This research was conducted as part of an ongoing partnership between the New York Law School Law Review and Ms. JD, a nonprofit, nonpartisan organization dedicated to the success of women in law school and the legal profession. The Law Review wishes to thank Ms. JD for its leadership on issues relating to diversity in legal education and the profession. Information about this partnership and research effort is included in this report.

The Law Review also wishes to thank Dr. Joanne Ingham, Assistant Vice President for Institutional Research at New York Law School, for her invaluable assistance with and contributions to the statistical analysis undertaken.

I. EXECUTIVE SUMMARY

A. INTRODUCTION

This 2012–2013 Law Review Diversity Report (the “NYLS 2012–2013 Report”) was prepared by the New York Law School Law Review (NYLS) as part of a collaboration with Ms. JD to examine how women and minorities are represented on law reviews nationwide, and builds upon the findings of prior surveys conducted by the two organizations.¹

To measure diversity on law reviews for the 2012–2013 academic year, NYLS surveyed the flagship law review or law journal at each American Bar Association (ABA) approved law school, asking the law review or journal to self-report data about its female and minority student membership and leadership, and about the gender and minority status of the editor-in-chief (EIC). The analysis looked at results, based on the same survey, in three samples: (i) law reviews at law schools ranked in the U.S. News & World Report (“U.S. News”) Top 50 (the “Top 50 Sample”); (ii) law reviews at all law schools not ranked in the Top 50 (the “NYLS Sample”);² and a sample that combined responses from the Top 50 Sample and the NYLS Sample (the “Combined Sample”).

What follows is a discussion of the results and key findings, implications, and considerations to encourage discussion and inform future research.

B. SUMMARY OF KEY FINDINGS

The results showed that based on the NYLS and Combined Samples, women no longer continue to lag far behind their male counterparts in achieving the coveted EIC position on law reviews and revealed other noteworthy patterns and correlations (fig. 1):³

¹ For the history and background of the law review diversity research conducted by Ms. JD and NYLS, including details about the earlier reports, refer to the discussion under “About the NYLS Survey, Data, and Methods.” Ms. JD issued reports on diversity only among those law reviews at Top 50 law schools (defined below) in 2010 and 2012, while prior NYLS surveys (results reported in October 2011 and October 2012) covered law reviews at all other law schools nationwide, though the NYLS reports also included analysis of the results from law reviews at Top 50 law schools. For this 2012–2013 report, NYLS surveyed the law reviews at all ABA-accredited law schools, and Ms. JD did not conduct a separate survey. Throughout this report, we refer to the prior Ms. JD reports as the “Ms. JD 2012 Report” and the “Ms. JD 2010 Report.” We refer to the prior NYLS surveys and reports as the “NYLS 2011–2012 Survey” and the “NYLS 2010–2011 Report,” respectively. To access a copy of each of the previous Ms. JD and NYLS reports, visit the Law Review Diversity Report website, Law Review Diversity Report, N.Y.L. Sch. L. Rev., http://www.nyldlawreview.com/diversity (last visited Nov. 13, 2013).

² Only the general interest, flagship law review at a law school was surveyed. See Ms. JD, Women on Law Review: A Gender Diversity Report 2 (Aug. 23, 2010), http://ms-jd.org/files/ms._jd_lr_8.23.2010.pdf [hereinafter Ms. JD 2010 Report] (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”). All “law review” references in this report, and in the prior reports, are therefore to the flagship, general interest law review or law journal at a law school.

³ It should be noted that the Top 50 Sample is smaller this year than last. 21 schools from the Top 50 participated in this year’s survey, as opposed to last year when 28 schools participated. Furthermore, there was an increase in participation from schools outside of the Top 50. 103 schools in the NYLS Sample participated in this year’s survey, as opposed to last year, when only 50 schools participated.
• In 2011–2012, women held 42% of law review leadership positions in the Top 50 Sample, and only 29% of EIC positions. In 2012–2013, women continued to lag behind their male counterparts in the Top 50 Sample, as women held 46% of leadership positions, and only 38% of EIC positions. However, there was improvement outside of the Top 50 Sample:

• In the NYLS Sample of law reviews outside of the Top 50, women on average held 56% of law review leadership positions and held 51% of EIC positions. This is an increase from 2011–2012, when women on average held 44% of law review leadership positions and held just 32% of EIC positions.

• In the Combined Sample, including both Top 50 and law reviews outside of the Top 50, women on average held 54% of leadership positions and held 49% of the EIC positions. This too is an improvement from 2011–2012, when on average, women held 43% of leadership positions and held 31% of the EIC positions.

