

# A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall<sup>±</sup>

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At King Hall, you will find a uniquely supportive atmosphere for the study of law, a community that fosters intellectual rigor together with genuine warmth and friendship, creating an atmosphere of cooperation unparalleled in any other law school community.

Dean Rex R. Perschbacher<sup>1</sup>

King Hall, the shorthand name for the University of California, Davis's Martin Luther King, Jr. School of Law,<sup>2</sup> prides itself on being a "uniquely supportive atmosphere for the study of law."<sup>3</sup> Indeed, some hallmarks of the school's reputation, and among the first things King Hall students and professors will tell an inquirer about the U.C. Davis School of Law, are that its students are more cooperative than competitive, its professors are accessible, and it is a particularly pleasant place to study for a law degree. This reputation is reflected in the Dean's message on the school's website, in other King Hall publicity, and even in national rankings of law schools, which have often placed U.C. Davis quite high in terms of student satisfaction.<sup>4</sup> King Hall's long-standing reputation as a "uniquely supportive" law school, along with its relatively high degrees of student and faculty diversity,<sup>5</sup> caused us to wonder whether

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<sup>1</sup> Rex R. Perschbacher, *Dean's Welcome*, U.C. Davis School of Law, at <http://www.law.ucdavis.edu/deansmessage.asp>.

<sup>2</sup> The U.C. Davis School of Law was given this name in a formal dedication in April 1969, near the one-year anniversary of Dr. King's assassination. Chief Justice Earl Warren was the featured speaker at the event. He received a standing ovation for his speech on equal rights and the role of law. This event came at the end of several years of unrest at the law school, and in the nation. Davis law students assisted in counseling Davis students who were seeking to avoid the draft, and an April 1968 Law Day Symposium discussed civil disobedience, rebellion, and the rule of law. ANN. F. SCHEURING, *ABUNDANT HARVEST: THE HISTORY OF THE UNIVERSITY OF CALIFORNIA, DAVIS* 136-37 (2001).

<sup>3</sup> Perschbacher, *supra* note 1. This phrase appears not only in the Dean's message on the website and in the current 2003-04 Catalog and Application, but also in almost every recent King Hall publication.

<sup>4</sup> See *infra* Part II.A.

<sup>5</sup> According to the *U.S. News & World Report's* "Law School Diversity Index," King Hall ties with Columbia University, UC Berkeley, and the University of Hawaii as the 11th most diverse law school in the nation. U.S. NEWS & WORLD REP., *AMERICA'S BEST GRADUATE SCHS. 2005, L. SCH. DIVERSITY INDEX*, available at [http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawdiv\\_brief.php](http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawdiv_brief.php). This diversity index is based on the total proportion of minority students and the mix of racial and ethnic groups at each law school in 2003-04. *Id.* The index includes African-Americans, Asian-Americans, Hispanics, American Indians, and Caucasians. *Id.* Within this ranking, the highest diversity index possible is 1.0. *Id.* The most diverse law school according to this ranking is CUNY - Queens College, with a diversity index of .60. *Id.* By comparison, King Hall's diversity index is .53. *Id.*

the reputation is deserved and, in particular, if all students at King Hall — including women and minorities — experience it as being so student-friendly.<sup>6</sup> In short, it caused us to wonder whether a study at UC Davis, a relatively diverse, purportedly student-friendly law school, would reveal findings similar to those of studies at other schools: that women and students of color are more often unsatisfied with their legal education experiences and, indeed, that many find law school to be an

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Another diversity index, based on the number of nonwhite males who attend or teach at each law school, does not rate King Hall among the top twenty law schools. Internet Legal Research Group, *Brennan's Diversity Index Rating*, available at [www.ilrg.com/rankings/diversity.html](http://www.ilrg.com/rankings/diversity.html). According to this index, King Hall is not among the top ten law schools in terms of the percentage of women students or full-time faculty. *Id.*

	Female	Minority
Law Students*		
United States	49%	20%
UC Davis	42%	38%
Law Professors**		
United States	34%	15%
UC Davis	30%	26%

\* These figures appeared in Memorandum from ABA Data Specialist David Rosenblieb to Deans of ABA-approved Law Schools of 5/16/03, available at <http://www.abanet.org/legaled/statistics/Fall%202002%20Enrollment.pdf>; U.C. DAVIS SCHOOL OF LAW REGISTRAR, ETHNICITY SUMMARY, dated October 2003 (on file with authors).

\*\* These figures represent all law faculty published in the 2002-03 Directory of Law Teachers. American Association of Law Schools, available at [http://www.aals.org/statistics/2002-03/T1A\\_0203.html](http://www.aals.org/statistics/2002-03/T1A_0203.html).

King Hall received the 2000 Law School Diversity Award from LEXIS Publishing, an award that recognizes “the school’s commitment to faculty and student diversity. The award also acknowledges King Hall’s efforts in encouraging student morale, promoting student employment and establishing a new scholarship.” U.C. DAVIS SCHOOL OF LAW, KING HALL OUTREACH BROCHURE 9 (2000) (on file with authors).

The U.C. Davis School of Law was one of three law schools in the nation in 2003 to receive a PLUS grant from the Law School Admissions Council. This grant recognized King Hall’s efforts to increase diversity among its students, including the King Hall Outreach Program, which was launched in 1991, and the Special Transitional Enrichment Program (STEP), both of which seek to help prepare prospective students from underrepresented communities for law school and its application process. See University of California School of Law, 2001 – 2002 End of Year Outreach Report (on file with U.C. Davis School of Law Admissions Office).

<sup>6</sup> A similarly motivated survey was conducted at Chapman University School of Law, a newer law school that aimed to be more student friendly. The results of the survey are reported in Judith D. Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA L. REV. 81 (1996).

alienating experience.<sup>7</sup>

Diversity is touted as a preeminent concern and important goal of the legal profession generally, and of the U.C. Davis School of Law specifically.<sup>8</sup> Although statistics on the percentages of female and minority law students and legal professionals abound,<sup>9</sup> statistics neither

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<sup>7</sup> See *infra* Part I.

<sup>8</sup> See, e.g., KING HALL OUTREACH BROCHURE, *supra* note 5. There, the dean writes, "Our lawyers-in-the-making represent the many cultures of our state's population, and of the nation as a whole." He also states, "We will always strive to include in our student body, faculty and staff the diversity of view points, backgrounds, cultures and experiences that contribute to the community atmosphere that characterizes King Hall." *Id.* at 1; see also sources cited *supra* note 5.

U.C. Davis has a great deal of company in its expressed concern for student and faculty diversity, as debate flourishes among leaders of the legal profession and commentators thereon. The concern partially stems from the assumption that a decline in the diversity of the profession will further limit many communities' access to justice because minority clients are disproportionately served by minority lawyers. See Richard O. Lempert et al., *Michigan's Minority Graduates in Practice: The River Runs Through Law School*, 25 LAW AND SOC. INQUIRY 395 (2000). Even a majority of the Supreme Court in *Grutter v. Bollinger* endorsed this proposition. "Access to legal education (and thus the legal profession) must be inclusive of talented and qualified individuals of every race and ethnicity, so that all members of our heterogeneous society may participate in the educational institutions that provide the training and education necessary to succeed in America." 539 U.S. 306 (2003).

Professor Richard Sanders recently articulated a challenge to the proposition that increasing the diversity of law students benefits not only for communities of color but also for law students of color. Sanders argues that admitting minority law students to elite law schools ultimately disserves them because their bar pass rates are low. He argues that students of color would be better off attending non-elite schools where their credentials would be similar to those of their white peers and where they would less likely be clustered at the bottom of their classes. He argues that African-Americans admitted to such non-elite schools would also be taught in way that would better prepare them to pass the bar exam. Richard H. Sanders, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367 (2004) (projecting that eliminating affirmative action would have increased the number of African-American lawyers in 2001 by 7.9%). But see David L. Chambers, et al., *The Real Impact of Eliminating Affirmative Action in American Law Schools: An Empirical Critique*, STAN. L. REV. (forthcoming 2005), available at <http://www.equaljusticesociety.org/research.html> (last visited Feb. 25, 2005) (projecting that if affirmative action "ended tomorrow," number of African-American lawyers would decrease by 30-40%).

<sup>9</sup> As illustrated below, the gender and ethnic demographics of the legal profession are well documented. While the percentages of women and minority law students appear substantially to reflect the percentages of women and minorities in the population at large, the underrepresentation of women and minorities in law is most acute in positions of higher prestige, such as judgeships, law school faculties, and law firm partnerships. See, e.g., NALP, RESEARCH UPDATES: ATTORNEY DEMOGRAPHICS AT PRIVATE SECTOR EMPLOYERS 2002, available at <http://www.nalp.org/nalpresearch/0403res.htm#demog>.

narrate their own meanings nor the experiences of people they represent. Further, in contrast to the abundance of information on the numbers of women and minorities in the legal profession, the dearth of information on the socioeconomic backgrounds<sup>10</sup> of people in law school and the

	Male	Female	Minority
General Population*			
United States	49%	51%	24.9%
California	49.8%	50.2%	40.5%
Law Students**			
United States	51%	49%	20%
UC Davis	42%	58%	38%
Attorneys***			
United States	71.1%	28.9%	10%
California	68%	32%	17%

\* Information obtained from the United States Census 2000, available at <http://www.census.gov/prod/cen2000/dp1/2kh00.pdf>; <http://censtats.census.gov/data/CA/04006.pdf>.

\*\* These figures appeared in Memorandum from ABA Data Specialist David Rosenblieb to Deans of ABA-approved Law Schools (May 16, 2003), available at <http://www.abanet.org/legaled/statistics/Fall%202002%20Enrollment.pdf>; ETHNICITY SUMMARY, *supra* note 5.

\*\*\* Information compiled from AMERICAN BAR ASSOCIATION, *A Snapshot of Women in the Law in the Year 2000* (2000); AMERICAN BAR ASSOCIATION, *American Bar Association Continues Diversity Push With D.C. Summit on Opening the Pipeline* (Oct. 2003); STATE BAR OF CALIFORNIA, *Survey Finds Bar Makeup is Shifting, but Slowly in CALIFORNIA BAR JOURNAL* (Nov. 2001).

<sup>10</sup> We recognize the lack of a general consensus regarding definitions and measures of socioeconomic status. *See, e.g.*, MELVIN OLIVER & THOMAS SHAPIRO, *BLACK WEALTH/WHITE WEALTH: A NEW PERSPECTIVE ON RACIAL INEQUALITY* 2, 58 (1995); Office of the Assistant Secretary of Defense, *Population Representation in the Military Services* (Force Management Policy Nov. 2000), available at <http://www.dod.mil/prhome/poprep299/index.html>. Thus, a broad spectrum of definitions of socioeconomic class exists, making it "a highly abstract concept [whose] measurement is complex and often controversial." RICHARD JAMES, CENTRE FOR THE STUDY OF HIGHER EDUCATION AT THE UNIVERSITY OF MELBOURNE, *SOCIOECONOMIC BACKGROUND AND HIGHER EDUCATION PARTICIPATION* 12 (2002).

Due to countless possible environmental and other factors that may affect social status, definitions of socioeconomic class range from narrow to broad depending on which factors beyond wealth and income are considered. The most commonly used indicators of socioeconomic class are income, occupation, and education. *See, e.g.*, LEE D. MILLAR BIDWELL & BRENDA VANDER MEY, *SOCIOLOGY OF THE FAMILY: INVESTIGATING FAMILY ISSUES* 152 (1999); Richard D. Kahlenberg, *In Search of Fairness: A Better Way — UCLA Shows that Class-Based Affirmative Action Won't Lead to a "Whiteout"* WASH. MONTHLY, June 1998, at 26, available at <http://www.duke.edu/~mhc2/9.html>.

Some researchers limit indicators of socioeconomic status to fewer factors than those most commonly used. One limited definition of socioeconomic class is the "socioeconomic index" ("SEI"), which is based on the prestige and earnings associated with one's occupation. THE NATIONAL OPINION RESEARCH CENTER AT THE UNIVERSITY OF CHICAGO,

legal field is striking.<sup>11</sup> While a number of scholars have studied the

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PRESTIGE SCORE AND SOCIOECONOMIC INDEX (SEI) DISTRIBUTIONS, *available at* [http://webapp.icpsr.umich.edu/GSS/rnd1998/appendix/apdx\\_g.htm](http://webapp.icpsr.umich.edu/GSS/rnd1998/appendix/apdx_g.htm). Others add to the standard definition of socioeconomic class such additional environmental factors as "material possessions, cultural tastes, and prestige on social ranking." BIDWELL & VANDER MEY, *supra*.

Others add "concentration of poverty, wealth, and family structure" to the standard indicators. OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE, POPULATION REPRESENTATION IN THE MILITARY SERVICES (FORCE MANAGEMENT POLICY NOV. 2000), *available at* <http://www.dod.mil/prhome/poprep299/html/chapter7/chapter.htm>. Additional possible factors include zip code and associated census data, parents' education, occupation, employment status, homeownership, possessions, race, marital status, number of parents in family household, complex "prestige ratings," and presence of reading materials in the home. James, *supra* at 14. For evaluations related to education, researchers have also considered proximity to universities as well as parental and peer encouragement. *Id.*

<sup>11</sup> In their discourses on diversity, the pillars of the legal field, including the American Bar Association ("ABA"), the California Bar Association ("CBA"), Law Schools, and Legal Employers, focus almost exclusively on race, ethnicity, and gender. As a general matter, none of these entities seriously confront issues of socioeconomic diversity. For example, the ABA's "Office of Diversity Initiatives" stated goal is "to increase minority participation in the legal profession by encouraging members of racial/ethnic minority groups to consider law as a career." AMERICAN BAR ASSOCIATION, ABA LEADERSHIP, OFFICE OF DIVERSITY INITIATIVES. Other ABA "Diversity Initiatives" include a Council on Racial and Ethnic Justice, a Commission on Mental and Physical Disability Law, a Commission on Racial and Ethnic Diversity in the Profession, and a Commission on Women, AMERICAN BAR ASSOCIATION. None of the ABA Diversity Initiatives refer to diversity of economic background. The ABA also has an extensive databank of statistical resources. AMERICAN BAR ASSOCIATION, MARKET RESEARCH DEPARTMENT. The ABA databank includes statistics on lawyer demographics, women and minorities in the profession, law students, and legal education. *Id.* The databank does not contain information on the economic backgrounds of law students and legal professionals. *Id.*

The website of the CBA displays no analogous diversity initiatives. STATE BAR OF CALIFORNIA, HOME PAGE, *available at* [http://www.calbar.ca.gov/state/calbar/calbar\\_home.jsp](http://www.calbar.ca.gov/state/calbar/calbar_home.jsp) (last visited Jan. 25, 2005). The CBA indirectly acknowledges the existence of socioeconomic disparities in California with data on the access of low-income people to legal services in the state. STATE BAR OF CALIFORNIA, CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, THE PATH TO EQUAL JUSTICE: A FIVE-YEAR STATUS REPORT ON ACCESS TO JUSTICE IN CALIFORNIA (2002). Like the ABA, the CBA hosts a databank of statistical information on attorney demographics. STATE BAR OF CALIFORNIA, MEMBER DEMOGRAPHICS *available at* <http://members.calbar.ca.gov/search/demographics.aspx> (last visited Jan. 25, 2005); STATE BAR OF CALIFORNIA, CALIFORNIA BAR JOURNAL SURVEY (2001). Also like the ABA, the CBA provides no information on the diversity or homogeneity of its members' economic backgrounds. A California Bar Journal article entitled *Survey Finds Bar Makeup Is Shifting, but Slowly*, reported that the State Bar membership among people of color nearly doubled since 1991, the number of women rose from 26% to 32% in the past decade, and three percent of California attorneys are gay. The article did not discuss the "Bar Makeup" in terms of socioeconomic backgrounds. STATE BAR OF CALIFORNIA, *supra* note 9. According to the Law School Admissions Council, its "member law schools have dedicated strong dedication to diversity in law school enrollment." Law School Admissions Council, *New Models to Assure Diversity, Fairness, and Appropriate Test Use in Law School Admissions* (Dec. 1999). However, law schools consistently collect and report the racial, ethnic, and gender



intersection of gender and the law school experience at law schools around the country, less has been published on the impact of race and ethnicity, let alone socioeconomic class, on a student's legal education experience.

Our curiosity about these matters led us to undertake the study that is the subject of this Article. Our goals in doing so were three-fold. First, we wished to provide a snapshot of U.C. Davis School of Law's student body in terms of gender, race, ethnicity, and socioeconomic background. Additionally, we hoped to evaluate the impact, if any, of students' demographic features on their law school experiences and professional goals. Finally, we sought a basis for comparing the experiences of King Hall students with those of students at other law schools. We wished to assess the "kinder, gentler" reputation of U.C. Davis as myth or reality. We also sought to determine whether the measures U.C. Davis has taken to foster that reputation have endowed it with a character distinct from the mainstream culture of legal education that is widely seen as hostile to students of color and women.

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diversity of their students and faculty, with little to no mention of socioeconomic diversity. See, e.g., Law School Admission Council, *The Official Guide to ABA-Approved Law Schools*, available at <http://www.lsac.org> (last visited Jan. 25, 2005); UNIVERSITY OF CALIFORNIA, DAVIS SCHOOL OF LAW, OFFICE OF ADMISSIONS, FAQs SHEET 2003 – 2004 (2003).

Many legal employers increasingly strive to publicize diversity within their ranks. The National Association for Law Placement ("NALP") Directory of Legal Employers hosts information on major law firms nation-wide, including a firm-by-firm list of the numbers of women, minority, disabled, and "openly gay" attorneys. NALP Directory of Legal Employers, available at <http://www.nalpdirectory.com/> (last visited Jan. 25, 2005). The NALP Directory has no information, however, on the socioeconomic backgrounds of the attorneys in U.S. law firms. *Id.*

A common method of assessing progress towards diversity and statistical equality is to compare the percentage of women and minorities in the general population to the percentage of women and minorities in law school and the legal profession. See, e.g., AMERICAN BAR ASSOCIATION, *American Bar Association Continues Diversity Push with D.C. Summit on Opening the Pipeline*, ("Nationally, minorities represent about 25 percent of our population. In the legal profession, they constitute just 10 percent. That means that when people of color walk into courtrooms, the chances are small that the judges who hear their cases will look like they do, or will have shared experiences where color is a factor." – ABA President Dennis W. Archer). There is, however, a lack of analogous socioeconomic information, which would enable a comparison of the economic or socioeconomic backgrounds of law students and legal professionals to the population at large.

But see Timothy T. Clydesdale, *A Forked River Runs Through Law School: Toward Understanding Race, Gender, Age, and Related Gaps in Law School Performance and Bar Passage*, 29 LAW & SOC. INQUIRY 711, 725 and Fig. 2, 755-56 (2004) (recent study of predictors of law school success and bar passage rate analyzed socioeconomic status as one of many possible predictors and found students from lower socioeconomic status origins have lower LSAT scores, lower law school grades, and lower bar pass rates.)

Part I of this Article summarizes the research to date on the interplay between student demographics and legal education in various U.S. law schools. Part II provides contextual information about the U.C. Davis School of Law and discusses the opportunity and need for a study at King Hall. Part III discusses the student survey conducted at King Hall in February 2004. The methodology used to analyze the survey data is described in Part IV, and Part V presents the results of our survey in relation to other information about King Hall students. We conclude with suggestions for making King Hall a more egalitarian and welcoming learning environment for all students. We anticipate that many of these suggestions could also be appropriately implemented in other law schools.

### I. STUDIES OF RACE, ETHNICITY, GENDER, AND LEGAL EDUCATION

A rich and varied literature on the educational experiences of female law students serves as backdrop for this study.<sup>12</sup> Although a number of

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<sup>12</sup> See, e.g., A.B.A. COMM. ON WOMEN IN THE PROFESSION, DON'T JUST HEAR IT THROUGH THE GRAPEVINE: STUDYING GENDER QUESTIONS AT YOUR LAW SCHOOLS 22 (1998) [hereinafter GRAPEVINE] (discussing various studies, including one at University of Chicago School of Law and study entitled "Race, Gender and Status in Law School Education: A Study of Eight Contract Classes"); LAW SCHOOL OUTREACH PROJECT OF THE GENDER BIAS FREE JURISPRUDENCE COMMITTEE OF THE CHICAGO BAR ASSOCIATION ALLIANCE FOR WOMEN, WOMEN STUDENTS' EXPERIENCES OF GENDER BIAS IN CHICAGO AREA LAW SCHOOLS: A STEP TOWARD A GENDER BIAS FREE JURISPRUDENCE (1995); Taunya Lovell Banks, *Gender Bias in the Classroom*, 38 J. LEGAL EDUC. 137 (1988); Allison Bower, *Women at the University of Texas School of Law: A Call for Action*, 9 TEX. J. WOMEN & L. 117 (2000); Nancy E. Dowd et al., *Diversity Matters: Race, Gender and Ethnicity in Legal Education*, 15 U. FLA. J.L. & PUB. POL'Y 11 (2003); Fischer, *supra* note 6; Paula Gaber, "Just Trying to be Human in this Place": *The Legal Education of Twenty Women*, 10 YALE J.L. & FEMINISM 165 (1998); Marsha Garrison et al., *Succeeding in Law School: A Comparison of Women's Experiences at Brooklyn Law School and the University of Pennsylvania*, 3 MICH. J. GENDER & L. 515 (1996); Suzanne Homer & Lois Schwartz, *Admitted but Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY WOMEN'S L.J. 1 (1988); Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311 (1994); Adam Neufeld et al., *A Study of Women's Experiences at Harvard Law School* (paper based on Dec. 2002 survey of first-year students at Harvard law School), available at <http://www.aals.org/profdev/women/neufeld.pdf> (last visited Jan. 26, 2005); Janet Taber et al., *Gender Legal Education and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209 (1988); Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988); Yale Law Women 2001-02, *Yale Law School Faculty and Law Students Speak About Gender, a Report on Faculty-Student Relations at Yale Law School*, available at <http://www.yale.edu/ylw/finalreportv4.pdf> [hereinafter Yale Law Women]; Sari Bashi & Maryana Iskander, *Why Legal Education Is Failing Women* (article based on Yale Law Women study) (unpublished manuscript, on file with authors); Tera Krista Andrews Ames, *Toward a More Tolerant Future: A Closer Look at Women's Alienation at Gonzaga Law School*, available at <http://law.gonzaga.edu/ilst/CarnegieSeminar/ames.pdf> (last visited Sept. 2, 2004).

these studies have explored issues of race and ethnicity, in addition to gender, scholars have written less about how the former factors influence a law student's experiences.<sup>13</sup> We discuss here, in turn, the literature with respect to the law school experience and gender, and then the law school experience and race and ethnicity.

### A. Gender

While scholars began studying the intersection of gender and legal education in the 1970s,<sup>14</sup> the subject attracted more widespread attention only with the publication of Lani Guinier's landmark study of women students at the University of Pennsylvania School of Law in the late 1980s and early 1990s.<sup>15</sup> Published under the provocative title *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, Guinier and her co-authors concluded that the University of Pennsylvania was a

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Other studies over the past few decades have considered the impact of gender on a person's career path. See, e.g., David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 LAW & SOC. INQUIRY 251 (1989); Paul Mattessich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 LAW & INEQ. 59 (1990). Still other studies have offered feminist critiques of legal education and suggestions for pedagogical change that would make legal education more hospitable for women. See, e.g., Kathleen S. Bean, *The Gender Gap in the Law School Classroom — Beyond Survival*, 14 VT. L. REV. 23 (1989); Catherine W. Hantzis, *Kingsfield and Kennedy: Reappraising the Male Models of Law School Teaching*, 38 J. LEGAL EDUC. 155 (1988); Deborah L. Rhode, *Missing Questions: Feminist Perspectives on Legal Education*, 45 STAN. L. REV. 1547 (1993); Stephanie Wildman, *The Question of Silence: Techniques to Ensure Full Class Participation*, 38 J. LEGAL EDUC. 147 (1988); K.C. Worden, *Overshooting the Target: A Feminist Deconstruction of Legal Education*, 34 AM. U. L. REV. 1141 (1985).

<sup>13</sup> GRAPEVINE, *supra* note 12, at 26 (reporting that, in general, women of color perceive law school as more difficult compared to white women); Dowd et al., *supra* note 12, at 23-27 (outlining results of 2001 survey of University of Florida Law School students, indicating that student responses varied depending on race, gender, and ethnicity); Homer & Schwartz, *supra* note 12, at 28 (observing that responses of men of color, like those of women, were clustered in contrast to those of white men).

<sup>14</sup> A few early studies are from the 1970s and others pre-date even those. See Edith Fische, *Statistical Survey of Columbia Law School Alumnae*, 37 WOMEN L.J. 38, 38-40 (1951); Alice Jacobs, *Women in Law School: Structural Constraints and Personal Choice in the Formation of Professional Identity*, 24 J. LEGAL EDUC. 462, 467, 470 (1972) (finding that women volunteered or were called on in class less frequently than men, that while women were high achieving and successful, they exhibited "generalized attitudes of low self esteem and self-hatred," and that women's behavior "reflected a sense of being members of a minority group"); E.R. Robert & M.F. Winter, *Sex-Role and Success in Law School*, 29 J. LEGAL EDUC. 449, 450 (1978) (finding that women who see themselves as "masculine" are more successful in law school); James J. White, *Women in the Law*, 65 MICH. L. REV. 1051, 1072-73 (1967).

