

2010-2011

Law Review Diversity Report

THE NEW YORK LAW SCHOOL LAW REVIEW

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EXECUTIVE SUMMARY

Ms. JD, an organization dedicated to the success of women in law school and the legal profession, published its *Women on Law Review: Gender Diversity Report* in August 2010. The report examined female membership and leadership on the law reviews at law schools ranked in the Top 50 by *U.S. News & World Report* (“*U.S. News*”) and found that although the percentages of female students on those law reviews (44.3%) and in leadership positions (46.2%) were in line with the percentage of women awarded law degrees during the same time period (45.7%), the representation of women in the editor-in-chief (“EIC”) position was “disproportionately low” at just 33%.¹

In 2011, the *New York Law School Law Review* (“NYLS”) expanded upon Ms. JD’s work by surveying two samples of law reviews based on criteria other than the *U.S. News* rankings: the percentage of women and minorities who are full-time faculty members of ABA-accredited law schools.

Key Findings

NYLS found that law reviews at schools having a high percentage of female full-time faculty and at law schools having a high percentage of minority full-time faculty had, on average, significantly greater gender diversity among their 2010-2011 student membership and leadership than law reviews at the Top 50 schools surveyed by Ms. JD in 2010, as well as a higher rate of female EICs.

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Law reviews at schools with a high percentage of female or minority full-time faculty reported significantly higher female membership and leadership on average than law reviews at schools ranked in the Top 50 by U.S. News & World Report.

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Table 1. Summary of Key Findings

	Top 50 Sample	Female Full-Time Faculty Sample	Minority Full-Time Faculty Sample
Average percentage of female membership	44.3%	52.2%	58.6%
Average percentage of female leadership	46.2%	58.6%	64.1%
Percentage of law reviews having a female EIC	33%	60%	46.2%
Percentage of law reviews having an EIC who identifies as a person of color	N/A	13.3%	41.7%

1. Ms. JD, *WOMEN ON LAW REVIEW: A GENDER DIVERSITY REPORT* (Aug. 23, 2010), http://ms-jd.org/files/ms._jd_lr_8.23.2010.pdf [hereinafter Ms. JD 2010 REPORT].

Implications

Law schools ranked in the Top 50 sample surveyed by Ms. JD have rates of female and minority full-time faculty that are reflective of the averages at law schools nationwide. Thus a comparison of data from law reviews at Top 50 schools and data from law reviews in the NYLS samples may reveal a possible relationship between faculty diversity and diversity in law review membership and leadership.

Table 2. Average Percentage of Female and Minority Full-Time Faculty

	All ABA-Accredited Law Schools	Top 50 Sample	Corresponding NYLS Sample
Average percentage of female full-time faculty members	36.2%	32.6%	54.4%
Average percentage of minority full-time faculty members	17.2%	14%	46.8%

The NYLS survey results indicate that there may be a positive relationship between the percentage of female full-time faculty members at a law school and the representation of female students in membership and leadership of the school's law review. On average, law reviews at schools with a high percentage of female full-time faculty reported significantly higher percentages of both female membership (52.2%) and female leadership (58.6%) than law reviews at Top 50 schools (44.3% and 46.2%, respectively), including 27% more female students at the editor-in-chief's desk (60% as compared to 33%). Only 13.3%, however, had an EIC who identified as a person of color.

The NYLS survey results suggest that there may also be a positive relationship between the racial diversity of a law school's full-time faculty and the achievement of female students as measured by their representation on law review. Law reviews at schools with a high percentage of minority full-time faculty also had significantly higher percentages of female membership (58.6%) and leadership (64.1%) than law reviews in the Top 50 sample (44.3% and 46.2%, respectively). In addition, 46.2% of these law reviews had a female EIC, compared to 33% of law reviews at Top 50 schools, and 41.7% had an EIC who was a person of color.