• In the Combined Sample, a higher percentage of female full-time faculty at a law school had a positive correlation to a higher percentage of female membership on law review.

• Law schools represented in the NYLS Sample as compared to those in the Top 50 Sample had, to a statistically significant degree, a slightly higher average percentage of female J.D. enrollment (46% versus 45%), and a higher average percentage of female law review members (50% versus 43%).

Figure 1. Summary of Key Results.

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4. See Ms. JD 2010 Report, supra note 1.

5. It should be noted that the Top 50 Sample is smaller this year than last. Only 21 law reviews from the Top 50 schools participated in this year’s survey.
When viewed together with data about women in the legal profession, the results raise questions about whether the increased percentage of women in leadership positions and in the EIC position will have an effect on the low percentages of women on the bench, in law firm partnerships, and in the general counsel’s office of Fortune 500 companies, as illustrated in the chart below (fig. 2).

Figure 2. Comparison of Female Representation on Law Reviews in the Combined Sample and in the Legal Profession.

II. NYLS SURVEY RESULTS AND KEY FINDINGS

Combined Sample: Results and Key Findings

We analyzed data from the Combined Sample to determine whether any correlation existed between the representation female full-time faculty members and the representation of female students in law review membership.

• The results for this sample showed that a higher percentage of female full-time faculty at a law school had a statistically significant, positive correlation to a higher percentage of female membership on law review.

6. The data in Figure 2 for state judges, federal judges, law firm equity partners, and Fortune 500 general counsels is taken from Catalyst. Quick Take: Women in Law in the U.S., CATALYST (Mar. 11, 2013), http://catalyst.org/file/706/qt_women_in_law_in_the_us.pdf.
The results for the Combined Sample were as follows:

- Law schools represented in the Combined Sample had average female J.D. enrollment of 46%.
- 49% of law review members on average were female.
- 54% of law review leadership positions on average were held by female students.
- 49% of EICs were female and 15% of EICs identified as a minority.
- Law schools represented in the Combined Sample had average female and minority full-time faculty of 42% and 18%, respectively.

Comparison of the NYLS Sample and the Top 50 Sample: Results and Key Findings

A comparison of data from the NYLS Sample and the Top 50 Sample revealed a statistically significant difference on two of the data points—law review membership and J.D. enrollment (fig. 3):

- Law reviews outside of the Top 50 (those in the NYLS Sample) reported a higher average percentage of female members (50%) than law reviews in the Top 50 Sample (43%).
- The percentage of female students enrolled in law schools represented in the NYLS Sample, 46%, is also higher than in the Top 50 Sample, 45%.

The other results from the NYLS Sample and the Top 50 Sample were as follows:

- Law reviews in the NYLS Sample on average reported that 56% of their leadership positions were held by women, as compared to 46% for law reviews in the Top 50 Sample.
- The NYLS Sample included a higher percentage of female EICs at 51% than the Top 50 Sample, with 38%.
- 12% of EICs in the NYLS Sample identified as a minority, as compared to 29% at the law reviews in the Top 50 Sample.

However, it should be noted that the Top 50 Sample size is small, with only 21 schools out of the top 50 participating in this year’s survey.
• On average, 42% of full-time faculty at law schools represented in the NYLS Sample were female, as compared to 38% at law schools represented in the Top 50 Sample.

• On average, 19% of full-time faculty at law schools represented in the NYLS Sample identified as minority, as compared to 16% at law schools represented in the Top 50 Sample.

III. DISCUSSION AND IMPLICATIONS

The Relationship between Diversity on the Faculty and Diversity of Law Review Members

The positive correlation in the Combined Sample between a higher percentage of female full-time faculty and a higher percentage of female law review membership suggests that female students at law schools having greater gender diversity among their full-time faculty may have a greater likelihood of success in achieving law review membership. These results raise questions about how gender diversity on a law school faculty might influence law review diversity, how strong that influence might be, and how far such influence might extend.

The First Hurdle: Going from Law Student to Law Review Member

Two data points suggest that female students at law schools outside of the Top 50 may have a greater chance of achieving a membership position on the law review than their counterparts at Top 50 schools. This is highlighted by the results showing that, to a statistically significant degree, law schools represented in the NYLS Sample have both a higher average percentage of female law review members (50%) when compared to law reviews in the Top 50 Sample (43%) and a higher average of females in leadership positions, 56% to 46% respectively.8

Climbing the Ladder on Law Review and in the Legal Profession

The average percentage of females holding the EIC position in all three samples have increased from last year’s NYLS 2011–2012 Report. When viewed in the context of female achievement in the legal profession, questions arise about whether the rising percentage of female EICs will have an effect on the low numbers of women on the state and federal benches, in law firm partnerships, and as general counsels of Fortune 500 companies, as illustrated in Figure 2.