<sup>15</sup> Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994).

hostile learning environment for a disproportionate number of female students.<sup>16</sup> Among other findings, the authors also concluded that many female students were alienated by the Socratic method, specifically, and by their entire three-year educational experience, generally.<sup>17</sup> They also found that women participated in the classroom less frequently than their male counterparts and that women's silence in the classroom was a key component of their alienation.<sup>18</sup> Guinier and her colleagues observed that, while women and men began law school with identical credentials, men out-performed women academically in the first year and continued to do so throughout law school and into the job market.<sup>19</sup> In addition, the authors noted that while women, more often than men, began law school with commitments to public interest law, many of them finished law school with corporate ambitions, as well as with some indications of mental health distress.<sup>20</sup> Guinier and her co-authors blamed what they called women's "alienation and a gender-stratified hierarchy" not on individual students, but rather on the "institutional design of the law school experience," including "limits on student participation, fierce competition, a mandatory grading curve, and few women faculty."<sup>21</sup> They thus connected what happens in the law school classroom with "a gradual disenfranchisement of women during law school."<sup>22</sup> Others have speculated that this disenfranchisement or alienation may continue, beyond law school, to influence the careers of female law graduates.<sup>23</sup>

Following the publication of *Becoming Gentlemen* in 1994, studies of women's experiences with legal education proliferated. While the

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<sup>16</sup> *Id.* at 59.

<sup>17</sup> *Id.* at 21.

<sup>18</sup> *Id.* at 45-47; see also Homer & Schwartz, *supra* note 12, at 53 (finding that white men responded most positively to Socratic method, and that men of color appeared to respond to it more favorably than white women).

<sup>19</sup> *Id.* at 21-22. Studies at other law schools have since reported similar findings. See, e.g., Bower, *supra* note 12, at 134-47 (discussing University of Texas study that analyzed academic years 1984 to 1996 and determined that despite coming into law school with virtually equal credentials, men received significantly higher GPA's in eight of thirteen years analyzed); cf. GRAPEVINE, *supra* note 12, at 33 (noting 1995 University of Iowa internal study showing that women and men enter and graduate with identical law school credentials).

<sup>20</sup> Guinier et al., *supra* note 15, at 39-40 (reporting that 25% to 33% of first-year women express interest in public interest compared to only 8% to 10% of third-year women).

<sup>21</sup> *Id.* at 45.

<sup>22</sup> Elizabeth Mertz et al., *What Difference Does Difference Make? The Challenge for Legal Education*, 48 J. LEGAL EDUC. 1, 5 (1998) (citing Guinier et al., *supra* note 15, at 62-64).

<sup>23</sup> *Id.*; see also Chambers, *supra* note 12, at 256 (noting that women often have lower expectations of achievement and a lower sense of entitlement to achieve).

specific foci and methodologies of the studies varied, many confirmed that a student's gender does, in fact, influence his or her law school experience. Several studies, for example, echoed the findings of *Becoming Gentlemen*: that women volunteer to speak in class less frequently than men,<sup>24</sup> that the law school classroom is more hostile to women than to men,<sup>25</sup> and that women otherwise experience disadvantage in the law school environment.<sup>26</sup> Other studies have further explored the ways in which gender influences whether and how members of a law faculty mentor students — or fail to do so. A 2001-02 study at Yale Law School found that men experience greater comfort levels in approaching faculty members and greater success in forming mentoring relationships with a predominantly male faculty.<sup>27</sup> Some studies have also confirmed the suggestion of the Guinier study that law school more often undermines the confidence of female students and leaves them feeling isolated or alienated.<sup>28</sup> Also, like the Guinier study,

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<sup>24</sup> See, e.g., Bashi & Iskander, *supra* note 12, at 33 (reporting results of data collected through student observation during 2001-02 academic year which revealed that men participated more than women to statistically significant degree in fourteen classes while women participated more than men to statistically significant degree in only three classes); Garrison et al., *supra* note 15, at 525-26. Other studies that pre-date or are roughly contemporaneous with the Guinier study have offered similar findings. See, e.g., Banks, *supra* note 12, at 141 (reporting that 17.6% of women never volunteer in class compared to only 9.6% of men); Krauskopf, *supra* note 12, at 314 (noting that fewer women than men volunteered in class and fewer women than men believed that "Socratic method allows a free discussion of ideas").

<sup>25</sup> See, e.g., Ames, *supra* note 12, at 6-8 (explaining that classroom dynamics such as Socratic method, negative attitude of professors toward female students and disproportionately low female participation in extracurricular activities all contribute to hostile environment for female students); Banks, *supra* note 12, at 141; Bashi & Iskander, *supra* note 12, at 29 (arguing that some professors treat female students differently than male students in ways that reduce female students' experiences in law school).

<sup>26</sup> See, e.g., Weiss & Melling, *supra* note 12, at 1299 (concluding that female law students are alienated from themselves, law school community, classroom, and "content of legal education."). To cite more concrete examples of disadvantage, several studies have shown that women are underrepresented, in comparison to their presence in the student population, in prestigious institutions and activities such as law reviews. See Guinier et al., *supra* note 15, at 27-32; Neufeld et al., *supra* note 12, at 20 (noting that while most journals have had 50% female mastheads at some point since 1996, law review has only reached 36% female membership); Bower, *supra* note 12, at 148-50; cf. Taber et al., *supra* note 12, at 1258-59 (reporting no differential between satisfaction with law school performance between men and women, but female graduates did report having been less satisfied as students than men had been).

<sup>27</sup> Yale Law Women, *supra* note 12, at 16, 21; see also GRAPEVINE, *supra* note 12, at 33 (discussing Cornell Law School study which also identified mentorship problems).

<sup>28</sup> Gaber, *supra* note 12, at 173 (discussing isolation and discontent that women at Yale Law School experienced); Granfield, *infra* note 162, at 6-7 (stating that many Harvard women reported feeling isolated from educational process and "were critical of what they

some have observed that female students are more likely than their male counterparts to seek mental health counseling.<sup>29</sup>

### B. Race and Ethnicity

Scholars have not explored the law school experiences of students of color as extensively as they have those of women. This apparent oversight may be because the number of minority students in law school has continued to be small, making it difficult for researchers to identify more than a relative handful of students of color at the vast majority of individual law schools.<sup>30</sup> In spite of the continuing dearth of African-American and Latino/a students in most law schools — including U.C. Davis — a few notable studies exploring race and ethnicity have been completed in the past decade.<sup>31</sup> In addition, some of the studies that focused primarily on gender also considered the impact of race and ethnicity on the legal education experience.<sup>32</sup> Finally, some critiques of law school pedagogy have specifically discussed its impact on students of color.<sup>33</sup>

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perceived as the male-dominated worldview of law and legal reasoning” in legal education); Homer & Schwartz, *supra* note 12, at 11 (indicating that some Berkeley women who read Yale study felt someone there “told it like it is”); Krauskopf, *supra* note 12, at 314; Neufeld et al., *supra* note 12, at 22-23.

<sup>29</sup> Garrison et al., *supra* note 12, at 520 (noting that women reported higher rates of anxiety and depression); Neufeld et al., *supra* note 12, at 23 (reporting that women constituted 64% of all law students who utilized Mental Health Services during 2001-02 calendar year).

<sup>30</sup> In 2001-2002, minority students comprised 21% of enrolled law students in the United States. AMERICAN BAR ASSOCIATION, LEGAL EDUCATION STATISTICS. Of law students enrolled nationally, only 0.8% were American Indians and Alaska Natives, 6.6% were Asians and Pacific Islanders, 7.4% were African-Americans, 0.5% were Puerto Ricans, and 5.3% were Mexican Americans and Other Hispanics. *Id.*

<sup>31</sup> Dowd et al., *supra* note 12; Mertz et al., *supra* note 22 (reporting on exhaustive study of classroom dynamics of contracts classes at eight different law schools, and considering issues of both race and gender of both professor and student, class size, teaching method, elite and non-elite institutions, etc.).

<sup>32</sup> Guinier et al., *supra* note 15, at 48; Homer & Schwartz, *supra* note 12, at 25, 43 (finding that students of color at Boalt Hall suffered diminished self-esteem in comparison to white male students).

<sup>33</sup> Pamela Edwards, *The Culture of Success: Improving the Academic Success Opportunities for Multicultural Students in Law School*, 31 NEW ENG. L. REV. 739, 754-55 (1997); Cathaleen A. Roach, *A River Runs Through It: Tapping Into the Informational Stream to Move Students from Isolation to Autonomy*, 36 ARIZ. L. REV. 667, 675-77 (1994) (discussing minority law students’ experiences of isolation in law school). Other articles have discussed various aspects of the law school experience for African-Americans. See, e.g., Mark A. Godsey, *Educational Inequalities, The Myth of Meritocracy, and the Silencing of Minority Voices: The Need for Diversity on America’s Law Reviews*, 12 HARV. BLACKLETTER L.J. 59 (1995); Donald K. Hill, *Law School, Legal Education, and the Black Law Student*, 12 T. MARSHALL L. REV. 457 (1987);

Two studies merit particular discussion in relation to our own. Professor Elizabeth Mertz undertook in the 1990s a very sophisticated study of the law school classroom experiences of women and persons of color, published as *What Difference Does Difference Make? The Challenge for Legal Education*.<sup>34</sup> In a study that involved observation of first-year contracts classes at eight different law schools, she found that many features of the classroom influenced which students participated and how they did so. The variables discussed in her findings include the race and gender composition of the classes, class size, teacher profiles (ethnicity, gender, and educational background), teaching or discourse style, and the elite or non-elite nature of the law school.<sup>35</sup> She found, for example, that students of color participate more in classes taught by professors of color, as well as in classes with larger cohorts of students of color.<sup>36</sup> Generally, however, disparities in the participation of students of color were highly variable from school to school, compared to disparities based on gender.<sup>37</sup> Because findings varied so greatly across schools and appeared to be influenced by so many different variables, Mertz did not reach conclusions regarding some “essentialized” law student experience based on race, ethnicity, gender, or combinations of these factors.<sup>38</sup> Rather, she stated her conclusions as partial and situated, seeing each student’s experiences as heavily influenced by context.<sup>39</sup> She noted the significance of each law school’s “local culture” and the “patterns of empowerment and disempowerment” that emerged in each.<sup>40</sup>

In a more recent, single-school study conducted in 2001, professors Nancy Dowd and Kenneth Nunn surveyed law students at the University of Florida.<sup>41</sup> They concluded that “the way in which students experience law school varies by race, ethnicity, and gender, both alone or in combination.”<sup>42</sup> White males showed the greatest level of comfort

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Brian Owsley, *Black Ivy: An African-American Perspective on Law School*, 28 COLUM. HUM. RTS. L. REV. 501 (1997).

<sup>34</sup> Mertz et al., *supra* note 22.

<sup>35</sup> *Id.* at 3.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 82.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 3.

<sup>41</sup> Dowd et al., *supra* note 12, at 16. The University of Florida was a particularly fruitful institution for such a study because its student body included significant numbers of both African-American and Latino/a students — 13% of each — within a student body of 1190. *Id.* at 24.

<sup>42</sup> *Id.* at 25.

with and acceptance of law school, perceiving it to be more fair and neutral than did other students.<sup>43</sup> Race was the greatest predictor of differences among students with, for example, African-American respondents significantly more likely than white students to agree that questions or discussions in class sometimes made them feel uncomfortable.<sup>44</sup> Most white students did not think race mattered in the classroom. The majority of African-Americans agreed, however, that they were more likely to speak in a classroom taught by a professor of the same race.<sup>45</sup> Most African-Americans also agreed that they were more comfortable with the teaching approach of a same-race professor and that the race/ethnicity of a student affects the way the student is treated in the classroom.<sup>46</sup> The authors concluded that race, ethnicity, and gender all significantly affect students' experiences of legal education at the University of Florida, and that diversity of faculty and students enhances the educational experience.<sup>47</sup>

## II. A PROFILE OF KING HALL

As recognized by the many single- and multiple-school studies, students' law school experiences are influenced by the unique contexts of the institutions they attend.<sup>48</sup> As we have already disclosed, the particular reputation and presumed character of King Hall as an exceptionally student-friendly institution were forefront in our minds in conceptualizing and focusing this study. At the same time, our findings are relevant to law schools that are concerned with becoming more

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 26. Forty-three percent of African-American students agreed that questions or discussions in class made them feel uncomfortable, while only 28% of whites and 27% of others agreed with that proposition. The topic or nature of the questions or discussion that prompted discomfort was not specified in the question. The relevant survey question was, "There have been questions or discussions in class that made me feel uncomfortable or which I thought were inappropriate." Students responded with one of five answers: strongly agree, agree, neutral, disagree, or strongly disagree. *Id.* at 48.

<sup>45</sup> In several studies, students of color have reported the use of language in class that made them uncomfortable. See Banks, *infra* note 350, at 535-36 (indicating that students of color were more likely to report that "very few professors respect their questions or comments" and African-American students were more likely to "perceive that professors embarrass or put down students"); Guinier et al., *supra* note 15, at 46 & n.117 (reporting racially intimidating language).

<sup>46</sup> Dowd et al., *supra* note 12, at 27. Other findings by race and ethnicity are discussed in greater detail. *Id.* at 27-30, 33-34. These findings are consistent with prior studies. See Homer & Schwartz, *supra* note 12, at 51, 54.

<sup>47</sup> Dowd et al., *supra* note 12, at 34.

<sup>48</sup> Bashi & Iskander, *supra* note 12, at 16-17; Mertz et al., *supra* note 22, at 9-11.



diverse and student friendly. Our findings are also relevant to those law schools which have already garnered reputations as such, but which continually need to self-reassess and evaluate how they can achieve greater diversity, as well as satisfaction and quality of experience for students of all demographic backgrounds. As context for the results of our survey, and to offer guideposts for comparison with other law schools, this Part offers a sketch of King Hall and its student body.

With 571 students enrolled during 2003-04,<sup>49</sup> King Hall is considered a relatively small law school. King Hall would almost certainly be classified as a "regional," "non-elite," or "second-tier mostly public" law school, as those terms have been used by scholars of the sociology of the legal profession.<sup>50</sup> Over the past decade, it has been consistently nationally ranked between 29 and 41 in the *U.S. News & World Report* law school rankings.<sup>51</sup> All J.D. students attend full time and finish law school in three years,<sup>52</sup> with no part-time, evening, or summer programs offered.<sup>53</sup> With the exception of a handful of LLM students, most of whom are from outside the United States,<sup>54</sup> all incoming students embark on the same track, with identical requirements for graduation.

#### A. A Kinder, Gentler Law School: Reputation, Rhetoric, Reality?

As we noted at the outset, King Hall has long enjoyed a reputation for being a pleasant and not-too-competitive law school with a highly

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<sup>49</sup> ETHNICITY SUMMARY, *supra* note 5.

<sup>50</sup> See Mertz, *supra* note 22, at n.17 (citing HEINZ & LAUMANN, ZEMANS & ROSENBLUM, *infra* note 111); Clydesdale, *supra* note 11, at 723, n.13 (adopting law school typology created by Law School Admissions Council using cluster analysis and including the following categories: historically minority; first-tier mostly private (or "elite"); first-tier mostly public (or "public ivy"); second tier, mostly private; second-tier mostly public and third-tier, mostly private).

<sup>51</sup> The U.C. Davis School of Law has enjoyed the following rankings over the past decade: 2005: 33; 2004: 31; 2003: 32; 2002: 32; 2001: 41; 2000: 32; 1999: 29; 1998: 29; 1997: 40; 1996: 41; 1995: 30. *Law School Ranking Index*, available at [http://www.usnews.com/usnews/edu/grad/rankings/law/premium/main/lawrank\\_nf.php](http://www.usnews.com/usnews/edu/grad/rankings/law/premium/main/lawrank_nf.php) (last visited Nov. 9, 2004); see also Law School Ranking Records (on file with U.C. Davis School of Law Dean's Office). Please note that the date for each ranking is based on information about the school provided two years earlier. Thus, the 2005 ranking is based on information about the school in 2003.

<sup>52</sup> Exceptions may be made on an individual basis for reasons of academic or other hardships.

<sup>53</sup> Generally, part-time and night programs are more likely to attract older students who have families and full-time jobs. Clydesdale, *supra* note 11, at 733 (discussing difficulties facing older law students).

<sup>54</sup> UC DAVIS SCHOOL OF LAW, 2004-2005 CATALOG AND APPLICATION 9, available at <http://www.law.ucdavis.edu/PDFs/ad/linfo.pdf>.

accessible faculty.<sup>55</sup> Indeed, this is a reputation that the law school actively cultivates, as evidenced by the rhetoric on its website and in its publications, including those aimed at prospective students. The 2004-05 Catalog, for example, speaks of King Hall's "small student body, small class sizes, and ready access to outstanding faculty."<sup>56</sup> The words "community" and "family" are used repeatedly throughout King Hall's publications to refer to the law school environment.<sup>57</sup> The latest King Hall catalog uses the heading, "First in Quality. First in *Community*. Martin Luther King Jr. Hall" prominently on its front cover.<sup>58</sup> Other recent law school publications aimed at prospective students, such as brochures about specialized curriculum (e.g., business law and intellectual property), and brochures on the King Hall Outreach Program, also feature this slogan.<sup>59</sup> These phrases are, thus, clearly an aspect of the brand that King Hall has promoted for itself.

In the opening paragraph of his message in the 2004-05 law school catalog, Dean Rex Perschbacher characterizes King Hall as "a learning community of unmatched encouragement," and later in the message he writes of a "community of genuine warmth and friendship unsurpassed by any law school."<sup>60</sup> Highlighted in the midst of, and as part of, the

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<sup>55</sup> Some respondents to our survey mentioned this reputation. For example, one said, "King Hall is a good place and is the smaller, nicer, more relaxed school that it has the reputation to be." Respondent 5; 1L; male; White.

<sup>56</sup> U.C. DAVIS SCHOOL OF LAW, 2004-2005 CATALOG AND APPLICATION, *supra* note 54, at inside cover page; *see also* U.C. Davis School of Law Academic Plan through the 2005-06 Academic Year, at 7, available at <http://www.law.ucdavis.edu/academicplan.asp> (discussing desire and steps to ensure admission of "diverse and highly qualified student body").

<sup>57</sup> *See infra* notes 58-64 and accompanying text.

<sup>58</sup> U.C. DAVIS SCHOOL OF LAW, 2004-2005 CATALOG AND APPLICATION, *supra* note 54, at cover (emphasis added). The heading over the Dean's Message, on the inside front cover, begins: "How we are first in quality, first in community." *Id.* at inside front cover. An entire section of the 2004-05 catalog is labeled "The Community" and includes a profile of a female first-year student, a list of student organizations (with a side bar about the "Perfect-Tender Infant Care Co-op," information on "A Tradition of Launching Diverse, Successful Careers," and a section titled "A Supportive, Enriching Environment for Learning"). *Id.* at 3-7. Another law school publication also talks about "personalized" and "individualized" support that students get in defining their career goals and securing employment. OUTREACH BROCHURE, *supra* note 5, at 15.

<sup>59</sup> OUTREACH BROCHURE, *supra* note 5; U.C. DAVIS BUSINESS LAW IN A GLOBALIZING ECONOMY BROCHURE; U.C. DAVIS INTELLECTUAL PROPERTY BROCHURE (on file with U.C. Davis Admissions Office).

<sup>60</sup> U.C. DAVIS SCHOOL OF LAW, 2004-2005 CATALOG AND APPLICATION, *supra* note 54, at inside cover (emphasis added). Community is also a theme in the Law School's 2004 ABA-AALS Self Study. There, the law school states that "[f]aculty, students, staff, and administration generally work well together toward common ends at the School of Law. The community has been based on trust and understanding and has allowed the Law

Dean's message, is the following paragraph:

Besides an exceptional curriculum and faculty, King Hall offers a *uniquely supportive atmosphere for the study of law*. Our outstanding national ranking, small size and unusually accessible faculty serve as the foundation for this atmosphere. *No law school is more attentive to its students' needs.*<sup>61</sup>

Elsewhere, the Dean writes of a "cooperative, vibrant community" that is created by King Hall's commitment to student success, a community he touts as "unmatched at any other institution of legal education."<sup>62</sup> The Dean closes his message with "I invite you [to] become a member of the King Hall family,"<sup>63</sup> following another reference to the "King Hall family" in the prior paragraph.<sup>64</sup> As part of this "family," King Hall faculty are also described in glowing terms. In addition to descriptions about their distinguished scholarship and exemplary commitment, the phrase "unusually accessible" is used repeatedly in King Hall marketing and rhetoric.<sup>65</sup>

National surveys, rankings, and guides to law schools have also recognized the student-friendly character of King Hall. In 1994, the Jurist-Princeton Review national study on student satisfaction ranked U.C. Davis School of Law first in the quality of life category and eighteenth overall.<sup>66</sup> The Princeton Review ranked U.C. Davis third in the country in terms of least competitive atmosphere.<sup>67</sup> More recently, the 2000 edition of the Princeton Review's *The Best Law Schools*, remarked

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School to work well in times of stress and tension as well as in ordinary times." UNIVERSITY OF CALIFORNIA DAVIS, SCHOOL OF LAW 2004 SELF STUDY 14 (on file with U.C. Davis School of Law Dean's Office) [hereinafter SELF STUDY].

<sup>61</sup> U.C. DAVIS SCHOOL OF LAW, 2004-2005 CATALOG AND APPLICATION, *supra* note 54, at inside cover (emphasis added).

<sup>62</sup> OUTREACH BROCHURE, *supra* note 5. Also in the Outreach Brochure, the Dean writes that King Hall graduates "take with them the community spirit we inspire . . ." *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> The language in King Hall's Outreach Brochure, which aims to assist in recruiting students of color, is similarly "community" rich. *See id.*

<sup>65</sup> *See, e.g.*, 2004-05 CATALOG AND APPLICATION, *supra* note 54, at inside cover. Indeed, the prior dean, Bruce Wolk, also used this phrase. U.C. DAVIS SCHOOL OF LAW, 1997-98 CATALOG AND APPLICATION FOR ADMISSION 3.

<sup>66</sup> UNIVERSITY OF CALIFORNIA, DAVIS, SCHOOL OF LAW ACADEMIC PLAN 9 (June 1999), available at <http://www.law.ucdavis.edu/academicplan.asp> (citing THE NATIONAL JURIST April/May 1994 and <http://www.review.com/legal.rank/competition.etm>.) [hereinafter ACADEMIC PLAN]; *see also* <http://washburnlaw.edu/news/1994-1998/1994-04natjrst.php>.

<sup>67</sup> UNIVERSITY OF CALIFORNIA, DAVIS, SCHOOL OF LAW ACADEMIC PLAN, *supra* note 66, at 9.

on the student-friendly atmosphere at Davis.<sup>68</sup> Noting that students are “almost universally positive about the atmosphere on campus,” the entry goes on to quote students’ favorable remarks about King Hall’s noncompetitive, friendly character.<sup>69</sup> Not only, then, does U.C. Davis market itself as a “uniquely supportive” law school, it has been recognized as such by surveys that purport to evaluate that intangible quality.

One aspect of this “student-friendly” and “cooperative” community is King Hall’s commitment to diversity. This commitment, and the resulting diversity that King Hall has achieved,<sup>70</sup> is subtly, yet ubiquitously, advertised by the Law School’s publications. The home page of the King Hall website, for example, features images of two students of color and one professor of color.<sup>71</sup> It also features a photograph of and quote by Martin Luther King, Jr.<sup>72</sup> No white students are pictured.<sup>73</sup> Diversity is more explicitly addressed in other documents and publications. For example, in the 2004 Self Study prepared for the ABA-AALS Site Inspection, U.C. Davis leadership used the words “diversity” or “diverse” twenty-eight times in relation to its students, applicant pool, faculty, or staff.<sup>74</sup> That is, the Self Study repeatedly either characterizes these various constituencies as already diverse, or uses these terms to describe the Law School’s aspirations for them. For example, the Self Study quotes the Law School’s Mission statement, adopted by the faculty in May 1999 and re-affirmed by them in October 2003, as requiring the Law School to “recruit a first-rate diverse faculty and student body.”<sup>75</sup> The Law School also claims success in “admitting

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<sup>68</sup> THE PRINCETON REVIEW, THE BEST LAW SCHOOLS 178-79 (2000).

<sup>69</sup> *Id.*

<sup>70</sup> See *supra* note 5 and *infra* notes 75-78, 80-81.

<sup>71</sup> <http://www.law.ucdavis.edu/flash/index.asp> (flash) and <http://www.law.ucdavis.edu/mainpage.asp> (non-flash).

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> SELF STUDY, *supra* note 60 at 1 (referring to faculty), 2 (faculty, student body), 4 (faculty), 5 (student body, class of 2006), 6, 15 (faculty as a group of scholars), 16 (student body, faculty), 18, 20, 21 (faculty), 57 (student body), 71 (applicant pool and student population of universities where King Hall recruits), 72 (student body), 73 (staff), 93 (student population, population of California, faculty, staff), 94 (applicant pool and student population of universities where King Hall recruits), 95 (students). In addition, the Self Study uses the words “diverse” and “diversity” to describe its clinical programs (p. 46), its faculty members’ areas of interest (p. 82), its ideas about public interest (p. 93), the membership of its Inn of Court (p. 109), and the committees on which its members serve (p. 99).