Accordingly, it appears that a number of law reviews at schools outside of the *U.S. News* Top 50 offer a greater opportunity for female students to obtain law review membership, hold leadership positions within those law reviews, and achieve the top position of editor-in-chief.

NYLS SURVEY RESULTS

Results from Law Reviews in the Female Faculty Sample

Law reviews at law schools having a high percentage of female full-time faculty (the female faculty sample) reported significantly higher percentages, on average, of female law review membership and leadership than law reviews at schools in the Ms. JD Top 50 sample, including a higher percentage of female students holding the highly coveted position of editor-in-chief.

- The average percentage of female law review members in this sample was 52.2%, compared with 44.3% among law reviews at the Top 50 law schools.
- The average percentage of female students holding law review leadership positions was 58.6% in this sample, compared with 46.2% among law reviews at Top 50 schools.
- 60% (9 of 15) of EICs in this sample were women,² compared to just 33% of EICs at law reviews in the Top 50 sample.
- 2 of the 15 law reviews responding in this sample, or 13.3%, reported having an EIC who identified as a person of color.³
- Of the 13 law reviews in this sample that responded to the question, 69.2% (9 of 13) reported that 50% or more of their published student scholarship was written by female authors.⁴
- Of the 10 law reviews in this sample that responded to the question, 2 (20%) reported that 50% or more of their published non-student scholarship was written by female authors.

Results from Law Reviews in the Minority Faculty Sample

Law reviews at law schools having a high percentage of minority full-time faculty (the minority faculty sample) also reported a significantly higher percentage of female law review members, leaders, and EICs on average than law reviews in the Top 50 sample. As compared to law reviews in the female faculty segment, law reviews in the minority faculty segment had an even greater percentage of female members and the same rate of women in leadership positions, but fewer female EICs. (See Appendix B for a table comparing key results for the three samples.)

- The average percentage of female law review members in this sample was 58.6%, compared to 44.3% among law reviews at the Top 50 law schools.

2. One school reported having co-editors-in-chief, one of whom was female.

3. This question was not included in the Ms. JD 2010 survey.

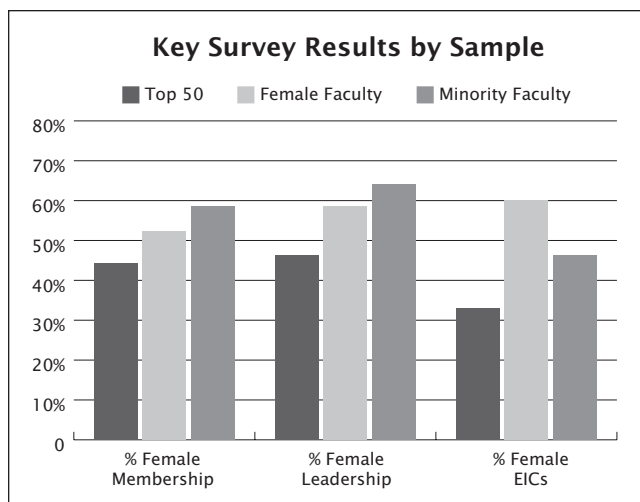
4. In its 2010 report, Ms. JD noted that “from 2005-2009, women law students at the ‘Top 15’ law schools authored 36% of all student notes in general interest law reviews.” Ms. JD 2010 REPORT, *supra* note 1, at 2 n.1 (citing Nancy Leong, *A Noteworthy Absence*, 59 J. LEGAL EDUC. 279-97 (2009)). This question was not included in the Ms. JD 2010 survey.

- The average percentage of female students holding law review leadership positions in this sample was 64.1%, compared to 46.2% for law reviews in the Top 50 sample.
- 46.2% of law reviews (6 of 13) in this sample had a female editor-in-chief, compared to only 33% in the Top 50 sample.
- Of the 12 law reviews that responded to the question of whether the EIC identified as a person of color, five (41.7%) answered in the affirmative.⁵
- Of the 11 law reviews in this sample that responded to the question, 63.6% (7 of 11) reported that 50% or more of their published student scholarship was written by female authors.
- Of the 10 law reviews in this sample that responded to the question, one reported that 50% of its published non-student scholarship was written by female authors.