8. However, it should be noted that the Top 50 sample size is small. Only 21 out of the top 50 schools responded to the survey.
The Gap is Closing

Furthermore, the 2012–2013 survey shows that males may no longer be in the majority with respect to law review leadership positions. The results showed that although schools from the Top 50 Sample reported having only 46% of females in law review leadership positions and 38% of females in the EIC position, and the NYLS Sample reported having 56% of females in leadership positions, and 51% of females as their EICs. The Combined Sample thus reported as having 54% of females in leadership positions, and 49% of females in the EIC position on all law reviews sampled.

Figure 4. Comparing Male and Female Representation on Law Reviews in the Combined Sample.

IV. NEXT STEPS

The results of this survey and accompanying findings highlight some areas for further study in order to better understand the factors that may contribute to or inhibit diversity on law reviews.

What Is the Relationship between Faculty Diversity and Law Review Diversity?

Both the NYLS 2010–2011 and the NYLS 2011–2012 Reports found some indication that the representation of female students among law review members could be related to the gender diversity of a law school’s full-time faculty. This year’s report also found a positive correlation between the number of female members on law review and the number of full-time female faculty. Further investigation is needed to understand the nature of this relationship and its role among other factors that may impact law review diversity.
How Do Minority Students Fare in Achieving Law Review Leadership Positions?

To date, the Ms. JD and NYLS studies have primarily focused on gender diversity of law review membership and leadership. In past years, inquiry about levels of minority student participation had been limited to asking whether the EIC identifies as a person of color (based on the assumption that the EIC responding to the survey could self-identify, but would not be able to answer for other law review members). This year we continued this inquiry, asking whether the EIC identified as a minority.9 Thus far, results show that few law reviews have an EIC who is a minority, with law reviews in the Top 50 reporting the best record in this area at 29%, and law reviews outside the Top 50 reporting 12% of law reviews with an EIC who is a minority. However, more systematic data collection and reporting by law reviews about the racial or ethnic identity of their members and editors would enable us to collect more data about minority student representation on law reviews and identify noteworthy patterns and correlations.

Enhancing the Survey for More Precise Results

In order to obtain a clearer picture of diversity on law reviews, higher response rates are needed. However, gaining the attention of busy law review editors remains a perennial challenge and, as noted above, many law reviews do not have a systematic method of collecting this information. The previous NYLS and Ms. JD reports gained media attention and the NYLS editors who conducted the NYLS 2011–2012 Report presented their findings at the 2012 National Conference of Law Reviews. Continued media attention, support from within the law review community and the wider legal profession, as well as ongoing efforts by NYLS and Ms. JD can help in encouraging law review editors to respond to the surveys and, in turn, be a part of the dialogue. Ultimately, however, each law review must begin the conversation about diversity with its own members and leaders.

The survey questionnaire itself can also be modified to facilitate more and better responses—for example, ensuring that questions are as direct and specific as possible to minimize the time needed for the EIC to respond; improving the clarity of questions, such as the academic year the survey is covering to account for leadership transitions occurring at different times; and clearly explaining terms related to race, ethnicity, and gender to avoid inconsistencies.

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9. For purposes of the survey, “minority” refers to a student’s race or ethnicity (in accordance with the ABA’s law school questionnaire, which is based on U.S. Department of Education guidance).
V. ABOUT THE NYLS SURVEY, DATA, AND METHODS

A. HISTORY AND BACKGROUND

2010 Inaugural Report. In its 2010 report examining the gender diversity of the 2009–2010 student membership and leadership on the law reviews at law schools ranked in the Top 50 by U.S. News, Ms. JD noted that, although the overall percentages of female members on those law reviews (44.3%) and in leadership positions (46.2%) were in line with the number of women awarded law degrees during the same time period (45.7%), the representation of women in the EIC position was “disproportionately low” at just 33%.10

2010–2011 Report. In 2011, NYLS expanded upon Ms. JD’s work by surveying two limited samples of law reviews at ABA-accredited law schools that were not ranked in the U.S. News Top 50 and had the highest reported percentage of female and minority full-time faculty, using a questionnaire developed in collaboration with Ms. JD.11 The NYLS 2010–2011 Report found that law reviews at law 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, greater gender diversity among their 2010–2011 student membership and leadership as compared to law reviews at the Top 50 schools surveyed by Ms. JD in 2010, as well as a higher rate of female EICs.12

2011–2012 Report. For the 2011–2012 academic year, NYLS and Ms. JD surveyed law reviews at ABA-approved law schools, asking them to report data about their female student membership and leadership, and about the EIC’s gender and minority status. Ms. JD surveyed only law reviews at law schools ranked in the U.S. News Top 50 and issued a separate, companion report on the Top 50 Sample.13 NYLS conducted the same survey among law reviews at law schools not ranked in the Top 50 for purposes of its 2011–2012 report.