<sup>75</sup> *Id.* at 1.

and retaining a highly-diverse student body” and notes the recognition of this success by the campus and state.<sup>76</sup> The study touts the addition of an admissions office staff member “whose job is to increase outreach efforts throughout California with a particular emphasis on reaching student populations likely to increase racial, ethnic, and socioeconomic diversity within our student body,” as well as the fruits of these efforts.<sup>77</sup> Specifically, the Law School notes that the Class of 2006 is the “most diverse in the Law School’s history, with students of color comprising 44% of the entering class.”<sup>78</sup>

With respect to its faculty, the Law School also claims to pay serious attention to achieving greater diversity, as well as success in this endeavor. Faculty hired since 1998, which the Self Study characterizes as “new,” are described as a “diverse group of scholars.”<sup>79</sup> Later, the document details these new faculty as “increasingly diverse in ethnic background, gender, age, and intellectual interest. The new faculty members include one Latino, two South Asian-Americans, three Asian-Americans, and an African-American. Five are women and one is an openly gay male.”<sup>80</sup> In addition, the study notes that two of the new hires joining the faculty in the 2004-05 academic year include a Latina and an African-American woman.<sup>81</sup>

### B. *Curriculum and Public Academic Environment*

First-year King Hall students are divided into six sections, each with about thirty to thirty-five students.<sup>82</sup> Each student in a given section has an identical schedule, including at least one “small” class consisting of only the students in the single section. All other classes are taught to a combination of two or three sections.<sup>83</sup> First-year students, therefore, spend more time in the classroom with those students in their small sections; they have slightly less classroom time with students in their

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<sup>76</sup> *Id.* at 5.

<sup>77</sup> *Id.* The Self Study continues, “As a result of these efforts, particularly the establishment of the King Hall Outreach Program, the LSAC has given the Law School a significant grant to expand the program.” *Id.*

<sup>78</sup> *Id.* at 5.

<sup>79</sup> *Id.* at 15.

<sup>80</sup> *Id.* at 21.

<sup>81</sup> *Id.* at 20.

<sup>82</sup> ACADEMIC PLAN, *supra* note 66, at 2.

<sup>83</sup> Historically, most first-year courses were taught in three-section classes. Beginning in 2003-04, the law school undertook to teach no first-year course to a class of more than two combined sections, thus improving the student-faculty ratio with the hope of making professors even more accessible and providing more intimate learning environments.

two-section classes, and no classroom time with at least half of the first-year class.<sup>84</sup>

All first-year students at King Hall follow the same curriculum: contracts, civil procedure, property, and torts are full-year courses.<sup>85</sup> Additionally, students study criminal law and legal research in the fall, and constitutional law and legal writing in the spring.<sup>86</sup> Professors use some form of the Socratic method<sup>87</sup> in teaching all first-year courses, meaning that all professors call on students to discuss and answer questions about cases. Beyond successful completion of the first year, the only other requirements for graduation are the completion of a significant piece of legal writing and a total of eighty-eight units, including the professional responsibility course.<sup>88</sup> Second- and third-year students may select from any offered courses, although some courses are consistently over-enrolled so that not all students are able to enroll in all of the courses they desire in the semester of their choice.<sup>89</sup>

In the spring of 2002, the Law School adopted a new mandatory grade "curve" for first-year courses.<sup>90</sup> This curve is more generous than its predecessor, which permitted professors to give only 11.7% of students the grades of A or A- and dictated that they assign at least 28% of students the grade of C+ or C, and 8.68% C- and below.<sup>91</sup> Thus, 51.5% of students were to receive grades of B+, B, or B-.<sup>92</sup> The new curve, which is mandatory only for first-year courses, but also "suggested" for upper division courses, dictates that 20% of students receive the grade A or A-, 20% get the grade of C+ or below, and 60% receive some form of a B grade.<sup>93</sup> King Hall students are aware of the curve, which inevitably

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<sup>84</sup> Interview by Jennifer Stoughton, with Nicole Waterman, Registrar, University of California, Davis School of Law, in Davis, Ca. (Nov. 30, 2004) (notes on file with authors).

<sup>85</sup> U.C. DAVIS SCHOOL OF LAW, 2004-2005 CATALOG AND APPLICATION 10, *supra* note 54.

<sup>86</sup> *Id.*

<sup>87</sup> For an in depth discussion of the Socratic method, see Alan A. Stone *Legal Education on the Couch*, 85 HARV. L. REV. 392, 406-18 (1971). See also BLACK'S LAW DICTIONARY 1425 (8th ed. 2004); Roach, *supra* note 33, at 667 n.21 (citing Andrew S. Watson, *The Quest for Professional Competence: Psychological Aspects of Legal Education*, 37 U. CINN. L. REV. 93, 119-32 (1968)). U.C. Davis professors' widespread use of the Socratic method is also substantiated in the surveys at [http://www.thevault.com/graddegree/school/school\\_main.jsp?program\\_id=3296&co\\_page=2&ch\\_id=351](http://www.thevault.com/graddegree/school/school_main.jsp?program_id=3296&co_page=2&ch_id=351).

<sup>88</sup> ACADEMIC PLAN, *supra* note 66, at 3.

<sup>89</sup> Interview by Jennifer Stoughton with Nicole Waterman, *supra* note 84.

<sup>90</sup> BYLAWS OF THE FACULTY OF THE SCHOOL OF LAW, UNIVERSITY OF CALIFORNIA, DAVIS, ARTICLE IV § 4.14 (2003-2004).

<sup>91</sup> BYLAWS OF THE FACULTY OF THE SCHOOL OF LAW, UNIVERSITY OF CALIFORNIA, DAVIS, ARTICLE IV § 4.14 (1999-2000).

<sup>92</sup> *Id.*

<sup>93</sup> BYLAWS, *supra* note 90, § 4.14.

creates rivalry among students who know they are competing for a limited number of grades they consider to be good.

Academic performance at King Hall is confidential,<sup>94</sup> but practical circumstances limit this confidentiality. Over time, students get a general sense of how their classmates are doing. The On-Campus Interviewing ("OCI") system, in which many students participate in the fall of the second year, indicates a student's general academic success. Because many employers will interview only students in some top percentile (e.g., 10% or 25%), a student who secures interviews with the most prestigious firms is deduced to be at the top of his or her class. The only times the law school makes public a student's academic achievements are when awarding rare merit-based scholarships and when giving a single "law school award" to the third-year student graduating with the highest GPA.

### C. Demographics<sup>95</sup>

At the time of the survey, women made up 58% of the King Hall student population.<sup>96</sup> According to information provided by the Law School Registrar, 217 minority students<sup>97</sup> comprise 38% of the total student body. The student body is 51% white,<sup>98</sup> 21% Asian-American,<sup>99</sup>

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<sup>94</sup> In contrast to the secrecy of academic performance, involvement in extracurricular activities, such as moot court competitions and clinical programs, is publicized.

<sup>95</sup> All demographic information in this section is based upon the classes of 2004, 2005, and 2006. ETHNICITY SUMMARY, *supra* note 5.

<sup>96</sup> Each King Hall class since 1999-2000 has had more women students than men. These statistics are consistent with recent trends in legal education. See Jonathan Glater, *Women Are Close to Being a Majority of Law Students*, N.Y. TIMES, Mar. 26, 2001, at A1. As of 2002, 48% of U.S. law students were women. ABA Comm. on Women in the Profession, Formal Op. (2002); see generally Richard Neumann, *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313 (2000).

<sup>97</sup> The term "minority" in this context means those students whom the Law School registrar includes in her calculation of the number and percentage of minority law students. Such numbers are based on the racial and ethnic self-identifications of students in their admissions materials. See Application for Admission, King Hall School of Law (Mar. 30, 2004) (on file with authors).

<sup>98</sup> Within this study, references to "White" students include students who identified themselves as "White/Caucasian-American (Includes Middle Eastern)" in their application for admission to King Hall, or to students who self-identified as "White (non-Hispanic)" in the student survey.

<sup>99</sup> References to "Asian-Americans" in this study include students who identified themselves as "Chinese/Chinese American," "Filipino/Filipino American," "Japanese/Japanese American," "Korean/Korean American," "Vietnamese/Vietnamese American," or "Other Asian-American (not including Middle Eastern)" in their application for admission to King Hall. It also includes students who self-identified as "Asian or Asian-American" in the student survey.

10% Latino/a,<sup>100</sup> 3% African-American,<sup>101</sup> 2% East Indian,<sup>102</sup> and less than 1% Native American.<sup>103</sup> Twelve percent of students declined to state their race/ethnicity or marked "other" when applying for admission.<sup>104</sup>

Throughout this Article, we refer to "minority students" and "students of color" collectively when findings suggest a differentiation between the experiences of white students and those of various racial and ethnic minority groups. In so doing, we intend only to point out when the majorities of each racial or ethnic group differ from the majority of whites. We have also distinguished, to the extent that our data allows, when the majority of a particular racial or ethnic group "of color" responded differently from the majorities of the other racial or ethnic groups "of color." Appreciating criticisms of essentialism, we neither assert nor imply that students of the same race and ethnicity share the same experiences, nor that all racial or ethnic groups comprised of people of color share identical experiences.<sup>105</sup>

In light of the attendant rhetoric of diversity and student-friendliness, one purpose of our study was to investigate the extent to which a student's perception of the King Hall legal education experience as diverse and student-friendly is related to being white and/or male. Thus, a detailed comparison among and within specific racial and ethnic groups was neither attempted nor intended. While our voluminous data is rich in intricacies, this Article focuses on the "big picture" generated

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<sup>100</sup> The term "Latino/a," for purposes of this study, includes students who identified themselves as "Mexican/Mexican American/Chicano" or "Other Spanish American/Latino (includes Cuban, Central American, South American)" in their application for admission to King Hall, or to students who self-identified as "Latino/a or Hispanic" in the student survey.

<sup>101</sup> As used in this study, "African-Americans" includes students who identified themselves as "African-American/Black" in their application for admission to King Hall, or students who self-identified as "African-American or African" in the student survey.

<sup>102</sup> "East Indian," herein, refers to those students who self-identified as "East Indian" in their application for admission to King Hall.

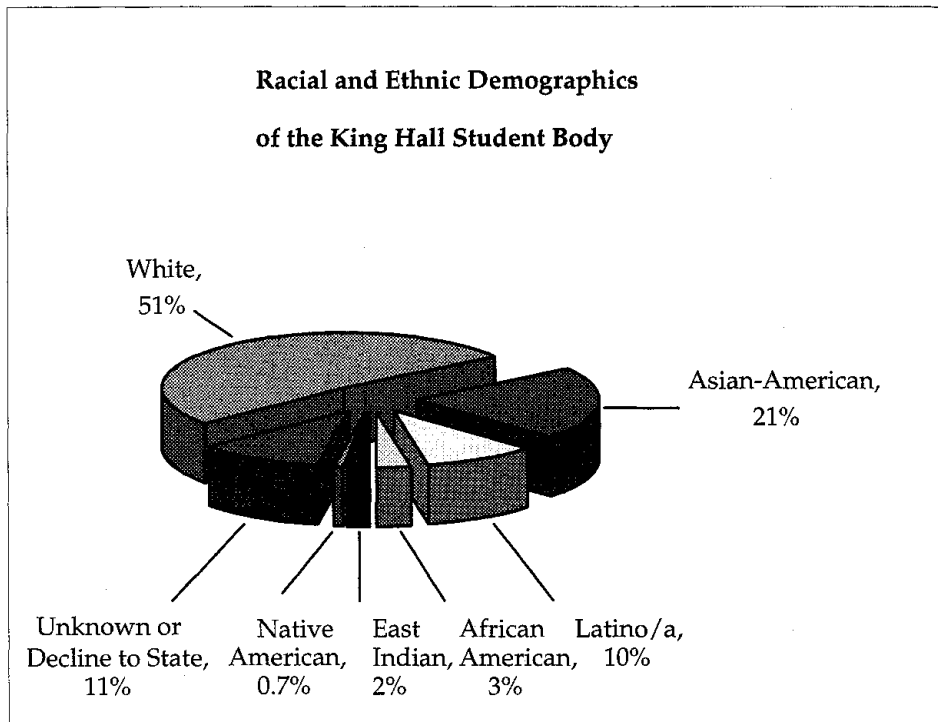
<sup>103</sup> "Native American" students include those students who self-identified as "American Indian or Alaskan Native" in the student survey or as "American Indian/Alaska Native" in their application for admission.

<sup>104</sup> "Unknown/Decline to State" refers to students who responded to the survey's racial and ethnic self-identification question by selecting "Decline to state" or "Other," or to students who selected "Other" or "Decline to State" racial and ethnic identity in their applications for admission.

<sup>105</sup> See generally Angela Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 588 (1990) (criticizing racial essentialism, described as "the belief that there is a monolithic 'black experience' or 'Chicano experience'"); Deborah Jones Merritt, *Constructing Identity in Law and Social Science*, 11 J. CONTEMP. LEGAL ISSUES 731, 733 (2001) (criticizing treatment of race in "simple, dichotomous way").



by the extensive statistical analyses conducted.<sup>106</sup>



Over half of the female students at King Hall are white, 42% are students of color, and 8% are unknown/decline to state. Thus, 24% of the total student body is female and minority, while 29% of the total student body is female and white.<sup>107</sup> As percentages of the whole student body, minority female students and white female students are fairly equally represented.<sup>108</sup>

<sup>106</sup> See *infra* notes 137-48 and accompanying text (discussing statistics).

<sup>107</sup> Five percent of the total student body is female and of "Unknown/Decline to state" race/ethnicity.

<sup>108</sup> As with students of color, we do not intend to essentialize the experiences of women into "a monolithic 'women's experience,'" by reporting distinctions between the responses of the majority of men and the majority of women in our study. By referring to women collectively, we do not infer or imply that all women share the same experience, or that demographic factors in addition to gender are inoperative. See generally Harris, *supra* note 105; Merritt *supra* note 105.

Number of Female Minority Students	Percentage of Female Students that are Minorities	Percentage of King Hall Students that are Female and Minority
139	42%	24%
Number of Female White Students	Percentage of Female Students that are White	Percentage of King Hall Students that are Female and White
166	50%	29%

White men outnumber men of color in the student population to a much greater degree than white women outnumber women of color. Male students are 33% minority, 52% white,<sup>109</sup> and 15% "Unknown/Decline to state." Minority males are only 14% of the student body, while white males are 22% of the student body.<sup>110</sup> White males, thus, significantly outnumber men of color in the student population.

Number of Male Minority Students	Percentage of Male Students that are Minorities	Percentage of King Hall Students that are Male and Minority
78	33%	14%
Number of Male White Students	Percentage of Male Students that are White	Percentage of King Hall Students that are Male and White
124	52%	22%

### III. THE KING HALL LAW STUDENT SURVEY

#### A. Survey Design

We designed our survey to elicit information about students' races, ethnicities, genders, socioeconomic backgrounds, professional goals and motivations, and perceptions of the law school experience.<sup>111</sup> We

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<sup>109</sup> This is apparently characteristic of the student populations of most law schools. As Clydesdale observed from his study of students at 90 U.S. law schools, the "typical" first-year student is a "white male in his early twenties, who speaks English as his first language, attends law school full time, expresses high self confidence, possesses no physical or learning disabilities, is neither married nor has children, plans 0-9 weekly hours of paid employment during the first year, and comes from an above average socioeconomic background." Clydesdale, *supra* note 11, at 724-25.

<sup>110</sup> "Unknown/Decline to state" males are 6% of the student body.

<sup>111</sup> While the accuracy and reliability of self-reported data has been questioned, some studies indicate that it is highly reliable. See Marilyn Tucker et al., *Whatever Happened to the*

considered numerous law school studies and survey instruments before embarking on our own survey design. This enabled us to incorporate selected aspects of various surveys that were already tested on law student populations. It also gave us foresight into the kinds of results such questions would yield. Because most previous law school surveys have not asked about students' socioeconomic backgrounds,<sup>112</sup> the portion of our survey regarding this demographic feature was mostly original.<sup>113</sup>

Our goals naturally influenced our survey design. We wished to collect meaningful information and achieve a solid response rate. To these ends, the survey had to be thorough, but not overwhelming. It had to cull extensive personal information and feelings without probing so deeply that it would offend students. We wanted to focus on race, ethnicity, gender, and socioeconomic class without making the foci too obvious. We wanted the survey to welcome students from all ideological and demographic backgrounds and to provide an opportunity for respondents to express themselves in open, narrative form.<sup>114</sup>

The questionnaire was prefaced by an introductory cover sheet and divided into six sections: I. Background Information; II. Professional Goals and Values; III. Classroom Dynamics and Perceptions; IV. Student /Faculty Relations and Perceptions; V. Law School Experiences and Perceptions; and VI. Invitation for Narrative. The survey document consisted of seventy-five questions on single-sided pages. This format allowed comments to spill over onto the backs of pages, which we

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*Class of 1983?*, 78 GEO. L.J. 153, 156 (1989) (finding that self-reports on class rank had correlation of .91 with actual rank).

<sup>112</sup> A few studies of the legal profession, and fewer of legal education, have addressed issues of socioeconomic class. *See, e.g.*, RICHARD L. ABEL, *AMERICAN LAWYERS* 87-90, 110-11 (1989); JOHN P. HEINZ & EDWARD O. LAUMANN, *CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR* 186-93 (1982); FRANCES KAHN ZEMANS & VICTOR G. ROSENBLUM, *THE MAKING OF A PUBLIC PROFESSION* 33-42 (1981); John P. Heinz, *The Power of Lawyers*, 17 GA. L. REV. 891, 908-11 (1983); Homer & Schwartz, *supra* note 12, at 49-50 (describing responses to survey questions about occupations and educational levels of student respondents' parents).

<sup>113</sup> Ten survey questions directly addressed indicators of socioeconomic class. To summarize, these questions asked students to disclose their estimated annual household income growing up, estimated economic class while growing up, household dependence on public assistance, educational level of mother/female guardian and father/male guardian, parents'/guardians' occupations, parental marital status, and number of children in the household. Questions 4-13, Appendix.

<sup>114</sup> Providing this opportunity for narrative is similar, for example, to the Guinier survey at the University of Pennsylvania. *See* Guinier et al., *supra* note 15, at 20; Homer & Schwartz, *supra* note 12, at 24.

encouraged.<sup>115</sup>

As a study on human subjects, the survey had to qualify for clearance from the University of California.<sup>116</sup> This required that it be completely anonymous and that it contain no personal questions about mental health or substance abuse.<sup>117</sup> The survey is reproduced as Appendix A.

### B. Student Participation and Survey Administration

Achieving student participation in the survey was critical to the success of our study. Previous studies at other law schools have received response rates ranging from 20% at the University of Florida<sup>118</sup> to 78% at the University of California, Berkeley (Boalt Hall).<sup>119</sup> As our goal was to have at least half of the enrolled students respond, we engaged in extensive publicity and outreach efforts.<sup>120</sup> Our advertising emphasized the importance of evaluating diversity in legal education, without intimating the central foci of our study. We made it clear that a fellow law student and law professor were conducting the study so that students would know the project was independent of the Law School administration.<sup>121</sup> To encourage honesty and frankness, we also stressed

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<sup>115</sup> Finally, before distribution, the survey was reviewed by Amy Shrek, a sociologist at U.C. Davis. Shrek helped to improve and streamline the survey, as well as to refine answer choices. She also suggested nuances to help the survey better “connect” with its audience.

<sup>116</sup> U.C. Davis Office of Research, Human Research Protection, available at <http://ovcr.ucdavis.edu/HumanSubjects/Default.cfm> (last visited Feb. 4, 2005).

<sup>117</sup> As part of the application process, the authors of this study became certified National Institute of Health “Investigators.” See Nat’l Institute of Allergy & Infectious Diseases, Training in the Protection of Human Subjects, available at <http://www.niaid.nih.gov/ncn/sop/hstraining.htm> (last visited Feb. 4, 2005).

<sup>118</sup> Dowd et al., *supra* note 12, at 24.

<sup>119</sup> Homer & Schwartz, *supra* note 12, at 25.

<sup>120</sup> A week prior to surveying, we posted fliers ubiquitously around the Law School and sent an email to the entire student body. We e-mailed all professors, asking them to mention the study in their classes. Finally, we publicized the study in King Hall’s student newspaper, *The Advocate*. During the two weeks in which the survey was distributed and collected, large, brightly colored posters were displayed on all posting locations in the Law School. We sent a second e-mail to the entire student body, and we wrote a letter to student group leaders requesting them to encourage their members to participate. Many professors announced the survey in their classes. During the last week of survey collection, we appealed to law students’ competitiveness and school pride by comparing the U.C. Davis response rate with those of other schools. The U.C. Davis response rate was updated each day to show progress. This strategy seemed to keep surveys coming in consistently through the final day.

<sup>121</sup> While we neither publicized nor hid the fact that the study was being conducted by two white women, with King Hall’s relatively small student body and our extensive advertising of the survey, we assume our genders and ethnic/racial identities were widely known.

that all responses would be anonymous, as respondents never disclosed their identities.

A copy of the student survey was distributed to the Law School mail folder of each enrolled student on Monday, February 9, 2004. Students had two weeks to complete and return the surveys.<sup>122</sup> Three hundred and fourteen students completed surveys, thus achieving a strong 55% response rate.<sup>123</sup>

### *C. Survey Response Rates and Respondent Demographics*

While 55% of the total student body responded to the student survey, response rates differed among demographic groups. Response rates by gender, race, ethnicity, and class year are summarized below.<sup>124</sup>

#### 1. Gender

Female students responded at higher rates than male students, with 61% of female students responding, compared to only 46% of male students. Sixty-four percent of all survey respondents were female, while 35% were male.<sup>125</sup>

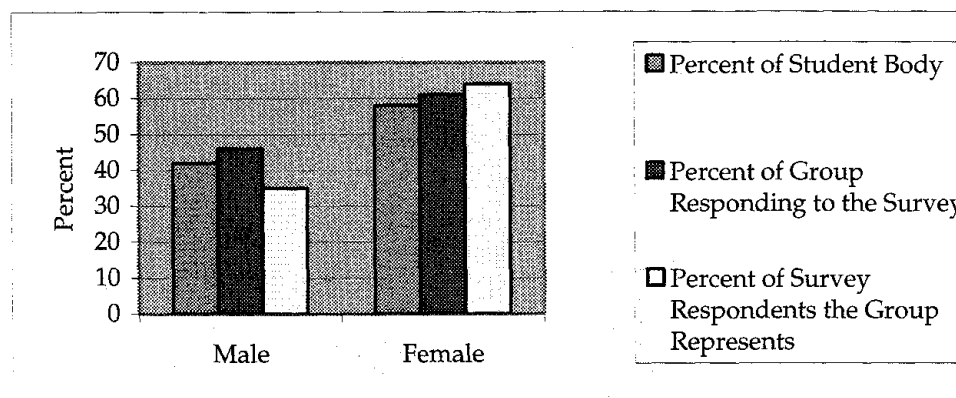
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<sup>122</sup> All surveys were light blue and looked exactly alike. The surveys were collected in a secure, clearly labeled box located above the student mail folders. The collection box was emptied every few days.

<sup>123</sup> For purposes of quality control and familiarity with the data, the researchers entered all survey data. No survey was discarded for any respondent's apparently ulterior motives. The analytical methodology used will be further detailed in Part IV, where the survey results are presented.

<sup>124</sup> Because no demographic information on the socioeconomic backgrounds of King Hall students existed before the survey, we were unable to assess the proportional response rates of students of different socioeconomic backgrounds. Therefore, response rates by socioeconomic backgrounds are unknown.

<sup>125</sup> Male and female respondents account for only 99% of the respondents because 1% of the respondents did not disclose their genders.



