



2019

ANNUAL SURVEY RESULTS

THE COST OF WOMEN'S SUCCESS



ADVISORY BOARD

Bryant G. Garth, Chair

Professor Emeritus of Law
University of California,
Irvine School of Law

Richard A. Matasar

Senior Vice President
for Strategic Initiatives and
Institutional Effectiveness
Tulane University

Ajay K. Mehrotra

Executive Director & Research
Professor American Bar Foundation
Professor of Law & History
Northwestern University,
Pritzker School of Law

Rachel F. Moran

Michael J. Connell Distinguished
Professor of Law
and Dean Emerita
UCLA School of Law

Camille A. Nelson

Dean and Professor of Law
American University
Washington College of Law

Lauren K. Robel

Provost and
Executive Vice President
Indiana University, Bloomington

Kellye Y. Testy

President and CEO
Law School Admissions Council

The Law School Survey of Student Engagement is part of Indiana University's Center for Postsecondary Research, a research center in the School of Education devoted to studying the student experience. In addition to LSSSE, CPR houses the National Survey of Student Engagement (NSSE) and the NSSE Institute, the Faculty Survey of Student Engagement (FSSE), and the Beginning College Survey of Student Engagement (BCSSE).

LSSSE STAFF

Meera E. Deo

LSSSE Director
Professor of Law
Thomas Jefferson University,
School of Law

Chad Christensen

LSSSE Project Manager

Jacquelyn Petzold

LSSSE Research Analyst

CENTER FOR POSTSECONDARY RESEARCH

Allison BrckaLorenz

Project Manager, FSSE

Jennifer Brooks

Project Services Manager

James S. Cole

Project Manager, BCSSE

Kevin Fosnacht

Research Analyst

Robert M. Gonyea

Associate Director,
Research & Data Analysis

Marilyn Gregory

Finance Manager

Jillian Kinzie

Associate Director,
NSSE Institute

Sarah Martin

Publications Coordinator

Alexander C.

McCormick
Director, NSSE

Angie Miller

Research Analyst

Thomas F. Nelson Laird

Director

Hien Nguyen

Webmaster

Katie Noel

Senior Office Administrator

Shimon Sarraf

Assistant Director,
Survey Operations
& Project Services

Rick Shoup

Research Analyst

Barbara Stewart

Office Coordinator

TABLE OF CONTENTS

- 3 FOREWORD
- 4 DIRECTOR'S MESSAGE
- 5 THE GOOD NEWS
- 7 CONTEXTUALIZING WOMEN'S SUCCESS
- 8 OPPORTUNITIES FOR IMPROVEMENT
- 9 THE TROUBLING SECRET TO SUCCESS
- II CONCLUSION



Deo, M.E., & Christensen, C. (2019, November). *The Cost of Women's Success*. Bloomington, IN: Indiana University Center for Postsecondary Research.

FOREWORD



Deborah Jones Merritt

Distinguished University Professor
John Deaver Drinko/Baker &
Hostetler Chair in Law
Moritz College of Law
The Ohio State University

Two law students, a woman and a man, sit side-by-side in class. From the podium, they look similar: both concentrate intently on the professor, take notes, and listen to classmates' comments. But, as this LSSSE report reveals, their broader law school experiences likely diverge in meaningful ways.

The man is more likely to have a parent who was a lawyer; he is also more likely to have a parent who attended college. When the professor pauses for questions, the man is more likely to raise his hand. If the man and women are Latinx, the gender difference in classroom participation will be particularly stark.

After class, the man is more likely to exercise, read for pleasure, and pursue other leisure activities. The woman is more likely to attend a student organization meeting, email a professor, or speak to an advisor about her career plans.

At the end of the day, the woman is less likely than the man to get a full night's sleep: half of LSSSE's women respondents report that they average no more than five hours of sleep a night. And when the woman wakes to face another demanding day, she is less likely to find institutional support for her burdens.

