format of Finding and Recommendations

The report summarizes general trends from data collected through classroom monitoring, student surveys, and professor interviews. A blend of statistical data and qualitative assessments provide a balanced portrait of gender dynamics at the law schools. The interview and survey responses illustrate trends and offer viewpoints that the quantitative data cannot capture. The conclusion of each section contains a set of recommendations for students, faculty, and the administration based on the student surveys, faculty interviews, and the academic literature.

While we offer preliminary recommendations, this report should serve as the beginning of a broader conversation among faculty and students about how best to ensure that all students thrive at YLS, regardless of gender.

¹⁴ We invited students to use the “other” category if they did not identify as either men or women, per our commitment to ensuring nondiscrimination on the basis of gender identity and expression in our study methodology. Two student survey respondents identified in the “other” category for gender.

IV. RESULTS

A. CLASSROOM DYNAMICS

Classroom participation plays an important role in fostering relationships between students and professors. Classroom participation also shapes the discourse within classes and impacts students' perceptions of their own capacity for legal analysis. To the extent that classroom experiences mirror those that occur in the workplace, they also prepare students for legal careers.

1. Women's Participation in Class

Most of the professors interviewed share the view that as the number of women enrolled has increased, participation from women in class has increased. Many professors identify the last five or ten years as a turning point for women. One professor notes, "As the numbers have gotten more balanced, women's engagement in the classes has seemed to increase." Many professors note that men and women students are conscious of the impact that gender has had and can continue to have on who speaks in class because of studies such as the one done by YLW. One professor said that he believes that over the past five years females in his class conscientiously try to speak sometimes, as if they have an understanding that studies show they do not participate as much, and that men students are now conscious of not dominating the classroom airtime and creating space for others to contribute. Many professors who have taught at other schools note that YLS is better than its peer institutions in terms of gender parity in participation. No professor said that YLS was worse than another school. One professor observes, "Faculty members at YLS are more cognizant of gender dynamics and more interested in them than at the last place I taught. It doesn't mean they're resolved, but people do talk about them."

However, some professors still find that men dominate classroom discussions. Students seem to share this impression. Of students who had an opinion on frequency of participation based on gender, 69.0% of student respondents felt that men participate more in large classes and 55.1% of

respondents felt that men participate more in medium classes.¹⁵ In small seminar classes, 59.3% of respondents felt that men and women participate equally. In none of the categories did more than 6% of students feel that women participate more than men.

The classroom monitoring data tends to confirm the perception that men participate more in classroom discussion. Of the 2,934 participation events¹⁶

Of the 2,934 participation events recorded, 58% came from men and 42% from women.

recorded, 58% came from men and 42% from women. Since attendance for the classes monitored was not evenly divided between men and women, the data were adjusted to estimate the events that would have occurred if men and women enrolled in courses in the same proportion as the overall school attendance: 50.7% men and 49.3% women.¹⁷ Using these adjusted data, men still participated at a higher level, constituting 57.2% of the events versus women's 42.8%. The difference between participation rates for men and women was statistically significant for both the attendance-adjusted data and raw data.¹⁸

The dominance of men's voices was not uniform across the courses monitored. In six out of the 21 monitored courses, women accounted for more participation events both in terms of raw numbers and when adjusted for attendance (although two courses are different on these two lists). In three of those courses, women accounted for 55% or more of the participation events. However, when weighted for attendance, this falls to two courses.

In over half (12 out of 21) of the courses monitored, men accounted for 55% or more of the participation events. When weighted for attendance, men accounted for 55% or more of the participation events in ten courses. In over one-third of the courses (8 out of 21), men accounted for 60% or more of the participation both in raw numbers and adjusted for attendance.¹⁹ In two courses, men made up over 80% of the participation events both in raw numbers and after adjustment for attendance.

¹⁵ There is a gender difference in the responses. Of women who had an opinion on this matter, 78% of women felt that men participated more in large classes; 60.7% of women felt that men participated more in medium classes. Women, however, were more likely to believe that men and women participated equally in small seminar classes (60.5%).

¹⁶ A "participation event" is an instance wherein a student answers a question, makes a comment, responds to a cold call, or interrupts another student or the professor.

¹⁷ The raw numbers are still presented in the report. The amount that women's voices are heard in the classroom should still be a concern even if women are speaking proportionally to their enrollment. This is especially true in courses with high enrollment of men students.

¹⁸ The difference between mean men and women participation events was statistically significant at the .005 significance level using a one-sided t-test. The difference between mean men and women participation events adjusted for attendance was still statistically significant at the .01 significance level using a one-sided t-test.

¹⁹ Note that they are a different eight courses than the ten courses in which men accounted for 55% or more of the participation events.

The classroom monitoring completed in 2002 found that, of 23 courses observed, in only 12 of them did men speak more often than women (52.2%). However, this may be in part due to the more limited data collection in 2002. In that study, the classroom monitoring only lasted for a two-week period at the end of the semester. Thus, for the purposes of comparing between the 2002 and 2012 studies, the November/December 2012 observation period as a closer proxy for the 2002 observations. In the November/December 2011 period, men spoke more often than women did in 15 of the 23 courses observed--an increase over 2002. This course-by-course comparison counters the prevalent hypothesis among faculty that classroom participation is more balanced than it was ten years ago.

However when overall disparities ratios are calculated based on the 2002 and 2012 data sets, women were only 1.5% more likely to speak in class in 2012 than they were in 2002.²⁰ The disparity ratios are a rough measure of overall participation which masks some of the disparities that

Women were only 1.5% more likely to speak in class in 2012 than they were in 2002.

occur in particular courses, but nonetheless gives a strong sense for how class participation across YLS disaggregates by gender.

Faculty and students provided some possible explanations for the differences that they observe. Many professors note that men raise their hands sooner than women do. This

may be because women are more likely to take additional time to reflect on their comment and refine their thinking before they speak. One professor noted: “Men talk more regardless of how much they have to say.” He also noted that men “have a higher perception of their ability” and it only takes a third of the men to be very vocal to silence the rest of the women. Another professor notes that men and women have different thresholds for raising their hands. Women tend to have a higher threshold, meaning they only raise their hands if their comments are substantive and of “higher quality.” On the other hand, men raise their hands very casually.

Many students suggested that women are more cautious and likely to think through their answers in advance of sharing them, while men are more aggressive or impulsive. Students also noted that the speed at which men raise their hand can affect participation. One 2L man responded, “I think, across the YLS population, men seem more confident and worry less about the reception their comments will receive. I’m not sure if the solution is to have women worry less or men worry more, though the former seems more feasible.”

There were men and women students who perceived no difference in participation by gender or responded that they simply did not notice any such phenomenon. Several students noticed dif-

²⁰ The 2002 average across all courses was .877. The 2012 average across all courses was .892. This would seem to indicate that women were about 1.5% more likely to speak in class in 2012 than they were in 2002. These averages were created with all of the 2002 and 2012 observations.

ferences in participation levels but felt that gender was not the best explanatory variable. These students posited a number of additional variables: unequal enrollment in particular classes; personal styles or personality traits not related to gender; socio-economic status; and whether the student went to a private or public undergraduate institution.

Some faculty and students also note that women may be punished for talking too much. As one professor notes: “I think there’s an in-group dynamic where when women are gunners, they get punished more than men for doing it. Their classmates’ reactions are harsher.” This observation finds widespread support in the student survey among both men and women. Multiple students mentioned that there are norms about participation and women are either more likely to abide by the norms or are more likely to receive criticism for breaking them:

- 1L man: “[I]t seems to this 1L that there is a very strong norm at the law school against participation, no matter the way in which a professor does or does not prompt or encourage participation. I do not think that this norm is framed as gender-segregated. I do think that men are more comfortable violating this norm than are women.”
- 2L man: “I think among students as a whole there’s a fairly strong norm of not imposing yourself on the class. In large classes, only the few people who ignore this norm talk regularly. In medium classes the norm is less strong, and more people participate more often. In small classes participation is usually the norm. Across classes, though, my impression is that women feel the norms against standing out more strongly.”
- 3L woman: “Men don’t feel a need to self-censor. Women are taught to self-censor. Both men and women enforce these rules, consciously or not, because we notice more when women speak up. In other words, women don’t have to talk as much as men for us to notice and think it’s rude.”
- 3L man: “‘Gunner’ or frequent talker status does attach to both men and women who talk more often than their same-gender peers, and these frequent fliers do rack up most of the miles—they do most of the talking. But there are fewer such women, and those women who are in the group face a particular, harsh and gender-specific backlash.”
- 3L woman: “Women are critiqued for being ‘gunners’ if they participate too much, and men either are not seen that way or don’t take it so personally.”
- 3L woman: “Students tend to mock other students who participate. Men, who are more used to being physically rather than verbally bullied, don’t respond as sensitively to mocking as do women. My own participation has declined drastically since coming to Yale due to the mockery of those who participate in class. I used to participate all the time in undergraduate, but now I don’t participate as much. This place’s atmosphere suppresses participation. I have even heard, on two separate occasions, professors, both of

whom were female, making fun of ‘gunners’ who participate too much. They said that gunners don’t tend to get good grades, which I took to be an admission on their part that they grade gunners worse. That was probably more than anything what scared me out of participating frequently in class.”

Professors expressed differing opinions about how much students notice or think about differences in levels of participation. One professor noted that because women now make up half of the class, it could be that their participation is normalized and that their speaking in class is no longer a big deal. Another professor noted that, since 1989, “women have become a more normalized part of the law school setting but also demobilized.” Because of this women have become less “self-conscious of themselves as crossing barriers” when participating and are not “more comfortable belonging” instead of “understanding themselves as transgressive or institutionally transforming.”

2. *Effects of Class Type*

A number of students commented that men were more likely to speak disproportionately in large classes rather than seminars. When non-1L classes are considered, the data support this hypothesis. Women do not make the majority of comments in any of the large classes when the numbers are adjusted for attendance. However, in large, first semester 1L sections (as opposed to small groups), women make up the majority of participation events in more courses than men when adjusted for attendance.

When weighted for attendance, women do not make the majority of comments in any of the large classes monitored (outside of the first semester 1L courses). When weighted for attendance, men account for at least 60% of the participation events in all but two of the large courses. In those two large courses, men account for 58.4% and 50.2%, respectively, of the events when weighted for attendance. In terms of raw numbers (not weighted for attendance), men account for the

Women do not make the majority of comments in any of the large classes when the numbers are adjusted for attendance.

majority of comments in five out of the seven large classes. In these five classes, men account for at least 56% of all events. In the other two classes, women account for the majority of events. In one class, women account for 61.4% of the events. This class included a large number of women students and, when adjusted for attendance, men students participate slightly more. The subject matter of the course, which dealt with gender, could partly explain the presence of a large number of female voices.

In contrast, there is much less of a gender disparity in participation for classes with peak attendance under 25. In seminars, men account for the majority of participation events in four of

the six courses. However, when adjusted for attendance, women account for the majority of participation events in three of the six courses. The increased presence of women's voices in seminars does not seem related to either the professor's gender—all three courses were taught by men—or to course content. Two of the courses had more men enrolled; the third course had only one more woman enrolled than it had men.

In the three 1L small groups monitored,²¹ men account for a majority of participation events both in raw numbers and adjusted for attendance. In two of the small groups, men account for at least 57% of the participation events both in raw numbers and adjusted for attendance.

In large 1L sections, men account for over 50% of the participation events in three out of the five classes in raw numbers. However when adjusted for attendance, women account for over 50% of the participation events in three out of the five classes. When weighted for attendance, the largest gender disparity in any of the 1L sections is 55.0% men, 45.0% women.²² Interestingly, it appears that cold calling is the predominant form of classroom management in only one of the 1L sections.

Some professors and students make distinctions between their clinic and academic classes. Some professors note that because clinics are people-oriented and a safe place where women feel as though their voices can be heard, women seem more likely to enroll and participate. Another professor notes that he “felt that women were better at the clinical work in his clinic than the men because they took it more seriously and really cared about their clients.” However, even within clinics, one professor notes differences between the type of work that men and women do: “women generally tend to be drawn to the fact development or ‘soft law’ aspects of the case, whereas men are more drawn to legal research and brief-writing.”

Several students sought to distinguish their clinic course component from other non-clinical courses. When talking about the importance of the tone that a professor sets, one 1L woman wrote, “I do not perceive a gender variation in participation in the seminar component of my clinic, because I think the professors strive to create a very open environment in which no suggestions/ thoughts would be shut down. If a single student were to serve as too dominant a force in that setting, I think it would be discouraged or even looked down upon.” Students also made the clinical/non-clinical distinction when they discussed mentorship and availability outside of class (see “Interactions Beyond the Classroom: Mentoring” below).

3. Style of Student Comments

Professors note that women students tend to qualify their own comments. One professor says,

²¹ Coker Fellows (3L teaching assistants for small groups) were recruited to monitor their own small group classes in an attempt to avoid professor and student awareness of the observation.

²² In terms of raw numbers, the same class had the largest disparity at 55% men to 45% women.

“Although women tend to make extremely substantive and well-reasoned points, they often couch their comments and/or apologize for them in advance.” This professor posits that others may perceive such a couched comment as a lack of confidence. Another professor says he dislikes that most women preface a question with, “Just a quick question,” “This might not be an important point but . . .” or “Maybe this has been said but . . .” Generally, most professors note that women are more afraid of being “wrong.” As one professor says, “Women can be more risk-averse and cautious than men.”

While the classroom monitoring did not record the content of comments, some support for this hypothesis comes from analyzing the form of student comments. Outside of cold-calling, if a woman participates, she is more likely to ask an unsolicited question to the professor than to make a comment, answer a question posed by the professor, or interrupt a fellow student.²³ Meanwhile, men account for over 59% of all unsolicited comments, volunteered answers, and interruptions in courses.

4. Participation Concentration

Several students mentioned that a high concentration of comments coming from a small number of students can discourage more widespread participation. One 1L woman related her experience from her small group, “[T]here were a few men who were extremely vocal (probably 80% of the conversation involved them). The professor was not able to reign [sic] them in effectively, and the more they spoke, the less interested I became over the course of the semester in participating, because I knew they would end up dominating the discussion.” A 1L man saw the problem in terms of concentration rather than gender. “In all classes I have taken, participation is concentrated among a few students (the concentration tends to get more extreme as the classes get larger), participation tends to skew toward whichever gender has the most ‘gunners’ in any given class.”