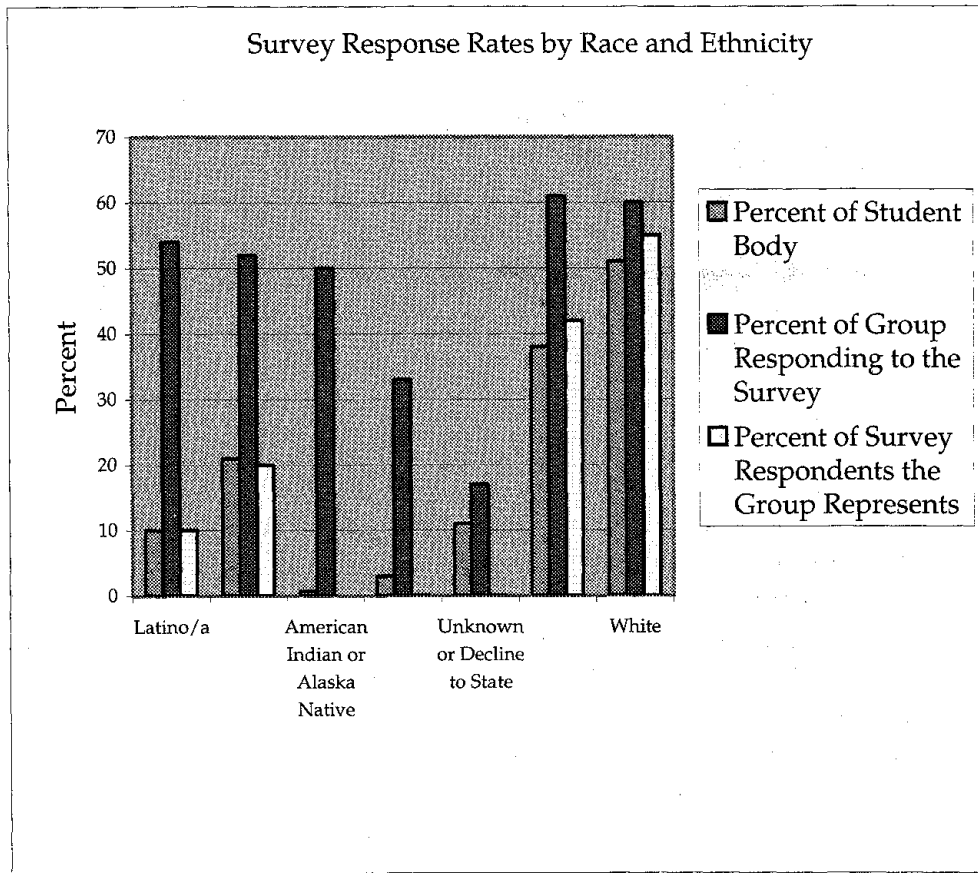
## 2. Race and Ethnicity

White students and minority students, as groups, responded at nearly equal rates. While 55% of all survey respondents identified themselves as white and only 42% of respondents identified themselves as ethnic or racial minorities, 61% of all students of color and 60% of all white students responded.<sup>126</sup>

While minorities as a whole responded at a slightly higher rate than white students, students of specific ethnicities responded at slightly varying rates. Fifty-four percent of all Latino/a students responded, while the response rate for Asian-American students was 52%, 50% for American Indian and/or Alaska Native students, and 33% for African-American students.<sup>127</sup>

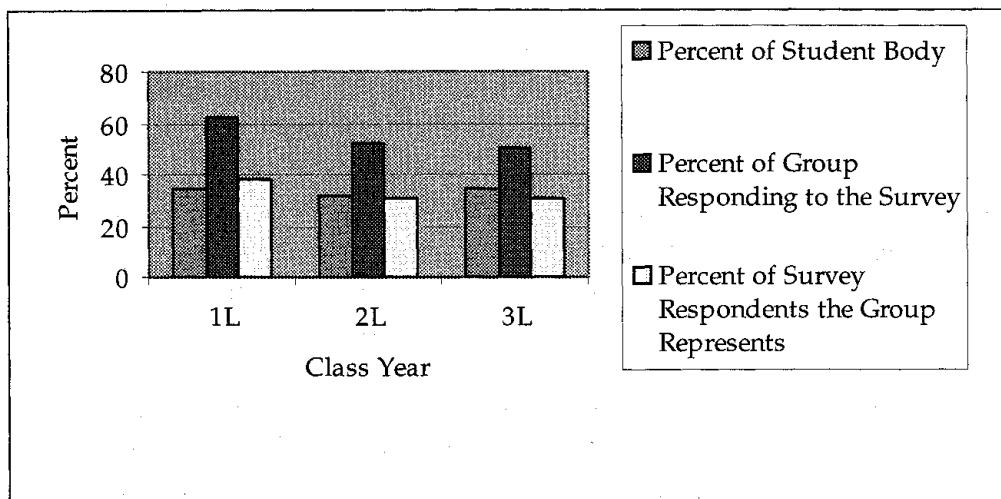
<sup>126</sup> Eleven percent of all survey respondents were not included in the analysis of response rates by race or ethnicity because they either identified themselves as "Other" ethnicity, did not answer the ethnic background question, or selected the survey response "Decline to state."

<sup>127</sup> We recognize literature which suggests a distrust of white researchers may result in decreased participation by people of color, particularly "many people in the Black community," who might "not trust White people and their institutions." JOHN OGBU, *BLACK AMERICAN STUDENTS IN AN AFFLUENT SUBURB* 70 (2003). Here, 61% of all students of color and 60% of all white students responded to our survey, whereas only 33% of the African-American students participated. This lower participation level may also be caused by a feeling of compromised confidentiality in completing a survey due to the small number of African-American students at the law school.



### 3. Class Year

Participation rates were influenced by the length of time students had spent in law school. First-year students were most likely to participate in the survey, with 62% responding. They were followed by second-year students, with 52%, and third-year students, of whom half responded.



#### D. Existing King Hall Data

In addition to the data collected from student surveys, we acquired existing data kept by the Law School in order to provide context and comparison with the more subjective survey responses from students. We targeted the Registrar, Career Services, and Admissions Offices as likely repositories of relevant information.<sup>128</sup> Although not all of the information we sought was recorded or kept by these offices, they provided some raw information.<sup>129</sup>

<sup>128</sup> The Registrar provided gender and race/ethnicity populations for each class year, as well as class rank and attrition rates by gender and race/ethnicity for the classes of 2004, 2005, and 2006. The attrition information identified ethnicities only as "White" or "minority." Career Services supplied a summary of graduate employment status by gender and race/ethnicity for the classes of 1999-2002 (again, only divided into "White" and "minority") and a list of students who obtained judicial clerkships, organized by class year and clerkship type. The Admissions office provided data on the genders and ethnicities of applicants and acceptances.

<sup>129</sup> Information sought, but not obtained, included the following: (1) The Registrar retained no information on classes prior to 2004, nor could she provide data on elective enrollment by gender, with which we sought to examine disparate interest areas or professor clustering; and (2) Career Services was unable to supply students' responses to a questionnaire administered to first-year students each year regarding career interests, and could not provide information on the professional success of students while still in school (i.e., success at getting job interviews and coveted summer positions). Career Services also declined to provide information on the number and demographic features of students who participate in on-campus interviewing. The Admissions office advised us that it follows no formal procedure for consideration of the socioeconomic backgrounds of applicants in admissions decisions, and that it keeps no economic data on applicants and acceptances.



## IV. STATISTICAL ANALYSIS AND METHODOLOGIES

One challenge inherent in a project like ours is translating complex statistical principles into language and concepts comprehensible to an audience that lacks statistical training. In essence, we aimed to discover whether differences in students' law school experiences were related to differences in students' demographic profiles. In more technical terms, we set out to test the null hypothesis that differences in students' law school experiences bore no relationship to differences in students' demographic backgrounds.<sup>130</sup> Specific demographic variables tested included students' genders, races, ethnicities, socioeconomic backgrounds, parents' marital status, and class year in law school.<sup>131</sup> As detailed below, extensive statistical analysis confirmed that at U.C. Davis, as at other law schools, law school experiences are significantly related to students' races, ethnicities, and genders.<sup>132</sup> We also found that students' perceptions and experiences often evolved over the course of their legal careers, with class year emerging as a significant predictor.

As noted earlier, we also sought from the outset to explore the relationship between socioeconomic background and the legal education experience. However, the statistical "big picture" indicated that the predominant demographic factors affecting our survey responses were race, ethnicity, gender, and class year. Thus, while we found some nuanced relationships between socioeconomic predictors and survey responses, we chose to focus this Article on the strongest predictors that emerged from the data: race, ethnicity, gender, and class year.<sup>133</sup> In so doing, we do not disclaim any effect of students' socioeconomic

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<sup>130</sup> The null hypothesis "states that there is no difference" and is "always and only" the hypothesis tested in tests of hypotheses in social research. JAMES GRIMM & PAUL WOZNIAK, BASIC SOCIAL STATISTICS AND QUANTITATIVE RESEARCH METHODS: A COMPUTER-ASSISTED INTRODUCTION 302 (1990).

<sup>131</sup> These demographic categories are referred to collectively throughout this Article interchangeably as "indicators," "predictors," "factors," and "variables."

<sup>132</sup> While we recognize that social science is inherently imperfect as it "require[s] the researcher to reduce complex individuals to simple categories," still "every analysis takes us a step forward by showing something new about the world. Every analysis is true in some sense." Merritt, *supra* note 105, at 731, 744.

<sup>133</sup> These variables proved to be the strongest predictors in our study, because they consistently impacted survey responses to important survey questions. In other words, the responses to numerous questions were significantly related to the race and ethnicity, gender, or class year of the respondent. Of the 28 survey questions determined by statistical analyses to be significantly related to a demographic predictor, all but one was significantly related to race, ethnicity, gender, and/or class year. The only exception was question 63, which asked students to rate their level of agreement with the statement, "My own economic class background has affected my education." Here, the only statistically significant predictor was students' self-reported family income while growing up ( $p = .01$ ).

backgrounds on entry into law school or experiences therein. Rather, we found that the gathering and analysis of socioeconomic information is more complicated than that of gender and ethnicity, due in part to the lack of administrative information kept,<sup>134</sup> the potential for inaccuracy in self-reported information,<sup>135</sup> and the lack of a clear definition of socioeconomic background itself.<sup>136</sup> Thus, such socioeconomic inquiry deserves, and lends itself to, a separate and analytically differentiated discussion that is beyond the scope of this Article.

#### A. Statistical Significance

Statistical significance refers to the probability that an observed relationship or difference occurred by mere chance.<sup>137</sup> Statistical significance of demographic predictors is gauged by the "p-value" in the data output.<sup>138</sup> A p-value of .05 or below is customarily treated as statistically significant, which means there is only a 5% probability or less that the relationship between a predictor and a response would be found by mere chance.<sup>139</sup> Further, the lower the p-value, the stronger the indication that the relationships found would not occur randomly by chance, and, thus, that a statistically significant relationship exists between the two variables.<sup>140</sup> For example, a p-value of .05 means that an observed relationship would occur only about 5 times in 100 by chance alone, whereas a p-value of .001 means that such relationship would occur, by chance alone, only about 1 time in 1000.<sup>141</sup> For all of the analyses discussed herein, statistical significance is claimed whenever the p-value is less than .05 ( $p < .05$ ).<sup>142</sup>

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<sup>134</sup> See *supra* note 129.

<sup>135</sup> See, e.g., OFFICE OF THE ASSISTANT SEC'Y OF DEF., POPULATION REPRESENTATION IN THE MILITARY SERVICES (Force Management Policy Nov. 2000), available at <http://www.dod.mil/prhome/poprep99/index.html> (last visited Feb. 4, 2005) (finding that "while income is a widely used measure of socioeconomic status, research provides evidence that [people] are not accurate at estimating their parents' income").

<sup>136</sup> See *supra* note 10.

<sup>137</sup> SANDRA SCHLOTZHAUER & RAMON LITTELL, SAS SYSTEM FOR ELEMENTARY STATISTICAL ANALYSIS 152 (2d ed. 1997).

<sup>138</sup> *Id.*

<sup>139</sup> See, e.g., *id.* at 153; GRIMM & WOZNIAK, *supra* note 130, at 303.

<sup>140</sup> SCHLOTZHAUER & LITTELL, *supra* note 137, at 152-53.

<sup>141</sup> See generally *id.* at 153.

<sup>142</sup> Conversely, no "detectable" or "statistically significant" difference is herein claimed where the p-value is greater than .05 ( $p > .05$ ).

### B. Statistical Analyses Conducted

Due to the complexity and technicality of the statistical analyses conducted on our survey data, this section offers an abbreviated guide to the specific tests utilized, with a brief explanation of the purpose of each analysis.<sup>143</sup> As a first step in our data analysis, a Principal Component Analysis ("PCA") was conducted on survey questions 21 to 73.<sup>144</sup> The PCA reduced the large set of data into a smaller and more meaningful set by finding the areas of greatest variability in the survey responses.<sup>145</sup>

Next, the data was tested by a series of Analysis of Variance ("ANOVA") models to measure the statistical significance or insignificance of each demographic predictor (gender, race, ethnicity, socioeconomic backgrounds, parents' marital status, and class year in law school), and interactions between predictors, on the survey responses.<sup>146</sup> ANOVA helped focus our subsequent analysis in two important ways. First, where ANOVA revealed that certain demographic predictors, and interactions between predictors, did not significantly impact responses, attention was focused in subsequent analyses on the demographics that did impact responses.<sup>147</sup> As discussed

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<sup>143</sup> All statistical analyses were conducted by statistician Neil Willits using SAS software. SAS software is a powerful computational aid produced by the SAS Institute Inc., in Cary, North Carolina.

<sup>144</sup> Only questions with "ordinal" responses were included in this analysis. An ordinal response exists where the answer choices are orderable in terms of quantity, magnitude, or some other criteria. GRIMM & WOZNIAK, *supra* note 130, at 16. Additionally, questions 45-47 were excluded from the PCA because these questions follow up with students who responded affirmatively to question 44, indicating that they have a mentor. Because only students who have a mentor answered 45-47, the partial data was not included in the PCA.

<sup>145</sup> RICHARD JOHNSON & DEAN WICHERN, *APPLIED MULTIVARIATE STATISTICAL ANALYSIS* 426 (5th ed. 2002).

<sup>146</sup> "In a statistical test to compare several groups . . . [a]n ANOVA involves deciding if the variation due to differences between groups is larger than would be expected by chance." SCHLOTZHAUER & LITTELL, *supra* note 137, at 238-39. Here, ANOVA was conducted on the response groupings identified by the PCA and on responses to individual questions.

<sup>147</sup> The first ANOVA test of our survey included the five predictors mentioned above and all two-way interactions among these predictors (such as race *and* gender). There were no significant interactions between the predictors that seemed to have a detectable impact, with the possible exception of the interactions involving socioeconomic class. Thus, the insignificant interactions, which included all interactions except those involving socioeconomic class, were eliminated from further ANOVA examination.

We recognize criticisms of social science analyses that fail to determine if an effect is attributable to a single variable, such as gender or race, or to an interaction of more than one variable. Merritt, *supra* note 105, at 731, 744 ("empirical analyses that do not account for interactions clearly distort our understanding"). However, we felt comfortable focusing our analysis on the individual variables which were significant because our statistical analysis investigated, but did not reveal, compelling synergies among variables.

in further detail below, ANOVA revealed that the survey responses were significantly related to respondents' genders, races, ethnicities, and class years. Second, where ANOVA found that certain demographic predictors did impact responses, we were able to evaluate the individual responses to specific questions with confidence that the responses were genuinely influenced by the respondent's race, ethnicity, gender, or class year.<sup>148</sup>

## V. RESULTS AND DISCUSSION

### A. *The "Mean" Student Voice and Other Voices*

Despite the U.C. Davis School of Law's reputation for taking a kinder, gentler approach to educating tomorrow's attorneys, many women and minority students are still experiencing systemic challenges and stresses not shared equally by all law students. This study reveals that law student experiences, even at a school like Davis, are demographically differentiated. That is, women and minorities are struggling more and experiencing more negative reactions to legal education.

Looking at the survey data as a whole, by responses calculated into averages or means, several distinct pictures of the U.C. Davis Law School are revealed. The "mean voice" offers a very different view than those portrayals offered by many women and students of color. The following sections outline these different views, beginning with the mean student survey responses, those which might be considered the typical King Hall student perspective.

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Next, to clarify whether response patterns were attributable to the solitary predictors or to interactions between the predictors and socioeconomic class, the second ANOVA test retained only the interactions with socioeconomic class, because those seemed to have the greatest impact in the first analysis. Even these interactions, however, did not sufficiently isolate some of the predictors.

Thus, the third analysis, referred to as a "main effects" ANOVA, tested only the solitary predictors (gender, ethnicity, economic class backgrounds, parental marital status, and class year) and excluded all of the interactions among predictors. In other words, because demographic interactions were marginally significant at best, our study focuses on solitary demographic predictors, and not on any marginal synergy between them.

<sup>148</sup> After ANOVA determined that statistically significant differences existed with respect to the demographic predictors of gender, ethnicity, and class year, a multiple comparison procedure was conducted to indicate what the differences were. We utilized a Tukey-Kramer adjustment to avoid a high probability of false positive indications of significance. See generally JOHN NETER ET AL., *APPLIED LINEAR STATISTICS MODELS* 580-84 (1990).

### 1. The "Mean" Student Voice

Interestingly, the "mean voice" tends to reflect the general rhetoric surrounding King Hall: students are, on average, satisfied with their law school experiences, have neutral feelings about the Socratic method and being called on in class, and feel positive about their professors. The hypothetical "average" student does not observe much, if any, gender, racial, or ethnic bias or inequality at the law school. She does not feel her education or access to role models in the law is limited by the degree of diversity or lack thereof among the faculty. The composite average student feels depressed "rarely to sometimes," anxious "sometimes to often," and is "usually" stressed.

### 2. Other Voices

Despite the overall relatively pleasant report of law school that is created by averaging student responses, clear and acute minority accounts of utterly distinct and less palatable law school experiences emerged from the survey responses. Further, these negative reactions to law school are linked to race, ethnicity, and gender. These negative experiences, which are not captured within the "Mean Voice" described above, are further detailed in the sections that follow.

#### *B. Formal Learning Structure: Classroom Dynamics and Academic Performance*

The heart of formal legal education takes place in the classroom, and letter grades are meant to reflect students' success in this academic arena. This section conveys students' perceptions of classroom dynamics and the demographics of academic performance at King Hall.

### 1. Classroom Dynamics

As at other law schools, U.C. Davis law professors primarily employ interactive teaching methods. The two methods most commonly utilized at Davis are varying forms of the notorious Socratic method and requests for voluntary student participation. While many students may be uncomfortable with these types of public speaking and classroom interactions, our survey shows that these teaching methods create the greatest anxiety among women and minority students.

## a. Socratic Method

## (1) Gender

Use of the Socratic method at King Hall caused greater discomfort to females than to male students.<sup>149</sup> Students were asked two related questions. One asked, "How do you feel about the Socratic method?"<sup>150</sup> The other asked, "Overall, how would you characterize the experience of being called on in class?"<sup>151</sup> Women reported feeling more negative about the Socratic teaching method than did men.<sup>152</sup> Women also characterized the actual classroom experience of being called on by a professor more negatively than did male students.<sup>153</sup> In the narrative portion of the survey, female students criticized the Socratic method for being a weak teaching tool and for causing undue and distracting stress. One woman, for example, wrote: "I feel when a professor only cold calls, I'm more focused on my nerves than the subject matter. When I can control my environment more . . . I keep my dignity."<sup>154</sup>

Further, many women's discomfort with the Socratic method was accompanied by a perception of its gendered effects. A number of female respondents opined that men do better with the Socratic method, which they believed is "geared toward the male population/male method of learning."<sup>155</sup> Female respondents consistently described the

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<sup>149</sup>  $p = .0137$ . The relationship between race/ethnicity and feelings toward the Socratic method is not discussed in detail because race/ethnicity was not a statistically significant predictor of students' feelings towards the Socratic method ( $p > .05$ ).

Other studies have also shown that women respond more negatively to the Socratic method. See, e.g., Guinier et al., *supra* note 15, at 46-47; cf. Audrey James Schwartz, *Law, Lawyers and Law School: Perspectives from the First-Year Class*, 30 J. LEGAL EDUC. 437, 448-51 (1980) (stating that in 1974-75 study at two national law schools, women responded to Socratic method more positively than men).

<sup>150</sup> Question 23, Appendix.

<sup>151</sup> Question 24, Appendix.

<sup>152</sup>  $p = .0137$ . Question 23 asked students, "How do you feel about the Socratic method?" Response options ranged from 1, "very negative," to 5, "very positive." While female students' average response was 2.53, male students' average was 2.88.

<sup>153</sup>  $p = .0419$ . Question 24 asked students how they would "characterize the experience of being called on in class." On the same scale of 1 to 5 as the previous question, the average response for female students was 3.16, for male students 3.41.

<sup>154</sup> Respondent 58; 1L; female; Middle Eastern American. In a somewhat similar vein, another female student wrote, "No Socratic method! It doesn't work. It only scares students." Respondent 83; 1L; female; Asian-American.

<sup>155</sup> Respondent 242; 3L; female; White. One student wrote: "I think men do better in the Socratic method type classes. That's a huge generalization and some of the men did quite badly. But all of the people who stand out in my mind as excelling at that style are male." Respondent 101; 3L; female; White. Another said, "The only difference I see is that

Socratic method using language of intimidation and bias. One, for example, said that first-year Socratic method instruction “stomps down female confidence (at least my own) from day one of law school. It took a while to gain it back.”<sup>156</sup> Another wrote, “We are supposed to be competent and confident lawyers and the current Socratic method only serves to divide the talkers and the non-talkers.”<sup>157</sup>

## (2) Class Year

Interestingly, negative reactions to the Socratic method tend to increase with the duration of a student’s legal education.<sup>158</sup> First-year students had the least negative feelings about the Socratic method and about the actual experience of being called on, followed by second-year and then third-year students, the latter feeling the most negative.<sup>159</sup> Perhaps because first-years enter law school expecting the Socratic method, they are more likely to accept it uncritically as the best way — or at least as an appropriate way — to learn. Two-Ls and three-Ls experience other teaching methods (e.g., lecture, small group discussion in seminars), and thus may develop a preference for them. As the novelty of the Socratic method wears off, second-years and third-years may become more cognizant and critical of its pedagogical weaknesses.<sup>160</sup>

### b. Voluntary Participation

Many law professors encourage or request voluntary student participation as an alternative or supplement to the Socratic method,

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men feel more comfortable with Socratic. . . . Women appear slightly more intimidated.” Respondent 212; 1L; female; White.

<sup>156</sup> Respondent 242; 3L; female; White.

<sup>157</sup> Respondent 111; 1L; female; White.

<sup>158</sup>  $p = .0026$ .

<sup>159</sup> Two questions inquired specifically about students’ feelings towards the Socratic method. Question 23 asked, “How do you feel about the Socratic method?” Response options ranged from 1, “very negative,” to 5, “very positive.” While first-year students’ average response was a neutral 3.02, second-years’ average was 2.56, and third-years’ average was 2.53. Question 24 asked students how they would “characterize the experience of being called on in class.” On the same scale of 1 to 5, the average response for first-year students was 3.61, for second-year students 3.33, and for third-year students 2.92.

<sup>160</sup> For example, one third-year female commented, “Socratic method is not helpful or only minimally helpful in understanding legal concepts/ways of thinking.” Respondent 102; 3L; female; Asian-American. A second-year female stated, “Socratic method & cold calls is the most inefficient way to teach and learn.” Respondent 253; 2L; female; Asian-American.

leaving students free to choose whether to speak. Based on survey data, both perceived participation rates and satisfaction with one's classroom participation vary according to a student's race, ethnicity and/or gender.<sup>161</sup>

### (1) Participation Rates

A number of empirical studies have found that women participate in the law school classroom less frequently than men.<sup>162</sup> While our study did not measure the relative participation rates of men and women by researcher observation, it did explore students' perceptions of their own participation levels, as well as their perceptions of who participates more in class.

#### (i) Race and Ethnicity

Race and ethnicity were significant predictors of a student's perception of the frequency of his or her voluntary classroom participation.<sup>163</sup> Of the races/ethnicities responding to the survey,<sup>164</sup> white students reported volunteering or asking questions in class more often than did any other race/ethnicity. On a scale of 1 to 5, wherein 1 represented "never" and 5 represented "always," Asian-Americans reported the lowest level of participation, with an average response of 1.76, followed by African-Americans at 2.07, and then Latino/as at 2.6.

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<sup>161</sup> Banks' study of five different law schools featured similar findings. She found that while 17.6% of women reported never volunteering, only 9.6% of men did so. Nevertheless, 44.3% of men and 32.1% of women reported volunteering on a weekly basis. Banks, *supra* note 12, at 141.

<sup>162</sup> See, e.g., *id.* at 141-42; Robert Granfield, *Contextualizing the Different Voice: Women, Occupational Goals, and Legal Education*, 16 LAW & POL'Y 1, 6-12 (1994); Homer & Schwartz, *supra* note 12, at 37-38; Taber et al., *supra* note 12, at 1239; Weiss & Melling, *supra* note 12, at 1335.

<sup>163</sup>  $p = .0001$ .

<sup>164</sup> For purposes of this study, reference to "races/ethnicities responding to the survey" means ethnicities comprising at least 1% of the student body, according to Law School Registrar records, that were also reported in the survey. African-Americans, Asian-Americans, and Hispanics each comprise over 1% of the student body and were reported in the survey. Native Americans and Hawaiians both comprise under 1% of the student body. While East Indians comprised 2.45% of the student body according to the Registrar's records, the group was not reported in the survey because East Indian was not an identified survey response option. Thus, the race or ethnicity with which these students identified themselves is unknown.



(ii) Gender

While the study did not find statistically significant differences by gender in the self-reported rates of classroom participation,<sup>165</sup> a significant gender difference in students' *perceptions* of whether men or women participated did emerge.<sup>166</sup> Interestingly, women were more likely to perceive that men participated more frequently in class while, on average, men were more likely than women to believe that women participated slightly more.<sup>167</sup> Because female students comprised 58% of the student body,<sup>168</sup> however, the number of female participants, rather than the actual frequency of their participation in proportion to their relative presence in the student population, may have influenced students' perceptions.