Nor do the woman's challenges end with graduation. She is more likely than the man to shoulder high debt as she enters the workplace. Those differences, like others noted in this report, sharpen at the intersection of gender and race. Sixteen percent of Latinas borrow more than \$200,000 to attend law school, compared to 12% of Latinos and 4.3% of White men.

These findings join other evidence of persistent gender inequity in legal education. My own research and advocacy have documented that gender gap for more than thirty years. Even today, women attend significantly less prestigious law schools than men.¹ That difference restricts career choices and dampens lifetime income, especially when combined with the heavier debt loads women carry. At the threshold of their careers, even before they battle workplace bias, women lawyers suffer compared to men.

Why do gender differences in legal education persist? Scholars often point to women's heavier family responsibilities. This LSSSE report, however, undercuts that explanation. Eleven percent of women law students report that they spend more than 20 hours a week caring for dependents—but so do 8.6% of men students. Family commitments may explain some of the gender gap in legal education, but they do not tell the whole story.

Instead, as this report suggests, law schools must question their own practices. Do admissions offices place too much weight on LSAT scores (which favor men) rather than undergraduate grades (which favor women)? Do women receive as much scholarship money as men? Do traditional classroom pedagogies discourage women's participation? Do institutional support measures target men more effectively than women? More transparent data could help answer some of these questions.

Gathering data and addressing these questions would benefit women of all races and ethnicities; the gender gaps identified in this report cut across those lines. Promoting gender equity could also help law schools attract and support first-generation students. As this report notes, women currently outnumber men in that category.

Despite their burdens, women achieve marked success in law school. Among LSSSE respondents, women's reported grades exceed those of men overall—as well as within each racial or ethnic group. Four-fifths of women, moreover, rate their law school experience as “Good” or “Excellent.” These outcomes are worth celebrating, but they do not guarantee gender equity. Law schools must build on their progress to give women the same economic opportunities as men and to make them fully at home in the classroom.

¹ Merritt, D. J., & McEntee, K. P. (2019). Gender equity in law school enrollment: An elusive goal. *Forthcoming, Journal of Legal Education*, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3464582.

DIRECTOR'S MESSAGE



Meera E. Deo

LSSSE Director
Professor of Law
Thomas Jefferson
School of Law

It is with great pride and pleasure that I share the 2019 Annual Results, which is the first LSSSE publication dedicated to gender. To date, few researchers have studied the background of women entering legal education, their success in law school, or the barriers that women law students overcome. With LSSSE data, we can investigate all this and more. We can also consider opportunities to help our students succeed. Our report's title, *The Cost of Women's Success*, reflects not only the many accomplishments of women law students but also the sacrifices they make to attain these positive outcomes.

Past Annual Results have highlighted similarities and differences based on gender, with regard to debt load, scholarships, and career expectations/preferences, to name just a few. Yet, this LSSSE publication devoted entirely to gender arrives at an opportune time. With increasing numbers of women in law school, policymakers and the general public might assume that gender is a non-issue, that the experiences of women and men are roughly the same, or that gender disparities are a thing of the past. Regrettably, LSSSE data confirm that none of these myths represent the current state of women in legal education. As with faculty diversity, increased numbers do not translate directly into improved experiences.²

The LSSSE survey asks a range of questions involving the student experience, many of which are appropriate when considering gender effects. How can we characterize the experience of women overall? Are there disparities between women and men when we compare attitudes and experiences? Even among women, are there differences based on race or ethnicity associated with particular opportunities or outcomes?

Overall, this report reveals that women as a whole are succeeding along various metrics ranging from academic performance to student engagement. These achievements are especially impressive given the background demographics of women law students today, many of whom enter law school with fewer resources than their male classmates. In spite of these accomplishments, there is room for improvement. Especially given how hard women law students work and the sacrifices they make to excel, we owe them greater support.

So let's follow the example of our women students.

We all must do more to support women as they strive to meet their goals. While we all want our students to succeed, the expectations we have for our women students are not translating into the tangible support they need. Women students make enormous sacrifices to succeed academically and overcome tremendous obstacles to achieve success. We cannot allow women to prioritize their academic success at the expense of their own physical and mental health.