The monitoring did not directly track which individuals accounted for particular participation events. The monitoring did, however, track whether a particular event was a student’s initial contribution or whether the student had participated earlier in the class session. From these numbers and the class attendance, calculations regarding the concentration of class participation are possible. Across all of the classes monitored, 56.5% of participation events are initial contributions and 43.3% of those in attendance make at least one contribution. These statistics, however, mask a much larger variation based on the size of class. In classes with attendance at twenty or fewer, 64.5% of those in class speak at least once. However, participation from individuals who have already spoken accounts for 62.3% of the events. In classes with attendance between twenty and fifty students, 34.1% of the students participated at least once and 36.3% of the participation events came from those who had participated more than once. In classes with attendance over 50, 27.8% of the class participated and 28.2% of the events came from those who participated more than once.

²³ Men still ask more questions overall, posing 55.1% of questions asked in the monitored classes. However, this type of participation nears gender parity more than does any other type of participation, save cold calling.

5. Effect of Time on Student Participation

Student participation may change over the course of a semester. One professor states that he has not seen a change in patterns of participation from year to year over his 26 years of teaching. Rather, he observes a change in participation over the course of a semester. Men and women have different timelines. Men are eager and tend to talk a lot early in the semester. Women are less aggressive in their participation at the start of the semester but participate more as the semester progresses. He believes this trend occurs because women become more comfortable with the material and with him as a professor. He believes that the early heavy male participation drops off because he signals to them that they should not dominate classroom discussion.

This hypothesis finds some support in the data. In the November/December 2011 time period, women account for the majority of participation events in six out of 21 classes in raw numbers and adjusted for attendance (28.6%). This is the same number of courses when the data is analyzed across all time periods. In eight out of 21 courses, the gender disparity was less in the third time period than the overall average. In four courses, the disparity became greater but it was women's voices that were being heard more often. In one class, the disparity remained the same.²⁴ Finally, in the remaining eight courses, the disparity became greater, with men's voices being heard more often. When adjusted for attendance, the number of courses in which the disparity subsided increases to nine. The number of courses with increased disparity due to more participation by men decreases to six.

Several students hypothesize that the beginning of the semester may be important for setting the tone for the entire course. One 2L woman said, "Generally the first few classes set the tone for the rest of the semester, so if more men participate in the few weeks of class, it's very difficult to change that dynamic over the course of the semester." While classroom monitoring started at the end of September rather than in the first week of school, the data does not fully support the proposition that patterns begun at the beginning of the semester continue throughout the course. In the courses monitored, gender disparities increased in thirteen out of 21 classes. In nine of those classes, the disparity increase followed the initial gender disparity set in the first week.²⁵ In two more classes, the gender disparity stayed the exact same in the third week of observations in November/December as it was the first week. In a majority of the classes, the gender disparity that was established in the first part of the course either stayed the same or was enhanced during the final period of monitoring.

²⁴ All of the participation events were from men at each observation set, so it would have been impossible to actually increase the amount of participation from men.

²⁵ If women were more likely to participate in the first set of observations, they were much more likely to talk in the last set of observations.

6. Faculty Approaches to Student Participation

Faculty classroom management strategies make a difference in the level of gender disparity in classroom participation. Classroom monitors recorded whether a student responded to a cold call or volunteered one of three types of unsolicited participation (comment, question, interruption). The cold call system provided the least gender-disparate result, with men accounting for 54.8% of cold call responses.

Some professors report that they now actively encourage women to speak by adopting some of the recommendations from the first YLW study. One professor tries to make sure that the first person he calls on at the beginning of the semester is a woman, a practice he adopted after the

Faculty classroom management strategies make a difference in the level of gender disparity in classroom participation.

2002 Speak Up report. Another professor uses the panel system²⁶ to correct for unequal class participation. Another professor implemented cold calling based on the 2002 Speak Up recommendations.

Many students commented that the manner of classroom management affects participation in gendered ways. Several students mentioned that courses with cold calling have less gender disparity. One student mentioned having a professor who was more likely to cold call men. When students were asked for suggestions to encourage broad-based participation, a large number of men and women requested some type of cold-call system, with many encouraging a panel system. Many of these students suggest variations on cold-calling including, “warm-hearted cold-calling,”²⁷ and random-number-generated cold-calling. A small number of students said they preferred anything but cold-calling.

The other prevalent suggestion was that professors lead discussions conscientiously to avoid hearing the same voices and to elicit a diversity of opinions. Many students encouraged professors to wait several seconds after asking a question to take a response, giving others an opportunity to volunteer who do not raise their hands immediately, and to explicitly solicit new participants if the same students are volunteering who have already participated. Many students also noted how

²⁶ A “panel system” is defined as a method of calling on students in which the students are divided into groups or panels. The panels rotate days on which they will be on call to be cold-called by the professor. Students know which panel they are on and which day their panel is on call. They do not know when a professor will call on them during a certain class when their panel is on call.

²⁷ There were several suggestions on how professors can make cold-calling less intimidating. These included calling on lots of students to minimize the importance of any one interaction; giving students questions to think about for the next class; having some questions reflect preparation and not on-the-spot responses; not drawing attention to students who are underprepared; moving on when a student does not know the answer; identifying some positive contribution in whatever the student says.

important it is for professors to encourage students and respond directly to comments and questions. A number of students thought that a kinder, more humane, and less hostile environment would encourage more broad-based participation. Several students noted that the extent to which the professor's classroom-management style is aggressive can affect certain students' willingness to participate, particularly women.

Several students also mentioned that the types of questions professors ask can influence who participates. One student notes that broad, open-ended questions can be particularly intimidating, especially in large classes. Another student pointed to the theoretical nature of law school discussions as a damper on student participation, noting, "I think it has nothing to do with the stereotype that 'women are quieter' and much more with how discussions are structured and how male-oriented traditional legal thinking is. A lot of black letter discussions require you to abstract all real-life meaning and substance out of case, which to me leaves a not very interesting discussion based around logic and cold legal principles." When asked to give suggestions, several students mentioned that professors should spend more time thinking about the questions that they ask so as to engage students in a range of different intellectual registers.

Several students commented that classes with a great deal of interaction tend to be less disparate, especially when professors make a point to hear from a variety of perspectives. One 3L man wrote, "To me, class participation by gender depends on whether or not the professor tries to get women to participate and enforces norms of trying to include different voices. If professors do this, women will participate. If not, they won't. Women professors tend to be better at enforcing these norms than men professors, but it depends on the professor." Several students commented that participation is broader in courses in which professors had used participation systems that either required students to talk first in small groups, or developed conversations based on written responses.

Some students, notably women students, encouraged professors to get to know their students outside of class either by encouraging office hour visits or by making them mandatory. Several students noted that even learning each student's name can encourage engagement.

7. Rewarding Quality Teaching

While this study could not assess the quality of teaching, both faculty and students reported that they did not believe that the administration or the faculty at large rewarded or valued high-quality teaching.

On the student survey, several students noted that the root of the problem came from the fact that the administration does not reward or emphasize teaching as important. One 2L woman wrote, "The fundamental problem, to my mind, at least, is that faculty think of YLS as the Yale Law Research Facility, with teaching occupying the backseat. To get to the root of the problem, admin-

istrators will have to be 100% on board with the idea that teaching is important and worthy, and dedicate themselves to helping those students who are falling through the cracks.” Another student recognized the incentives for law professors to focus primarily on the quality of their scholarship but he felt it was very disappointing that so many clearly intelligent professors are mediocre teachers. “If professors don’t put in the effort to be good teachers and devote their attention to class, why should I? The majority of class takeaways—and the majority of what I would actually need to know in life about various areas of law—can be gleaned from a hornbook.”

Several professors also expressed concern about the lack of emphasis on teaching. One professor notes that, because professors are judged by a single success metric—publication—the time available for other responsibilities, such as supervising papers, is limited. Several professors expressed a need for training or mechanisms for improving teaching quality. One professor said, “I think some kind of pedagogical seminar for faculty might help... We get zero pedagogical training.” Another professor recommends that each professor tape one class and watch it later: “[i]t’s sobering to see how you teach.” This is a practice that is easy to implement since YLS tapes classes for free upon request of the faculty member.

8. Recommendations

For FACULTY

- Be aware of classroom dynamics.
- Practice conscientious classroom management:
 - Students overwhelmingly asked for some forms of non-voluntary classroom participation. Many students mentioned cold-calling, especially panels, to ensure that more voices are heard.
 - Think about ways to get students engaged in the material before class.
 - Provide questions to think about for the next class’s readings.
 - Assign written response paragraphs for large groups and response papers for seminars.
 - Try to hear from everyone in a class on a regular basis.
 - In large classes, make sure you have called on every person in the first half of the semester.
 - In seminars, make sure you have heard from every student once a week.
 - Develop strategies for dealing with students who dominate classroom time.
 - Preface questions with comments about your expectations: “I would like to hear comments from someone I haven’t heard from...”

- Wait five seconds before calling on students. Do not always call on the first person who raises his or her hand.
 - Send e-mails or talk to those students outside of class about how much you appreciate their enthusiasm, and suggest other ways to discuss their ideas, either during office hours or via e-mail, in order to create more space for others to participate.
- Observe other professors teach, and discuss teaching strategies with one another.
- Interact with students informally outside of class. Students are more likely to participate if they feel comfortable with professors in the first place.
 - Some suggestions include having lunches with small groups of students in the dining hall or implementing mandatory office hours at the beginning of the semester.

For STUDENTS

- Do not apologize for your participation: avoid apologetic prefatory remarks.
- If you are struggling to participate, select a class or two in which you are particularly interested and focus your energy on participating in those classes.
- Do not wait to speak; break the ice early. This applies both to the entire semester and to each particular class.
- Encourage fellow students by providing positive reinforcement—telling a fellow student that you appreciated his or her comment in class goes a long way in building a classmate's confidence who might otherwise not participate.
- Avoid making negative comments about students who do participate in class.
- Know that contributing to class discussions consistently throughout the semester does not make you a “gunner,” but that hogging the discussion and being unaware of how your comments affect the classroom dynamic does.
- Allow yourself a generous margin of error. With practice, it will feel more natural to participate.

For the ADMINISTRATION

- Share teaching best practices at faculty meetings or retreats.
- Organize a pedagogical workshop each year for faculty.
- Implement a default rule: each professor's class is videotaped three times each semester (at the beginning, middle, and end) so that he or she can review his or her classroom management strategies, and potentially receive feedback from an external pedagogical expert.
- Provide other opportunities for professors to be observed in class and to receive feedback

based on the observations.

- Recognize and celebrate teaching excellence. The YLW Faculty Excellence Prize is one example of a student-led initiative to do just this—the Administration should also take the lead on acknowledging superb teaching.
- Provide funding for faculty to take small groups of students for lunch or drinks in order to facilitate relationship-building outside the classroom.
- Encourage professors to attend school-wide happy hours to facilitate out-of-classroom interactions with students.

B. INTERACTIONS BEYOND THE CLASSROOM

Yale Law School places a premium on one-on-one student-faculty interactions outside the classroom. Without formal grades, large classes, or institutionalized benchmarks, faculty-student relationships play a crucial role in a student's education and future opportunities. Furthermore, many students come to YLS with an interest in legal academia and/or judicial clerkships. Success in these areas requires faculty advocacy on the student's behalf. This section explores out-of-class interactions between students and faculty. The 2002 study identified five forms of out-of-class interactions between faculty and students:

1. General availability to students (office hours and other policies);
2. Advocacy for students through recommendations;
3. Collaborative work (research/teaching assistance, supervised writing, etc.);
4. Mentoring; and
5. Providing feedback.

As these types of interactions remain the primary ways in which students and faculty connect, they are the five areas of focus in this study. The study begins with office hours, because almost all students will attend office hours at least twice over the course of their time at YLS.²⁸ Office hours are the most universally available and least hidden form of contact with professors. Some professors require their students to visit office hours at least once, and others require office hours for students writing papers. Every JD student writes at least two papers, which means that most students, at some point, will attend office hours. Advocacy and collaborative work also affect all students: every student will need a faculty member for a reference, letter of recommendation, or paper supervision at some point in his or her career. Mentoring relates to these forms of advocacy and collaboration, but it is an important part of the law school experience that we address separately.

1. Availability

Interviewers asked faculty members about their availability policies, including whether they post and hold regular office hours. Survey questions asked students to mark on a numerical scale how comfortable they felt (1) speaking to a professor after class; (2) attending scheduled office hours; (3) meeting with a professor outside of office hours; (4) communicating with professors by e-mail; (5) working as a research assistant for a professor; and (6) working with a professor who is supervising a paper.

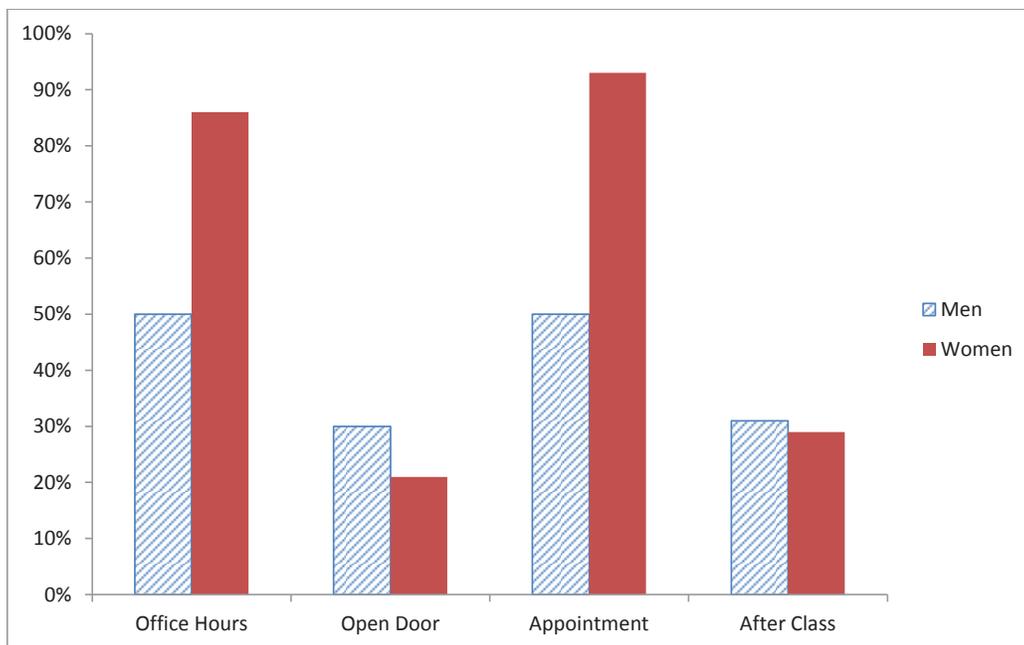
²⁸ In the fall 2011 semester alone, 82% of students surveyed reported visiting office hours at least once.

a. Faculty Findings

Seventy-two percent of professors report that they hold regular office hours. Women (86%) are much more likely than men (50%) to hold regular office hours. Many professors, however, note declining student attendance at office hours, and one professor posited that office hours may be counter-productive because they are designed to exclude; having set hours implies “don’t knock at other times.”