(2) Satisfaction with Participation

In addition to students' perceived participation rates, the study measured students' satisfaction with their own classroom participation.<sup>169</sup> The survey asked, "How satisfied are you with your classroom participation?" Race/ethnicity and gender were both significant predictors of students' responses to this inquiry.<sup>170</sup>

(i) Race and Ethnicity

Students of color reported lower satisfaction levels with their own classroom participation than did white students. Of the races/ethnicities comprising at least 1% of the student body,<sup>171</sup> white students reported the highest levels of satisfaction with their own classroom participation. Latino/as experienced the next greatest level of satisfaction, followed by Asian-Americans and African-Americans.<sup>172</sup>

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<sup>165</sup>  $p > .05$ .

<sup>166</sup>  $p = .0001$ .

<sup>167</sup> On a scale of 1 to 5, with 1 being "men participate significantly more" and 5 being "women participate significantly more," the mean response for women was 2.73 and the mean response for men was 3.14.

<sup>168</sup> ETHNICITY SUMMARY, *supra* note 5.

<sup>169</sup> Like Homer and Schwartz, who conducted the study at Berkeley Law School, we considered it important to measure not only how women did in law school, but also how they perceived their own performance. Homer & Schwartz, *supra* note 12, at 15.

<sup>170</sup> Gender:  $p = .0104$ ; Race/Ethnicity:  $p = .0214$ .

<sup>171</sup> See *supra* notes 98-103.

<sup>172</sup> On a scale of 1 to 5, wherein 1 represented "very dissatisfied," 3 represented "neutral," and 5 represented "very satisfied," average responses among various ethnicities follows: Latino/as 3.15; Asian-Americans 2.91; African Americans 2.51.

## (ii) Gender

The survey results revealed that men were more satisfied with their classroom participation than women. Although the survey did not find a statistically significant difference between men's and women's self-reported rates of voluntary participation,<sup>173</sup> the lower satisfaction of women may be linked to a difference in the quality or character of the participation as perceived by men and women. Nineteen percent of female respondents and 13% of male respondents noticed a difference in the way professors address men's versus women's comments or questions. Further, the longer a student is in law school, the more likely she is to perceive that gender affects classroom dynamics.<sup>174</sup> Eighteen percent of first-year students, 29% of second-year students, and 34% of third-year students believed that classroom interactions between students and professors were affected by the gender of the student.<sup>175</sup>

Perhaps based on beliefs about how women are perceived when they do participate, women tend to view their participation as less satisfactory than men find their own. Several women commented that female classroom participants appeared "less confident,"<sup>176</sup> "more nervous,"<sup>177</sup> "more reverent, passive,"<sup>178</sup> and "more deferential and humble."<sup>179</sup> Due to these common perceptions, women may associate their own participation with these qualities, which are not valued within legal education.<sup>180</sup>

Women's satisfaction with their own participation may also be influenced by beliefs that women are less academically successful than men.<sup>181</sup> When students were asked whether they believed that male and

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<sup>173</sup>  $p > .05$ .

<sup>174</sup>  $p = .0396$ .

<sup>175</sup> The survey did not ask students whether they believed classroom interactions between students and professors were affected by the ethnicity of the student.

<sup>176</sup> Respondent 43; 3L; did not identify gender; White.

<sup>177</sup> Respondent 17; 1L; female; White.

<sup>178</sup> Respondent 9; 3L; female; White.

<sup>179</sup> Respondent 115; 1L; female; White.

<sup>180</sup> See, e.g., Bashi & Iskander, *supra* note 12, at 44 (reporting, inter alia, that faculty members "appear to be more responsive to a certain way of speaking in the classroom that is more often found among men than among women, even though such participation does not necessarily reflect the oral skills most useful to lawyers"); Carrie Menkel-Meadow, *Portia in a Different Voice: Speculations on a Women's Lawyering Process*, 1 BERKELEY WOMEN'S L.J. 37, 40 (1985).

<sup>181</sup> Several studies of women and legal education have indicated that women are far less confident than male law students. See, e.g., Homer & Schwartz, *supra* note 12, at 50-53 (men of color felt more competent than white women at Boalt); Mertz et al., *supra* note 22, at 21.

female students experience equal academic success, of the students who believed success rates were unequal, more students thought men were more successful than women. Nineteen percent of students believed men enjoyed greater academic success while only 5% of students thought women were more successful.

Survey narratives revealed frequent reports of professors dismissing or otherwise responding negatively to female classroom participants, another phenomenon which may lower women's satisfaction with their participation. Both male and female respondents repeatedly described professors' differential treatment of women, characterizing it in a range of negative ways, from "less critical"<sup>182</sup> and "more gentle"<sup>183</sup> to outright "patronizing and dismissive."<sup>184</sup>

Female students thematically commented that professors show unequal respect toward male and female students by "dismissing or ignoring comments by women";<sup>185</sup> "taking men more seriously";<sup>186</sup> and generally being "more respectful of male students who volunteered."<sup>187</sup> Some believed an unequal investment in the education of male and female students occurs because professors take "more time to listen to men";<sup>188</sup> "try to make questions easier for women";<sup>189</sup> and engage in "more respectful debates with other men."<sup>190</sup>

One male student observed that professors are "[l]ess demanding/less harsh towards women. If [women] are deficient, sometimes they are not corrected."<sup>191</sup> Two other male students noted that the manner in which some professors "have ignored or gone easy on . . . female students,"<sup>192</sup> ultimately "seems condescending."<sup>193</sup> In the same vein, a fourth male opined that professors are "nicer to women," because the professors "assume [women] can't respond to intense questioning."<sup>194</sup>

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<sup>182</sup> Respondent 140; 1L; male; White.

<sup>183</sup> Respondent 34; 1L; male; White.

<sup>184</sup> Respondent 146; 3L; female; White.

<sup>185</sup> Respondent 73; 2L; female; Asian-American.

<sup>186</sup> Respondent 52; 3L; female; White.

<sup>187</sup> Respondent 118; 3L; female; White.

<sup>188</sup> Respondent 127; 1L; female; Latina.

<sup>189</sup> Respondent 250; 2L; female; African-American/Latina.

<sup>190</sup> Respondent 203; 2L; female; White.

<sup>191</sup> Respondent 5; 1L; male; White.

<sup>192</sup> Respondent 56; 2L; male; Decline to state.

<sup>193</sup> Respondent 237; 2L; male; White.

<sup>194</sup> Respondent 273; 3L; male; White.

c. Impact of Professor's Gender on Classroom Dynamics

More students believed that the gender of the professor affected classroom interactions than believed classroom interactions were affected by the gender of the student.<sup>195</sup> The question whether the gender of the professor affected classroom dynamics drew significantly different responses between men and women, and among the class years.<sup>196</sup> Forty-nine percent of men and 76% of women believed that the nature or content of classroom interactions between professors and students were affected by the professor's gender. Additionally, over time at law school, more students noticed that the gender of the professor affected classroom interactions. While 52% of first-year students believed the professor's gender affected classroom dynamics, by the second year, 63% of students shared this belief. By the third year in law school, that figure rose to 72%.

Several students explained how and why they believed a professor's gender affected classroom interactions. Specifically, students perceived differences in the ways male and female professors conduct their classes. Many female students reported that female professors "tend to have more female volunteers,"<sup>197</sup> "are more interactive,"<sup>198</sup> "encourage dialogue in class,"<sup>199</sup> and "won't cut off someone on the wrong track as male professors will."<sup>200</sup> Some believed that male professors "are more intimidating and have fewer volunteers,"<sup>201</sup> and are more "answer focused."<sup>202</sup> Others commented that male professors generally have trouble interacting with female students, by reporting, "some male professors seem uncomfortable addressing women,"<sup>203</sup> "don't deal well" with shy people or women,<sup>204</sup> or are "wary in interactions with female students."<sup>205</sup>

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<sup>195</sup> The survey did not include an analogous question concerning the impact of a professor's race or ethnicity on classroom dynamics.

<sup>196</sup> Gender:  $p < .001$ ; Class year:  $p = .0103$ . Race/Ethnicity was not a statistically significant predictor of students' perceptions of the impact of a professor's gender on classroom dynamics.

<sup>197</sup> Respondent 17; 1L; female; White.

<sup>198</sup> Respondent 180; 1L; female; White.

<sup>199</sup> Respondent 59; 3L; female; White.

<sup>200</sup> Respondent 285; 1L; female; White.

<sup>201</sup> Respondent 17; 1L; female; White.

<sup>202</sup> Respondent 35; 3L; female; White.

<sup>203</sup> Respondent 146; 3L; female; White.

<sup>204</sup> Respondent 179; 1L; male; Latino.

<sup>205</sup> Respondent 105; 3L; male; White.

Respondents also commented on students' different treatment of male and female professors. Many students noted that female professors "are challenged more often" by students and must "prove their competence," whereas male professors are presumed competent.<sup>206</sup> Some believed that "students are generally more casual with female professors."<sup>207</sup> Finally, several male and female students opined that women feel more comfortable interacting with female professors,<sup>208</sup> and that, in general, "people are more comfortable with professors of the same sex and/or same ethnicity."<sup>209</sup>

## 2. Academic Performance

Law students feel enormous pressure to excel academically. Because a coveted place in the top of the class is generally attended by exclusive benefits and opportunities and is considered a springboard for future professional success, most students place great importance on their academic performance. Law students of various races and ethnicities are not, however, enjoying equal academic success at U.C. Davis. Likewise, a student's satisfaction with his or her own academic performance in law school is significantly predicted by race or ethnicity.<sup>210</sup>

### a. Disparate Academic Success

Entry into law school is a competitive process. Therefore, all students at prestigious law schools like U.C. Davis are typically high academic achievers. At the same time, grading on a curve means that not everyone can be a high academic achiever in law school.<sup>211</sup>

The law school registrar provided information on the races, ethnicities, genders, and class rankings of all students in the classes of 2004, 2005 and 2006. Our analysis of academic success by various demographic markers suggests that law school grades and class rank are disproportionately distributed among students of certain races, ethnicities, and genders. Students of color are generally underrepresented, in proportion to their numbers in the entire student body, in the top class ranks.<sup>212</sup> At the same time, they are over-

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<sup>206</sup> Respondent 9; 3L; female; White.

<sup>207</sup> Respondent 58; 1L; female; Middle Eastern American.

<sup>208</sup> Respondent 139; 2L; male; White; Respondent 52; 3L; female; White.

<sup>209</sup> Respondent 116; 2L; female; Asian-American.

<sup>210</sup> Race/Ethnicity:  $p < .0001$ .

<sup>211</sup> See *supra* notes 90-93 and accompanying text (discussing mandatory curve).

<sup>212</sup> We reject any inference of unequal abilities based on the trends we found in law

represented in the bottom class ranks, a pattern that is magnified within certain ethnic groups. In contrast, white students are over-represented, in proportion to their presence in the student body population, in the top class ranks and underrepresented in the bottom class ranks. While women are also proportionately underrepresented in the top of the class, their underrepresentation is not as dramatic as that of certain racial and ethnic groups.<sup>213</sup> These findings are further detailed in the following

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school grades. Social psychology studies show that academic performance can be artificially depressed by experiences tied to one's racial and ethnic identity. Claude M. Steele, Expert Report, *Reports Submitted on Behalf of the University of Michigan: The Compelling Need for Diversity in Higher Education*, 5 MICH. J. RACE & L. 439, 440 (1999). This phenomenon, coined "stereotype threat," occurs when "one recognizes that a negative stereotype about one's group is applicable to oneself . . . that one could be judged or treated in terms of that stereotype, or that one could inadvertently do something that would confirm it." *Id.* at 444. The distraction of stereotype threat is magnified in situations "where one cares very much about one's performance or related outcomes," such as test taking, participating in class, and seeking help from faculty. *Id.* at 445. In repeated tests, African-American and white students of equal academic abilities were told they would be tested on "ability" and given a difficult verbal test. *Id.* at 445. In these situations, the African-American students performed dramatically worse on the test. *Id.* However, when similarly qualified groups of students took the same test after being told they were taking a "problem-solving" task, African-American students' performances matched the performances of equally qualified whites. *Id.* Thus, when the test was perceived not as a test of ability, but as a "problem-solving" task, "the racial stereotype about their ability was irrelevant to their performance on this particular task" and performances were not artificially depressed. *Id.*

We also note that our findings are consistent with those recently published by Timothy Clydesdale, whose analysis of the grades and bar pass rates of students at 90 law schools showed that students of color consistently do less well in law school than white students. He writes: "[T]he negative impact of being a minority on first-year GPAs is not reducible to differences in entrance factors, first-year experiences, or prior academic scores. All minority law students . . . have consistently lower GPAs . . . than their white classmates . . . . Something intrinsic in the structure or process of legal education affects the grades of all minorities." Clydesdale, *supra* note 11, at 736-37.

<sup>213</sup> We chose not to conduct a detailed analysis of the entering credentials of the King Hall student body because the information available to us reveals only the average LSAT and GPA of accepted students and does not distinguish those who chose to attend King Hall from the larger group of those who were offered admission. U.C. DAVIS SCHOOL OF LAW OFFICE OF ADMISSIONS, ADMISSIONS DATA FOR THE CLASSES OF 2004, 2005, AND 2006 (Spring 2004) (on file with authors). Thus, we cannot confirm which entering credentials are those of the actual student body rather than credentials of all persons admitted. Further, widespread criticism of the use of the standardized LSAT, which accounts for 62.92% of the "admission index" used by U.C. Davis, indicates that LSAT scores are a poor indicator of an applicant's intellectual or academic capabilities. See also William C. Kidder, *Comment: Does the LSAT Mirror or Magnify Racial and Ethnic Differences in Educational Attainment? A Study of Equally Achieving "Elite" College Students*, 89 CAL. L. REV. 1055 (2001) (questioning neutrality of LSAT). See generally Steele, *supra* note 212 at 440 ("Standardized admissions tests such as the SAT, the ACT, and the LSAT are of limited value in evaluating 'merit' or determining admissions qualifications of all students, but particularly for African-American, Hispanic, and American Indian applicants for whom systematic

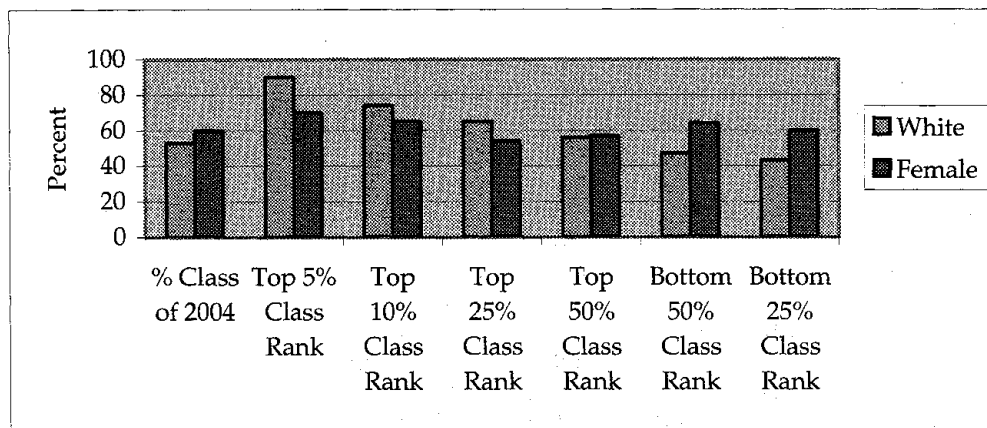
sections.

(1) Class of 2004

For the class of 2004, the percentage of white students declined within each descending quartile of the class rankings. While white students represented 53% of the class of 2004, they made up 90% of the top 5% of the class, 74% of the top 10% of the class, 65% of the top quarter of the class, 56% of the top half of the class, 52% of the top three-quarters of the class, and 43% of the bottom quarter of the class. Furthermore, 10% of the top 5% of the class, and 16% of the top 10% of the class were students who "declined to state" ethnicity in their admissions application. If these students are, in fact, white, the disproportionate academic success of white students is even more dramatic.

The disparity in grades for specific ethnic groups is even more troubling. Of the minority students in the top quarter of the class, all except one were Asian-American. Not one student in the top quarter of the class was Latino/a, African-American, or Native American. All African-American and Native American students were in the bottom half of the class.

Female students were also generally underrepresented in the upper ranks and over-represented in the lower ranks of the class of 2004, although to a lesser degree than were minorities. While the class of 2004 was 60% female, women comprised only 54% of the top quarter of the class, 57% of the top half of the class, and 64% of the bottom half of the class.



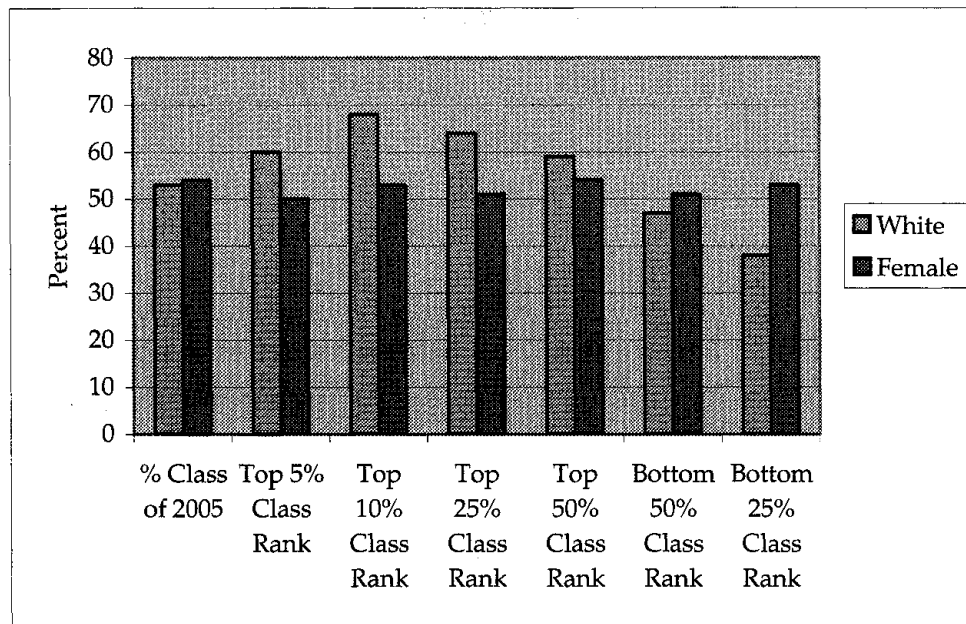
influences make these tests even less diagnostic of their scholastic potential . . . based on extensive evidence documenting the limited predictiveness of these tests").

## (2) Class of 2005

The class of 2005 also exhibited disparate academic success by race and ethnic group. White students represented 53% of the entire class, but again were over-represented at the top of the class and underrepresented at the bottom of the class. White students represented 68% of the top 10% of the class, 64% of the top quarter of the class, 59% of the top half of the class, and 47% of the bottom half of the class.

Again, grade disparities were most extreme for certain minority groups. While there were a few Latino/as and African-American students in the top quarter of the class, most students of these ethnicities were concentrated in the bottom quarter. Over half of the Latino/a students in this class and 75% of the African-Americans in the class were in the bottom quarter. Additionally, the only Native American was in the bottom half of the class.

Female students were better represented in the upper ranks of the class of 2005 than in the class of 2004.<sup>214</sup> Fifty-four percent of the class of 2005 was female. Half of the top 5% were female students, compared with 53% of the top 10%, 51% of the top quarter, 54% of the top half, and 51% of the bottom half.



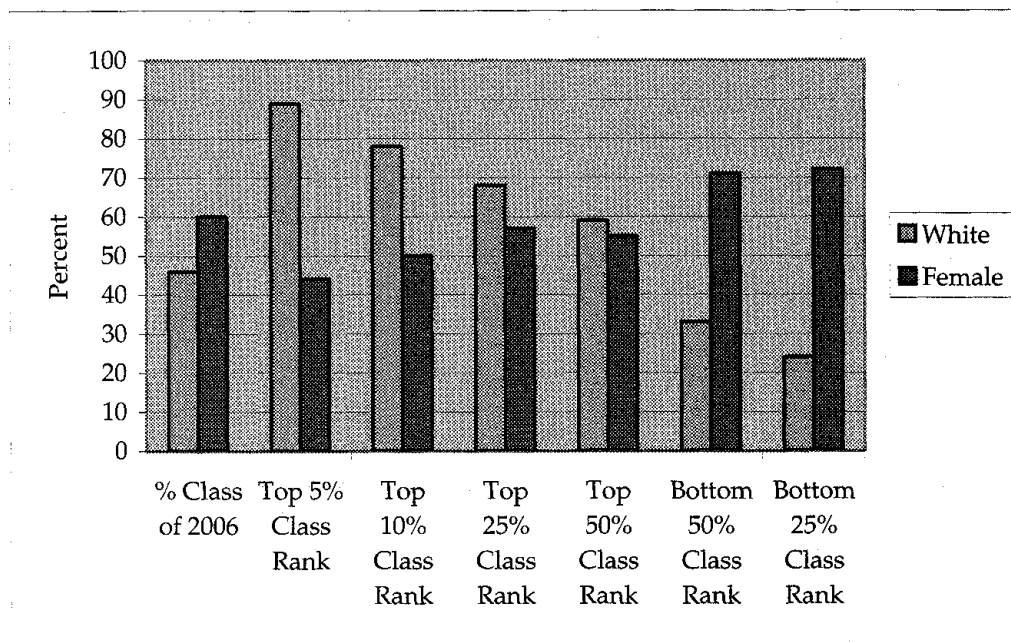
<sup>214</sup> However, two factors might influence this representation. First, the class of 2005 has another year of law school to complete. Second, there are proportionally fewer female students in the class of 2005 (54%) than in the class of 2004 (60%).



## (3) Class of 2006

Grades reported for the class of 2006 were earned in these students' first year of law school. These first-year grades reveal severely disparate academic success by ethnic groups. As with the class of 2004, the percentage of white students declined within each descending quartile of the class rankings. While whites represented only 46% of the class of 2004, they made up 89% of the top 5% of the class, 78% of the top 10%, 68% of the top quarter, 59% of the top half, 51% of the top three-quarters, and 33% of the bottom quarter. Here, 11% of the top 10% of the class were students who "declined to state" ethnicity in their admissions application. Thus, again, if these students were white, the over-representation of white students at the top of the class was even more acute.

Like the classes of 2004 and 2005, the grade disparities within the class of 2006 were most extreme for certain minority groups. Of students disclosing their races/ethnicities, all but three of the minority students in the top quarter of the class were Asian-Americans. Not one student in the top quarter of the class was African-American or Native American, only two were Latino/a, and one was East Indian. All African-American students, all Native American students, and 72% of the Latino/a students were in the bottom half of the class. First-year female students were underrepresented in the top of the class and over-represented in the bottom of the class of 2006, though to a lesser extent than minority students. While female students represented 60% of the class of 2006, they comprised only 44% of the top 5%, half of the top 10%, and 57% of the top quarter of the class. Conversely, female students comprised 71% of the bottom half of the class.



#### (4) Aggregating the Classes of 2004, 2005, and 2006

Whether analyzing separately each of the classes of 2004, 2005, and 2006, or averaging the rankings for all three of these classes, a clear connection between race/ethnicity and grade distribution appears. Though they comprised only 51% of the aggregate student body,<sup>215</sup> 79% of the students in the top 5%, 72% in the top 10%, and 66% in the top quarter of the combined classes were white.<sup>216</sup> Further, 10% of the top quarter of the students in the classes of 2004, 2005, and 2006 “Declined to state” their race/ethnicity to the Law School Registrar.<sup>217</sup> If these students, or some of them, were white, the over-representation of white students in the upper rankings was even more acute. In contrast, only 42% of the bottom half and 37% of the bottom quarter of the combined classes of 2004, 2005, and 2006 were white.<sup>218</sup>

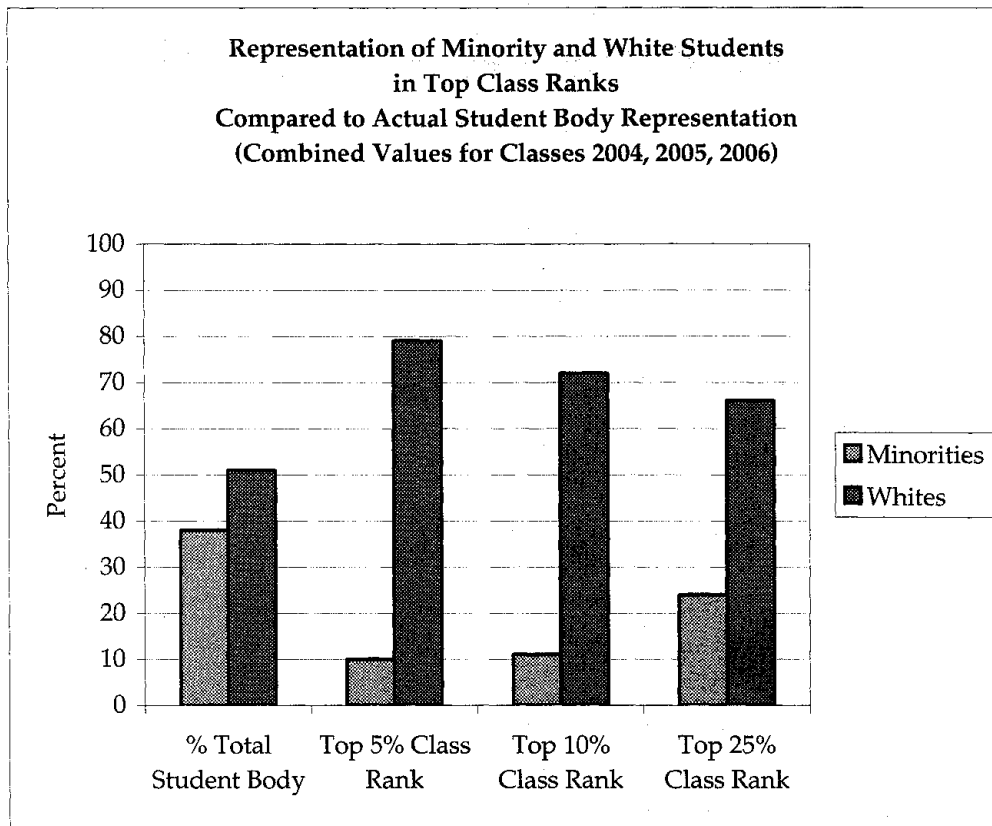
<sup>215</sup> According to information provided by the U.C. Davis School of Law Registrar, 51% of students self-identified as White, 38% as ethnic minorities and 11% of the students are registered as “unknown” or “Decline to state.” ETHNICITY SUMMARY, *supra* note 5.