2012–2013 Report. For the 2012–2013 academic year, NYLS surveyed law reviews at all ABA-approved law schools, including law reviews at law schools ranked in the U.S. News Top 50, as well as the law reviews at law schools not ranked in the Top 50. All law reviews were asked to report data about both female and minority student membership and leadership, and about the EIC’s gender and minority status. As in the past, in each case, only the general interest, flagship law review at a law school was surveyed. The survey methodology NYLS used is explained in that report.14

12. See id. No results were reported for 2010–2011 for law reviews at Top 50 law schools; therefore, the comparisons in the NYLS 2010–2011 Report necessarily involved two different academic years, 2010–2011 and 2009–2010. See id. at n.6.
13. See Ms. JD 2011–2012 Report, supra note 1. NYLS and Ms. JD together developed the survey questionnaires and for their respective 2012 reports coordinated the collection of the data, with each organization conducting the analysis for its 2012 report independently.
14. See id.
B. THE SAMPLES

The NYLS Sample

The population under study for this report consisted of the law reviews at ABA-accredited law schools not ranked in the *U.S. News* Top 50. This list included 153 law reviews. The NYLS 2012–2013 Survey, a self-administered, non-anonymous survey, was sent to the EIC of each of these law reviews via email. The NYLS editors obtained the editors’ email addresses from publicly available information, usually on the law reviews’ or law schools’ websites. The survey was accompanied by a cover letter explaining the purpose of the study and inviting the EICs to participate by clicking on the link and completing the online questionnaire. Subsequently, NYLS editors used follow-up emails and phone calls to encourage responses from the law reviews. The survey was open from March 2013 to August 2013. Of the 153 law reviews contacted, a total of 103 law reviews completed the survey, representing a response rate of 67% and comprising the NYLS Sample.

The Top 50 Sample

The same survey was distributed to the EIC of the law reviews at schools ranked in the *U.S. News* Top 50. Of the 50 law reviews that received the survey, 21 completed the survey, representing a response rate of 42%.

The Combined Sample

NYLS combined the NYLS Sample and the Top 50 Sample to test whether a higher percentage of female full-time faculty at a law school correlates to any of the student variables under study. The resulting sample consisted of 121 law reviews in the “Combined Sample” for a response rate of 60%.

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15. The list of law reviews that would receive the survey was compiled based on the ABA’s list of approved law schools, including provisionally approved schools. See *Alphabetical School List, In Alphabetical Order—Section of Legal Education and Admissions to the Bar*, AM. BAR ASS’N (Mar. 22, 2013), http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/in_alphabetical_order.html. At the time the list of recipients for the NYLS 2012–2013 Survey was developed, there were 203 ABA-approved law schools.

16. The survey required the responding editor to identify the name of his or her law school, the name of the law review, and the responding editor’s own name and contact information in case any follow-up communication was necessary to clarify the data reported. NYLS utilized SurveyMonkey’s online survey tool to send the survey and collect responses. The survey assured editors that “results reported will NOT be associated with individual law reviews.”

17. In some cases, we also sent the survey by email to the law review’s faculty advisor and the law school’s academic dean as an added measure to try to ensure that the survey would receive the attention of the EIC. However, the cover letter and questionnaire made clear that the survey was intended to be completed by the EIC.

18. Any specialty journals that completed the survey were not included in the sample because, as noted above, the research currently focuses only on general interest, flagship law reviews.

19. The *Top 50 Sample* is smaller than last year’s results. For the 2011–2012 survey, 28 of the top 50 schools responded. This year only 21 of the top 50 law schools responded. Based on the smaller sample, percentages are sometimes exaggerated.
C. SURVEY INSTRUMENT AND VARIABLES

The 2012–2013 survey questions were designed to capture the following data, among others: female student members on law review; minority student members on law review; female students and minority students in law review leadership positions; female EICs in the sample; EICs identifying as a minority; as well as female and minority faculty advisors of the law review. The survey required the law reviews to provide the numbers for each of these data points, as well as the applicable total number of students on the law review. Those numbers were subsequently converted into percentages by the NYLS editors.

In addition, NYLS utilized the most recent school-reported data published by the ABA’s Section of Legal Education and Admissions to the Bar and the Law School Admissions Council (LSAC) for additional data about the law schools whose law review was included in both the NYLS Sample and the Top 50 Sample: female J.D. enrollment, minority J.D. enrollment, female full-time faculty members, and minority full-time faculty members.