Previous LSSSE research reveals that women students are adept at cultivating relationships throughout law school.³ This report shows their deep engagement in many facets of law school life. Administrators, faculty, staff, and others interested in maintaining law school diversity and inclusion can build on these existing interactions to offer greater resources to women. By listening to our women students, we can respond to their needs and alleviate their burdens. As we continue to increase our support for women, we move closer to true equality in law school.

Our women students are working hard and sacrificing so much to achieve their goals and realize their dreams. We too must invest more in our students, and directly support women in their efforts to succeed.

² Deo, M. E. (2019). *Unequal profession: Race and gender in legal academia*. Stanford University Press.

³ Christensen, C., & Deo, M.E. (2019, August). *Relationships Matter*. Bloomington, IN: Indiana University Center for Postsecondary Research.

The 2019 LSSSE Annual Results are based on responses from over 18,000 law students at 70 law schools who completed the LSSSE Survey in Spring 2019. The law schools participating in LSSSE closely resemble ABA-approved law schools overall in terms of enrollment size and affiliation (public/private). We feature selected results from the main LSSSE Survey that explore similarities and differences within populations of law school students.

THE COST OF WOMEN'S SUCCESS

The past two decades have seen increasing numbers of women in law schools. After graduating from law school, women lawyers enjoy greater opportunities for financial independence, security of employment, and a potential for leadership facilitated by the J.D. degree. Yet, gender inequities in pay and position continue to plague the legal profession. In spite of this conundrum, there has been little scholarly attention given to the experience of women while in law school.

The 2019 LSSSE Annual Results celebrate women. We investigate the successes of women law students—using objective and subjective measures to reveal various accomplishments. We also interrogate their backgrounds and the context for their enrollment in law school, revealing challenges women overcome and the sacrifices they make to succeed. This Report not only shares findings on women as a whole, but also features comparisons by gender and race/ethnicity, providing greater depth and context to the overall experience of women law students.⁴ Our findings make clear that women's



success comes at great personal and financial cost. Greater awareness of these challenges provides both an imperative and an opportunity for administrators, institutions, and leaders in legal education to invest more deeply in the success of women.

The Good News

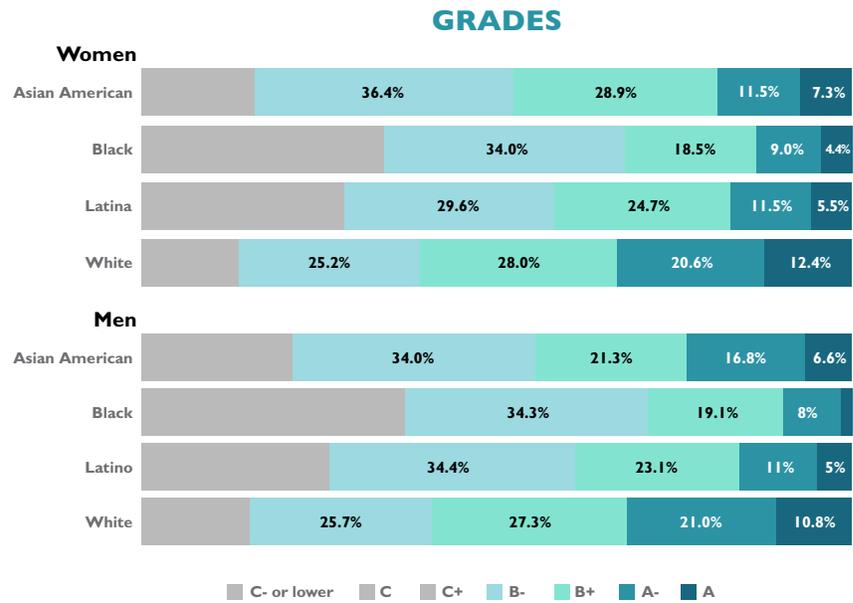
Women are succeeding in legal education along numerous metrics. When considering overall satisfaction rates, roughly equal percentages of women (81%) and men (83%) report that their entire experience in law

school has been either “Good” or “Excellent.” In spite of generally high marks for all groups, there are notable differences by race/ethnicity. While the vast majority (75%) of Black women characterize their overall experience as positive, these rates are lower than those of women who are Asian American (78%), Latina (78%), and White (84%).