DISCUSSION AND IMPLICATIONS

Because the percentages of female and minority full-time faculty at law schools in the Top 50 sample surveyed by Ms. JD are comparable to the average for all ABA-accredited law schools (see Table 2, above), it is useful to compare the survey results from the Top 50 sample with the results from law reviews in the two NYLS samples.⁶

Table 3. Key Survey Results by Sample



As the above results show, this comparison suggests that female law students at schools with more diverse faculties are law review members and hold law review leadership positions at higher rates than their counterparts at law schools ranked in the *U.S. News* Top 50. In each of the three measures used in the Ms. JD 2010 survey (i.e., rates of female law review membership and leadership, and gender of the EIC), law reviews in the two

NYLS samples significantly outperformed those in the Top 50 sample.

5. One law review completed the survey, but answered "I don't know" for this question. Although the survey was directed to editors-in-chief, in some cases someone other than the EIC may have completed the survey, which would explain the individual's inability to answer this question.
6. As of the date of publication of this report, Ms. JD had not issued a report updating its 2010 survey results for the Top 50 sample. Thus, all comparisons made between the Ms. JD and NYLS survey results necessarily involve two different academic years, 2009-2010 and 2010-2011, respectively.

Comparing results from the two NYLS samples also yields interesting observations:

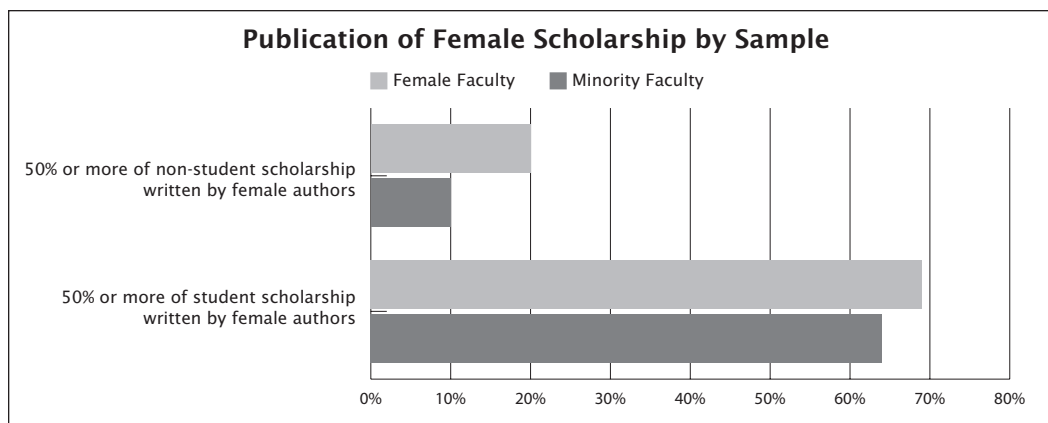
- While more than half of the EICs at law reviews in the female faculty sample (60%) were women, only two law reviews in that sample (13.3%) reported having an EIC who identified as a person of color.
- Notably, those two law reviews are at schools that also have a high percentage of minority full-time faculty and were therefore also included in the minority faculty sample.
- Of the 12 law reviews in the minority faculty sample that answered the question, 5 reported that their EIC was a person of color; of the 13 law reviews in the minority faculty sample that responded to the question, 6 reported that the EIC was a woman.

This data suggests that although a more racially diverse faculty may have positive effects on law review diversity (both in terms of students of color *and* female students), schools with high rates of female full-time faculty may produce higher rates of law review achievement among female students only, but will not necessarily contribute to higher rates of students of color holding the EIC position.