Thirty-five percent of professors—30% of men interviewed, and 21% of women interviewed—report that they have an open-door policy and invite students to knock any time their “light is on.” In addition, 74% of professors report that they meet with students by appointment. Women professors (93%) are much more likely than men professors (50%) to meet with students by appointment. However, men (31%) are more likely than women are (29%) to stay after class to talk with students. On the whole, 39% of professors report that they stayed after class to talk with students. (Figure 1)

FIGURE 1. FACULTY OFFICE HOUR POLICY BY GENDER



Overall, more than half of the professors note no difference at all between interactions with men and women students. As one professor who has taught for decades asserts, “Life is a lot better than it used to be.” However, many professors comment that women are less likely than men are to knock on their doors. Some note that women only go to office hours when they have concrete, well-organized questions, and are nonetheless apologetic about taking up professors’ time, whereas men tend to come just to convey a general idea, to network, or to update the professor on their lives. One professor comments that women tend to come to her because they have similar academic

interests or have read up on her interests, while men seem to come just to network or brown-nose. Another professor said: “There is a real difference here—men come to the office much more often. They seem just more self-conscious about cultivating relationships with faculty. Women mostly approach when they have an actual question. Men feel freer to drop in just to update me on their lives or just talk about pretty much anything.”

The formality in relationships between professors and women students extends beyond office hours. One professor notes that women tend to send thoughtful e-mails that are polite and border on too formal, while men tend to send more flippant e-mails. Age is also a factor in professor-student relationships. Some older professors note that they feel more distant from students than their younger colleagues do because they cannot relate as well, and students are less forthcoming because of their age difference. They suggest that recruiting younger, more diverse faculty could help ease this gap. However, at least one professor notes that he feels more comfortable meeting with female students than he did when he was younger because he no longer worries about misconceptions about the propriety of the meeting.

b. Student Findings

Overall, 56% of students who participated in the survey reported that they are not sure if there is a difference in how men and women interact with professors; 34% reported that they perceived a difference; and 10% reported that they perceived no difference.

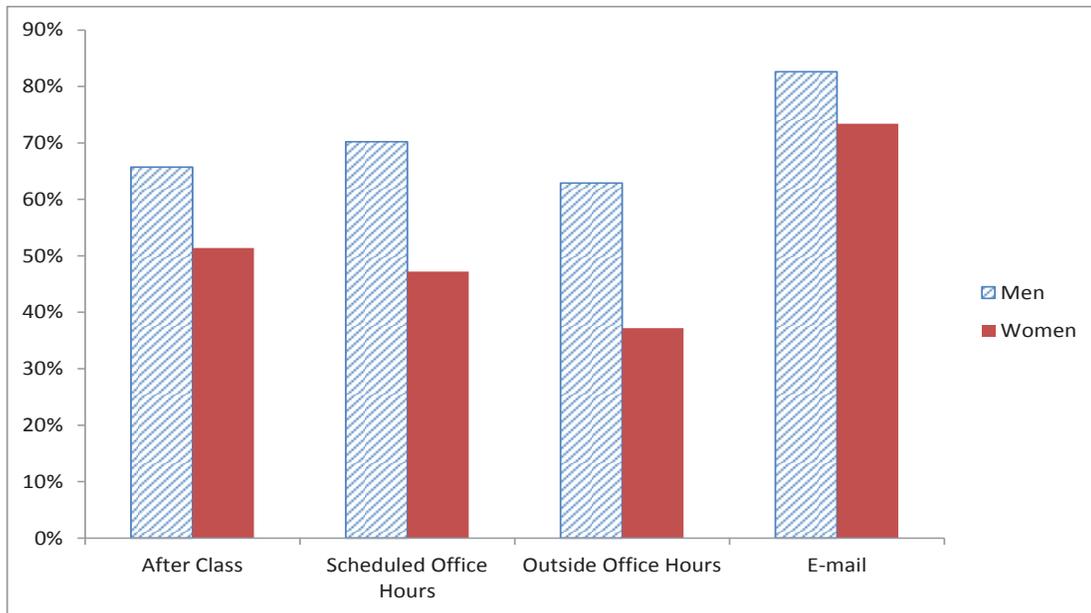
Among methods of communication with professors, students overall noted that they are most comfortable e-mailing with professors (77.4% of students who participated reported that they were either comfortable or very comfortable e-mailing). Other methods of communication that students liked included attending scheduled office hours (57.3% of students reported that they were either comfortable or very comfortable) and speaking with professors after class (57.8% of students reported that they were either comfortable or very comfortable). Students were slightly less comfortable meeting with professors outside of office hours, with roughly even groups saying they were either comfortable/very comfortable (48.5%) and uncomfortable/very uncomfortable (47.5%).²⁹ In all of these categories, men were significantly more comfortable than women were:

- 65.7% of men and 51.4% of women reported that they were either comfortable or very comfortable speaking to professors after class;
- 70.2% of men and 47.2% of women reported that they were either comfortable or very comfortable attending scheduled office hours;

²⁹ Four percent of students reported that they had no opinion, presumably because they have never visited professors outside of scheduled office hours.

- 62.9% of men and 37.2% of women reported that they were either comfortable or very comfortable meeting with professors outside of office hours; and
- 82.6% of men and 73.4% of women reported that they were either comfortable or very comfortable communicating with professors by e-mail. (Figure 2)

FIGURE 2. STUDENT COMFORT LEVEL USING DIFFERENT FORMS OF COMMUNICATION WITH PROFESSORS



Men visited office hours far more often than women did. Among the students who completed the survey, men attended office hours an average of 3.6 times last semester, while women attended only 2.6 times on average. The percentage of students never attending office hours was the same across gender (18%), but the men who attended office hours went more often on average: 25.7% of the men surveyed attended office hours five or more times in the fall of 2011, while only 14.7% of the women surveyed attended office hours five or more times.

While the majority of both men (88.2%) and women (60.0%) students reported that they were equally comfortable (or uncomfortable) attending the office hours of both men and women professors, a significant percentage of women (29.8%) reported that they feel more comfortable attending the office hours of female professors. Men were slightly more willing to visit the office hours of men professors with whom they were not taking a class, writing, or working, with only 24% of men and 18% of women making at least one visit last fall. The numbers were similar for women professors, but women students were slightly more likely to visit, with 16.3% of men and 18.3% of women visiting women professors with whom they were not taking a class, writing, or

working last fall. These numbers were similar, but slightly lower for professors with whom the students had never before taken a class, written, or worked.³⁰

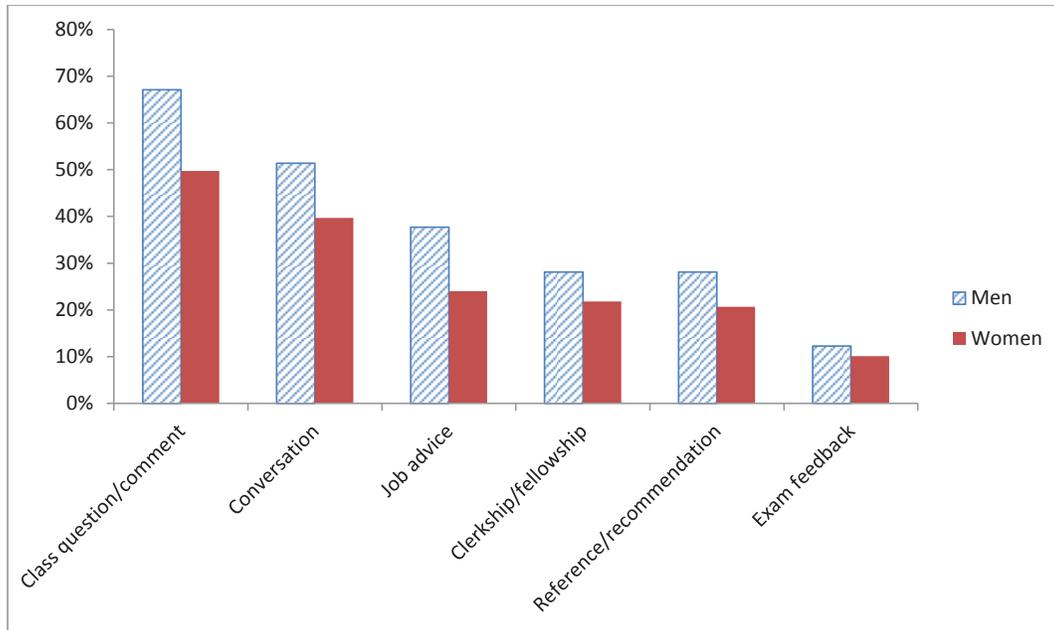
Among the reasons that students gave for visiting office hours, the most common impetus was paper supervision, which 58.4% of students said contributed at least somewhat to their office hour visits. Twenty-five percent of students listed this as the “main contributing factor.” And 62.3% of men and 55.3% of women reported that paper supervision contributed at least somewhat to their office-hour visits. For 24.0% of men and 25.7% of women, it was the main contributing factor.

- 67.1% of men and 49.7% of women reported that a “question or comment related to class” contributed at least somewhat to their office hours visit. For 10.3% of men and 13.4% of women, it was the main contributing factor.
- 51.4% of men and 39.7% of women reported that general conversation contributed at least somewhat to their office hour visits. For 3.5% of men and 5.0% of women, it was the main contributing factor.
- 37.7% of men and 24.0% of women reported that job advice³¹ contributed at least somewhat to their office hour visits. For 4.8% of men and 5.6% of women, it was the main contributing factor.
- 28.1% of men and 21.8% of women reported that clerkship or fellowship advice contributed at least somewhat to their office hour visits. For 4.8% of men and 4.5% of women, it was the main contributing factor.
- 28.1% of men and 20.7% of women reported that a request for or discussion of a reference or recommendation contributed at least somewhat to their office hours visit. For 4.8% of men and 5.6% of women, it was the main contributing factor.
- 12.3% of men and 10.1% of women reported that exam feedback contributed at least somewhat to their office hour visits. For 3.4% of men and 2.2% of women, it was the main contributing factor. (Figure 3)

³⁰ The data show that 16.3% of men and 11.5% of women were willing to visit the office hours of men professors with whom they had never before taken a class, written, or worked; 10.1% of men and 13.8% of women were willing to visit the office hours of women professors with whom they had never before taken a class, written, or worked.

³¹ This category excludes clerkship or fellowship advice.

FIGURE 3. REASONS CONTRIBUTING TO STUDENTS VISITING PROFESSORS DURING OFFICE HOURS



Over half (56%) of the students who participated in the survey reported that they were not sure whether there are gender differences in how students interact with professors outside the classroom setting, but that response was much more prevalent among men than among women. Among men, 73.0% reported that they were not sure, while only 14.0% believed there were differences, and 12.9% believed there were not. Among women, 33.5% reported that they were not sure, while 39.6% believed there were differences, and only 5.4% believed there were not. Students of all genders observed that women were more deferential and formal in their interactions with professors and less likely to ask for things that they want or need (e.g. RA positions, recommendations, etc.).

Some gender differences observed by men students included the following:

- Men often feel more confident interacting with men, and since more professors at YLS are men, there is a larger group of faculty members with whom men students are likely to connect.
- Men are more proactive about forming relationships with professors outside of class and feel more entitled to professors' time and help.
- The continued prevalence of gender inequality in society and structural sexism exacerbates these differences.

Some gender differences noticed by women students included the following:

- Women find it easier to connect with women faculty members, and there are very few women on the faculty.
- Women are less willing to come to office hours, especially when professors have reputations for being unfriendly or unhelpful.
- Women students seek out faculty who are known to be supportive mentors, whereas men are less likely to pre-screen faculty in this way.
- Men are more likely to get a meal or drinks with a professor. Informal relationships are more common among men students and professors.
- Women tend to think that their ideas are not important enough to bother busy professors, and so they self-censor. Men are less likely to have this insecurity.
- Women are more likely to think their good work in class will produce professional success, and thus discount the value of faculty relationships and advocacy.
- Women are more likely to need some direct or indirect signals from professors that the professors welcome student participation and are open to hearing from students on both class-related and non-class-related subjects before trying to build relationships with them.

2. Advocacy

Advocacy is a key component of the student-faculty relationship. For students, it is a primary motivating factor in seeking out mentors at the law school. The results of this study highlighted two key areas for improvement in student advocacy. First, the relatively small number of women on the faculty at YLS bears a large portion of the workload related to student advocacy: last year, women professors wrote nearly twice the number of letters of recommendation that men wrote. Second, while many of the jobs sought by YLS students, including clerkships and fellowships, require three faculty recommenders, less than half of students surveyed (48.9% of men and 33.5% of women) reported that they have three or more professors that they could ask for a letter of recommendation.

a. Faculty Findings

i. Letters of Recommendation

- In the last clerkship cycle, the professors interviewed reported that they wrote letters of recommendation for 129 men (48%) and 138 women (51%).
 - Among professors interviewed, women wrote *significantly* more letters of recommendation. The 14 women interviewed reported writing 99 letters, an average of 7.1 letters per person, while the 40 men interviewed reported writing 158 letters, an average of 4.0 letters per person.
 - Women wrote approximately the same number of letters of recommendation for men (55) and women (54), while men professors wrote more letters for women (84) than for men (74).
 - These relatively equal percentages change dramatically when interviewers asked professors about the number of Supreme Court letters of recommendation they have written. Professors interviewed reported that they have written approximately 421 letters for men (72%) and 164 letters for women (28%). These numbers, however, spanned their entire careers, not just the last cycle.
 - Again, more letters of recommendation for Supreme Court clerkships were written for women by men professors than by women professors (40 letters written by women professors [22% of all Supreme Court recommendation letters by women professors], compared with 124 written by men [31% of all Supreme Court recommendation letters by men professors]). Of course, this is largely a reflection of the small number of women professors on the faculty both now and in the past.
- Professors interviewed reported that they had made phone calls to potential employers for 25 women (52%) and 23 men (48%) in the last year.

ii. Finding an Advocate

It seems women professors are more active in reaching out to students to advocate for them whereas men professors wait for students to approach them. Men professors say they advocate heavily once students approach them. Since the results of this study suggest that women are usually more timid about asking professors to be their advocates, having more women professors may mean that more women and hesitant students find advocates. Additionally, professors stress that students should not be afraid of asking faculty to advocate for them. Most professors said that they would advocate for anyone who asks.