<sup>216</sup> U.C. DAVIS SCHOOL OF LAW REGISTRAR, GPA BREAKDOWN 2004, provided by Registrar in March, 2004 (on file with authors); U.C. DAVIS SCHOOL OF LAW REGISTRAR, GPA BREAKDOWN 2005, provided by Registrar in March, 2004 (on file with authors); U.C. DAVIS SCHOOL OF LAW REGISTRAR, GPA BREAKDOWN 2006, provided by Registrar in August, 2004 (on file with authors).

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

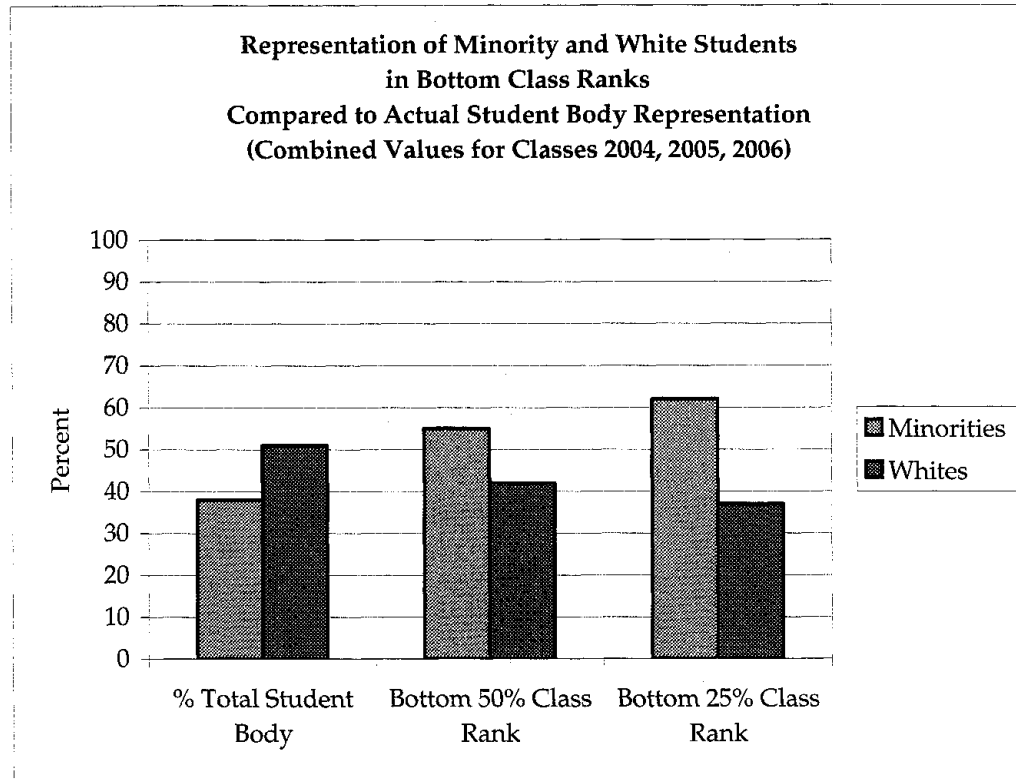
Averaging the grades of the entire student body reveals a more global underrepresentation of minorities at the tops of their classes and concurrent over-representation in the bottoms of their classes.<sup>219</sup> Though comprising 38% of the entire student body, students of color represented only 10% of the top 5% of their classes, 11% of the top 10% of their classes, and 24% of the top quarter of their classes.<sup>220</sup> Fifty-five percent of the bottom half and 62% of the bottom quarter of the classes were students of color, well above their 38% proportion of the student body.<sup>221</sup>



<sup>219</sup> In addition to the grade disparity among students of various ethnicities, the limited information available indicates a continuing disparity obtaining exclusive employment opportunities upon graduation. Judicial clerkships are highly coveted positions, and are considered requisites in competitive legal fields such as academia. Of the twenty-five students from the graduating classes of 2000, 2001, and 2002 who obtained judicial clerkships, only 5 were minority students. U.C. Davis Career Services, Employment and Salary Report Summary 2000, 2001, 2002.

<sup>220</sup> ETHNICITY SUMMARY, *supra* note 5; GPA BREAKDOWN 2004, *supra* note 216; GPA BREAKDOWN 2005, *supra* note 216; GPA BREAKDOWN 2006, *supra* note 216.

<sup>221</sup> *Id.*



Aggregating the class rankings for all King Hall students presents a slight gender disparity, to the disadvantage of females, in overall grade distribution. While the entire student body was 58% female, females accounted for 55% of the top 5% of students, 54% of the top 25%, and 62% of the bottom half of all students.<sup>222</sup>

<sup>222</sup> *Id.*

Despite the slight grade disparity, the limited information available to us suggests that male and female graduates begin their careers on fairly equal footing. Employment and Salary Report Summaries for the Classes of 2002, 2001, and 2000 show that women are well represented in such settings as "Private Practice," "Business/Industry," and "Government." U.C. DAVIS CAREER SERVICES, EMPLOYMENT AND SALARY REPORT SUMMARY CLASS OF 2002 [hereinafter SALARY REPORT SUMMARY 2002]; U.C. DAVIS CAREER SERVICES, EMPLOYMENT AND SALARY REPORT SUMMARY CLASS OF 2001 [hereinafter SALARY REPORT SUMMARY 2001]; U.C. DAVIS CAREER SERVICES, EMPLOYMENT AND SALARY REPORT SUMMARY CLASS OF 2000 [hereinafter SALARY REPORT SUMMARY 2000]. However, the information available reports only the employment status of law school graduates within one year after they graduate. SALARY REPORT SUMMARY 2002; SALARY REPORT SUMMARY 2001; SALARY REPORT SUMMARY 2000. Furthermore, the information available is very general, focusing on the graduates' employment settings rather than legal fields and other details. SALARY REPORT SUMMARY 2002; SALARY REPORT SUMMARY 2001; SALARY REPORT SUMMARY 2000.

The documentation of students who have obtained judicial clerkships is more detailed with respect to gender. From 1995 to 2004, women graduates appeared to be more successful at obtaining clerkships at all levels. U.C. DAVIS CAREER SERVICES, JUDICIAL CLERKSHIPS GUIDE (2004).

## b. Satisfaction with Academic Performance

## (1) Race and Ethnicity

Among all respondents, white students were the most satisfied with their own performance in law school. This satisfaction correlates, of course, to white students' actual over-representation in the upper class rankings and corresponding underrepresentation in the bottom class rankings, as discussed above.<sup>223</sup>

Many minority students indicated strong dissatisfaction not only with their own performances,<sup>224</sup> but also more generally with the emphasis on grades and rankings in law school. One, for example, said, "[First year] is a miserable experience given previous success and positive reinforcements received before attending law school."<sup>225</sup> A few

Judicial Clerkships by Court, Year, and Gender								
Class Year	US Appellate Court		US District Court		Federal Bankruptcy Court		State Court	
	Male	Female	Male	Female	Male	Female	Male	Female
2004	1	2	1	1	2	3	2	2
2003	1	0	2	3	0	1	0	1
2002	0	1	4	1	0	2	0	1
2001	1	2	3	0	0	0	0	2
2000	1	3	2	2	2	1	1	0
1999	2	3	0	3	1	0	3	0
1998	0	0	1	0	5	3	0	3
1997*	0	0	1	2	3	3	1	1
1996**	1	0	0	2	0	5	1	0
1995***	2	2	4	3	3	2	0	1
TOTAL	9	13	17	17	16	20	8	10

\* The gender of one 1997 bankruptcy court clerk is unknown.

\*\* The gender of one 1996 state court clerk is unknown.

\*\*\* The gender of one 1995 bankruptcy court clerk is unknown.

According to the NALP Judicial Clerkship Study, in applying for clerkships, about 5% of women felt disadvantaged by their gender, but 17% of minorities felt disadvantaged by their race or ethnicity. NALP, *Courting Clerkships: The NALP Judicial Clerkship Study*, available at <http://www.nalp.org/nalpresearch/clrkfind3.htm#students>.

<sup>223</sup> ETHNICITY SUMMARY, *supra* note 5; GPA BREAKDOWN 2004, *supra* note 216; GPA BREAKDOWN 2005, *supra* note 216; GPA BREAKDOWN 2006, *supra* note 216.

<sup>224</sup> Satisfaction with academic performance was reported in decreasing order by African-Americans, Asian-Americans, and Latino/as.

<sup>225</sup> Respondent 247; 1L; female; Latina. Other representative comments included these: "Such an emphasis on grades and rank . . . fosters unhealthy competition among students and adds to a feeling of isolation." Respondent 274; 2L; female; Asian-American; and "Given the past educational experience of my fellow students and myself, many of us receive our first B-'s and C's here. We are not worse students, but the caliber of students

expressed bitterness, including one who said: "From what I can tell, ethnic students aren't doing as well as white students (especially the rich ones), and I work my ass off for B-'s. I'll be glad when this is over."<sup>226</sup>

Some students believed that, in addition to creating personal disappointments, the pressure of grades actually detracted from a more meaningful and effective educational experience. In the words of three female students:

Pass/fail would lessen stress and allow students to focus on law school as a learning experience.<sup>227</sup>

I wasn't ever concerned about grades until law school and am now haunted by the ½ point that kept me from an A-.<sup>228</sup>

There is so much emphasis placed on grades that I think students feel like they must perform well but at the same time it distracts them from really understanding the material and seeing how it plays out in the real world.<sup>229</sup>

### C. *Informal Learning Environment: Beyond the Classroom*

As in other educational settings, a great deal of students' learning and growth takes place in informal settings beyond the classroom.<sup>230</sup> Because success in the legal profession is tied to reputation and social networks, connections made outside the classroom are beneficial to law students both practically, in terms of career opportunities, and emotionally, in terms of mentorship and related support.<sup>231</sup> This portion of the study explores students' comfort levels and interactions with professors outside of class, as well as their participation in prestigious activities and organizations.

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around us means a ranking system puts some A students above others." Respondent 21; 1L; female; White.

<sup>226</sup> Respondent 244; 1L; male; Latino.

<sup>227</sup> Respondent 21; 1L; female; White.

<sup>228</sup> Respondent 198; 1L; female; White.

<sup>229</sup> Respondent 50; 1L; female; Latina.

<sup>230</sup> See, e.g., Bashi & Iskander, *supra* note 12, at 53-54 (characterizing interactions outside classroom, including mentoring and encouragement by faculty, as enhancing student's law school experience and facilitating socialization into the legal profession).

<sup>231</sup> See generally Pamela Smith, *Failing to Mentor Sapphire: The Actionability of Blocking Black Women from Initiating Mentoring Relationships*, in *CRITICAL RACE FEMINISM: A READER* 120, 121 (2d ed. 2003) (explaining traditional informal mentoring as "career advancement and psychosocial integration," and juxtaposing "the necessity for mentors" against "the reality that Black women are denied mentors."); Bashi & Iskander, *supra* note 12, at 53-54.

## 1. Comfort Levels in Interacting with Professors

### a. Race and Ethnicity

Race and ethnicity were significant predictors of students' overall feelings toward their law school professors.<sup>232</sup> While most students' feelings were generally positive, Asian-American and white students reported the most positive feelings about the faculty.<sup>233</sup> Of other ethnicities comprising 1% or more of the student population, African-American students reported the least positive feelings towards the faculty, followed by Latino/a students.<sup>234</sup>

#### (1) Gender

Gender was also a significant predictor of students' comfort levels with interacting with professors outside of class.<sup>235</sup> Men tended to be more comfortable than women with visiting professors during office hours and stopping by professors' offices without an appointment.<sup>236</sup> On average, men also reported being more comfortable than women with approaching professors after class or during breaks, as well as with telephoning professors.<sup>237</sup>

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<sup>232</sup>  $p = .0130$ .

<sup>233</sup> Question 34 asked respondents, "Overall, how do you feel about the professors at this law school?" Answer choices ranged from 1 (very positive) to 5 (very negative). Within this range, Asian-American students' average response was 1.6 and white students' average response was 1.68. While this seems to support the thesis that Asian-Americans tend to identify with whites, *see generally* Min Zhou, *Are Asian Americans Becoming "White?"*, in 3 CONTEXTS 29, 29-37 (2004), this could also reflect the fact that U.C. Davis School of Law had six Asian-American and South Asian faculty members at the time of the survey. In contrast, there were only four Latino/a and three African-American faculty members.

<sup>234</sup> Within the answer range above, the average response by African-Americans was 2.47, and by Latinos/as, 2.09.

<sup>235</sup> Office hours:  $p = .0289$ ; Stopping by without an appointment:  $p = .0091$ ; Approaching a professor after class:  $p = .0018$ .

<sup>236</sup> Question 35 asked students to rate how comfortable they are visiting a professor during the professor's office hours. Respondents selected from a scale of 1 to 5, with 1 representing "very comfortable," 3 representing neutral, and 5 representing "very uncomfortable." The mean response for men was on the "comfortable" side of neutral, at 2.97. The mean response for women was on the "uncomfortable" side of neutral, at 3.28. Question 37 inquired how comfortable students felt stopping by a professor's office without an appointment. Again, answer choices ranged from 1 to 5, with 1 representing "very comfortable," 3 representing neutral, and 5 representing "very uncomfortable." The average answer for males was on the "comfortable" side of neutral, at 2.86, while the average answer for females was on the "uncomfortable" side of neutral, at 3.27.

<sup>237</sup> Question 38 asked students to rank how comfortable they felt approaching a

## 2. Narrative Explanations of Comfort Levels

Numerous students explained their comfort levels approaching professors in narrative comments. Some students said that merely being in the presence of a professor produced anxiety. One minority woman stated simply, "I'm intimidated."<sup>238</sup> Other students suggested that professors cause the intimidation. As some students stated, "[P]rofessors are intimidating and sometimes appear like they don't like students";<sup>239</sup> "some like to humiliate. A little old-school character building";<sup>240</sup> "some of the professors act like you are infringing on their personal time when you come to office hours. Others bark out their answers to questions";<sup>241</sup> and "when you ask them questions, they are very cold, abrupt, and not really responsive . . . they answer your questions and that's it."<sup>242</sup>

A large number of students expressed discomfort about interacting with professors because they were afraid that professors would develop a negative perception of them. Female students wrote, "I am afraid that I will negatively influence the professors' perceptions of me,"<sup>243</sup> and "I feel that the questions I have are stupid or that the professor will think I haven't read the material."<sup>244</sup> Women expressed discomfort with face-to-face interactions with professors because they feel "put on the spot,"<sup>245</sup> or because professors "may ask a follow-up question I don't know . . . or think I'm dumb."<sup>246</sup> One woman was under the impression that "professors only want to speak with brilliant students,"<sup>247</sup> and she did not believe she fit into that category.

Some students attributed their discomfort at interacting with professors to law school culture generally. According to one student, "I don't think law school lends itself well to student-professor

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professor after class or during breaks in class. There was a statistically significant difference among responses by gender ( $p = .0018$ ) even though the mean responses of both men and women fell on the "comfortable" side of neutral. On the response scale of 1 to 5 described above, females' average answer indicated less comfort at 2.74 while males' average answer indicated more comfort at 2.28. Question 39 asked students how comfortable they feel telephoning a professor. Here, women indicated greater discomfort with a mean answer of 4.06, while the mean answer for men was 3.81.

<sup>238</sup> Respondent 27; 1L; female; African-American.

<sup>239</sup> Respondent 24; 1L; female; East Indian.

<sup>240</sup> Respondent 35; 3L; female; White.

<sup>241</sup> Respondent 60; 3L; female; Latina.

<sup>242</sup> Respondent 253; 2L; female; Asian-American.

<sup>243</sup> Respondent 198; 1L; female; White.

<sup>244</sup> Respondent 36; 1L; female; Latina.

<sup>245</sup> Respondent 50; 1L; female; Latina.

<sup>246</sup> Respondent 40; 2L; female; White.

<sup>247</sup> Respondent 183; 1L; female; Native Hawaiian/Latina.



relationships."<sup>248</sup> Others believed the relations between students and professors were determined by individual professors' demeanors.<sup>249</sup> Some students drew unfavorable comparisons between law school and other graduate programs in which they had studied, saying that they "were treated more like colleagues, used first names, went out together" in the latter, whereas King Hall "is much more formal, almost a reversion to high school."<sup>250</sup> Others characterized the King Hall law faculty as "a little distant and aloof,"<sup>251</sup> and businesslike, writing that they rarely discuss topics other than academic ones.<sup>252</sup>

Students also expressed a "desire not to intrude on [professors'] personal time."<sup>253</sup> As a consequence, most students preferred communicating with professors by email because they believed it seems less intrusive<sup>254</sup> and avoids the student "feeling awkward/uncomfortable in their office."<sup>255</sup> Several students linked feeling like "intruders" to perceptions that professors are too busy for student interaction. Students spoke of finding professors "either busy, or quick to finish the conversation before I feel I'm done"<sup>256</sup> and "giv[ing] the impression that they are very busy and 'you had better have good questions if you are going to waste my time.'"<sup>257</sup> Others said that professors "seem like they get bored with my questions in office hours (while we are talking, some professors will check their email or start reading something)"<sup>258</sup> and "are so involved with their own research that teaching always comes second or third."<sup>259</sup>

### 3. Desire for More Student-Professor Interaction

Despite discomfort with current student-professor relations, many students yearned for more interactions with faculty and expressed a

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<sup>248</sup> Respondent 47; 2L; male; White Pan-Celtic.

<sup>249</sup> See *supra* notes 239-47.

<sup>250</sup> Respondent 124; 2L; male; White.

<sup>251</sup> Respondent 76; 2L; male; White.

<sup>252</sup> One wrote: "Tough to just 'shoot the breeze' with some, hard to break the ice and move away from academic topics." Respondent 179; 1L; male; Latino. Another said, "[Professors] treat everything in a business/professional way and drop the social aspect." Respondent 253; 2L; female; Asian-American.

<sup>253</sup> Respondent 252; 2L; male; White.

<sup>254</sup> Respondent 228; 1L; male; White.

<sup>255</sup> Respondent 253; 2L; female; Asian-American.

<sup>256</sup> Respondent 253; 2L; female; Asian-American.

<sup>257</sup> Respondent 228; 1L; male; White.

<sup>258</sup> Respondent 79; 3L; female; Asian-American.

<sup>259</sup> Respondent 209; 3L; female; White.

need for advisors. One student articulated a mixed experience: "One professor and I get along great, but there's never enough time. He's always very busy."<sup>260</sup> Others also felt short-changed by lack of professorial interaction. One said, "I would like to be in a more positive environment, where there is a closer relationship between professors and students,"<sup>261</sup> and another characterized law school as "too sink or swim" and lamented the lack of "the equivalent of a guidance counselor."<sup>262</sup> Another similarly spoke of the need for a greater advisory function for professors: "I think advisors for students are necessary . . . having a sounding board and getting feedback would have greatly lessened my anxiety and depression and helped me feel more confident in class."<sup>263</sup>

#### 4. Impact of Gender on Out-of-Class Student-Professor Interactions

Gender was also a significant predictor of whether students observed differences in the way male and female students interact with faculty outside the classroom.<sup>264</sup> Thirty-four percent of women and 15% of men reported perceived differences, based upon the students' genders, in out-of-class interactions between students and faculty.<sup>265</sup> The following clear trends in students' explanations of the differences were evident.

Many students commented on male students receiving more and higher quality informal time with professors.<sup>266</sup> These students spoke of the tendency of male students to "rush the podium,"<sup>267</sup> to be "more aggressive about asking questions,"<sup>268</sup> and to "use up professors' time right after class."<sup>269</sup> Several students also commented that men seem to enjoy professorial interaction of a different, informal character. Several observed "men talking to professors more in the halls."<sup>270</sup> These students observed that men seem more "comfortable/entitled"<sup>271</sup> and

<sup>260</sup> Respondent 124; 2L; male; White.

<sup>261</sup> Respondent 55; 2L; female; Latina.

<sup>262</sup> Respondent 35; 3L; female; White.

<sup>263</sup> Respondent 116; 2L; female; Asian-American.

<sup>264</sup> Gender:  $p = .0001$ .

<sup>265</sup> The survey did not ask whether students perceived differences, based upon the students' ethnicities, in out-of-class interactions between students and faculty.

<sup>266</sup> See generally Respondent 1; 1L female; Latina (noting male tendency to "approach professors after class more").

<sup>267</sup> Respondent 219; 3L; female; White.

<sup>268</sup> Respondent 112; 2L; female; White.

<sup>269</sup> Respondent 127; 1L; female; Latina.

<sup>270</sup> Respondent 75; 2L; female; White; see also Respondent 219; 3L; female; White (noting that "more men engage in conversation with faculty outside of the classroom").

<sup>271</sup> Respondent 125; 3L; female; White.

“empowered to speak to professors. They interact as if they are equals,”<sup>272</sup> and “the interaction with men seems more friendly and buddy-buddy, with women more formal.”<sup>273</sup>

A few respondents sensed that interactions between male professors and female students were strained by concerns about possible allegations of sexual harassment. One student stated that male professors are “more uncomfortable with women students visiting office hours.”<sup>274</sup> Another observed that they “won’t shut office door, etc. because of fear of accusation of sexual harassment.”<sup>275</sup>

## 5. Participation in Prestigious Student Organizations and Activities

Other important venues for professional training and contacts beyond the classroom include extracurricular student activities and organizations.<sup>276</sup> While King Hall has numerous worthwhile student organizations and journals, we limited our demographic inquiry to the U.C. Davis Law Review and the U.C. Davis Moot Court Board. Almost every law school has its own Law Review and Moot Court, and membership on either is generally competitive and prestigious. Membership in these organizations signifies a level of academic achievement and is believed to increase students’ marketability for more competitive legal jobs.<sup>277</sup>

### a. U.C. Davis Law Review

The *UC Davis Law Review* is a scholarly journal that publishes articles, on a wide variety of topics, by professors, judges, lawyers, and law students.<sup>278</sup> Membership in Law Review is determined by “successfully completing a competition packet,” with no consideration of grades or class rankings.<sup>279</sup> In other words, membership is earned through a writing competition; no student serves by virtue of his or her grades.<sup>280</sup>

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<sup>272</sup> Respondent 130; 3L; female; Latina.

<sup>273</sup> Respondent 209; 3L; female; White.

<sup>274</sup> Respondent 171; 2L; female; White.

<sup>275</sup> Respondent 105; 3L; male; White.

<sup>276</sup> See Bashi & Iskander, *supra* note 12, at 26-27.

<sup>277</sup> See, e.g., THE LAW SCHOOL SURVIVAL GUIDE 74 (editors of JD Jungle, 2003); J. ROBERT ARNETT II, ET.AL., FROM HERE TO ATTORNEY 93-94, 100, 107 (1993).

<sup>278</sup> U.C. Davis Law Review, *Law Review Questions and Answers*, available at <http://www.law.ucdavis.edu/lawreview/QuestionsAnswers.htm>.

<sup>279</sup> *Id.*

<sup>280</sup> U.C. Davis Law Review Bylaws, 2004-05 art. IV(B).

For the academic years 2003-04 and 2004-05, women were not underrepresented on the UC Davis Law Review in proportion to their representation in the student body.<sup>281</sup> In 2003-04, 66% of the Law Review members were women, although women represented only 57% of the classes from which those Law Review members were selected. In 2004-05, women account for 63% of the Law Review members. The classes of 2005 and 2006, from which these Law Review members were selected, together consist of 57% women.

b. U.C. Davis Moot Court Board

“Moot Court” refers to a course on Appellate Advocacy that is offered to second- and third-year students. This course focuses on appellate brief writing and oral advocacy skills in mock appellate litigation.<sup>282</sup> The Moot Court Board is a group of students selected at the end of their second year to assist the administration of the Moot Court program in their third year.<sup>283</sup>

For the past two academic years, women have been underrepresented on the Moot Court Board, compared to their student body presence.<sup>284</sup> During the 2003-04 academic year, women were 60% of the third-year class, but only 44% of the Moot Court Board. In 2004-05, women comprise 54% of their third-year class and just 33% of the Moot Court Board.