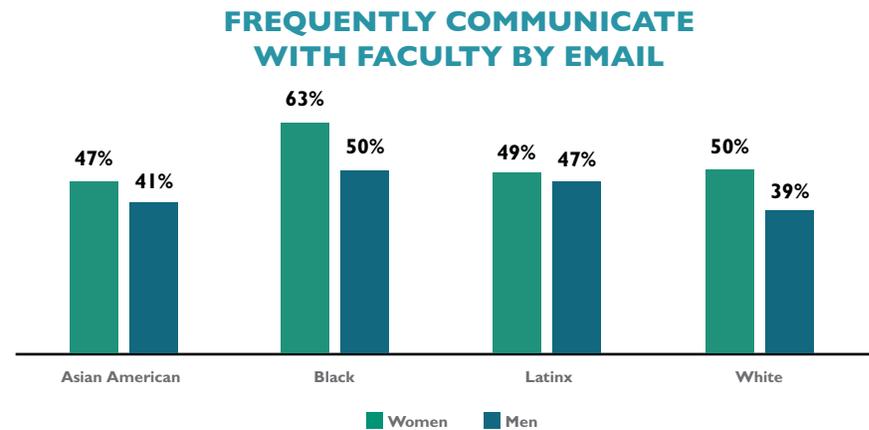
In addition to appreciating their law school experience, women are also excelling academically. Women's self-reported law school grades

⁴The LSSSE Survey asks respondents, “What is your gender identity?” and provides four response options: “Man,” “Woman,” “Another gender identity,” “I prefer not to respond.” Because of small sample sizes from the latter two, data is presented for only the first two response options.

are slightly higher than men's. As one example 10.3% of women report earning mostly A grades in law school compared to 9.5% of men. There is important variation not only by race but also by the intersectional consideration of raceXgender. To start, 7.3% of Asian American women, 4.4% of Black women, and 5.5% of Latinas claim mostly A grades as compared to 12% of White women law students. Yet, when investigating grades *within* each racial/ethnic group by gender, women are nevertheless outperforming men.



Additionally, women are adept at utilizing particular resources in law school, connecting with faculty and fellow students. Just over half (51%) of women use email to communicate with a faculty member “Very often” compared to only 40% of men. In fact, at 63%, Black women are more likely to engage in frequent email contact with faculty than any other raceXgender group. Women, regardless of their racial/ethnic background, are also more likely than men on average to engage in ongoing and frequent conversations with faculty and other advisors about career plans or job search activities. Women and men are also engaged in co-curricular activities at roughly equivalent rates, including the percentages participating in pro bono service, moot court, and law journals. A majority of students

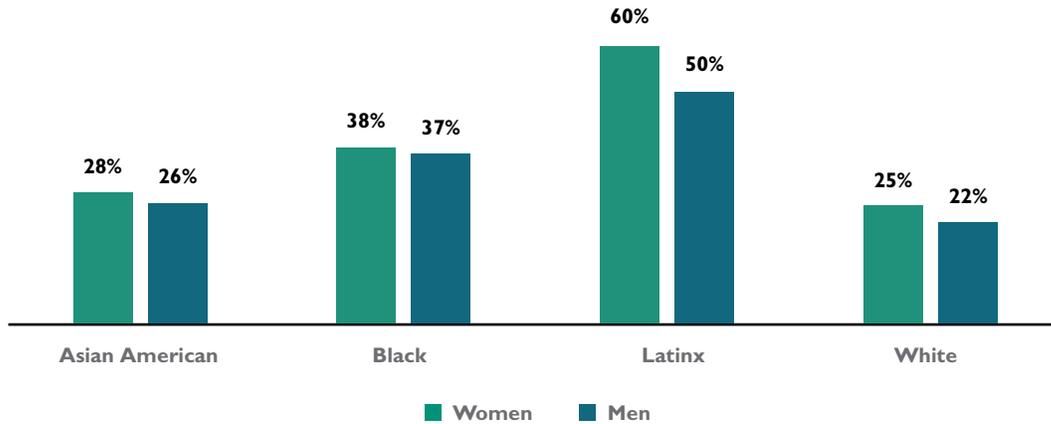


also enjoy positive interactions with classmates. A full 79% of men and 75% of women report the quality of their relationships with peers as a five or higher on a six-point scale. Furthermore, 65% of women rely on and invest in membership in law student organizations—which