Advocacy is the primary reason students seek out interactions with professors.

More men professors (nine out of 40) explicitly said they sit back and wait for students to approach them to advocate for them. Of course, this does not necessarily mean that they are bad advocates; they may be very vigorous advocates, but students must ask them first. Interestingly, a majority of professors state that they never turn down a request for a letter of recommendation.

- “I usually wait for students to ask me for recommendations.”
- “I generally assist when students seek me out.”
- One professor noted that, when it comes to advocating for students, he waits for students to come to him and ask for recommendations or introductions.
- “I don’t seek out students to advocate for them.”
- “Students choose me to write reference letters; I do not offer.”

No women professors explicitly state that they wait for students to ask them to advocate for them. In fact, half of the women professors (7 of 14) stated that they actively reach out to students to advocate for them.

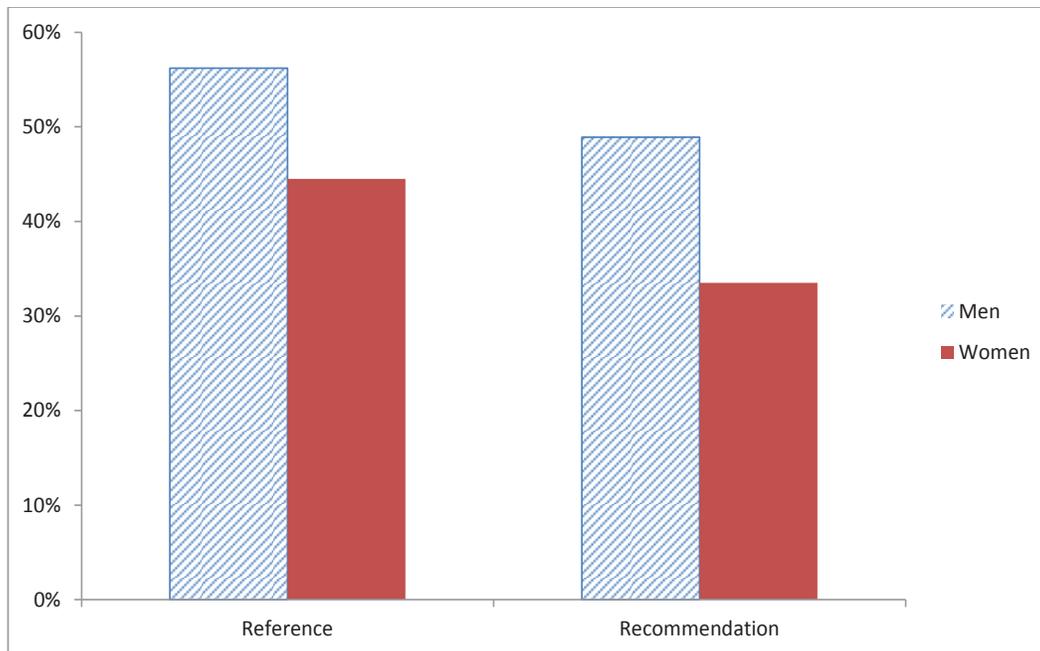
Professors note that women are less aggressive in seeking out opportunities because they tend to underestimate their class performance. One professor notes that women are more reluctant to ask for letters of recommendation. They will ask, but they tiptoe around the issue and qualify it with, “I hate to ask but...” He sees three out of four women do this and only one out of four men do this. Men usually ask in a direct manner. Similarly, he mentioned that he has “to be more assertive with helping women look for sponsors.” Another professor comments, “men tend to be more straightforward about asking for advice and recommendations, whereas women tend to suggest at it and skirt around the question.” Still another finds that the bar for when they feel comfortable asking him for a recommendation is higher for women. Women students feel that they have to know professors twice as well as men students before they ask for a recommendation.

b. Student Findings

For students, advocacy is the primary reason they seek out interactions with professors. When students were asked how important they believed participation—in any form—was for a variety of outcomes, more than 76% of students said that they believed participation was very important or critical for obtaining better clerkship or fellowship recommendations, and more than 51% believed it was very important or critical for obtaining better recommendations for other jobs. Most jobs and clerkships require at least three recommenders. Students generally need at least two (and often three) professors advocating for them to secure these positions. Most students report that they have at least two YLS professors that they would feel comfortable asking for a reference.

- Only 56.2% of men and 44.5% of women have three or more professors they feel they could ask for a job reference, but only 44.5% have three or more.
- Those numbers are slightly lower for letters of recommendation: only 48.9% of men and 33.5% of women have three or more professors they feel they could ask for a letter of recommendation. (Figure 4)

FIGURE 4. PERCENTAGE OF STUDENTS WHO FEEL COMFORTABLE ASKING FOR DIFFERENT TYPES OF PROFESSOR ADVOCACY



Recommendations from the Faculty

Interviewers asked professors what they would recommend to their fellow faculty members to become strong mentors and advocates for students. It seemed that most professors had given this area a great deal of thought and were willing to share their best practices. Some professors' recommendations are provided below.

1. Dinners with Students. The "practice of having dinners with individual faculty seems to be generative and breaks down barriers and may be a peeling device."
2. One-Minute Rule. Professors should spend one minute of every professional/academic interaction on personal inquiries and "how are you." One professor noted that about half the time, she finds out something important about a student that informed her about the student's performance or outlook on the material.
3. Diversify the faculty. "Change needs to be structural rather than individual. We need to get the make-up of the faculty right." One professor comments that one cannot change older faculty's beliefs or biases, but can change the make-up of the law school in terms of diverse faculty. "Diversity of faculty plays a signaling function, signals that diverse students (women, gay students, students of color) belong." One male professor observes, "if there were more women teachers, then women would feel more comfortable about approaching professors since women are more willing to approach female teachers. Then once they start going to female teachers, this will open the floodgate and make it easier for them to approach male teachers." Another professor said that continuing to hire an increasing number of female faculty is an "obvious thing" that the law school should do."
4. Give feedback on exams. Giving feedback shows that the professor is paying attention and cares about students. The feedback also helps students know where they stand with a faculty member academically, and it may embolden students to foster a relationship with a professor whom they know thinks highly of their work.
5. Talk about family life. Some professors comment that all professors should talk with students about their families and children. A number of professors note that many people do want families but that people do not talk about it in law school or the legal profession. "We need to increase the respect we have for raising children so it's seen as an acceptable excuse from work when you have an emergency, etc."

The resounding recommendation from faculty to students was simple: go to office hours. Professors note that there has been a decline in students visiting office hours. One professor en-

courages, “they [students] don’t have to feel like they have something profound to talk about in order to visit the professor.” Another echoes, “Don’t worry about showing your brilliance when you go into office hours—just go!” The advent of the electronic age may also be hurting professor student relationships: “Don’t e-mail substantive questions. Come in person.”

The message from the faculty is clear. Students should recognize that professors enjoy talking with them and mentoring them, because they see students as younger versions of themselves. Another professor agrees, “I would tell students that they are entitled to faculty time.”

Recommendations from Students

To the faculty/administration:

1. Diversity. The administration should work to diversify the faculty.
2. Reduce student class sizes. More sections of blackletter law classes would enable more students to actively engage in these courses.
3. Openness. Professors should hold regular office hours and urge everyone to come to office hours and introduce him/herself. Sign-up sheets for office hours are an easy way for students to break the ice, and professors should make clear whether office hours are open to students not taking a class with them.
4. Interest. Professors should seek out more informal interactions with their students and get to know students better.
5. Responsiveness. Professors should provide feedback on assignments and respond to e-mails more quickly.

To other students:

1. Start early. Write a paper your 1L spring and use it as a way to get to know a professor.
2. Talk in class and attend informal events with professors. It makes going to office hours easier.
3. Be more proactive. Visit office hours and come prepared with organized thoughts (read the professor’s works if you need to) so that you are confident in your interactions. Treat professors as colleagues, but remember these interactions are often awkward, especially at the beginning of the relationship. Do not give up on office hours after one visit. If office hours seem daunting, start with an e-mail so you have time to edit and compose your thoughts. Hold professors to a high standard of availability and accessibility.

4. Do your research. Find a student with similar interests and ask that person how to navigate the system (ask who would be a good mentor/advocate, when to visit office hours, etc.). Student groups should have panels for 1Ls on the importance of having relationships with faculty and on how to find faculty mentors.
5. Be kind and gracious to both faculty members and your fellow students. Not every interaction is about getting ahead. Support each other in participating in class; encourage fellow students and friends to go talk to professors or even e-mail them.

ACTUAL FELLOWSHIP DATA FOR COMPARISON

(date awarded)	2006		2007		2008		2009		2010		2011	
	M	W	M	W	M	W	M	W	M	W	M	W
<i>Fellowships Awarded only to YLS Students</i>												
Arthur Liman Public Interest Fellowship	2	5	3	4	2	6	3	7	1	6	3	4
Heyman Federal Public Service Fellowship Program	1	1	2		3		2	2	1	2	1	1
ICJ Clerkship		1		1		1		1		1	1	
Mary A. McCarthy Fellowships in Public Interest Law				1	1	2	2	2				
Robert L. Bernstein Fellowships in International Human Rights	1	1	1	1		3	1	2	2		1	3
Robina Foundation Human Rights Fellowship							1	2	2	1	1	5
YLS Public Interest Fellowships (YPIF)							3	4	3	4	3	3
Total	4	8	6	7	6	12	12	20	9	14	10	16
<i>Fellowships Open to Any Law School Graduate</i>												
ACLU Fellowships, Various				1		1						
Capital Appeals Project Fellowship					1							
Cohen Milstein Sellers & Toll Human Rights Fellowship											1	
Echoing Green Foundation Public Service Fellowships										1 ¹		
David Rosen & Associates Thomas Emerson Fellowship	1			2			1					
Equal Justice America Fellowship						1						
Mississippi Youth Justice Project Fellowship								1 ²				
Aryeh Neier Fellowship								1 ²⁶				
Equal Justice Works Fellowship	1		1	2	1	1		2				
Supreme Court Cover Fellowship				1								
Harvard University Kennedy/Sheldon Fellowship				1								
Presidential Management Fellowship						1	1	1				
Service Employees International Union Fellowship				1								

¹ For 2010-2011.

² For 2009-2010.

ACTUAL FELLOWSHIP DATA FOR COMPARISON, CONT'D

Skadden Fellowship	3					2	1	1	2	2		1
Fried, Frank, Harris, Shriver & Jacobson Fellowship			1									
Public Citizen Litigation Group Abraham Fuchsberg Fellowship		1										
Fulbright Fellowship		1	1									
Relman & Dane Relman Civil Rights Fellowship										1		
Initiative for Public Interest Law at Yale	1			2		1						
Johns Hopkins University School of Public Health/ Georgetown University Law Center Greenwall Fellowship in Bioethics and Public Policy						1						
Soros/Open Society Institute Advocacy Fellowship								1	1			1
Total	6	2	3	10	2	8	3	7	3	4	1	2
Total (all fellowships awarded)	10	10	9	17	8	20	15	27	12	18	11	18

ACTUAL CLERKSHIP DATA FOR COMPARISON

	2006 F	2006 M	2007 F	2007 M	2008 F	2008 M	2009 F	2009 M	2010 F	2010 M
Number of students in incoming class, %	90, 46.4	104, 53.6	85, 45.0	104, 55.0	81, 40.7	118, 59.3	103, 54.2	87, 45.8	87, 46.0	102, 54.0
U.S. Court of Appeals – total	18, 34.6	34, 65.4	22, 48.9	23, 51.1	14, 34.1	27, 65.9	10, 35.7	18, 64.3	17, 41.5	24, 58.5
2d Circuit	4, 50.0	4, 50.0	5, 62.5	3, 37.5	2, 50.0	2, 50.0	2, 33.3	4, 66.7	2, 33.3	4, 66.7
9th Circuit	7, 53.8	6, 46.2	6, 54.5	5, 45.5	3, 23.1	10, 76.9	3, 50.0	3, 50.0	5, 45.5	6, 54.5
D.C. Circuit	1, 14.3	6, 85.7	2, 33.3	4, 66.7	2, 40.0	3, 60.0	3, 42.9	4, 57.1	1, 25.0	3, 75.0
Total for 3 Circuits	12, 42.9	16, 57.1	13, 52.0	12, 48.0	7, 31.8	15, 68.2	8, 42.1	11, 57.9	8, 38.1	13, 61.9
U.S. District Court	16, 61.5	10, 38.5	11, 57.9	8, 42.1	8, 44.4	10, 55.6	12, 54.5	10, 45.5	6, 40.0	9, 60.0
Other Federal Court	0, 0	0, 0	0, 0	0, 0	0, 0	0, 0	0, 0	0, 0	0, 0	0, 0
State Court	3, 42.9	4, 57.1	0, 0.0	4, 100.0	2, 50.0	2, 50.0	4, 66.7	2, 33.3	4, 50.0	4, 50.0
Total	37, 43.5	48, 56.5	33, 48.5	35, 51.5	24, 38.1	39, 61.9	26, 46.4	30, 53.6	27, 42.2	37, 57.8

Note 1 on clerkship data: Clerkship data was provided by the Yale Law School Career Development Office. The information reflects clerkships that graduating students report as their first job after graduation; it does not include clerkships commenced as a second or subsequent job, clerkships that were secured after graduation, or unreported clerkships.

