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The Woman Law Student: The View From the Front of the Classroom

Jurate Jason*
Lizabeth Moody**
James Schuerger***

As recently as the late 1960's, it was commonly thought that great numbers of women were not then, nor would they ever be, interested in law as a profession. One educator put it this way: "[The] dribble of women entering the legal profession has grown to a persistent and continuous trickle in the twentieth century, but it shows no signs of becoming a flood." Recent increases in female law school enrollment may tend to prove this commentator a false prophet. If increases continue, women will be entering the legal profession in truly floodgate proportions.

Throughout U.S. history, women have made up a very small proportion of the lawyer population. The percentage varied only slightly between 1948 and 1970, from 1.8% to 2.8% respectively. From 1963 through 1970, the percentage remained at or near the 2.8% mark.¹

1 White, Women in the Law, 65 MICH. L. REV. 1051 (1967).

The following table was a part of a report of the American Bar Foundation, THE 1971 LAWYER STATISTICAL REPORT, (1972). It is interesting that in the 1920's the number of women attorneys in the U.S. was as high as 4.5%.

<table>
<thead>
<tr>
<th>National</th>
<th>No. of Lawyers</th>
<th>Directory Listings</th>
<th>% of Directory Listings</th>
<th>Lawyers Not Listed</th>
<th>Multiple Listings</th>
<th>% of Women Lawyers Listed</th>
<th>% of Women of All Lawyers Listed in Population Group</th>
<th>% of Women Lawyers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>355,242</td>
<td>324,818</td>
<td>100.0</td>
<td>34,841</td>
<td>8,834</td>
<td>9,103</td>
<td>2.8</td>
<td>100.0</td>
</tr>
<tr>
<td>1966</td>
<td>316,856</td>
<td>289,404</td>
<td>100.0</td>
<td>30,846</td>
<td>6,788</td>
<td>8,068</td>
<td>2.8</td>
<td>100.0</td>
</tr>
<tr>
<td>1963</td>
<td>296,069</td>
<td>268,782</td>
<td>100.0</td>
<td>30,246</td>
<td>5,918</td>
<td>7,143</td>
<td>2.7</td>
<td>100.0</td>
</tr>
<tr>
<td>1960</td>
<td>285,933</td>
<td>252,385</td>
<td>100.0</td>
<td>35,800</td>
<td>4,504</td>
<td>6,488</td>
<td>2.6</td>
<td>100.0</td>
</tr>
<tr>
<td>1957</td>
<td>262,320</td>
<td>235,783</td>
<td>100.0</td>
<td>28,790</td>
<td>4,506</td>
<td>6,350</td>
<td>2.7</td>
<td>100.0</td>
</tr>
<tr>
<td>1954</td>
<td>241,514</td>
<td>221,600</td>
<td>100.0</td>
<td>22,134</td>
<td>4,440</td>
<td>5,036</td>
<td>2.3</td>
<td>100.0</td>
</tr>
<tr>
<td>1951</td>
<td>221,605</td>
<td>204,111</td>
<td>100.0</td>
<td>19,568</td>
<td>4,147</td>
<td>5,059</td>
<td>2.5</td>
<td>100.0</td>
</tr>
<tr>
<td>1948</td>
<td>—</td>
<td>171,110</td>
<td>100.0</td>
<td>—</td>
<td>3,242</td>
<td>2,997</td>
<td>1.8</td>
<td>100.0</td>
</tr>
</tbody>
</table>


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The enrollment in law school classes during the same period (1963-1970) underwent a tremendous expansion, with the total enrollment doubling in size. At the same time, female enrollment increased from 3.8% in 1962 to 6.9% in 1969. In 1970, female enrollment jumped to 7.8%, an increase of over 100% in less than a decade. From 1970 to 1972 female enrollment doubled again, increasing to 16%. In that year at least one law school reported a female enrollment of over 45%, and in 1973 an astounding 52% of that school's total was female. Although women may be entering law schools in greater numbers, the vast majority of lawyers in the U.S. are still men, and the percentages will no doubt remain strongly off-balance well into the future, resulting in a potential continuation of disparate treatment of women in the profession.

A number of studies on women in law have been reported in the past seven years documenting discriminatory treatment of women with respect to employment opportunities open to them, incomes, admission to law schools, availability of financial assistance, placement opportunities and discriminatory interviews. The most extensive study of women in law used income as a measure of discriminatory treatment and concluded that women lawyers are the victims of rank discrimination in the legal profession.

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3 Total law school enrollment in the early 1960's was estimated at 40,000; 1971 figures came to over 94,000. Balback, *Legal Education — the Lawyers' Responsibility*, 55 A.B.A.J. 600, 601 (1972).

