

# A Comparative Study of Men and Women in Law School

By Jeannie Rosenfeld

Do men perform better than women in law school? A study published in the University of Pennsylvania Law Review earlier this year indicated that, in fact, women received lower grades than men at the University's school of law. The 110 page article, titled, "Becoming Gentlemen: Women's Experiences at One Ivy League School," was written by University of Pennsylvania Law Professor Lani Guinier, who is best known as President Bill Clinton's 1992 nominee for assistant attorney general for civil rights. The article sparked controversy among law school administrators and professors because it was the first study to document a gap in performance between men

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and women in the law field. Using records of students enrolled at the University of Pennsylvania Law School in between 1987 and 1992, Guinier and four co-authors found that men were three times as likely as women to be in the top 10% of the class after the first year. This was true in spite of the fact that the members of the two groups entered law school with virtually identical grade point averages and scores on the Law School Admission Test (LSAT), and grades are ordinarily based on blindly-graded final exams. In addition to the analysis of student records, Guinier based her study on hundreds of questionnaires and student interviews, which she said correlated with the disparity in grades, and suggested an alienating experience for female law students. "You could look at this as an embarrassment for Penn," she said, "but I look at it as an opportunity to rethink law schools" (Manserus 1).

When the article reached the Columbia school of law shortly after it was published, the school's dean of admissions, James

Milligan, responded by conducting research comparing the predicted academic performance of first-year students at Columbia Law school with their actual first-year performance, segregating the data by gender. The predictions of students who entered the school from 1987-1991 were based on the grading standards of the Law School Admissions Services, while actual success was measured both by grades and honors. The results of the Columbia research suggest a different reality than Guinier's study.

In a memorandum to Columbia Law School Dean Lance Liebman, Dean Milligan wrote, "The results indicate that, as a group, men perform at a level of academic excellence predicted by their LSAT and UGPA indicators, while women are more highly represented in the top quarter of their first-year classes than was predicted by the objective factors." In the memorandum, Dean Milligan stressed that, while the performance statistics outlined in his research do **not** teach much about the "learning environment or student culture of Columbia Law School, "they do demonstrate that "women are not only under-achieving but are slightly outdistancing their predicted academic distinction in the upper reaches of our student body."

In the last decade, nine of the eleven recipients of the highest academic prize that Columbia Law School bestows on students, "the Ordinaux" for the school's valedictorian, had been given to women. The controversy over the issue is likely to

**Women's Performance  
As Illustrated by Stone Honors\*\***

Class	# of Women Stone Scholars	# of Men Stone Scholars	% Stones Women	% Women in Class
'92	129	208	38	40
'93	114	245	32	38
'94	156	270	37	41
'95*	81	119	40	36
'96*	52	67	44	41
5 Year Totals	532	909	37	39

Courtesy of Columbia Law School

Women's First Year Performance						
Entering Class	Top 10%		Top 25%		Top 50%	
	Predicted	Actual	Predicted	Actual	Predicted	Actual
1987	9	14	21	34	59	62
1988	7	6	19	20	47	45
1989	14	13	25	29	56	53
1990	9	3	23	16	58	49
1991	9	11	29	30	51	56
5 Year Totals	48	47	117	129	271	265

Men's First Year Performance						
Entering Class	Top 10%		Top 25%		Top 50%	
	Predicted	Actual	Predicted	Actual	Predicted	Actual
1987	21	16	40	40	90	87
1988	27	28	64	63	121	123
1989	18	19	55	51	104	107
1990	23	29	55	62	108	117
1991	22	20	57	56	114	109
5 Year Totals	111	112	271	272	537	543

Courtesy of Columbia Law School

continue in law school circles. A much larger study than Guinier's, of 6,000 students at law schools across the nation also suggested that men outperform women in law school. The results of that study will be published by the Law School Admissions Counsel this summer. Reflecting on Guinier's study, Paul Brest, dean of the Stanford University Law School, said he was surprised. "I have not noticed a difference between men and women's performance," he said.

To some degree, the comparative performance and experiences of men and women in law school may simply vary from school to school. Furthermore, as the Columbia research indicates, success can be measured in numerous ways. Some studies may focus on grades and honors while others may consider extracurricular activities and internships. Though statistics may be important indicators of trends and can help point out possible problems in education, they cannot paint the complete picture of the law student's experience. "The grades may not reflect the quality of women's law

school experiences," said Editor in Chief of the Columbia Law Review Susan Stayn, "Men and women perform equally well, the study says."

Do women feel they are taken as seriously as men in classrooms? Do women feel they have equal access to the resources of the law school? Are there enough women professors teaching in the classrooms?

In Columbia Law School, for example, only 14 of the the 73 professors are women. Do men perform better than women in law school?

As the debate continues, the broad scope of definitions for success must be acknowledged. Even more so, the unique environment of each law school, a factor which is more difficult to measure than numbers, must be taken into account when trying to asses the individual experiences of men and women in law schools across the nation. *M*

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"Each time a man fights injustice or seeks to improve the lot of others, he sends forth a tiny ripple of hope, and crossing each other, these ripples can sweep down the mightiest walls of oppression and resistance."  
-Robert Kennedy