Results regarding the publication of student and non-student female scholarship, based on very limited response rates, were as follows:⁷

- The majority of responding law reviews in each NYLS segment—69.2%, or 9 of 13, in the female faculty sample and 63.6%, or 7 of 11, in the minority faculty sample—said that at least half of their published student scholarship was written by women.
- In comparison, law reviews in both NYLS samples reported a lower percentage of professional (non-student) scholarship written by women. Only 1 out of 10 responding law reviews in the minority faculty sample and only 2 of the 10 respondents in the female faculty sample reported that at least 50% of their non-student scholarship was written by women.

Table 4. *Publication of Female Scholarship*



7. Questions about female scholarship were not included in the Ms. JD 2010 survey.

NEXT STEPS

Law review membership remains a strong indicator of academic success in law school and an important credential for legal employment, including “prestigious federal judicial clerkships and academic appointments.”⁸ Based on the 2010-2011 NYLS survey, female students at a number of law schools outside of the *U.S. News* Top 50 to obtain the key credential of law review membership and leadership, and the even more valued editor-in-chief position, at higher rates than female students at schools in the Top 50.

Although the 2010-2011 NYLS survey was limited in scope, the results suggest areas to explore in identifying factors contributing to or inhibiting diversity on law reviews, including any correlation between achievement of female students and students who identify as persons of color and law school rankings, faculty diversity, or other factors. To further elucidate these patterns, NYLS has launched its 2011-2012 law review diversity survey, which will increase the number of law reviews surveyed to include the general interest law review or journal at each ABA-accredited law school.

This research, which highlights potential gaps in opportunities for female and minority law students, reinforces the importance and value of examining the diversity of a law review’s membership and leadership. Armed with this information, law schools will be in a better position to ensure that all law students get the most out of the educational opportunities law school offers, including law review participation.

Toward that end, the *New York Law School Law Review* reports its own record in this area below, under “About the NYLS Survey,” and has posted its “diversity profile” on its website at nylslawreview.com/diversity, in the interest of transparency and the hope that other law reviews may do the same.

Law reviews wishing to ensure their participation in the 2011-2012 survey may email survey@nylslawreview.com.

8. Ms. JD 2010 REPORT, *supra* note 1, at 1.

ABOUT THE NYLS SURVEY

Ms. JD's 2010 *Women on Law Review: Gender Diversity Report* documented the gender diversity of law reviews at schools ranked in the Top 50 by *U.S. News* for the 2009-2010 academic year. This survey found that the law reviews of the Top 50 law schools lagged in female leadership, as compared to the percentage of female law review members and of J.D. degrees awarded to women at the same schools.

NYLS questioned whether trends may be different at law reviews of schools outside of the Top 50, as suggested by its own record in the area of female law review leadership. Over the past 9 years, 89% (8 of 9) of the editors-in-chief at NYLS have been women. Additionally, on average, 57% of its leadership (editorial board) positions have been held by women and 56% of the student scholarship it published has been authored by women. During the same period, its average female membership was 53% and 54% of the school's J.D. graduates were women. Given its comparative success in achieving gender diversity on its law review, NYLS decided to expand upon Ms. JD's work for two reasons: (1) to continue the dialogue about law review diversity, including whether other law reviews at schools outside the Top 50 were seeing success in this area; and (2) to further study law review programs and examine related topics, such as law review educational objectives and best practices.

Therefore, NYLS identified and surveyed two samples of law reviews selected based on criteria other than the *U.S. News* rankings: the percentages of female and minority members of a law school's full-time faculty.

Data and Methods

The NYLS survey targeted law reviews at ABA-accredited law schools having the highest reported percentage of female and minority full-time faculty. The law reviews to be surveyed were identified using 2008 ABA statistics,⁹ which were the most recent available from the ABA at the time NYLS commenced the survey in March 2011. In order to manage the scope of its inaugural survey, the samples were each limited to no more than 20 law reviews. Using the ABA data, NYLS identified the 20 law schools reporting the highest percentage of female full-time faculty (which became the female faculty sample) and the 20 law schools reporting the highest percentage of minority full-time faculty (which became the minority faculty sample).¹⁰ To remain consistent with Ms. JD's survey,

9. NYLS obtained the data, which contained information collected through the ABA's annual law school questionnaire, from the website of the ABA's Section of Legal Education and Admissions to the Bar; however, the information was removed from the section's website in early 2011.