Note 2 on clerkship data: It is important to remember that law clerk hiring was significantly different during the previous period (1996-2000), when students would have applied initially during their second year for clerkships commencing in their graduation year; any 3Ls who applied would more than likely have started their clerkships a year after graduation. There were no online resources for clerkship information and no electronic application options. In the current reporting period (2006-2010), a much larger percentage of alumni are in the applicant pool, and more judges hire clerks with one or more years of legal work experience. In addition, the implementation of the current federal law clerk hiring plan (announced by the judges in March 2002), shifted the initial hiring to the fall of the third year of law school.

Note 3 on clerkship data: Enrollment data was provided by the Yale Law School Admissions Office. These figures reflect the number of men and women in each entering class. The figures for students who graduate may differ slightly from these figures due to the departure of some students and the addition of other students – particularly through the admissions program for transfer students.

Note 4 on clerkship data: The figures in each cell represent (1) first, the number of students in that grouping, and (2) second, their proportion by percent of that grouping.

3. Collaborative Work

Students engage in collaborative work with professors by serving as teaching and research assistants and by undertaking supervised writing, independent study and other projects. Collaborative work is part of a student's academic and professional development. Students often gain faculty recommenders and mentors through their collaborative work. Collaborative work also gives faculty valuable assistance and insight into their own projects.

a. Teaching and research assistants

Fifty-four professors provided a breakdown of their teaching and research assistants for this academic year. Women students are more likely to be teaching and research assistants for these professors. Women account for 58% of the reported research assistants and 54% of the teaching assistants. The fourteen women professors who provided numbers were especially likely to take on women teaching and research assistants. Women make up 63% of the research assistants for women professors and 60% of their teaching assistants. Women students also account for 56% of the research assistants for men professors, but men students account for 52% of the teaching assistants for men professors.

Women account for 58% of the reported research assistants and 54% of the teaching assistants.

Survey results indicated that across genders, most students are aware of opportunities to work with professors: 55% of stu-

dents reported that faculty members were reasonably or easily accessible. In the 2002 iteration of the study, almost half of the students (48%) were unaware of opportunities to work with professors. In contrast, only 35% of respondents to the student survey in 2012 reported that faculty members were either somewhat inaccessible or not accessible at all.³²

The main way that students learned about opportunities was through posters at the law school or e-mails to the Wall list-serve.³³ The next three most prominent ways of learning about opportunities to work with professors were by seeking out opportunities with a particular professor (38%), learning from a friend or classmate (29%), and learning about a particular opportunity from a professor (27%). Only 18% of students reported that they learned about opportunities through CDO or another centralized point of information. While most students said that they learn about opportunities through publicized postings, only 35% of professors interviewed say that they post jobs widely. The other 65% of professors say that they recruit particular students.

³² There is a small gender difference on this question: 33.7% of men find faculty members either somewhat inaccessible or not accessible at all, while 37.2% of women find faculty members either somewhat inaccessible or not accessible at all.

³³ 62% of students reported learning about opportunities in this way.

The most common sources of information related to opportunities – posters and Wall e-mails – are largely open to all students. However, the next three most important means of access are through student initiative, social networks, and professor outreach. While men and women students do not report a large difference in faculty accessibility, they do hear about opportunities to work with professors in very different ways. Women are more likely to hear about opportunities through posters or e-mails to the Wall: 64.7% of women gather information this way, compared to 58.4% of men. Men students are more likely than women to learn about opportunities through more informal mechanisms. 43.8% of men students interviewed reached out to a professor for an opportunity while only 32.6% of women did so. Men students also report more opportunities resulting from professor outreach; men students reported 29.8% of information about opportunities came this way compared to 24.8% of women. In addition, men students were more likely to learn about opportunities from friends or classmates (32.0% of men compared to 27.5% of women). Some men and women students mentioned that they would prefer that professors advertise research assistant positions widely rather than relying upon volunteers or informal word-of-mouth among students or faculty. Others mentioned that professors could proactively reach out to students rather than waiting for students to approach them about research work.

b. Supervised Writing

Interviewers also asked professors to provide a breakdown of the students with whom they were currently overseeing supervised writing. Men accounted for slightly more of the supervised writing with professors, but the numbers are fairly even.³⁴ This is not surprising since all students are required to complete two papers to meet their writing requirements.

However, there does appear to be a difference in terms of when men and women students begin their writing relationships with professors. Of all students, 37% of those who completed the survey had their first writing-based relationship with a professor in 1L spring and another 22% started in their 2L fall. Broken down by gender, 41.0% of men had their first writing based relationship in their 1L spring compared to 35.1% of women. This disparity evens out in the 2L fall, with 22.5% of men students reporting their first writing-based relationship at this time, compared to 23.1% of women students. Men students were also more likely to have maintained contact with the professor with whom they had their first writing based relationship (70.1% of men compared with 62.9% of women).

Professors discuss the difficulties that can accompany supervising papers. One professor recounts that students will come to her with a topic that is specific to their heritage in some way (e.g., “Reconstruction in the South”) even though she (the professor) has no expertise in that area. Students ask her to oversee the project because they are desperate and there is no one else who is

³⁴ Men accounted for 50%, women 49%, and students who indicated their gender as “Other” accounted for 1% of the supervised writing.

willing or available to supervise. In the professor's opinion, this signals a real problem regarding support of minorities' academic work; she thinks this is probably applicable to women as well.

Another professor discusses the imbalance in the quality of supervision offered to students. "Professors are judged by a single success metric—publication—and this takes time away from [supervising papers]. I have noticed a real inequality in the distribution of paper supervision, with some professors supervising only 1-2 and some supervising 20 or 30." Students also mentioned the disparate quality of paper supervision in the survey. One student noted that while paper supervision should be an opportunity for all students to gain mentors, some professors seem swamped with requests and others do not make the time to work with students in a meaningful way. Several students mentioned that paper writing should be more of an interactive process that involves at least some, and preferably substantial, feedback.

c. Student scholarship

Supervised student writing often translates into student scholarship. Men and women students both produce at least two pieces of written work through the writing requirements. However, a large gender disparity exists in the published notes and comments in *The Yale Law Journal (YLJ)*.³⁵ *YLJ*, in partnership with *YLW*, recently analyzed its student publication data with gender in mind. In Volumes 112 through 121, just over one-third (33.6%) of student notes and one-fourth of student comments were written by women.

In the last three volumes of *YLJ*, women students have authored only 25% of all notes published (12 out of 47). During this three-year period, the Yale Law School student body consisted of 49% women. An early look at this year's publication rates reveals no signs of improvement. In the most recent Volume, *YLJ* accepted twelve notes for publication in 2011, and women authored only two of these (16.7%).³⁶ One 2L woman student writes that, "the lack of scholarship and publishing by women students is a serious problem at an institution that values scholarship so highly."

It appears that the most significant and immediate drivers of women's lower rate of publication are women's lower rates of submission and their lower rates of re-submission. With regard to the former, only 37% of the 116 note manuscripts submitted to *YLJ* so far this year have been by women. Most student notes are not accepted for publication by *YLJ* upon first submission. Unaccepted submissions receive a "Revise & Resubmit" memo providing suggestions for improvement. So far this year, 20% of men have resubmitted their pieces, compared to only 12% of women.

³⁵ There are clearly a range of publications available at YLS (and externally) to which students can submit their writing. However, we prioritized an in-depth analysis of *YLJ* given that it is our school's (and the nation's) leading general legal scholarship publication, and confers a great deal of prestige on its authors. As a result, it is important symbolically and otherwise that gender disparities be addressed as they exist in the most prominent publications.

³⁶ In an effort to combat any explicit or implicit biases, *YLJ* reviews all submissions blindly and enforces a strict recusal policy for any Notes editor who suspects she is aware of the identity of the author.

Revised and resubmitted pieces are four times more likely to be accepted than initial submissions. The lower re-submission rate for women thus compounds the already low initial submission rate for women.

One woman student noted the disparity between women in research work and women in publishing: “Men are generally more aggressive about publishing, soliciting strong feedback on their papers, and trying to develop research agendas with professors than women. Women may be strong researchers in the research assistant position area, but rarely do I see women aggressively trying to develop scholarship with professors.” The data collected in this study and by *The Yale Law Journal* seems to confirm this sentiment. Women students are more likely to take on research and teaching assistant positions than their men colleagues. However, men students are more likely to remain in contact with professors with whom they first started writing and much more likely to publish student notes and comments in the *Yale Law Journal*.

d. Student Leadership on Journals

Despite these disparities in publishing, women participate in equal or greater rates on most of the secondary journals associated with the law school. Women students held a majority of masthead positions for four of the six journals surveyed. Notably, however, men held a disproportionate number of editorial board positions, including Editor-in-Chief positions, relative to the percentages of men and women in masthead positions.

Tables with the participation on secondary journals is included in Appendix E.

e. Recommendations

- Faculty should proactively encourage their women students who have produced excellent writing to submit it for publication. Faculty play a significant role in shaping the publication ambitions of students, and their explicit encouragement can be dispositive in determining whether a student decides to pursue publication opportunities for his or her writing.
- Faculty should offer to review students’ writing prior to publication (e.g., after the student has received a revise and resubmit memo from a journal, read the next draft and give additional feedback to help refine it further).
- Encourage students to begin writing as early as possible – ideally during their 1L spring.
- Be strategic in seeking out professors for whom to research.
- Faculty should announce available opportunities (RAing, TAing) in class so that interested students can apply (as opposed to individually reaching out to students).

4. Mentoring

a. Professor Data

Overall, women professors reported having a strong sense of what it means to be a mentor. They have thought about what mentorship entails and about how they interact within mentoring relationships. While many men professors also thought deeply about mentoring, a number said they have never given it much thought. All women professors seemed to view mentorship holistically – covering personal, career, and academic issues, while several of the men interviewed did not see a personal relationship as having anything to do with mentoring. For example, one man professor said, “Mentorship is really inseparable from working with students to develop papers and as RAs.”

- Women professors tend to view mentorship as a lifelong relationship and think about helping students in broad ways that go beyond a particular subject or job.
 - “Mentoring is a way to help students achieve their goals.”
 - “Mentoring is helping a student with whatever they want.”
 - “Mentoring holistically is the obvious way to go.”
 - More women professors note that many factors affect students, especially social or family aspects of their lives. This is why many think they should know the whole person and not just a student’s interests.
 - Women professors also see mentoring as a big part of their job and tend to be more active in their mentees’ lives – going over writing samples, telling them where to apply, proactively reaching out, and so forth.
 - All women professors interviewed had an understanding of what mentoring meant to them. No woman professor seemed confused by the term or the question.
- In contrast to women professors, more men professors tend to stay out of the personal lives of their mentees.
 - “Mentoring is based on intellectual, academic, and career development. I don’t see myself as a person to share personal experiences with; all student relationships are kept very professional.”
 - A number of men professors (many over the age of 50) asked, “What do you mean by mentorship?” The professors exhibited genuine confusion with the question, or explained that they did not like the term or were “skeptical of it as a phenomenon.”

- This is not true of every male professor. Some professors explicitly say that mentoring has to do with career and personal life.
 - One professor noted that, for mentees, he sees his job as being “a support system, someone that the students can call any time of day.”
 - “Mentoring to me is an ongoing relationship where I try to act in an affirmative role for the student’s betterment.”
 - Some approach mentorship as a “peer academic relationship” in which they help their mentees become better academics and spark conversation with similar academic interests.
 - Some men professors noted, as women professors did, that their mentoring relationships with students last longer than just the students’ time at YLS:
 - One professor noted that he “maintains relationships with mentees long-term (giving career advice, reading papers, co-authoring op-eds).”
 - “I tell my students I’m their professor for life.”
 - Many professors note that writing papers defines mentorship relationships.
 - One professor said with mentees, he is building toward providing suggestions on their work the same way he would provide suggestions to fellow professors.
 - “Most of mentoring relationships are centered on paper writing and requests for references.”
 - “My mentoring tends to be more around research projects (research assistants and supervised writing).”
 - “Mentoring is about providing advice about careers.”
- Some men express having difficulty in mentoring female students. These tend to be the younger male professors:
 - “I do try to avoid talking about personal things with women, because I think there’s a greater danger for it to come across as inappropriate.”
 - “If you’re a younger faculty member, you have a sense in which this is a general problem of any sort of student-teacher relationship.” Therefore, younger men professors are hesitant to spend time alone with women students, but this tension does not seem to occur with men students and any professors (including young women-professors).

- One younger man professor worries about the informal mentoring and support aspect with women. He likes to talk to students about non-class related subjects (e.g. advice on life and career choices) at locations outside of YLS and feels awkward when he is with a woman at a cafe because he does not want the woman to be uncomfortable.
- One professor stresses that students should initiate contact with professors and not vice versa because “professors can be wary of sexual harassment and there might come across badly if male professors started giving female students unsolicited career advice.”

With regard to students, professors note that many men tend to feel entitled to a mentor and are more aggressive in seeking mentors. As one professor put it, “There is still a greater sense of entitlement toward mentorship among male students rather than female students.” Professors also remark that women students tend to want women mentors. Both men and women professors note that women professors can be overburdened because women students are “very hungry for female mentorship,” underscoring the importance of diversifying the faculty and increasing the range of individual faculty members that students might be likely to connect with.

Both men and women professors note that women professors can be overburdened because women students are “very hungry for female mentorship.”

b. Student Data

When students replied to questions about how they formed their mentoring relationships, the top three responses were: (1) taking a class with a professor (84% of students reported that this was how they formed a relationship with at least one of their mentors), (2) visiting office hours (59%), and (3) writing a paper with the professor (58%). More women than men reported that they had formed mentorships by doing clinical work (27.1% of women and 15.2% of men), by being a teaching assistant (7.3% of women and 4.5% of men), and by working for a student group or on a conference with the professor (6.9% of women and 3.4% of men). More men formed relationships through office hours (31.5% of men and 26.6% of women) and paper writing (31.5% of men and 25.7% of women).

Since many mentoring relationships begin when students write papers for professors, it can be important to write papers and form those connections early in law school to give the mentoring relationship time to develop. As mentioned in a previous section of this report, men surveyed

tended to start writing sooner than women did: 41.0% of men had their first writing-based relationship in their 1L spring compared to 35.1% of women. Men students were also more likely to have maintained contact with the professor with whom they had their first writing-based relationship (70.1% of men compared with 62.9% of women). Exam feedback is another way that mentoring relationships can begin. Only 40.0% of men students and 29.8% of women have sought out feedback on an exam.