D. STATISTICAL PROCEDURE

The results, findings, and potential implications of the analysis described here are discussed above.

Comparison of Results in the NYLS Sample and the Top 50 Sample

NYLS used a two-sample t-test to compare the results reported by the law reviews in the NYLS Sample to the corresponding results reported by the law reviews in the Top 50 Sample, and to determine whether any differences were statistically significant. Specifically, the test compared the respective percentages from the two samples for each of the following key data points: female J.D. enrollment at the law schools; female

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20. All questions sought information about the composition of the law reviews during the 2012–2013 academic year; for leadership and EIC data, this would correspond to the editors who were in the 2013 graduating class. The survey also contained questions about the methods for selecting law review members and leaders. Although analysis of some data was beyond the scope of the present report, it may provide the basis for further study.

21. For the questions related to law review “membership,” members referred to “all students who are a part of the law review, regardless of their positions.” Furthermore, each question asking about students’ gender offered three possible answers: Male; Female; and a third option stating, “If these options do not accurately describe the gender identity of [the applicable student or faculty advisor], please indicate the number . . . and provide any additional information in the blank space.”

22. According to the survey, for the questions asking about minority status, “minority” refers to “race or ethnicity (in accordance with the ABA’s law school questionnaire, which is based on U.S. Department of Education guidance).” The purpose of this question was to collect racial and ethnic diversity data, and not, for example, data on sexual orientation, religious, or disability status.

23. A “leadership position” was defined as “one for which there is a special application, selection, or election process.”

24. Editors responding to the survey were likely aware that the survey was fielded to study gender and minority diversity on law reviews. This awareness could have introduced some bias into the information provided by responding editors.

membership on law reviews; female leadership on law reviews; law reviews having a female EIC; law reviews having an EIC who identifies as a person of color; female full-time faculty at the law schools; and minority full-time faculty at the law schools.

**Female Full-Time Faculty Correlation to Student Variables**

To test whether a higher percentage of female full-time faculty at a law school correlates to any of the student variables under study, NYLS analyzed the larger, Combined Sample and, using the ABA-LSAC data, calculated the average percentage of female full-time faculty members at each school represented in this sample. The average percentages of female full-time faculty members, female student members of law review, female students in law review leadership positions, and female students and persons of color in the EIC position were then converted into categorical variables by collapsing the percentages into two groups: high and low percentages, where “high” was defined as above the median or middle point and “low” was defined as below the median or middle point.

A series of chi-square analyses was then performed to assess the association between a high percentage of female full-time faculty members and a high percentage of: (1) female members of law review; (2) female students in law review leadership positions; and (3) female students in the EIC position. Noteworthy results are reported above.
APPENDIX: SUMMARY OF KEY RESULTS BY SAMPLE

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ABOUT NEW YORK LAW SCHOOL

Founded in 1891, New York Law School (NYLS) is an independent law school located in the heart of New York City’s legal, government, financial, and emerging tech centers. Known as “New York’s law school,” NYLS embraces the City as its classroom by complementing a rigorous legal education with an innovative and diverse set of “uniquely New York” experiential learning opportunities. Since opening our doors more than 120 years ago, we have produced graduates who have gone on to hold high elected and appointed office in the City, lead large and small firms, and gain broad recognition as captains of business and industry. Our renowned faculty of prolific scholars has built the School’s strength in such areas as constitutional law, civil and human rights, business and finance law, media and information law, tax law, real estate, and a number of interdisciplinary fields. NYLS has more than 15,000 graduates and currently enrolls approximately 1,200 full-time and part-time students in its J.D. program and 95 students in its five advanced-degree programs in American business law, financial services law, real estate, tax, and mental disability law studies. Learn more about New York’s law school at www.nyls.edu.

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. It is led by an editorial board assisted by staff editors and members working together with a full-time faculty advisor 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, and is intended to provide effective research materials for judges, attorneys, and students of the law. The Law Review also offers its students an important learning experience, providing opportunities for members to develop their own editing and writing skills, as well as other skills that are critical for successful law practice, including among others: communication, organizational, project management, and editing skills. The Law Review publishes articles, notes, comments, essays, book reviews, and speeches on many areas of legal scholarship, including constitutional law, criminal law, international law, corporate law, legal education, and legal history. All selected pieces are subjected to a rigorous editorial process designed to improve substance and form. For more information, visit www.nylslawreview.com.

ABOUT MS. JD

Ms. JD is a nonprofit, nonpartisan organization dedicated to the success of women in law school and the legal profession. For more information, visit www.ms-jd.org.