D. *The Emotional Toll of Legal Education*

Responses to an array of survey questions related to emotional well-being and contentment suggest that law school is clearly a greater emotional challenge for ethnic minorities and women. These responses and supplemental narrative accounts linked emotional strains to various academic and social pressures associated with grades and rankings,<sup>285</sup> an

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<sup>281</sup> Ethnic and racial demography of Law Review members is not herein reported due to a lack of reliable information. The Law Review itself does not keep statistics on the demographics of its membership, and, in contrast to gender, we were unable and unwilling to categorize members by race or ethnicity based upon the Law Review membership list.

<sup>282</sup> U.C. Davis School of Law Course Bulletin 2003-2004.

<sup>283</sup> *Id.*; see also U.C. Davis School of Law Moot Court 2004-2005, available at <http://www.law.ucdavis.edu/mootcourt>.

<sup>284</sup> As with the Law Review, the ethnic demography of Moot Court members is not reported because reliable information does not exist. The Moot Court itself does not keep statistics on the demographics of its membership, and we did not categorize members by race or ethnicity based upon the Moot Court membership list.

<sup>285</sup> See *infra* notes 292-94, 305-07, 310-11 and accompanying text.

environment that cultivates narrow foci and homogenization, a lack of life balance, competitive peers, and resulting loss of confidence.<sup>286</sup> The following sections present our detailed findings regarding the disparate impact of the law school experience on the emotional well-being of women and students of color.

1. Personal Values

- a. Race and Ethnicity

Students of various ethnicities and races felt unequal pressure to set aside their own values to think like a lawyer.<sup>287</sup> White students reported experiencing the least pressure to set aside their values.<sup>288</sup> These findings support the notion that the cultural paradigm of legal education, even at U.C. Davis, is still decidedly “white”<sup>289</sup> and generally exerts upon nonwhites more pressures to conform. Several students of color lamented, for example, the pressure to pursue jobs with large law firms. One wrote:

I feel like unless you're running for a certain job or a certain view with law, that you're an outsider. Maybe it's all law schools . . . but I feel this homogeneous homogeneity of personas. It's like everyone has some idea of what “a lawyer” is but it's a very narrow idea, and it seems everyone (I'm over generalizing here) tries to conform to that. The legal experience seems to be about confining oneself to law, or maybe it's just Davis.<sup>290</sup>

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<sup>286</sup> See *infra* notes 305-311 and accompanying text (detailing responses).

<sup>287</sup> Race/Ethnicity:  $p = .0488$ . Gender is not discussed here in detail because  $p > .05$ .

<sup>288</sup> Question 55 asked students to indicate their level of agreement with the statement, “I feel pressured to set aside my values in order to think like a lawyer.” On a scale of 1 to 5, an answer choice of 1 represented “strongly agree” and an answer choice of 5 represented “strongly disagree.” Thus, a higher number represents feeling less pressure to set aside one's values, and a lower number represents feeling more pressure. White students averaged a response of 3.73; African-Americans an average of 3.71; Asian-Americans an average of 3.23; and Latino/as an average of 3.11.

<sup>289</sup> See, e.g., Dowd et al., *supra* note 12; Roach, *supra* note 33.

<sup>290</sup> Respondent 134; 3L; female; Asian-American. Another wrote: “It seems as though everything in law school is geared towards getting a big firm job. However if you don't want that type of job, school really isn't much help. Why? Why are we not encouraged to get the broadest experience & training possible?” Respondent 268; 3L; male; Latino.

## 2. Connection to Other Students

### a. Race and Ethnicity

The degree of connection that survey respondents felt to other students at the law school was significantly related to the race or ethnicity of the respondents.<sup>291</sup> Of the students comprising 1% or more of the student body, white students reported feeling the most connected to their fellow students.<sup>292</sup> Narrative comments suggest that connections were weakened by pervasive competition,<sup>293</sup> as well as an overall lack of diversity, commonality, and awareness. One female minority student described the King Hall culture as “just so competitive and cut throat,”<sup>294</sup> while another complained of the lack of “understanding of where I’m from, the culture I come from. . . . There is a startling ignorance.”<sup>295</sup>

### b. Class Year

Interestingly, over time in law school, students feel less, rather than more, connected to their classmates.<sup>296</sup> While first-year students, on average, felt slightly connected to their classmates, second- and third-year students tended not to feel even that degree of connectedness.<sup>297</sup>

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<sup>291</sup> Race/Ethnicity:  $p = .0295$ . Gender is not discussed in this section because  $p > .05$ .

<sup>292</sup> Question 52 asked students to select a level of agreement with the assertion, “I feel connected to other students at this law school.” A response of 1 signified strong agreement while a response of 5 signified strong disagreement. Of the ethnicities comprising at least 1% of the student body, Latino/a students felt the least connected to their classmates with an average response of 3.36, followed by Asian-American students with an average response of 3.15. African-Americans felt slightly more connected with an average response of 2.92. White students’ average response was 2.67.

<sup>293</sup> Respondent 274; 2L; female; Asian-American (“I feel it’s unnecessary to put such an emphasis on grades and rank since Davis doesn’t kick students out, all it does is foster unhealthy competition among students and add to a feeling of isolation.”)

<sup>294</sup> Respondent 58; 1L; female; Middle Eastern American.

<sup>295</sup> Respondent 101; 2L; female; non-American. In a similar vein, another wrote: “I rarely have conversations with classmates about things other than law. I understand that that is our commonality but I thought a legal education is supposed to expand our horizons not just on an academic or professional level, but . . . personal too.” Respondent 134; 3L; female; Asian-American.

<sup>296</sup> Year:  $p = .0095$ . We can only speculate about why law students on the whole do not feel very connected to one another. Perhaps the competitiveness they feel with one another undermines the instincts they might otherwise have to bond. Perhaps first-year students are more likely to bond, albeit only slightly so, with their peers because they are sharing what is essentially a hazing experience that is the beginning of their socialization as lawyers.

<sup>297</sup> On a scale of 1 to 5, wherein 1 represents strong agreement with the statement “I feel connected to other students at this law school,” 3 represents neutral feelings, and 5

### 3. Emotional States

The frequency with which certain negative emotional states are experienced in law school is significantly related to a student's gender, and to a lesser extent, a student's ethnicity/race and class year. The survey asked students how often they felt depressed or cried, felt anxious, and felt stressed out.<sup>298</sup> Based on the self-reported frequency of these emotions, law school is more emotionally difficult for women than men, for ethnic minorities than whites, and for students who are further along in their legal educations.

#### a. Depression and Crying

##### (1) Gender and Class Year

Responses to the question, "During law school, how often do you feel depressed or cry?"<sup>299</sup> revealed that women felt depressed and cried in law school significantly more often than men.<sup>300</sup> Students on the whole reported being depressed and crying more often the longer they were in law school.<sup>301</sup> First-year students experienced the least depression and crying, while third-year students reported the most of all class years.

#### b. Anxiety

##### (1) Gender

Women also reported feeling anxious in law school more often than their male classmates.<sup>302</sup> On average, men reported feeling anxious "sometimes" to "often," while women reported feeling anxious "often" to "usually."

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represents strong disagreement with the statement, first-year students' average response fell on the "feel connected" side of neutral at 2.67, while second- and third-year students tended not to feel connected with average responses of 3.09 and 3.14, respectively.

<sup>298</sup> Questions 71-73, Appendix.

<sup>299</sup> Question 71, Appendix.

<sup>300</sup> Gender:  $p = < .0001$ . Race/Ethnicity was not a statistically significant predictor of the frequency of students' depression and crying during law school ( $p < .05$ ).

<sup>301</sup> Year:  $p = .0478$ .

<sup>302</sup> Gender:  $p = .0076$ . Race/Ethnicity was not a statistically significant predictor of how often students felt anxious during law school ( $p < .05$ ).

## c. Stress

## (1) Gender

Though both genders reported feeling “stressed out” very frequently in law school, women reported feeling stressed more frequently than men.<sup>303</sup> On a scale of 1 to 5, with 1 representing “never” and 5 representing “always,” the average female response was 4.92, while the average male response was 4.48. Thus, women reported they nearly “always” feel stressed out for the three-year period of law school.

## (2) Race and Ethnicity

Students of color reported feeling stressed out significantly more frequently than did their white counterparts.<sup>304</sup> Of all races/ethnicities comprising at least 1% of the student body, white students reported feeling stressed least often, followed in order by Asian-Americans, African-Americans, and Latino/as.

## d. Narrative Explanations of Emotional States

Narrative comments indicate that a lack of balance in law school and blows to self-esteem are partially responsible for the negative emotional reactions that women and minority students experience at higher rates than other students. Students lamented the inability to make time for their friends, family, and themselves.<sup>305</sup> One spoke, for example, of desiring a greater “emphasis on self-care, emotional and mental well being,”<sup>306</sup> and some regretted always feeling behind and overwhelmed.<sup>307</sup> One analogized the experience to drowning because she felt “law school jams so much information down your throat at once.”<sup>308</sup> One female

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<sup>303</sup> Gender:  $p = .0017$ .

<sup>304</sup> Race/Ethnicity:  $p = .0384$ .

<sup>305</sup> See generally Respondent 17; 1L; female; White (“Most of my struggles this year have been about trying to balance law with the rest of my life. I don’t think a lot of students are able to save time for friends and themselves. It often makes me feel like I’m not working hard enough.”); Respondent 87; 1L; female; Asian-American (“Too many classes, not enough time to absorb, easy to lose sight of world and life outside of law school.”).

<sup>306</sup> Respondent 9; 3L; female; White (observing that “there is an overall lack of focus on work-life balance in law school”).

<sup>307</sup> See, e.g., Respondent 180; 1L; female; White (“I always feel behind, I always feel like I’m missing something or I’m not on top of something important and imminent.”).

<sup>308</sup> Respondent 50; 1L; female; Latina (“More than anything [law school] is just overwhelming. Law school jams so much information down your throat at once that you feel like your [sic] drowning in it.”).



student wrote that, among the negative coping strategies she observed were “drinking/drugs/overeating. . . . It seems to me that lots of law students drink so that they won’t cry,”<sup>309</sup> she continued.

Regarding loss of self-esteem, one woman wrote, “There is simply no purpose for all of the self-esteem crushing tactics in a legal education. After spending 3 years of my life with professors & law students, I have come to understand why so many people dislike & do not trust lawyers.”<sup>310</sup> Another said, “Your first year the school and atmosphere really breaks people’s spirits to the point where you feel completely inadequate and incompetent.”<sup>311</sup>

### *E. Students’ Perceptions of Diversity*

As the preceding discussion illustrates, minority and women students at King Hall face distinct social, academic, and emotional challenges in law school. This is consistent with the findings of studies of many other law schools. Importantly, the King Hall students of color and women students who face these greater challenges are also the students who are most likely to believe that a lack of diversity in the law school environment negatively affects their educational experience.

#### 1. Faculty Composition

Despite King Hall’s rating by the Princeton Review for having the seventh most diverse law faculty in the nation, the faculty composition does not reflect the degree of diversity found within the student body, nor that within the nation.<sup>312</sup> In 2003-04, the faculty was 70% male and 30% female,<sup>313</sup> compared with a student body that was 42% male and 58% female.<sup>314</sup> Just 26% of the faculty members were racial or ethnic minorities and 76% were white,<sup>315</sup> while 38% of the student body consisted of students of color and 51% were white.<sup>316</sup> Although 24% of

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<sup>309</sup> Respondent 215; 3L; female; White.

<sup>310</sup> Respondent 80; 3L; female; White.

<sup>311</sup> Respondent 247; 1L; female; Latina.

<sup>312</sup> The Princeton Review claims its rating is “based on the percentage of the law school faculty that is from a minority and student assessment of whether the faculty comprises a broadly diverse group of individuals.” Princeton Review, *The Best Law Schools: Ranked*, available at <http://www.princetonreview.com/law/research/rankings/rankingDetails.asp?topicID=9>.

<sup>313</sup> U.C. DAVIS SCHOOL OF LAW, 2003-2004 CATALOG AND APPLICATION.

<sup>314</sup> ETHNICITY SUMMARY, *supra* note 5.

<sup>315</sup> U.C. DAVIS SCHOOL OF LAW, 2003-2004 CATALOG AND APPLICATION.

<sup>316</sup> ETHNICITY SUMMARY, *supra* note 5.

the students were females of color,<sup>317</sup> female professors of color accounted for only 10% of the faculty.<sup>318</sup>

#### U.C. Davis School of Law Faculty Composition 2003-2004<sup>319</sup>

Faculty Position	Male	Female	White	Minority	Female Minority
Tenured and tenure-track professors (34)	23 (68%)	11 (32%)	23 (68%)	11 (32%)	4 (12%)
Emeritus professors (9)	9 (100%)	0	9 (100%)	0	0
Lecturers (7)	3 (43%)	4 (57%)	5 (71%)	2 (29%)	1 (14%)
Total (50)	35 (70%)	15 (30%)	37 (74%)	13 (26%)	5 (10%)

#### Racial/Ethnic Composition of the Law School Faculty 2003-2004<sup>320</sup>

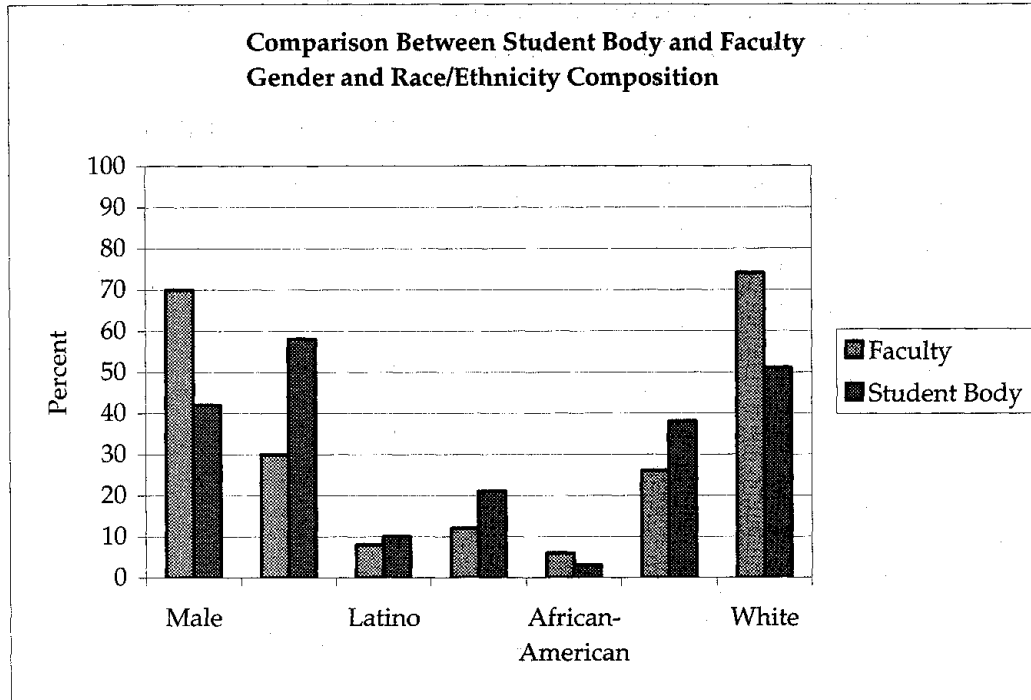
Faculty Position	White	South Asian	Latino/a	Asian-American	African-American
Tenured and tenure-track professors (34)	23	2	3	4	2
Emeritus professors (9)	9	0	0	0	0
Lecturers (7)	5	0	1	0	1
Total (50)	37 (74%)	2 (4%)	4 (8%)	4 (8%)	3 (6%)

<sup>317</sup> *Id.*

<sup>318</sup> U.C. DAVIS SCHOOL OF LAW, 2003-2004 CATALOG.

<sup>319</sup> *Id.*

<sup>320</sup> *Id.*



\* For purposes of comparison, the "Asian-American" faculty here includes "South Asian" faculty members because the law school registrar records classify all students who self-identify as "South Asian" as "Asian-American."

## 2. Impact of Faculty Composition on Legal Education

Despite the fact that, on average, both men and women tended to disagree with the statement, "The present ethnic and gender composition of the faculty limits my legal education," women were significantly less likely than men to disagree with this statement.<sup>321</sup> On a scale of 1 to 5, with 1 representing "strongly agree" and 5 representing "strongly disagree," the average female response was 3.59, while the average male response was 4.2.

On average, students of all ethnic and racial groups disagreed with the statement, "The present ethnic and gender composition of the faculty limits my legal education." However, statistically significant differences in responses to this inquiry existed among students of different races and ethnicities.<sup>322</sup> With the exception of Asian-Americans, ethnic minorities comprising at least 1% of the student body disagreed with this statement less strongly than white students. On the scale of 1 to 5 discussed above, with 1 representing "strongly agree," 3 representing neutral, and 5

<sup>321</sup> Gender:  $p = .0001$ .

<sup>322</sup> Race/Ethnicity:  $p = .0011$ .

representing "strongly disagree," Latino/as expressed the least disagreement, with an average response of 3.02, followed by African-Americans, with an average response of 3.47. Asian-American students expressed the strongest disagreement, with an average response of 4.32, followed by white students whose average response was 4.12.

### 3. Impact of Faculty Composition on Role Models in Law

On average, both male and female students and students of all races/ethnicities generally disagreed with the statement, "The number of female professors has deprived me of significant role models in the field of law." Nonetheless, gender and race/ethnicity were both significant predictors of the extent to which students disagreed that the number of female professors deprived them of significant role models in the field of law.<sup>323</sup> Not surprisingly, women were significantly less likely than men to disagree.<sup>324</sup>

Of all races and ethnicities comprising at least 1% of the student body, Latino/a students were most likely to feel deprived of role models based on the number of female professors available to them.<sup>325</sup> African-Americans, and then whites, followed Latino/a students.<sup>326</sup> Asian-Americans were least likely to feel deprived of role models based on the number of female professors on the faculty.

Students were next asked to rank their level of agreement with the statement, "The number of minority professors has deprived me of significant role models in the field of law."<sup>327</sup> A student's gender and race/ethnicity were both significant predictors of how likely the student was to agree with this statement.<sup>328</sup> With the exception of Asian-Americans, all racial and ethnic minorities comprising at least 1% of the student body were more likely than white students to believe that the number of minority professors had deprived them of significant role models.<sup>329</sup> The Asian-American responses may be attributable to the relatively high percentage of Asian-American professors. Six of King

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<sup>323</sup> Gender:  $p < .0001$ ; Race/Ethnicity:  $p = .0358$ .

<sup>324</sup> Gender:  $p < .0001$ .

<sup>325</sup> On an answer scale of 1 to 5, wherein 1 represented "strongly agreeing" that the number of female professors has deprived respondent of role models law, and 5 represented strong disagreement, the average response of Latino/a respondents was 3.11.

<sup>326</sup> In the same scale described *supra* note 325, the average response of African-American students was 3.71 and of white students, 3.73.

<sup>327</sup> Question 61, Appendix.

<sup>328</sup> Race/Ethnicity:  $p < .0001$ ; Gender:  $p = .0027$ .

<sup>329</sup> Race/Ethnicity:  $p < .0001$ .

Hall's thirty-three tenured or tenure-track faculty were Asian-American at the time of the survey.<sup>330</sup> On a scale of 1 to 5, where 1 represents "strongly agree" and 5 represents "strongly disagree," the average response for African-American students was 1.95, for Latino/as 2.95, for whites 4.15, and for Asian-Americans 4.2. Women were also significantly less likely than men to disagree with this statement. The average response among women was 3.41, compared to males' average response of 3.9.<sup>331</sup>

#### 4. Disappointment with Level of Diversity

In narrative portions of the survey, a large number of students expressed disappointment with the lack of diversity among the faculty and the student body. Several spoke of the ignorance and insensitivity that result from a lack of diversity.<sup>332</sup> One wrote:

Professors should be more sensitive to the diverse. . . backgrounds of students. Sometimes it's hard for "disadvantaged" students to cope with a "different" environment. It's even harder when the authorities at school show that they cannot understand the point of view of these students.<sup>333</sup>

Another was even more emphatic:

I am totally fed up w/ reading cases where many of the criminals are obviously black or Latino. It's about the only diversity we get in this school. King Hall — It's time for this school to stop co-opting the name Martin Luther King Jr. yet doing little or nothing to truly promote or respect African-Americans, the Civil Rights movement, U.S. history and current politics. I look around this school and I see hardly any black faces. I have no black professors, and no other black students in my section.<sup>334</sup>

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<sup>330</sup> See U.C. DAVIS SCHOOL OF LAW, 2003-2004 CATALOG AND APPLICATION 2003-04 (listing and showing photos of faculty).

<sup>331</sup> Gender:  $p = .0027$ .

<sup>332</sup> One student wrote: "It's difficult being a foreigner in law school . . . because there is no understanding of where I'm from, the culture I come from. There is hardly any discussion of international affairs, or how American foreign policy affects the rest of the world. There is a startling ignorance . . ." Respondent 101; 2L; female; non-American.

<sup>333</sup> Respondent 299; 2L; female; Asian-American; see also Respondent 32; 2L; male; Latino (expressing need for "[m]ore sensitivity to individual's culture and upbringing").

<sup>334</sup> Respondent 137; 1L; no gender identified; African-American.

A third student eloquently expressed her sentiments thus:

As far as ethnicity is concerned, I was surprised at the low percentage of African-Americans at King Hall and would like to see that number increased. Understanding and appreciating different backgrounds is the most human experience an attorney should have. Although justice should be blind, the process that educates attorneys should open our eyes, widely, to all the backgrounds that the law serves.<sup>335</sup>

Many associated the perceived lack of diversity with a misguided “one size fits all” pedagogical approach they claim to experience at King Hall. One student wrote: “I feel that law school is geared toward white, middle-class males in terms of the way it is taught and the expectations that professors have might reflect that the rest of us learn just like they do.”<sup>336</sup> Several believed that the demographic imbalance<sup>337</sup> they perceived between the law school student population and society at large<sup>338</sup> was detrimental both to legal education and to the general public whom the legal profession serves.<sup>339</sup>

#### F. Summary of Disparate Legal Education Experiences

On the whole, it is evident that women and students of color tend to endure more negative law school experiences than their white and male classmates. As summarized in the table below, the essential elements of legal education at King Hall — teaching methods, student body and faculty composition, professional and social environment, and academic evaluation systems — appear to fit and favor white and male students, while distressing and alienating women and students of color. Also telling is the tendency of students’ opinions of their legal educations to deteriorate, rather than improve, during their tenure in law school.

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<sup>335</sup> Respondent 221; 1L; female; White; *see also* Respondent 58, 1L, female; Middle Eastern American (“When you can count the number of African-American students per class on hand, there are certainly race issues worth examining.”).

<sup>336</sup> Respondent 181; 1L; female; no ethnicity indicated; *see also* Respondent 25; 2L; female; Asian-American (“Legal education fails to consider people [with] different backgrounds, who may not think the same way or approach things the same way as professors do.”); Respondent 125; 3L; female; White (“System needs to be completely reformulated out of this hierarchical hazing and into a more constructive, supportive, fruitful period of development and learning for all (races, genders, etc.)”).

<sup>337</sup> *See supra* notes 9, 107-10.

<sup>338</sup> Respondent 44; 3L; male; Latino (“I wish the student body looked a little more like the population outside the law school.”).

<sup>339</sup> *See infra* text accompanying note 348.

	Women	Students of Color	Class Year (Further Along In Legal Education)
More negative feelings about the Socratic method	X		X
More negative feelings about being called on in class	X		X
Voluntarily participate less in class		X	
Less satisfied with own voluntary participation	X	X	
Believe sex of professor affects classroom dynamics	X		X
Less positive feelings about law school professors		X*	
Less comfortable interacting with professors outside of class	X		
Observe differences in the way male and female students interact with faculty outside the classroom	X		
Underrepresented in the top class ranks and over-represented in the bottom class ranks	X	X	
Less satisfied with own academic performance		X	
Feel more pressure to set aside own values to think like a lawyer		X	
Less connected to other students		X	X
More frequent depression and crying	X		X
More frequent anxiety	X		
More frequent stress	X	X	
More likely to believe that the present ethnic and gender composition of faculty limits legal education	X	X*	
More likely to believe that the number of minority professors has deprived them of significant role models	X	X*	

\* Includes all racial/ethnic minorities comprising at least 1% of the student body except Asian-American students.

## CONCLUSION

We undertook this study, in part, to determine if King Hall lives up to its reputation as a “uniquely supportive atmosphere for the study of law.”<sup>340</sup> As the detailed findings above indicate, we determined that it generally does for white students, men in particular. King Hall falls short of this aspiration, however, in the experiences of many students. The institution and its students are not impervious to the demographically disproportionate experiences, including oppression and alienation, found at many law schools. Indeed, as has been proved the case at other law schools, statistically significant differences exist in the self-reported experiences and perceptions of significant numbers of women and minority students. These differences emerged from the data with respect to a range of inquiries aimed to measure student comfort, satisfaction, and success.