research has shown provide social, emotional, cultural, and intellectual support for many students.⁵ Black women (68%), Latinas (65%), Asian American women (60%), and White women (65%) join student groups at higher rates than men as a whole (53%).

⁵Deo, M. E. (2012). Separate, unequal, and seeking support. *Harvard journal on racial & ethnic justice*, 28, 9.

FIRST-GENERATION STUDENT



Contextualizing Women's Success

Women's relative success in law school is even more significant when we consider basic demographic differences between women and men when they first enroll in law school. Fewer economic resources and lower test scores do not seem to inhibit women from achieving at high levels once on campus.

Parental education is a common proxy not only for family income but for future educational success, with the children of highly educated parents generally drawing on class privilege and extra resources to achieve at high levels. LSSSE data reveal that women are more likely than men to be first-generation law students, with 30% reporting that neither parent holds a bachelor's degree as compared to 25% of male law students. This finding is consistent for women regardless of race/ethnicity,

with Asian American, Black, Latinx, and White women being more likely than men from those same backgrounds to be the children of parents who did not earn at least a college degree.

Even considering those whose parents are highly educated, women law students are less likely than men to have a parent who is a lawyer. Among those reporting that they have a parent who earned a doctoral or professional degree, 57% of men but only 52% of women report that their parent's degree is a J.D. Only Asian American women are more likely than men from their same racial/ethnic background to have a parent with a law degree; higher percentages of male law students who are Black, Latinx, or White have a lawyer parent than women from those same backgrounds.

In addition to demographic differences based on parental status, women also

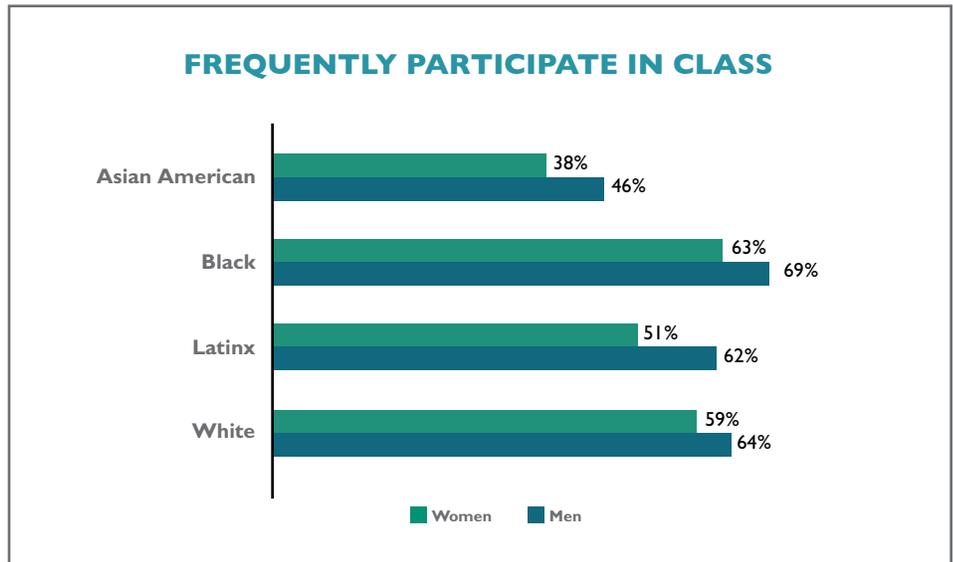


report lower LSAT scores than men, even when comparing within racial/ethnic groups. While 21% of men report LSAT scores in the highest range of 161 or above, only 16% of women report similar achievement on this exam. This finding mirrors other critiques of high-stakes testing as potentially limiting opportunities for non-traditional students including women and people of color.⁶