4 Total enrollment in 1962 was 49,000 with 1,800 women and in 1969 was 72,000 with 5,000 women. *Hearings, supra* note 2, at 1125. The total number of attorneys in the U.S. in 1971 was estimated at 342,935, Ruud, *That Burgeoning Law School Enrollment*, 55 A.B.A.J. 146, 147 (1972).


6 Id.

7 Northeastern University School of Law, Boston, Massachusetts.

8 *Hearings, supra* note 2, at 1123.

9 *Hearings, supra* note 2, at 1124.


12 Id.

13 The study was based on data gathered from the classes of 1956 through 1965 inclusive, well before the marked increases in the number of women law students. The study was directed to the professional progress of male and female graduates and dealt, inter alia, with the following areas: incomes, job profiles, type of work performed, family data, attitudes and opinions, motives for studying law, law schools attended, class rank and law review participation, type of employer, and type of job sought. The report concluded that although the men and women had significantly similar abilities and performed equally well in law school, the women earned substantially less. White, *Women in the Law*, MICH. L. REV. 1051 (1967).

14 Male attorneys were found to start out at higher income levels than females and their incomes increased yearly in much greater proportions than the women's incomes. In 1964, 9% of the men and only 1% of the women earned over $20,000; 21% of the men and
Three studies have focused on the woman as a law student. The Barnes study, reported in 1970, concentrated on law school experiences, background and the professional expectations of the woman law student. The Jacobs study, reported in 1972, also concentrated on experiences of women law students. The most recent study, conducted by the American Association of Law Schools, collected statistics relative to recruitment and admissions of law students, law school policies, placement and faculty.

None of the above studies took into account the role which the law professor may play in contributing to discrimination against women in law or against the minority grouping into which women tend to

(Continued from preceding page)

only 4.1% of the women earned over $14,000; and 56.3% of the women but only 33.6% of the men earned less than $8,000. White, supra note 13, at 1057. See also Murray, Economic & Educational Inequality Based on Sex: An Overview, 5 VAL. U. L. REV. 257 (1971). For a report of economic discrimination see Griffiths, The Economics of Being Female, 9 TRIAL 11 (Nov./Dec. 1973):

Our society places a lower dollar value on work when it is done by a woman than when it is done by a man. On the average, women who work full time earn only 37% as much as men who work full-time . . . according to most economists who have tried to answer this question, at least 30% of the difference between men's and women's wages can be attributed to discrimination in the labor market.


The Barnes two-part study surveyed (1) 26 AALS schools as to statistics on the number of women studying law and (2) women law students at the University of Virginia Law School. Barnes found that there was a "good deal of evidence to suggest that they [women] have not in many cases been accepted as full and equal members of the profession." Barnes, Women and Entrance to the Legal Profession, 23 J. LEGAL ED. 276, 297 (1970).

The Jacobs study was based on data gathered through observation and interviews at a small southwestern law school and a Boston law school and dealt with the problems of women law students in fulfilling role requirements in law school and their identification with the "lawyer" role. The study found that there was no objective basis for considering women inferior law students, but found that women law students tended to associate with each other, thereby physically segregating themselves from men, and further that women expressed attitudes of "self-denigration and low self-esteem." Jacobs, Women in Law School: Structural Constraint and Personal Choice in the Formation of Professional Identity, 24 J. LEGAL ED. 462, 468 (1972). See also Stevens, Law School and Law Students, 59 VA. L. REV. 551 (April 1973). Stevens' survey of the 1972 entering class of six "elite" law schools revealed that over 53% of the women law students and only 38% of the men had graduated in the top 10% of their undergraduate classes. Id. at 572.

The Committee on Women in Legal Education of the Association of American Law Schools (AALS) 1972 survey of AALS accredited law schools covered four academic years (1969-70 to 1972-73). It was directed at determining the progress and problems encountered by law schools in encouraging women to study and practice law, and dealt with four major areas: recruitment, admissions, law school policies, placement and faculty. The AALS study found that women were entering the legal profession in greater numbers and that, with some exceptions, law schools tended to use the same objective criteria (grades and LSAT scores) for admission of males and females; also that women were being accepted into law schools in a greater proportion (43% of applicants) than men (18% of applicants). The report concluded that the best hope of improving the status of women in law was through the admission of more women. Proceedings, supra note 5, at 63.
fall. It may be assumed that the relationship between professor and
student is a significant influence in the development of the student's
professional capacity as an attorney and in the development of the
student's attitudes toward classmates and partners in law. Students
look to their professors for instruction, insight into the profession
and advice as to professional goals and career choice. Moreover, stu-
dents look upon professors as models of professional bearing and
professional responsibility.\textsuperscript{18}

\textbf{Purpose}

The primary purpose of this study was to examine law professors' opinions on selected areas of the professor-student relationship with
primary focus on the professors' views of and reactions to women
law students. A secondary purpose of the study was to stimulate law
professors to examine their attitudes and behavior toward women
law students.