One could argue, based on the results of our survey and other indicators of student success, that King Hall has a split personality. On the one hand it is a comfortable and supportive place for those who might be considered mainstream or “insiders,” those who embody what we labeled the “mean voice” of King Hall. On the other, it is an often uncomfortable and alienating place for many minority and women students, relative “outsiders” whose perspectives differ from the mean. The divide between the mean voice and these other differing voices is epitomized in some of the narratives submitted with student survey responses. One white male expressed his fondness for the law school with these comments:

King Hall really is a good place and is the smaller, nicer, more relaxed school that it has the reputation to be. The professors are excellent and the students generally get along well with each other. Of course there is stress and pressure here but it seems to be that these forces have a bigger positive effect than a destructive negative effect. . . . I love this place and feel lucky to be here.<sup>341</sup>

One of the most positive survey narratives came from a white female student who had glowing praise for the law school, even as she articulated a perceived short-coming.

King Hall is the most nurturing law school environment I can imagine. As a woman I have felt supported by the community of other female law students. I have never felt afraid to speak up in

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<sup>340</sup> See *supra* note 3 and accompanying text.

<sup>341</sup> Respondent 5; 1L; male; White.



class, or felt like I was alone in holding a particular (liberal) opinion on issues important to women. . . . Although King Hall was the best law school to which I was admitted, my decision to attend was confirmed by the many support structures available to students here, especially the on-site day care (although I do not yet have children) and the assigned carrels in the library. I feel supported and encouraged by my fellow students, especially the women. Although I do not feel I have lacked female role models in professors, I do think the women faculty are stretched rather thin in providing support and encouragement to the numerous female students who count on them and look to them for guidance. I feel very, very lucky to have had such a rewarding and supportive law school experience.<sup>342</sup>

On the opposite end of the spectrum, a number of very negative survey narratives were submitted by minority and female students who lamented the disparity between King Hall's rhetoric and reputation and their own reality in law school. One African-American student wrote:

Nearly all of my professors have said racially insulting or insensitive things this year, and I'm pretty sure it was usually unintentional. I find it hard to understand how a school can call itself diverse, use the name of MLK Jr., yet have 5 black students in its incoming class, and probably 3 black professors in the whole school. It's insulting and makes the already challenging law school experience even more difficult.<sup>343</sup>

A woman who self-identified as Middle Eastern opined: "King Hall is supposedly the 'warm fuzzy' law school . . . but law school is what it is regardless of setting. People seem just so competitive and cut throat here as in any institution."<sup>344</sup> What these comments and the statistical data show is that King Hall as an institution, as well as its students, are not impervious to many forms of oppression. The demographically divergent experiences found at many other law schools also exist within King Hall.<sup>345</sup>

As at other law schools, too, the disparity between one's own experience and the rhetoric and images characterizing King Hall may

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<sup>342</sup> Respondent 77; 2L; female; White.

<sup>343</sup> Respondent 137; 1L; no gender identified; African-American.

<sup>344</sup> Respondent 58; 1L; female; Middle Eastern American.

<sup>345</sup> See generally Dowd et al., *supra* note 12; Guinier et al., *supra* note 15; Yale Law Women 2001-2002, *supra* note 12..

magnify students' feelings of isolation and distress.<sup>346</sup> Previous studies have documented the isolation and alienation caused and exacerbated by people's assumptions that their own negative responses to law school were individual and abnormal. At UC Berkeley, for example, researchers found that women shared "many of the same feelings of frustration and displacement. . . [but were] genuinely shocked to find that they were not alone in their feelings, which they had attributed to personal failings."<sup>347</sup> This isolation and sense of personal fault is arguably heightened in an environment such as King Hall, which is permeated by a dominant rhetoric that mischaracterizes and excludes some students' law school experiences and perspectives. Just as Yale researchers found it "all the more troubling that women express feelings of discontent in an atmosphere that is supposedly designed to be supportive,"<sup>348</sup> our data suggests that women and minority students at U.C. Davis disproportionately feel discontent in a law school setting that is supposedly supportive and diverse. If the rhetoric denies systemic problems, it implies that negative reactions to the law school culture are personal failures or weaknesses of those who experience them. A law school like U.C. Davis, which cloaks itself in rhetoric of humaneness, community, and diversity, must earnestly consider how to address this divergence in experiences.

Because some King Hall students — mostly students of color and women — are dissatisfied and disgruntled with their legal education experience, alienated within the supposedly kinder, gentler institution, it is time to change the institution. Based on our survey results, it seems reasonable and appropriate to endorse some of the suggestions for change offered in students' survey narratives. One student wrote, for example:

I would like to see a more diverse group of students and teachers in legal education because it hurts the profession and the communities served when everyone is from a narrow background racially, socio-economically. . . . I think we could all serve society better with more diverse knowledge from interaction with more diverse people.<sup>349</sup>

We concur in this proposal for increased diversity among both the student body and faculty, as our survey indicated that the perceived

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<sup>346</sup> See, e.g., Gaber, *supra* note 12; Garrison et al., *supra* note 12; Homer & Schwartz, *supra* note 12.

<sup>347</sup> Homer & Schwartz, *supra* note 12.

<sup>348</sup> Gaber, *supra* note 12.

<sup>349</sup> Respondent 265; 1L; female; Asian-American.

educational experiences of many minority students, in particular, are adversely affected because the law school community does not include a critical mass<sup>350</sup> of persons of their own race or ethnicity.<sup>351</sup> In addition, many women and students of color report that the quality of their legal education is diminished by the dearth of professor-mentors who are demographically similar to them. Indeed, even the woman who offered fulsome praise for King Hall attributed the support she felt in the law school community to other female students and the presence of female professors.<sup>352</sup> This, too, amplifies the importance, for any given student, of significant numbers of students and role models with whom they can identify. White men can take for granted the presence in the law school community of others like them; other students cannot. Even women, who constitute a majority of students, do not enjoy the presence of adequate numbers of female mentors. Moreover, the negative effects of insufficient diversity are not limited to students' subjective experiences. Insufficient diversity may also contribute to underperformance by students of color.<sup>353</sup> This underperformance, can, in turn, dramatically

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<sup>350</sup> According to the Supreme Court, a "critical mass" means "meaningful numbers," or "meaningful representation," or "a number that encourages underrepresented minority students to participate in the classroom and not feel isolated." *Grutter v. Bollinger*, 539 U.S. 306, 318 (2003). Taunya Lovell Banks found, in a 14-law school study from 1987 to 1989, that African-American students participated more in classrooms where they were not a small minority. Mertz et al., *supra* note 22, at 19 (discussing Taunya Lovell Banks, *Gender Bias in the Classroom*, 14 S. ILL. U. L.J. 527, 536 (1990)).

<sup>351</sup> Another problem associated with the presence of meager numbers of students of a particular racial or ethnic group is that of tokenism. When a person is the only one or one of only a few persons with his or her demographic characteristics, that person may become a symbol of how others like him/her can do; a stand-in for all persons like him/her; "the stranger who intrudes upon an alien culture and may become self-estranged in the process of assimilation." In such settings, the token often experiences higher failure and turnover rates. "[T]okens are, ironically, both highly visible as people who are different and yet not permitted the individuality of their own unique, non-stereotypical characteristics." ROSABETH MOSS KANTER, *MEN AND WOMEN OF THE CORPORATION* 207, 211 (2d ed. 1993).

<sup>352</sup> See *supra* note 342 and accompanying text.

<sup>353</sup> Mertz, *supra* note 22, at 9-16 (discussing how lack of diversity and negative classroom experiences, including climates that chill participation of women and students of color, can undermine learning and students' self-esteem); see also KANTER, *supra* note 351, at 218-20 (noting that tokens face "double bind": they must always perform well because they are more visible and closely watched than their colleagues or peers; however, they are also often one step behind majority or dominant group, never exceeding or excelling because to do so would create resentment); Steele, *supra* note 212 (discussing how stereotype threat leads to underperformance). Indeed, Timothy Clydesdale in his recent study of bar passage rates observed that *all* students achieve higher grades when they are taught by a more diverse group of teachers. He writes, "the very diversity women and minority faculty bring to their classrooms — arguably the 'critical mass' that diverse faculty help to create — enhances the educational experience for all students, regardless of race." Clydesdale, *supra* note 11, at 763.

affect the trajectory of a student's professional career.

Women and students of color now comprise the majority of all law students.<sup>354</sup> In light of the more negative feelings toward the Socratic method of such a considerable number of students, we believe the time has come to reconsider its widespread use, particularly in its harshest forms.<sup>355</sup> Indeed, the Socratic method elicited more negative comments in the narrative portion of the survey than did any other single aspect of legal education. Among the representative comments were, "Nix the Socratic method — it's very old-fashioned,"<sup>356</sup> "less ridiculous Socratic method,"<sup>357</sup> "the most inefficient way to teach and learn,"<sup>358</sup> and "no Socratic method. It doesn't work."<sup>359</sup> Professors should consider that the Socratic method may be more effective pedagogically in certain modified versions (e.g., with on-call panels)<sup>360</sup> or, as one student put it, used "gently."<sup>361</sup>

Many prior studies at other schools have been motivated by a desire to offer recommendations for change in the law school pedagogy or to justify calls for greater diversity among the student body. While we, too, wished to inform our own recommendations for changes in legal education and to identify possible problems at King Hall which may be obscured by its reputation and rhetoric, we believe our study has significance even apart from the recommendations we offer. As several survey respondents appreciated and expressed, there is value in the very

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<sup>354</sup> Nationally, there are 132,897 enrolled law students. Law School Admission Council, *Databook on Women in Law School and in the Legal Profession*, 20-21 (2003). Of these, 65,183 are female students and 12,211 are male students of color. *Id.* Together, these 77,394 students constitute a 58% majority of all law students. *Id.* By comparison, there are 51,210 white male law students. *Id.*

<sup>355</sup> Interestingly, U.C. Davis law students proposed abolishing the Socratic method during the 1968-69 academic year, a period of great unrest at the law school. During an era in which students throughout the country were criticizing higher education, U.C. Davis students also called for an abolition of grades. The law school agreed, however, to offer some seminar classes and to include students in some curriculum decisions. SCHEURING, *supra* note 2, at 136-37.

<sup>356</sup> Respondent 242, 3L, female; White.

<sup>357</sup> Respondent 96, 2L; no ethnicity or gender identified.

<sup>358</sup> Respondent 253, 2L, female; Asian-American.

<sup>359</sup> Respondent 83; 1L; female; Asian-American; *see also* Respondent 309; female; White ("No Socratic method/More of a discussion section"); Respondent 64; Respondent 40. A relative handful of students wrote in praise of the Socratic method.

<sup>360</sup> *See, e.g.*, Respondent 134; 3L; female, Asian-American; Respondent 152, 2L, female, other; Respondent 215, 3L, female, White; Respondent 221; 1L, female, White. One student thought on-call panels were especially positive for women: "When people are called on randomly or assigned to panels, women tend to participate more equally." Respondent 9; 3L; female; White.

<sup>361</sup> Respondent 19; 1L; male, White.

exercise of consulting one's constituencies. We were struck by students' enthusiasm for the survey because it represented the opportunity to voice their opinions and, essentially, to give feedback to the law school. One student wrote, "[T]hank you for doing the survey — it is a wonderful idea."<sup>362</sup> Others expressed interest in seeing the results.<sup>363</sup> Some seemed to see the survey as a vehicle for passing messages to the faculty, such as the student who wrote: "Please tell professors to give much better feedback and act like they actually want you to come to office hours."<sup>364</sup> At least one openly lamented the fact that students' opinions are not sought or acted upon, complaining in particular about the system of tenure which insulates professors from action that would respond to their shortcomings: "When professors are whip-smart but can't teach, the latter goes unnoticed. Tenured professors (old White guys[]) especially are here to stay no matter how bad they are[ ]. When they talk down to women & buddy up w/ men — who's to stop them?"<sup>365</sup>

We believe the leaders of King Hall genuinely seek to foster community and diversity and that they have taken steps they believe will help achieve these ends.<sup>366</sup> We also believe that it is easy for an institution with well-intentioned leadership to assume it is on the right track to achieving its goals or that it has already achieved them. In fact, King Hall may not be achieving these goals of community and diversity — at least not to the degree or as broadly as it believes and desires to do. Decision makers at King Hall and within legal education generally may need to realize that particular problems and obstacles remain, particularly for those from underrepresented communities and for women, who often do not feel part of the law school community — the very gateway to the legal profession — despite increasing numerical representation.

Perhaps ideas about how to foster community and what counts as diversity have been misguided. Perhaps the steps taken have been inadequate. Hence the value in soliciting feedback from an important law school constituency: the students. This next generation of lawyers has a unique perspective on legal education and a great deal to say about it. We are pleased that this survey facilitated that, and we sincerely hope

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<sup>362</sup> Respondent 221; 1L; female; White.

<sup>363</sup> See, e.g., Respondent 215; 3L; female; White; Respondent 58; 1L; female; Middle Eastern American.

<sup>364</sup> Respondent 209; 3L; female; White.

<sup>365</sup> Respondent 209; 3L; female; White.

<sup>366</sup> See *supra* notes 74-81 and accompanying text (referring to steps taken)

that the data collected will be used to inform positive movement toward the community King Hall seeks to be, a community in which all students' educational needs are served and their educational opportunities optimized, regardless of race, ethnicity, or gender.

## APPENDIX

### UCD LAW STUDENT SURVEY

Please take the time to complete the attached survey. This survey is part of a study being conducted by a fellow student to learn more about the backgrounds and experiences of UC Davis Law students. The data resulting from this survey will help understand the dynamics of our student body and add to the scholarship on gender, race, and economic class in higher education.

The survey should take about 30-45 minutes. If you need more space to answer any question, please feel free to continue your response on the back of the page. Your responses are completely confidential and anonymous, and your identity will not be connected in any way to your survey response.

**Please place your completed survey in the box above the student mailboxes labeled "STUDENT SURVEY" as soon as possible, but no later than February 20<sup>th</sup>.**

If you have any questions or concerns, please contact Celestial Cassman (3L) at [cscassman@ucdavis.edu](mailto:cscassman@ucdavis.edu)

Thank you for participating!

## I. BACKGROUND INFORMATION

1. Are you currently a

\_1L      \_2L      \_3L

2. Are you:

\_Male      \_Female

3. Do you identify yourself as:

\_African-American or African      \_Native Hawaiian or Pacific  
\_American Indian or Alaska      \_Islander  
 Native  
\_Asian-American or Asian      \_White (non-Hispanic)  
\_Latino/a or Hispanic      \_Other, please specify:  
\_Decline to state

4. Compared with American families in general, would you say your annual household income in the home where you lived while growing up, or for the longest time period, was

\_Below Average      \_Above Average  
\_Far Below Average      \_Far Above Average

5. In terms of economic class, which of the following do you think best describes the family with whom you grew up, or lived with for the longest time period?

\_Upper class      \_Lower class  
\_Middle class

6. What is the highest level of education completed by your parent(s) or guardian(s) you lived with? Please answer for the parents or guardians with whom you lived most of the time.

Mother/female guardian

\_No high school diploma      \_Graduate or professional degree  
\_High school diploma or      \_Other, please specify:  
 equivalent      \_Not applicable (did not live with  
\_College degree      mother/female guardian)



7. Father/male guardian you lived with?

No high school diploma

High school diploma or equivalent

College degree

Graduate or professional degree

Other, please specify:

Not applicable (did not live with father/male guardian)

8. What is (or was) your father's occupation?

9. What is (or was) your mother's occupation?

10. How many children lived in the household where you grew up?

11. Were your parents

Married

Never Married

Divorced

Separated

12. Was your family dependent on public assistance programs (such as welfare, Medi-Cal, etc.) at any point?

Yes

No

13. If yes, what types of assistance and for approximately how long? (Feel free to use the back of this page to respond)

## II. PROFESSIONAL GOALS AND VALUES

14. Which of the following best describes your reasons for coming to law school? Please select no more than two reasons.

Intellectual stimulation and training

Like to argue and debate

Prestige of the legal profession

To serve society / advance a cause

Desire to earn a lot of money

Unable to find a satisfactory job without a graduate degree

Other, please specify:

15. Which of the following best describes the kind of job you expect to have immediately after law school?

- |   |   |
|---|---|
| <input type="checkbox"/> Sole practitioner                  | <input type="checkbox"/> Public interest / nonprofit organization |
| <input type="checkbox"/> Law firm                           | <input type="checkbox"/> Government                               |
| <input type="checkbox"/> Academic                           | <input type="checkbox"/> Job unrelated to law                     |
| <input type="checkbox"/> In-house counsel for a corporation | <input type="checkbox"/> Other, please specify:                   |

16. What kind of law do you expect to practice immediately after law school? Please select no more than two kinds of law.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Corporate law | <input type="checkbox"/> Personal injury        | <input type="checkbox"/> Trusts and estates     |
| <input type="checkbox"/> Criminal law  | <input type="checkbox"/> Public / Municipal law | <input type="checkbox"/> Unsure                 |
| <input type="checkbox"/> Family law    | <input type="checkbox"/> Public interest        | <input type="checkbox"/> Other, please specify: |
| <input type="checkbox"/> Labor law     | <input type="checkbox"/> Real estate            |   |
| <input type="checkbox"/> Litigation    | <input type="checkbox"/> Tax                    |   |

17. Of the following factors, which are the two most important considerations in your career plans?

- |  |  |
|--|--|
| <input type="checkbox"/> High prestige of the position | <input type="checkbox"/> Advancing a cause you believe in / opportunity to serve society |
| <input type="checkbox"/> Work / life balance           | <input type="checkbox"/> High salary or other financial considerations                   |
|  | <input type="checkbox"/> Other, please specify:  |

18. In what type of setting would you ultimately like to work? Please select one.

- |  |   |
|--|---|
| <input type="checkbox"/> Solo practitioner                 | <input type="checkbox"/> Public interest / nonprofit organization |
| <input type="checkbox"/> Large law firm (over 50 lawyers)  | <input type="checkbox"/> Government / public sector               |
| <input type="checkbox"/> Small law firm (under 50 lawyers) | <input type="checkbox"/> Non-legal                                |
| <input type="checkbox"/> In-house / corporate counsel      | <input type="checkbox"/> Academic                                 |
|  | <input type="checkbox"/> Other, please specify:                   |

19.. How certain are you that you can ultimately work in this setting?  
(1 = very uncertain, 5 = very certain)

Very uncertain    1    2    3    4    5    very certain

### III. CLASSROOM DYNAMICS AND PERCEPTIONS

20. Describe the classroom atmosphere where you would be the most comfortable and would be the most conducive to learning for you. (class size, teaching style, etc.)

21. Which of the following best describes how often you volunteer answers or ask questions in class?

Never     Rarely     Sometimes     Often     Usually     Always

22. How satisfied are you with your classroom participation? (1 = very dissatisfied, 5 = very satisfied)

Very dissatisfied    1    2    3    4    5    Very satisfied

23. How you feel about the Socratic method? (1 = very negative, 5 = very positive)

Very negative    1    2    3    4    5    Very positive

24. Overall, how would you characterize the experience of being called on in class? (1 = very negative, 5 = very positive)

Very negative    1    2    3    4    5    Very positive

25. In class, do you think that the students of one sex ask more questions and/or volunteer more answers than students of the other sex?

No, men and women speak equally     Yes, women speak more     Yes, men speak more

26. Do you think that the nature or content of classroom interactions between professors and students are affected by the sex of the student?

\_Yes      \_No

27. Do you think that the nature or content of classroom interactions between professors and students are affected by the sex of the professor?

\_Yes      \_No

28. Do you think men or women participate more in your classes?

Men participate significantly more	1    2    3    4    5	Women participate significantly more
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29. Do you notice a difference in the way your professors address men's versus women's comments or questions?

\_Yes      \_No

30. If yes, what are the differences you notice?

31. Do you think the way a professor runs the classroom discussion (e.g. cold calling, using volunteers, assigning on-call panels, etc...) influences how much men and women participate in class?

\_Yes      \_No      \_Unsure

32. If yes, how so?

33. Do you think that male and female students at King Hall experience equal academic success?

<input type="checkbox"/> _Yes	<input type="checkbox"/> _No, I think men experience greater academic success	<input type="checkbox"/> _No, I think women experience greater academic success
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## IV. STUDENT / FACULTY RELATIONS AND PERCEPTIONS

34. Overall, how do you feel about the professors at this law school?  
(1 = very positive, 5 = very negative)

Very positive    1    2    3    4    5    Very negative

35. How comfortable are you visiting a professor during their posted office hours? (1 = very comfortable, 5 = very uncomfortable)

Very comfortable    1    2    3    4    5    Very uncomfortable

36. How comfortable do you feel approaching a professor to schedule an appointment outside of their posted office hours?

Very comfortable    1    2    3    4    5    Very uncomfortable

37. How comfortable do you feel stopping by a professor's office without an appointment?

Very comfortable    1    2    3    4    5    Very uncomfortable

38. How comfortable do you feel approaching a professor after class or during breaks?

Very comfortable    1    2    3    4    5    Very uncomfortable

39. How comfortable do you feel telephoning a professor?

Very comfortable    1    2    3    4    5    Very uncomfortable

40. How comfortable do you feel e-mailing a professor?

Very comfortable    1    2    3    4    5    Very uncomfortable

41. Why do you feel more or less comfortable approaching professors in these various ways?

42. Do you observe differences in the way male and female students interact with faculty outside of the classroom?

\_Yes            \_No

43. If yes, what differences do you notice and what do you think accounts for these differences?

44. Do you have a particularly close, mentor-like relationship with any UCD Law School faculty member?

\_Yes            \_No

45. If yes, how did you come to form the relationship (e.g., class participation, office hours, writing a paper, clinical work)

\_Class participation            \_Writing a paper  
\_Office hours                    \_Clinical work  
\_Other, please specify:

46. If yes, is your UCD Law School faculty mentor male or female?

\_Male            \_Female

47. Are you satisfied with your opportunities for mentorship from UCD Law School faculty?

\_Yes            \_No

#### V. LAW SCHOOL EXPERIENCES AND PERCEPTIONS

48. On the whole, how satisfied are you with your law school experience? (1 = very dissatisfied, 5 = very satisfied)

Very dissatisfied    1    2    3    4    5    Very satisfied

49. I enjoy facing the challenges of law school (1 = strongly agree, 5 = strongly disagree)

Strongly agree    1    2    3    4    5    Strongly disagree

50. Before law school I thought of myself as intelligent and articulate, but often I don't feel that way about myself now

Strongly agree    1    2    3    4    5    Strongly disagree

51. I am satisfied with my own academic performance in law school

Strongly agree    1    2    3    4    5    Strongly disagree

52. I feel connected to other students at this law school

Strongly agree    1    2    3    4    5    Strongly disagree

53. I have seriously considered dropping out of law school

Strongly agree    1    2    3    4    5    Strongly disagree

54. In general, I feel that my talents are recognized and respected at law school

Strongly agree    1    2    3    4    5    Strongly disagree

55. I feel pressured to set aside my values in order to think like a lawyer

Strongly agree    1    2    3    4    5    Strongly disagree

56. My values have not changed since I began law school

Strongly agree    1    2    3    4    5    Strongly disagree

57. The values of my classmates have not changed since I began law school

Strongly agree    1    2    3    4    5    Strongly disagree

58. My anticipated career path has not changed since I began law school

Strongly agree    1    2    3    4    5    Strongly disagree

59. My professors are careful not to publicly humiliate students in the classroom

Strongly agree    1    2    3    4    5    Strongly disagree

60. The number of female professors has deprived me of significant role models in the field of law

Strongly agree    1    2    3    4    5    Strongly disagree

61. The number of minority professors has deprived me of significant role models in the field of law

Strongly agree    1    2    3    4    5    Strongly disagree

62. The present ethnic and gender composition of the faculty limits my legal education

Strongly agree    1    2    3    4    5    Strongly disagree

63. A law school should strive toward having a diverse student body and faculty in terms of economic class backgrounds

Strongly agree    1    2    3    4    5    Strongly disagree

64. My own economic class background has affected my education

Strongly agree    1    2    3    4    5    Strongly disagree

65. What has been your favorite class in law school and why?

66. What has been your least favorite class in law school and why?

67. Do you participate with any student organizations?

\_Yes            \_No

68. If yes, please list the organizations with which you are involved:



69. Do you participate with a journal or law review?

\_Yes      \_No

70. If yes, please identify which journal, or law review with which you are involved:

71. During law school, how often do you feel depressed or cry?

\_Never    \_Rarely    \_Sometimes    \_Often    \_Usually    \_Always

72. During law school, how often do you feel anxious?

\_Never    \_Rarely    \_Sometimes    \_Often    \_Usually    \_Always

73. During law school, how often do you feel stressed out?

\_Never    \_Rarely    \_Sometimes    \_Often    \_Usually    \_Always

74. If you could make recommendations or offer critiques of legal education, what would they be?

#### VI. INVITATION FOR NARRATIVE

75. This survey has tried to assess some important aspects of students' backgrounds and experiences at King Hall. Please feel free to use the back of this page to provide any comments or details of your background or experiences that have not been captured by the survey.

THANKS AGAIN FOR PARTICIPATING!

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