Conversely, higher percentages of women than men enter law school with undergraduate grade point averages (UGPAs) in the top range. A full 51% of women report UGPAs of 3.5 and above as compared to only 40% of their male classmates. As with LSAT scores, this gender finding is consistent across race/ethnicity: when comparing women and men from the same background, women outperform men on UGPA. Recall that in spite of the inconsistency of lower LSAT scores and higher UGPAs, women nevertheless report slightly higher overall law school grades than men. This may further bolster research questioning the value of using test performance as the primary determinant of expected success in law school and beyond.

Opportunities for Improvement

Given these many challenges facing women upon entry to law school,



it is no surprise that there are also opportunities to improve the experience for women students in legal education. LSSSE data on concepts as varied as classroom participation, caretaking, and debt make clear that women need greater support.

Engagement in campus life is an especially significant indicator of success. Law students who are deeply invested in both classroom and extracurricular activities tend to maximize opportunities for success overall. As stated earlier, women are just as likely as men to be involved in various co-curricular endeavors. Yet, smaller percentages of women than men are deeply engaged in the classroom. While 64% of men report that they “Often” or “Very Often”

ask questions in class or contribute to class discussions, only 58% of women do. This gender disparity remains pronounced within every racial/ethnic group, as men participate in class at higher rates than women from their same background. There are also interesting variations by raceXgender, with Black men frequently participating at higher rates than any other group (69%), and at almost twice the rate of Asian American women (38%).

Many women students also spend numerous hours during their law school careers providing care to household members. For instance, 11% of women report that they spend more than 20 hours per week providing care for dependents living with them, as do 8.6% of men. These competing

⁶ Au, W. (2010). *Unequal by design: High-stakes testing and the standardization of inequality*. Routledge Press.

responsibilities require a significant investment of time, which could otherwise be spent on studying for class, working with faculty on a project outside of class, or even engaging in leisure activities. Instead, these students are taking care of their families.

An especially troubling discovery is that high percentages of women than men incur significant levels of debt in law school. Among those who expect to graduate from law school with over \$160,000 in debt are 19% of women and 14% of men. This gender difference remains constant within every racial/ethnic group. Even more alarming is the disparity among those carrying the highest debt loads: 7.9% of women will graduate from law school owing over \$200,000 as compared to 5.5% of men. LSSSE data not only confirm existing research on racial disparities in educational debt, with people of color and especially Black and Latinx students borrowing more than their peers to pay for law school, but also reveal that women carry a disproportionate share of the debt load as compared to men. Furthermore, when considering the intersection of race/ethnicity and gender, we see that women of color specifically are graduating with extreme debt burdens.

The Troubling Secret to Success

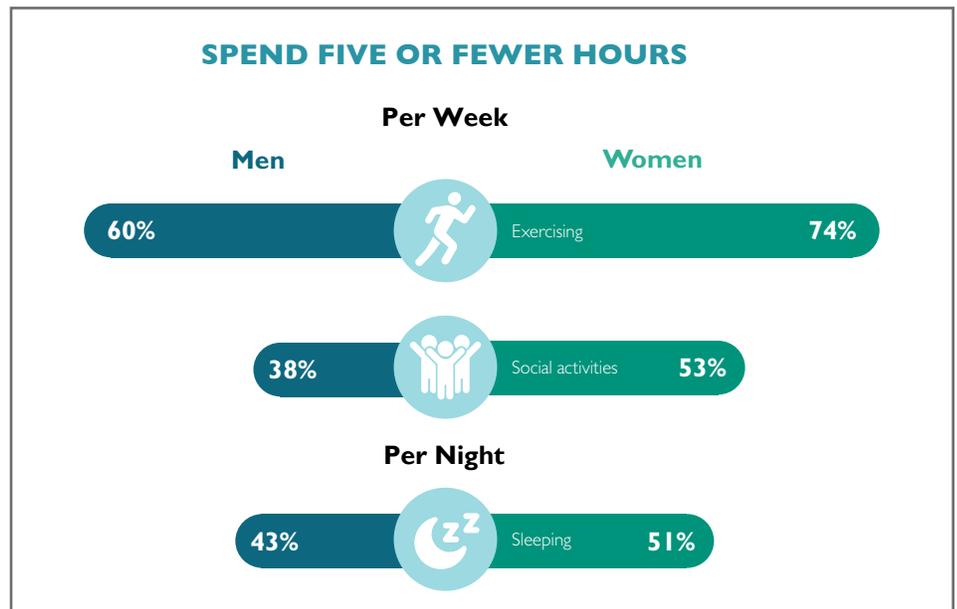
What is the secret to women's success? They enter law school with fewer resources and amass significant