A *majority* of students (51%) reported that they did *not* consider *any* YLS faculty members as mentors. A slightly higher percentage of women (51.8%) than men (45.5%) reported that they considered at least one YLS faculty member a mentor. Men reported having slightly more mentors of both genders than women did.

- Men students who reported having mentors had an average of 1.7 men as mentors each;
- Women students who reported having mentors had an average of 1.6 men as mentors each; and
- Men and women students who reported having mentors had an average of 1.4 women as mentors each.

When asked how satisfied they were with the mentorship opportunities available at YLS, 44.9% of students reported that they were either very unsatisfied or unsatisfied. Women were generally more unsatisfied with mentoring opportunities than men.³⁷

Student Thoughts on Mentoring

The most common obstacles to mentorship noted by students were limited information and access to professors. Professors do not always hold regular office hours, and the accessible professors are often overextended, making the development of productive mentoring relationships difficult. Students noted concerns about professor favoritism and biases towards “elite” undergraduate institutions, family connections, certain legal topics, and people from centers of economic power in the country. The large size of many black letter classes made it hard for some students to get to know professors unless they reached out, gave feedback on exams, and so forth. Students also expressed concern that some students were naturally better at the “schmoozing” required to form relationships with professors because such interactions shift competition away from an “above-the-table” grades system.

That said, many students noted that professors can be hard to approach initially, but are generally willing to help. Students should be more proactive in pursuing these relationships by discussing a professor’s paper with them, engaging in clinical experience, RAing, doing independent research and writing, and taking smaller classes. One student recommended that the administration

³⁷ 49.1% of women and 39.9% of men reported that they were either very unsatisfied or unsatisfied.

could help break the ice by assigning a faculty member advisor to each student when the student first enters the law school (alternatively, the expectation that small group professors serve as mentors to their students could be made far more clear and formalized). More organic relationships can develop thereafter, but such a system would ensure that every student has at least one faculty member they know they can turn to for mentorship. Many students commented that mentorship is more likely when professors get to know students in the non-academic setting.

5. Providing Feedback

Faculty feedback can provide students with opportunities to connect with professors, gauge their ability in a particular area, and identify ways to improve. Just as in 2002, feedback opportunities vary widely depending on the type of work (exam, seminar paper, Supervised Analytic Writing) and the professor. Students noted that feedback on papers and exams can be critical to fostering relationships with professors and gaining mentors.

Only 33% of students said that they had sought feedback on exams (36% of men students said they had sought feedback on exams compared to 30% of women students). One 2L man wrote, “Many faculty provide very little—or even zero!—feedback on written work/exams. I think that’s a travesty.” Students did note that some professors provide detailed feedback on both exams and papers. Students also recognized that most professors will give feedback if they request it. Still, many men and women students suggested that professors should affirmatively give feedback on papers and exams and that this feedback be meaningful, substantive, and detailed. One 3L woman noted that she does not learn by turning in assignments but rather from receiving feedback on assignments.³⁸

Some students distinguished the feedback they receive in their clinics from feedback on academic writing and exams. One 2L man wrote, “It’s really the clinics that have done it for me. That’s where you get consistent feedback and guidance.”

Some professors also recommend that their colleagues give feedback on exams. One professor “recommends that professors give more feedback (instead of just an H or P on the exam) to show that the professor is paying attention, cares about students, and help them to feel like they matter.” Another professor says that he “would tell students that they are entitled to faculty time.” That professor believes that faculty members have a job to teach students and that involves reading student papers and giving feedback.

³⁸ The 2012 survey done by the Student Representatives confirms the impression that faculty often fail to provide feedback to students on exams and papers. In that survey, over 60% of students reported that less than half of their professors provided an opportunity to get feedback on exams. Forty-five percent of students reported that faculty did not provide feedback on their writing.

6. Summary of Recommendations

For FACULTY

- Professors wield an enormous amount of power during students' time at the law school and throughout their careers. Faculty members should see themselves as sponsors and advocates of students.
- Give feedback to students on their performance. Even just written feedback on an exam helps students gauge their grasp of the material and ability. Giving feedback throughout the semester can allow professors to encourage students and help them gauge understanding or command of the subject.
- Provide positive reinforcement. Comments from professors mean a great deal to student confidence. Even a quick note to the student when she or he makes a strong comment in class can significantly change a student's perception of her or his abilities and the value of her or his contributions.
- Get to know students as people:
 - Realize that different students are looking for different things in mentorships and tailor your assistance accordingly.
- Be proactive about providing opportunities and make selections for research and teaching assistant positions thoughtfully and meritocratically:
 - Announce opportunities in class.
 - Use public systems of announcements.
- One-on-one interactions between faculty and students are important. A small number of professors and students expressed concern about the perception of male faculty spending time alone with female students, especially in venues outside of the law school. Because men comprise the majority of the faculty, this threatens to curtail opportunities for professor interactions for women students. Faculty members should avoid creating opportunities for interactions with male students that they would not with female students. If faculty are concerned about how the interaction will be perceived by others or experienced by the woman student, allow her to determine the venue of the interaction.

For STUDENTS

- Be proactive – seek out professors. You are entitled to their time, attention, and efforts.
- Share your path at Yale Law School with students who are just starting at YLS.
- Seek out older students who have similar interests and learn from their mistakes and successes.
- Think about what you want from a mentoring relationship, and start building relationships with potential mentors early in your YLS career.
- Write early. Be mindful of how much writing helps you to cultivate mentoring relationships – even if you do not want to go into academia, writing with professors is often important for obtaining letters of recommendation and developing mentorships.
- Attend office hours and have a strategy for meeting with professors:
 - Keep going, do not give up, and do not be discouraged by a single awkward or flat interaction.
 - Prepare by thinking about a question from class or the reading but do not feel like you have to come up with a complete paper.
 - Read something the professor has written and ask him or her about it.
 - Do not be surprised if faculty members start a meeting with an academic discussion. Faculty members are often most comfortable if you lead with ideas, and discuss more personal matters once an intellectual rapport has been established.

For ADMINISTRATION

- Reconsider policies concerning the eligibility of visiting and clinical faculty for supervising papers. Give professors credit for the papers that they supervise, and for the hours they devote to mentorship.
- Expand the diversity of full professors by recruiting more
 - Clinical full professors;
 - Women;
 - Minorities; and
 - Professors with a variety of academic interests.
- Hold an orientation session for students about building relationships with faculty, demystifying office hours, etc.

V. A NOTE ON FACULTY DIVERSITY

A. Exposure to Female Professors

Last semester Yale Law School students who responded to the survey, on average, had as professors 3.1 men and 1.6 women.³⁹ For 2011-2012, twenty-two out of 104 Yale Law School professors were women (21.2%).⁴⁰ When visiting, clinical, adjunct, and emeritus professors are excluded, there are 17 women professors out of 75. Of the seventeen Visiting Professors, four were women (23.5%).⁴¹ Only one of twelve clinical professors is a woman (8.3%).⁴²

B. Reactions from Faculty and Students

In response to concerns about fostering broad participation inside and outside of the classroom, many students point to hiring concerns. Students would like to see a faculty that includes more practitioners, clinical professors, and young professors. One 3L woman writes that a lack of subject matter diversity can limit opportunities: “In my case, there are a limited number of faculty with my academic interests, and I’m more comfortable approaching faculty where I feel knowledgeable about their area of focus.” Many women students make special note of the lack of women professors on the faculty. One 3L woman noted, “I think we need more women on the faculty to serve as role models the way that professors like Amy Chua, Heather Gerken, Reva Siegel, Kate Stith and others do.” A 1L woman wrote, “The gender disparity among the faculty is a disgrace and YLS could and should do much better.”

Several women students discussed how having women professors can and did make a differ-

³⁹ This statistic is fairly constant by gender. Men students had on average 3.1 men professors and 1.5 women professors. Women students had on average 3.0 men professors and 1.7 women professors. There were both men and women who reported having all professors of one gender (either men or women).

⁴⁰ This count includes visiting, clinical, emeritus, and adjunct professors. In addition to their limited exposure to women professors, students also have limited exposure to images and representations of successful women. Of the 57 portraits of notable alumni that adorn the walls of Sterling Law Building, only five depict women.

⁴¹ This drops to 2 out of 14 (14.3%) if visiting clinical professors are counted separately.

⁴² Visiting clinical professors were included in the visiting professor count. If they are included in this category, it would change to 3 out of 15 (20%).

ence in their law school experiences. One 1L woman writes that, “having a female professor was key for me. She was amazing and made me feel at home here, and not just because she was so wonderful personally (she was), but because I could identify with her. YLS NEEDS more female professors.” Another 1L woman student writes, “more female faculty members would make it better for mentorship opportunities for women (especially women of color!).”

Several professors also discuss the importance of diversifying the faculty and increasing the number of women professors. One man professor contends that “change needs to be structural rather than individual. We need to get the make-up of faculty right.” Another professor notes, “Diversity of faculty plays a signaling function. It signals that diverse students (women, gay students, students of color) belong.” Several professors comment that it may be difficult to change the classroom and out-of-class practices of some professors, but that it is possible to change the make-up of the law school faculty. One professor observes, “The structure of the workplace is the key variable, at least out of what you can control. You can’t control the acculturation of your generation...we don’t have a workplace (the law school) that has gender parity.”

The lack of women faculty members has effects beyond the signaling function. A man professor notes that he feels women professors are more overburdened with mentorship obligations. He thinks this is so “because female students tend to prefer female mentors.” Another man professor thinks that having more women professors could also increase the number of students who approach all faculty members: “if there were more women teachers then women would feel more comfortable about approaching professors. Women are more willing to approach female teachers. Then once they start going to female teachers, this will open the floodgates and make it easier for them to approach male teachers.”

The data supports the conclusion that women professors have more burdens placed on them by their mentorship responsibilities. As noted previously, among professors interviewed, women wrote significantly more letters of recommendation. The 14 women interviewed reported writing 99 letters, an average of 7.1 letters per person, while the 40 men interviewed reported writing 158 letters, an average of 4.0 letters per person. In all but one of the courses taught by women professors, women made up more than half of the enrollment.

APPENDIX A: CONTINUING DISPARITIES IN THE LEGAL FIELD

Although law school enrollment has hovered near gender parity among most ABA schools for the last decade, disparities in the broader legal field persist:

- For the first time in history, the Supreme Court includes three women justices. However, this constitutes only one-third of the Court. Of the 112 justices that have ever served on the Court, only 4 have been women.
- Forty-nine of the 163 active judges currently sitting on the 13 federal courts of appeal are women (30.1%).⁴³ Several of the circuits show much wider gender disparities:
 - The Eighth Circuit has only one woman judge among its eleven members (9%), and she is the only woman ever appointed to that court.
 - Only one woman judge sits among the Tenth Circuit's ten active members (10%).
 - Women are also vastly underrepresented on the Third Circuit (where they constitute approximately 15% of judges) and the Fourth Circuit (approximately 21%).
- Approximately 31% of active United States district (or trial) court judges are women.⁴⁴
- According to a 2011 study, women hold only 27% of state judgeships.⁴⁵
- In 2007-2008, approximately 37% of all full-time law faculty members in the United States were women, and only about 28% of all tenured law professors were women.⁴⁶
- In 2010, women made up 31.5% of all lawyers.⁴⁷ However, of this 31.5%, women are disproportionately represented in more entry-level and lower-ranking positions:

⁴³ Calculations are based on data from the *Biographical Directory of Judges*, FEDERAL JUDICIAL CENTER, U.S. COURTS, <http://www.uscourts.gov/JudgesAndJudgeships/BiographicalDirectoryOfJudges.aspx> (last visited Mar. 29, 2012).

⁴⁴ *Id.*

⁴⁵ THE CENTER FOR WOMEN IN GOVERNMENT AND CIVIL SOCIETY (ROCKEFELLER COLLEGE OF PUBLIC AFFAIRS AND POLICY AT UNIVERSITY OF ALBANY), *WOMEN IN FEDERAL AND STATE-LEVEL JUDGESHIPS* (2011), available at http://www.albany.edu/womeningov/judgeship_report_partII.pdf.

⁴⁶ ASSOCIATION OF AMERICAN LAW SCHOOLS (AALS), *STATISTICAL REPORT ON LAW FACULTY 2007-2008* (2008), available at <http://www.aals.org/statistics/report-07-08.pdf>; *Law School Staff by Gender and Ethnicity*, AMERICAN BAR ASSOCIATION (ABA) (Apr. 13, 2010), <http://www.abanet.org/legaled/statistics/charts/facultyinformationbygender.pdf>.

⁴⁷ Current Population Survey, Bureau of Labor Statistics, "Table 11: Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity," *Annual Averages 2010* (2011). <http://www.bls.gov/cps/cpsaat11.pdf>.

- Women comprised 45.4% of associates in 2011.⁴⁸
- According to a recent survey of law firms, 11% of the largest law firms in the U.S. have no women on their governing committees.⁴⁹
- Women partners constituted only 16% of those partners receiving credit for having \$500,000 worth of business or more.⁵⁰
- In a survey of the 50 best law firms for women, only 12% of the firms had women managing partners,⁵¹ 19% of the equity partners were women,⁵² and 28% of the nonequity partners were women.⁵³
- Women lawyers received in compensation only 77.1% of their male counterparts' salaries in 2010.⁵⁴
- As of January 2012, 92 women serve in the 112th Congress: 75 in the House and 17 in the Senate (16.6%).⁵⁵

Of course, the time it takes for the gender parity among law school enrollment to translate into gender parity in legal employment affects all of these disparities, and the ten years that have passed since enrollment at Yale Law School reached gender parity have shown some improvement in the larger legal environment. In 2002, women comprised only 20.6% of the federal judicial, less than 20% of tenured law school faculty, less than 16% of law partners nationally, and 13.6% of the United States Congress.⁵⁶ However, there is still much room for progress. Prestigious post-graduation positions, including Supreme Court clerkships, should show a more timely response to gender parity in law schools. However, women make up a lower percentage of Supreme Court clerks than they did ten years ago.⁵⁷

⁴⁸ Press Release, National Association for Law Placement, Law Firm Diversity Wobbles: Minority Numbers Bounce Back While Women Associates Extend Two-Year Decline (November 3, 2011), available at <http://www.nalp.org/uploads/PressReleases/2011WomenandMinoritiesPressRelease.pdf>.