10. NYLS also surveyed law reviews in samples based on law review size and law schools' female and minority student population, but the response rates were too low to provide the basis for meaningful analysis.

NYLS then identified the general interest, or “flagship,” law review or law journal at each school for inclusion in the samples.¹¹

Ms. JD provided NYLS with a copy of its 2010 questionnaire and collaborated with NYLS in developing NYLS’s survey based on the Ms. JD 2010 survey. All of the questions used in the Ms. JD 2010 survey remained unchanged in the NYLS survey. However, NYLS added the question about racial diversity in the EIC position. This question focused on the race of the EIC only, based on the assumptions that it would most likely be the EIC responding to the survey, it may not be practicable for another editor to answer this question on behalf of the EIC, and law reviews probably do not collect such information from their members and editors. To make clear that this question intended to capture only racial or ethnic diversity—as opposed to, for example, sexual orientation, religious, or disability status—the NYLS survey asked whether the law review’s editor-in-chief identifies as a “person of color.”¹² In addition, NYLS added questions about the gender and full-time status of law review faculty advisors, publication of female scholarship in the law review, methods for selecting law review members and leaders, and educational objectives of the law review.

Using contact information provided on each law review’s web site, NYLS sent an email addressed to the editor of each law review in the sample containing a link to the online questionnaire. Of the 20 law reviews having the highest percentage of female full-time faculty, 17 were included in the female faculty sample surveyed by NYLS and 15 (88.2%) responded. Of the 20 law reviews in the minority faculty sample, a total of 17 law reviews were included in the sample surveyed, of which 13 (76.4%) responded. Four schools in the female faculty sample and one school in the minority faculty sample were also in the Top 50 sample, which was surveyed by Ms. JD. (See Appendix A for a list of the law reviews in each sample.)¹³

Editors submitted their answers electronically. Consistent with the Ms. JD 2010 survey, the NYLS survey relied upon self-reported data. NYLS editors followed up with individual law reviews by phone and email to encourage responses. Responses to several survey questions are not reported here because of low response rates, apparent confusion about the meaning of the question, or difficulties quantifying the answers.

11. See Ms. JD 2010 REPORT, *supra* note 1, at 2 (explaining that “general interest law reviews . . . are both common to every school surveyed and . . . membership on the law review is a traditional mark of success and prestige”).

12. The ABA uses the term “minority” in its law school questionnaire to refer to ethnic and racial minorities.

13. The three ABA-accredited law schools in Puerto Rico reported the highest percentages of minority full-time faculty, with two reporting that 100% of their full-time faculty members were minorities and one reporting that 95% of its full-time faculty members were minorities. These schools were not included in the minority faculty sample because of the total or near-total minority make-up of both their faculty and student populations. In addition, NYLS did not include law reviews from Top 50 schools in order to avoid duplication of Ms. JD’s planned 2011 survey of the Top 50 sample. Ms. JD’s data for 2010-2011 was not available as of the date of this report and therefore data for law reviews at Top 50 schools was not included in the NYLS results.

About the New York Law School Law Review

The *New York Law School Law Review* is a journal of legal scholarship edited and published by students at New York Law School four times a year. The *Law Review* is the largest law review in the United States, with 2011–2012 membership of 178 students, led by an editorial board assisted by staff editors, online staff editors, and members, working together with a full-time faculty publisher, to make all editorial and publication decisions. The *Law Review* has both a scholarly and an educational mission. It serves as an academic forum for legal scholarship by sponsoring four symposia each year and publishing the scholarship presented at those events. The *Law Review* also offers its students an important learning and professional development experience, providing opportunities for students to develop their writing, research, and editing skills, as well as other skills that are important for the successful practice of law, including communication, organizational, and project management skills. The *Law Review* is printed by Joe Christensen, Inc., in Lincoln, Nebraska. The *Law Review*'s editorial and general offices are located at New York Law School, 185 West Broadway, New York, NY 10013. Symposium proposals may be submitted to the *Law Review* by U.S. mail or via email at law_review@nyls.edu. Tel. 212-431-2109. Website www.nylslawreview.com.