burdens once enrolled, but perform at equal or higher levels than their male peers along many metrics. The data suggest one clear answer: women law students work extraordinarily hard, juggling their various personal and academic responsibilities at the expense of self-care.

While most students work hard to meet the high expectations of their professors, women students report sustained effort at higher levels than their male peers. A full 68% of women note that they “Often” or “Very Often” worked harder than they thought they could to

meet faculty members' standards or expectations, compared to 60% of men. Similarly, higher percentages of female students than male rise to the challenge of submitting their best work on exams. LSSSE respondents were asked to report "the extent to which your examinations during the current school year have challenged you to do your best work" on a 7-point scale. Remarkably, 44% of women report the highest level of engagement (a 7 out of 7) as compared to 36% of men. Again, these findings of hardworking women are consistent across race/ethnicity.



Tragically, the hard work that women dedicate to enabling their success comes at a significant cost. The tradeoff is that women are much less likely than men to engage in important social, leisure, and self-care activities. Each of these findings is consistent across racial/ethnic groups when comparing women with men. For instance, 41% of women spend zero hours per week reading for pleasure, compared to 25% of men. Similarly, the overwhelming majority of women law students find little time

for physical fitness, with 74% reporting that they exercise no more than 5 hours a week (along with 60% of men). Expanding this concept to other leisure activities—including watching TV, relaxing, or even partying—does not improve this gender disparity. More than half (53%) of women law students spend five or fewer hours per week engaged in any of these social activities, compared to just over a third (38%) of men. Furthermore, half (51%) of women report sleeping five

or fewer hours per night in an average week, along with 43% of men. In the scramble to get ahead academically, women are overlooking downtime; they are prioritizing their academic success at the expense of their own wellbeing. Such limited opportunities to disconnect from schoolwork, engage in physical fitness, rest, relax, and socialize with others can have serious implications for the long-term physical and mental health of women law students.





CONCLUSION

We should all celebrate the many successes of women law students. Women arrive at law school with numerous indicators of a challenging road ahead; many are first-generation law students and few have parents who are lawyers. Yet, women law students excel at interacting with faculty and others who may contribute to their success. Roughly equal percentages of women and men characterize their overall law school experience as positive, and higher

percentages of women earn A grades, communicate regularly with faculty by email, and participate in various school-sponsored activities.

But we must consider as well the cost of that success. LSSSE data reveal that women carry higher debt loads and provide more caretaking than men. They also neglect valuable social interactions and necessary downtime to actualize success. Even more troubling, many feel their

burdens are theirs alone to carry, rather than drawing on broader institutional support. Over a third (37%) of women law students (and 29% of men) believe their schools do “Very Little” to help them cope with their non-academic responsibilities. Institutions, administrators, and organizations committed to improving legal education must do more to encourage women students on the path to success.



INDIANA UNIVERSITY CENTER FOR POSTSECONDARY RESEARCH

201 N. ROSE AVE
BLOOMINGTON, IN 47405-1006

☎ PHONE: 812-856-5823

✉ E-MAIL: LSSSE@INDIANA.EDU

🌐 WEB: LSSSE.INDIANA.EDU