⁴⁹ NATIONAL ASSOCIATION OF WOMEN LAWYERS AND THE NAWL FOUNDATION, REPORT OF THE SIXTH ANNUAL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS (2011), available at <http://nawl.timberlakepublishing.com/files/NAWL%202011%20Annual%20Survey%20Report%20FINAL%20Publication-ready%2011-9-11.pdf>.

⁵⁰ *Id.*

⁵¹ NAFE and Flex-Time Lawyers, *Executive Summary*, in BEST LAW FIRMS FOR WOMEN 2011 (2011), available at http://www.wmmsurveys.com/2011_NAFE_and_FlexTime_Lawyers_Best_LawFirms_for_Women%20Executive%20Summary.pdf.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ BUREAU OF LABOR STATISTICS, TABLE 39: MEDIAN WEEKLY EARNINGS OF FULL-TIME WAGE AND SALARY WORKERS BY DETAILED OCCUPATION AND SEX, ANNUAL AVERAGES 2010 (2011), available at <http://www.bls.gov/cps/cpsaat39.pdf>.

⁵⁵ CONGRESSIONAL RESEARCH SERVICE, WOMEN IN THE UNITED STATES CONGRESS: 1917-2012 (2012), available at <http://www.fas.org/sgp/crs/misc/RL30261.pdf>.

⁵⁶ YALE LAW WOMEN, YALE LAW SCHOOL FACULTY AND STUDENTS SPEAK ABOUT GENDER 5 (2002).

⁵⁷ 11/36 clerks in 2011-2012 (30.6%) compared with 13/33 clerks in 2001-2002 (39.4%), based on information from *List of Law Clerks of the Supreme Court of the United States*, WIKIPEDIA, http://en.wikipedia.org/wiki/List_of_law_clerks_of_the_Supreme_Court_of_the_United_States (last modified Dec. 7, 2011).

APPENDIX B: STUDENT INTERVIEWER INSTRUCTIONS AND QUESTIONS

Instructions and Questions for Students Interviewing Faculty

Dear Student Interviewer,

Thank you for agreeing to interview a faculty member for the YLW Speak Up project. This phase of the project is an important dialogue with faculty about the ways in which women and men students interact with professors. The training session will be on Nov. 30, 2011. If you cannot attend the meeting, please e-mail me (Alice.Shih@yale.edu) so that we can go over the interview guidelines.

We requested interviews with professors between Jan. 30, 2012 and Feb. 10, 2012. However, we work with their schedules so a few interviews may fall outside of this time frame. We asked faculty members to set aside an hour for the interview. These interview times are recorded here:

<https://docs.google.com/spreadsheet/ccc?key=0AnT4yirV9NnZdEFVbG1KX0NjRHM1bF94V1B1dGZqMmc>. You can sign up for interviews of your choice but please check back often as interviews are often being confirmed.

The interview has two parts – a “factual” component, and an open-ended series of questions designed to guide the interview. Please do not feel constrained by those questions. We’re not necessarily looking for yes-and-no answers, but rather for a conversation that will encourage professors to think about gender issues while getting their ideas for improving relationships between faculty and students. Please take good notes since we may use quotations (unattributed to preserve anonymity) for the write up.

We suggest you start with the factual questions; if you get bogged down with them, offer to follow-up over e-mail to secure the data from the professor and his/her assistant so you can move on to the more open-ended questions. After you’ve worked through the talking points but before you end the interview, you may want to pause to review your notes and see if there is anything you’ve forgotten to ask or would like to explore in greater depth.

Please work out a confidentiality policy with the faculty member. You can propose two options:

1. Default Rule: Off the record- interviewee agrees that his/her answers may be shared with the law school community for this project, but without his/her name. It is your responsibility to request permission to go on the record for particular comments that you think would be more effective if shared with attribution.
2. Custom Rule: Discuss with the professor before starting the interview what he or she feels comfortable with. The key is to make the professor comfortable with the interview.

If at the end of the interview the professor expresses interest in better understanding his/her own interactions with students, you can offer them the Part III recording tool. YLW will not be collecting Part III or be using it the study. This is just an advocacy tool to encourage professors to assess their own interactions with students. Use your judgment whether you should offer Part III to the professor.

After your interview, please enter your responses into the Survey Monkey link that will be sent later. During the interview, you can take short hand notes (either by hand or computer, again, use your judgment), but please be as thorough as possible when you enter the responses into Survey Monkey since the person reading the notes will not have been present at the meeting.

Just FYI, findings and results will be circulated widely to the YLS community so you do not need to personally follow up with your professor.

And last but certainly not least, please remember that this interview is **confidential**. This means no discussing the professor's comments with anyone, no Wall posts, no *Above the Law* submissions.

Feel free to contact me with questions and thank you for your participation!

Sincerely,

Alice Shih

P.S. If you are interviewing clinical faculty members, please adjust the questions accordingly to focus on the different kinds of interactions that clinical faculty members have with students.

Sample E-mail to Professors You Have Signed Up To Interview

Dear Professor <Professor's Name>

My name is <Your Name> and I am a member of the YLW Speak Up study who will be interviewing you. Thank you for agreeing to an interview on <Interview time>. The interview should take no more than an hour.

Participation in this study is voluntary. You are free to end participation at any time for any reason or to refuse to answer any individual question during the interview. All of your responses will be held in confidence. Only the researchers involved in this study will have access to the information you provide. The interviews will be coded and the data analyzed. We may use selected quotations from interviews to illustrate our results but they will be anonymous.

Thank you for helping us better understand the gender dynamics at Yale Law School. If you have any questions about the study, please feel free to e-mail the interview coordinator, Alice Shih (Alice.Shih@yale.edu) or the study's co-chairs, Fran Faircloth (fran.faircloth@yale.edu) and Ruth Anne French-Hodson (ruth.french-hodson@yale.edu).

Sincerely,

<Your name>

Interviewing Faculty Members

Please specify confidentiality policy

Part I: Factual Questions

Gender of students you supervise this semester (please fill in number of students):

	Men	Women	Unclear	Comments
1. Research Assistants*				
2. Teaching Assistants*				
3. Independent study/writing				
4. Other Activities/organizations (please specify)				

*Do you post the job? If not, how are they selected?

Note to Student interviewer: If the professor does not know the answer, ask if their assistant will know the answer or follow up with other research (ex: If you know a professor supervises the ACS board, you can find out who the board members are and their genders.)

5. What is your policy on office hours?

Some examples are below and pick all that are relevant:

- Open office hours-please specify posted or unposted
- Scheduled appointments
- Staying after class (in the classroom)
- Open door policy- Do you tell your students, “Knock on my door at any time the light’s on.”?
- Other- please specify

6. Please state your policy on making yourself available to students not studying or working with you.

Recommendations in the last job or clerkship cycle

	Men	Women	Unclear	Comments
7. How many students asked you for a letter of recommendation for a clerkship in the last cycle?				
8. How many students asked you for a letter of recommendation for a Supreme Court clerkship? (this can be over their whole teaching experience, not just the last clerkship cycle)				Please specify the time period and how long the professor has been teaching.
9. How many students asked you to call a potential employer or judge in the last cycle?				
10. How many students asked you to serve as a reference (listed on an application) in the last cycle?				

Part II: Open-Ended Questions/Talking Points:

11. Classroom Patterns

- Do you feel that men and women students behave differently in their in-class interactions? (i.e. raising hands, make comments versus ask questions, length of comments, etc...)
- Do you find yourself compensating for patterns you observe? (for example, do you make a special effort to call on women students? Go easier on them? Harder on them?)

- In your time at Yale, have you noticed changes in the dynamics between women students and faculty? How do those dynamics compare to other universities where you may have taught?

12. Out-of-class Patterns:

- Do you observe differences in the frequency and/or way with which women and men students:
 - Sign up for office hours?
 - Make appointments to see you?
 - Talk to you after class and/or during breaks in class?
 - Stop by your office without appointment?
 - E-mail or call with questions, comments, etc.?
 - Engage in non-assignment topics of conversation?
- Other differences or observations about interactions with men and women students?

13. Mentoring

- What does mentoring mean to you? (intellectual, career, personal?)
- Do you tend to see yourself in the students you mentor?
- Do you find it harder/easier to mentor students of the opposite/same gender?

14. Advocating for Students:

- How do you choose the students for whom you advocate? (i.e. recommendations, career advice and/or introductions, any other advocacy on their behalf)
- Do you observe a difference in numbers and/or ways in which women and men students ask for and/or receive recommendations from you?
 - Clerkship letters? (i.e. for lower courts versus the Supreme Court, trial courts v. appellate courts, state courts v. federal courts?)
 - Academic job letters, etc...?
 - Serving as a reference for a summer job

15. Recommendations/ “Best Practices”:

- Have you discovered strategies that have improved your interactions with students (i.e. best teaching practices, etc)? What advice might you have for other faculty members to improve the dynamics that exist between women students and faculty?
- What suggestions do you have for students to improve the dynamics that exist between women students and faculty? In general, between students and faculty?

- Do you have any suggestions for balancing participation by gender in class, if you observe a difference?
- Any reflections on the intersection between your subject matter and gender?
- How do the following recommendations sound to you, or would you consider doing them:
 - Posted office hours that are advertised [outside your office and on the Inside page] (2 hours/week minimum)
 - Targeted feedback to students who do well, inviting them to apply for a TA/RA position
 - Sending TA/RA job postings to students via e-mail/list-serves or postings on the Law School bulletin boards
 - Hosting an “open house” office hours period for students to come introduce themselves (especially 1L’s) without necessarily having a class-related question or comment
 - Any other ideas?

While we have not included questions about the ways in which faculty members interact with students of color, since gender is the primary variable of interest in this study, we acknowledge a powerful intersection of race and gender. Therefore feel free to raise it in the interview. Again- this is a conversation between you and a faculty member about faculty-student relations – please feel free to bring up any issue that may be on your mind.

Part III: Professor “Monitoring” (OPTIONAL)

Name:

Class(es) taught in Fall 2011:

Dates in which you recorded student visits:

Interaction with students outside class

Please circle all that is applicable.

Gender of student visiting	Reason for visit	Appointment, drop-in, or scheduled office hours?	Length of visit in minutes	Comments (note if the interaction was one-on-one or in a group)
W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	
W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	
W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	
W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	

W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	
W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	
W M Unclear	Question about lecture/reading Outside research Request for recommendations Career Advice General Discussion Other:	Appointment Drop-In Scheduled office hour	0-10 11-20 21-30 31-40 41-50 51-60 >60	

Please share any additional observations about differences you may observe in the ways in which men and women students interact with you.

Do you notice a difference in the frequency/manner with which women and men students come to your office to talk with you?

Do you notice a difference in the frequency/manner with which women and men students talk with you after class or during a break in class?

Do you notice a difference in the frequency/manner with which women and men students communicate with you over e-mail?

Have you noticed anything that may account for any difference between students' likelihood to e-mail you, come to your office, or talk with you during or after class?

APPENDIX D: STUDENT RESPONSE INSTRUCTIONS AND QUESTIONS

Note: This survey was distributed using the Qualtrics on-line platform. Questions with an asterisk (*) were optional, and questions with a dot (•) were only visible to respondents who gave particular answers to prior questions.

Student Response Survey

YLW's Speak Up: Ten Years Later survey should take 10-15 minutes to complete. We are interested in understanding whether and how gender affects class participation and mentorship at YLS. Upon completing the survey, you can choose to provide your email address in order to be eligible for prizes. Thank you for taking the time to help us with this important project!

Background

- (1) Do you identify as:
 - a. Male
 - b. Female
 - c. Other

- (2) Do you consider yourself:¹ (*)
 - a. Black or African-American
 - b. Native-American or Alaskan Native
 - c. Asian or Asian-American
 - d. Native Hawaiian or Other Pacific Islander
 - e. Hispanic/Latino
 - f. White
 - g. Other

- (3) Which degree program are you in?
 - a. J.D. (or J.D. as part of a joint degree)
 - b. L.L.M.
 - c. J.S.D.
 - d. Other (Please specify: _____.)

- (4) What is your anticipated semester of graduation?
 - a. Fall
 - b. Spring

- (5) What is your anticipated year of graduation?
 - a. 2012
 - b. 2013
 - c. 2014
 - d. 2015
 - e. 2016

- (6) What are your primary career goals post-Yale Law School? Please check all that apply.
 - a. Clerkship(s)
 - b. Government work
 - c. Legal academia
 - d. Non-legal work
 - e. Public interest legal work
 - f. Private legal practice
 - g. Other (Please specify: _____.)

¹ Respondents were able to select more than one response to this question.

- (7) How many male professors did you have last semester (Fall 2011)? (Please include all clinical, associate, visiting, and adjunct professors, as well as lecturers and practitioners leading classes and professors with whom you are writing.)
- (8) How many female professors did you have last semester (Fall 2011)? (Please include all clinical, associate, visiting, and adjunct professors, as well as lecturers and practitioners leading classes and professors with whom you are writing.)

Student Participation

- (9) How important do you believe student participation currently is for achieving good grades, strong recommendations, and meaningful relationships with professors? (Participation can range from speaking in class to visiting office hours to emailing a professor.)
- Not important at all
 - Slightly important
 - Moderately important
 - Very important
 - Critical
- (10) How important do you believe student participation (in any form) is for achieving each of the following outcomes?

	Participation is not important at all	Participation is slightly important	Participation is moderately important	Participation is very important	Participation is critical	No opinion / Not sure
Better grades						
Better job (non-clerkship / fellowship) references						
Better clerkship or fellowship recommendations						
Increased enjoyment of classroom experience						
Stronger mentoring relationships with professors						

(11) How important do you believe each of the following types of student participation is for achieving good grades, strong recommendations, and meaningful relationships with professors?

	Not important at all	Slightly important	Moderately important	Very important	Critical	No opinion / Not sure
Commenting in class unprompted						
Asking questions in class						
Responding thoughtfully when cold-called in class						
Volunteering responses to questions posed by professors in class						
Speaking to professors after class						
Attending scheduled office hours						
Meeting with professors outside of office hours						
Communicating with professors by email						
Other forms of participation						

(12) Do you find that the frequency of participation varies by gender in your classes?