APPENDIX A: LAW REVIEWS SURVEYED BY NYLS^(A)

Female Faculty Sample

Law Reviews at Schools with a High Percentage of Female Full-Time Faculty

Catholic University Law Review, Catholic University of America Columbus School of Law

City University of New York Law Review, City University of New York School of Law

Florida A&M University Law Review, Florida A&M University College of Law

Florida Coastal Law Review, Florida Coastal School of Law

John Marshall Law Journal, John Marshall Law School—Atlanta

New Mexico Law Review, University of New Mexico School of Law

North Carolina Central Law Review, North Carolina Central University School of Law

Northeastern University Law Journal, Northeastern University School of Law

Nova Law Review, Nova Southeastern University Shepard Broad Law Center

St. Thomas University Law Review, St. Thomas University School of Law

Thomas Jefferson Law Review, Thomas Jefferson School of Law

Thurgood Marshall Law Review, Texas Southern University Thurgood Marshall School of Law

Tulsa Law Review, University of Tulsa College of Law

University of Arkansas at Little Rock Law Review, University of Arkansas Little Rock William H. Bowen School of Law

University of Cincinnati Law Review, University of Cincinnati College of Law

University of La Verne Law Review, University of La Verne College of Law

Western New England Law Review, Western New England University School of Law

Minority Faculty Sample

Law Reviews at Law Schools with a High Percentage of Minority Full-Time Faculty

City University of New York Law Review, City University of New York School of Law

Florida A&M University Law Review, Florida A&M University College of Law

Florida International University Law Review, Florida International University College of Law

(A) Law reviews from Top 50 schools not included in the surveyed female faculty sample are: *Florida Law Review*, University of Florida Levin College of Law; *Maryland Law Review*, University of Maryland Francis King Carey School of Law; and *Washington University Law Review*, Washington University School of Law. The law review from a Top 50 school not included in the surveyed minority faculty sample is: *University of California Davis Law Review*, University of California Davis School of Law.

Howard Law Journal, Howard University School of Law

New Mexico Law Review, University of New Mexico School of Law

Nevada Law Journal, William S. Boyd School of Law, University of Nevada, Las Vegas

North Carolina Central Law Review, North Carolina Central University School of Law

Northern Illinois University Law Review, Northern Illinois University College of Law

Rutgers Law Journal, Rutgers University School of Law (Newark)

Santa Clara Law Review, Santa Clara University School of Law

Seattle University Law Review, Seattle University School of Law

Southern University Law Review, Southern University Law Center

Thurgood Marshall Law Review, Texas Southern University Thurgood Marshall School of Law

University of the District of Columbia Law Review, University of District of Columbia David A. Clarke School of Law

University of San Francisco Law Review, University of San Francisco School of Law

Western State University Law Review, Western State University College of Law

APPENDIX B: SUMMARY OF KEY RESULTS BY SAMPLE

	Top 50 Sample	Female Faculty Sample	Minority Faculty Sample
Average percentage of female membership	44.3%	52.2%	58.6%
Average percentage of female leadership	46.2%	58.6%	64.1%
Percentage of law reviews having a female EIC	33%	60%	46.2%
Percentage of law reviews having an EIC who identifies as a person of color	N/A	13.3%	41.7%
Percentage of law reviews reporting that 50% or more of their published student scholarship was written by female authors	N/A	69.2%	63.6%
Percentage of law reviews reporting that 50% or more of their published non-student scholarship was written by female authors	N/A	20%	10%