	Men participate much more than women do.	Men participate more than women do.	Men and women participate equally often.	Women participate more than men do.	Women participate much more than men do.	No opinion / Not applicable
Large classes (>50 students)						
Medium-sized classes (20-50 students)						
Small classes and seminars (<20 students)						

- (13) How concentrated is participation by women? (For example, if participation by women is highly-concentrated, then a small subset of the women in the class tend to participate far more than the rest of the women do.)

	All or practically all of the women in the class participate equally.	Participation by women is somewhat concentrated.	Participation by women is highly-concentrated among a few women.	No opinion / Not applicable
Large classes (>50 students)				
Medium-sized classes (20-50 students)				
Small classes and seminars (<20 students)				

- (14) How concentrated is participation by men? (For example, if participation by men is highly-concentrated, then a small subset of the men in the class tend to participate far more than the rest of the men do.)

	All or practically all of the men in the class participate equally.	Participation by men is somewhat concentrated.	Participation by men is highly-concentrated among a few men.	No opinion / Not applicable
Large classes (>50 students)				
Medium-sized classes (20-50 students)				
Small classes and seminars (<20 students)				

- (15) If you perceive that class participation varies by gender, please describe what you think might cause this variation. (*)

- (16) If you perceive that class participation varies by gender, have you tried to compensate for the imbalance?

- Yes
- No
- I do not find that participation varies by gender.

- (17) What steps have you taken to alter the gender dynamics in your class(e)? Please check all that apply. (•)

- Speaking more in class
- Speaking less in class
- Encouraging classmates to speak in class
- Discouraging classmates from speaking in class
- Speaking with professor about gender dynamics in class
- Other (Please specify: _____.)

- (18) Do you find that there are gender differences in how students interact with professors *outside* the classroom setting?

- Yes
- No

(19) What types of differences do you observe? (•)

(20) Why do you think these differences might be there? (*)(•)

(21) How comfortable are you interacting with professors in the following ways?

	Very uncomfortable	Uncomfortable	Comfortable	Very comfortable	No opinion / Not applicable
Commenting in class unprompted					
Asking questions in class					
Responding when cold-called in class					
Volunteering responses to questions posed by professors in class					
Speaking to professors after class					
Attending scheduled office hours					
Meeting with professors outside of office hours					
Communicating with professors by email					
Working as a research assistant for a professor					
Working with a professor who is supervising a paper					

(22) How often do you participate in class relative to your classmates?

- a. Much less often than most classmates.
- b. Somewhat less often than classmates.
- c. About as often as the average member of the class.
- d. Somewhat more often than classmates.
- e. Far more often than most classmates.

(23) Which of these statements best describes how you feel about participating in class?

- a. I hate it. I find it uncomfortable, and I don't do it.
- b. I dislike it, but I think it is important so I force myself to participate.
- c. I don't have strong feelings about it one way or another.
- d. I find participating in a class nerve-wracking at first, but eventually I enjoy it.
- e. Participating comes naturally to me, and I enjoy it.
- f. Other (Please describe: _____).

(24) Which types of responses from professors encourage you to continue (or discourage you from) participating in the classroom setting?

	Very discouraging	Somewhat discouraging	No effect	Somewhat encouraging	Very encouraging
Moving on without acknowledging your comment or question					
Acknowledging but not specifically responding to your comment or question					
Acknowledging your comment or question after class					
Incorporating your response into ongoing conversation					
Posing another question for you					
Disagreeing with your comment or question					
Misunderstanding your comment or question					
Criticizing your comment or question					

(25) Do you notice a difference in the way professors respond to comments made by women versus those made by men?

- a. Yes
- b. No
- c. Not sure / no opinion

(26) Please describe the types of differences you notice. (*) (•)

(27) Do you think that how a professor directs classroom participation (e.g., cold-calling, using the panel system, calling on volunteers) affects participation by gender?

- a. Yes
- b. No

(28) What types of effects do you notice? (•)

(29) What suggestions do you have for professors who seek to achieve broad-based student participation? (*)

Mentorship and Guidance

(30) How many times did you visit professors during office hours last semester?

(31) How much did the following reasons contribute to your decision(s) to attend office hours? (•)

	Did not contribute at all	Contributed slightly	Contributed somewhat	Contributed a lot	Was the main contributing factor
Question or comment related to class					
Paper supervision					
Job (non-clerkship/fellowship) advice					
Clerkship or fellowship advice					
Request for or discussion of reference or recommendation					
Feedback on exam					
General conversation					
Other					

(32) Does your professor's gender affect how comfortable you are attending office hours?

- a. Yes, I am more comfortable attending the office hours of male professors.
- b. Yes, I am more comfortable attending the office hours of female professors.
- c. No, I am equally (un)comfortable attending the office hours of male and female professors.
- d. No opinion.

(33) How many times last semester did you visit the office hours of: (•)

- a. Male professors with whom you were *not* taking a class, writing, or working *at the time*?
- b. Female professors with whom you were *not* taking a class, writing, or working *at the time*?
- c. Male professors with whom you had *never* before taken a class, written, or worked?
- d. Female professors with whom you had *never* before taken a class, written, or worked?

(34) When did your first writing-based relationship with a professor begin (excluding small-group assignments)?

- a. 1L Fall
- b. 1L Spring/Summer
- c. 2L Fall
- d. 2L Spring/Summer
- e. 3L Fall
- f. 3L Spring
- g. I'm not a JD student.
- h. I haven't yet started writing with a professor.

(35) Have you maintained contact with your supervising professor after completing the paper?

- a. Yes
- b. No
- c. Not applicable

- (36) Have you ever sought out feedback on an exam?
- Yes
 - No
- (37) Do you find the opportunities to work with faculty members accessible or available?
- Not accessible at all
 - Somewhat inaccessible
 - Reasonably accessible
 - Easily accessible
 - No opinion
- (38) How have you learned of opportunities to work with faculty members? Please check all that apply.
- Professor reached out with opportunity
 - Learned from CDO, Student Affairs, or another centralized source of information
 - Learned from posters at YLS or emails to the Wall
 - Learned from a friend or classmate
 - Reached out to professor requesting opportunity
 - Other
- (39) Do you consider any YLS faculty member a mentor?
- Yes
 - No
- (40) How many male faculty mentors do you have? (•)
- (41) How many female faculty mentors do you have? (•)
- (42) How did you form relationship(s) with your mentor(s)? Please check all that apply. (•)
- Doing clinical work
 - Taking a class with the professor
 - Participating in class
 - Visiting office hours
 - Writing a paper with the professor
 - Being a research assistant for the professor
 - Being a teaching assistant for the professor
 - Working for a student group or on a conference with the professor
 - Other
- (43) How satisfied are you with the mentorship opportunities available at YLS?
- Very unsatisfied
 - Unsatisfied
 - Satisfied
 - Very satisfied
 - No opinion
- (44) Please describe the factors that contribute to or diminish your satisfaction with mentorship at YLS. (*)
- (45) How many YLS professors (including visiting professors, adjunct professors, etc.) would you feel comfortable asking to be a reference for you (i.e., someone whom a potential employer could call to ask about you)?
- (46) How many YLS professors (including visiting professors, adjunct professors, etc.) would you feel comfortable asking for a letter of recommendation?

- (47) Has a professor ever proactively created an opportunity for you (e.g., reached out to you about TA or RA positions, reached out to you with fellowship or clerkship advice, informed you about relevant conferences)?
- a. Yes
 - b. No
- (48) How can faculty members make themselves more approachable and/or be better mentors? (*)
- (49) Please describe any suggestions you have as to how students can improve their interactions with faculty members? (*)
- (50) Please share any other thoughts on the effect or lack of effect of gender on student participation and mentorship at YLS. (*)

**APPENDIX E:
SECONDARY JOURNAL MASTHEAD DATA**

Journal Membership and Leadership for YLS Students by Gender – 2006-2010										
Yale Journal of Health, Policy, Law and Ethics										
Two Publications Per Year										
	2006 F	2006 M	2007 F	2007 M	2008 F	2008 M	2009 F	2009 M	2010 F	2010 M
Editors-in- Chief or Equivalent	2, 66.7	1, 33.3	1, 33.3	2, 66.7	2, 50.0	2, 50.0	3, 75.0	1, 25.0	1, 25.0	3, 75.0
Editorial Board Members	15, 45.5	18, 54.5	26, 52.0	24, 48.0	46, 66.7	23, 33.3	22, 66.7	11, 33.3	16, 59.3	11, 40.7
All Editors	51, 58.6	36, 41.4	71, 61.2	45, 38.8	97, 71.9	38, 28.1	88, 72.7	33, 27.3	52, 67.5	25, 32.5
Total	68, 55.3	55, 44.7	98, 58.0	71, 42.0	145, 69.7	63, 30.3	113, 71.5	45, 28.5	69, 63.9	39, 36.1

Journal Membership and Leadership for YLS Students by Gender – 2006-2010 Yale Journal of Law and Feminism Two Publications Per Year										
	2006 F	2006 M	2007 F	2007 M	2008 F	2008 M	2009 F	2009 M	2010 F	2010 M
Editors-in-Chief or Equivalent	3, 60.0	2, 40.0	3, 60.0	2, 40.0	4, 80.0	1, 20.0	4, 100.0	0, 0.0	4, 100.0	0, 0.0
Editorial Board Members	40, 70.2	17, 29.8	41, 74.5	14, 25.5	34, 81.0	8, 19.0	18, 72.0	7, 28.0	15, 93.8	1, 6.2
All Editors	63, 72.4	24, 27.6	59, 69.4	26, 30.6	55, 72.4	21, 27.6	44, 80.0	11, 20.0	27, 84.4	5, 15.6
Total	106, 71.1	43, 28.9	103, 71.0	42, 29.0	93, 75.6	30, 24.4	66, 78.6	18, 21.4	46, 88.5	6, 11.5

Journal Membership and Leadership for YLS Students by Gender – 2006-2010										
Yale Human Rights and Development Law Journal										
One Publication Per Year										
	2006 F	2006 M	2007 F	2007 M	2008 F	2008 M	2009 F	2009 M	2010 F	2010 M
Editors-in-Chief or Equivalent	2, 100.0	0, 0.0	1, 50.0	1, 50.0	1, 50.0	1, 50.0	2, 100.0	0, 0.0	1, 50.0	1, 50.0
Editorial Board Members	13, 68.4	6, 31.2	12, 70.6	5, 29.4	11, 78.6	3, 21.4	14, 73.7	5, 26.3	14, 56.0	11, 44.0
All Editors	33, 66.0	17, 34.0	33, 73.3	12, 26.7	35, 70.0	15, 30.0	35, 66.0	18, 34.0	27, 48.2	29, 51.8
Total	48, 67.6	23, 32.4	46, 71.9	18, 28.1	47, 71.2	19, 28.8	51, 68.9	23, 31.1	42, 50.6	41, 49.4

Journal Membership and Leadership for YLS Students by Gender – 2006-2010 Yale Journal of International Law Two Publications Per Year										
	2006 F	2006 M	2007 F	2007 M	2008 F	2008 M	2009 F	2009 M	2010 F	2010 M
Editors-in-Chief or Equivalent	2, 50.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0
Editorial Board Members	18, 37.5	30, 62.5	28, 48.3	30, 51.7	32, 55.2	26, 44.8	36, 56.3	28, 43.7	36, 52.9	32, 47.1
All Editors	51, 39.2	79, 60.8	70, 44.0	89, 56.0	96, 57.5	71, 42.5	117, 58.5	83, 41.4	113, 55.7	90, 44.3
Total	71, 39.0	111, 61.0	100, 45.2	121, 54.8	130, 56.8	99, 43.2	155, 57.9	113, 42.1	151, 54.9	124, 45.1

Journal Membership and Leadership for YLS Students by Gender – 2006-2010										
Yale Journal on Regulation										
Two Publications Per Year										
	2006	2006	2007	2007	2008	2008	2009	2009	2010	2010
	F	M	F	M	F	M	F	M	F	M
Editors-in-Chief or Equivalent	0, 0.0	4, 100.0	0, 0.0	4, 100.0	3, 75.0	1, 25.0	2, 50.0	2, 50.0	2, 50.0	2, 50.0
Editorial Board Members	17, 45.9	20, 54.1	22, 64.7	12, 35.3	18, 53.1	15, 46.9	17, 45.9	20, 54.1	10, 26.3	28, 73.7
All Editors	50, 50.0	50, 50.0	63, 45.0	77, 55.0	70, 50.0	70, 50.0	49, 36.0	87, 64.0	78, 40.6	114, 59.4
Total	67, 47.5	74, 52.5	85, 47.8	93, 52.2	91, 51.4	86, 48.6	68, 38.4	109, 61.6	90, 28.5	144, 61.5

Journal Membership and Leadership for YLS Students by Gender – 2006-2010										
Yale Law and Policy Review										
Three Publications in 2006; Two Publications in 2007, 2008, 2009, 2010										
	2006 F	2006 M	2007 F	2007 M	2008 F	2008 M	2009 F	2009 M	2010 F	2010 M
Editors-in-Chief or Equivalent	1, 33.3	2, 66.7	1, 50.0	1, 50.0	0, 0.0	2, 100.0	0, 0.0	2, 100.0	1, 50.0	1, 50.0
Editorial Board Members	11, 21.6	40, 78.4	16, 43.2	21, 56.8	24, 57.1	18, 42.9	26, 54.2	22, 45.8	26, 54.2	22, 45.8
All Editors	112, 36.3	197, 3.7	81, 39.3	125, 60.7	93, 42.9	124, 57.1	100, 45.7	119, 54.3	109, 49.8	110, 50.2
Total	124, 34.2	239, 65.9	98, 40.0	147, 60.0	117, 44.8	144, 55.2	126, 46.8	143, 53.2	136, 50.6	133, 49.4

Note 1 on masthead data: These data were collected from the mastheads of this journal. The authors predicted the gender of editors based on their names. In the case of gender-ambiguous names, the authors used independent sources to determine the editor’s gender. A small number of masthead editors have been excluded because the authors were unable to determine their gender. These data are based on all publications within the calendar year; if the journal publishes more than once during the calendar year, the editors for all issues have been added for a full-year total. In these cases, editors who participated in multiple publications are counted more than once.

Note 2 on masthead data: This category includes all members of the Editorial Board other than Editors, Senior Editors, or Lead Editors.