\textbf{Method}

The study was put into effect by the use of a mail questionnaire
administered to law professors associated with American Association
of Law Schools (AALS) accredited U.S. law schools.\textsuperscript{19} In order to
achieve the study's secondary goal of self-examination it was of great
importance to reach the largest number of law professors possible.
It is usual, in surveys of this kind, that half or less than half of the
questionnaires are returned, so it decided to select a much smaller
group randomly and follow them up closely. The larger proportion
of responses in the randomly chosen group provides greater con-
fidence in the representativeness of the responses.\textsuperscript{20} It was therefore
determined that the study would consist of two sample groups: one
larger sample, the "general sample", which would attempt to include
all AALS professors, and another smaller sample, the "random
sample", to be followed up as vigorously as possible to get a large
proportion of replies.

\textbf{Subjects}

There are 4,715 professors associated with the 124 AALS law
schools which participated in this survey.\textsuperscript{21} Of these, 230 who were

\textsuperscript{18}Nowhere is the male domination of the legal professions more apparent than in the
make-up of law faculties. Women only recently have been able to gain even token
positions as law professors. Only an approximate 5.5\% of law professors listed in the
1972 AALS Directory of Law Professors are women. Bysiewicz estimates 1972 figures to
equal 8\%, supra note 10, at 28.

\textsuperscript{19}One hundred twenty-five (125) law schools were accredited with the Association of
American Law Schools, at the time of the survey.

\textsuperscript{20}It has been suggested that only those subjects would respond to a questionnaire who ex-
pressed extreme views and that respondents therefore would not represent the majority
of the population sample.

\textsuperscript{21}A count of all teachers listed in the 1972 Directory of Law Teachers, West Publishing Co.
totals: 4,774. Cleveland State University Law School was not included in the sample since
professors from C.S.U. participated in the pilot survey in the drafting stages of the final
questionnaire.
listed in Directory of Law Teachers of 1971\(^2\) and who were still teaching in 1973 were randomly chosen.

A coded\(^3\) questionnaire-cover letter packet was mailed to each member of the random sample. The first mailing was made on April 6, 1973 with a follow-up mailing on May 16, 1973, to the 122 members of the random sample who had not yet responded. A final follow-up mailing was made on June 20, 1973, to the remaining 104 members of the random sample group who had not at that time responded.

Professors were given the option of returning unanswered questionnaires if they did not care to respond. Of the sample of 230, 40 (17\%) returned blank questionnaires, 132 (57\%) returned answered questionnaires, with a total response of 172 questionnaires of 74\%.

After the first random sample mailing was completed in January 1973, noncoded questionnaires were sent in a series of mailings to all AALS law schools, in an attempt to reach the entire professorial population. These law professors received questionnaires through the assistance of their law schools in one of two ways, through a survey representative or through a mail distribution staff member.\(^4\) Of the estimated 4,715 questionnaires comprising the general sample, 1,197 were answered and returned, resulting in a 25\% response.\(^5\)

To test the equivalence of the two samples,\(^6\) T-tests were run on all variables across both samples. For each variable, this statistical device tests the hypothesis that the data came from the same population. The results are expressed as probability values, the traditional ones being .05 and .01. In the present data the only variables that showed significant differences across the two samples were 2 and 3 with the random group slightly more favorable, 33 and 35 with no discernible pattern, and 53, 54, and 55 with the random group slightly

\(^2\) DIRECTORY OF LAW TEACHERS (West 1971).

\(^3\) A code was devised to identify the respondent and his school, so that follow up mailing could be made to those random control group members who did not respond.

\(^4\) In December 1972, a letter was sent to the Deans of all AALS schools requesting their assistance in helping the survey reach their law faculty members by appointing someone at the law school to act as survey representative. 108 of these 124 deans responded affirmatively. As their appointments became known those 108 survey representatives were sent questionnaire packets consisting of a questionnaire with a cover letter for each faculty member, an instructional letter with statistical questionnaire to the survey representative, and a stamped envelope for the return of completed questionnaires to the survey headquarters.

Of the 108 survey representative packets sent, 59 survey representatives responded to the survey representative questionnaire, providing us with data on these areas: number of law faculty members, number of questionnaires returned to survey headquarters, and number of women law students. On April 11, 1973, those deans who did not appoint survey representatives were sent a packet containing questionnaires for distribution and a letter asking that they allow the mail distribution staff to place questionnaires in the mail box of each law faculty member.

\(^5\) The original estimation of the size of the general sample of 4,715 was reduced to an estimated 4,124 as a result of the distributions of 591 less questionnaires by survey representatives than was expected from figures in the AALS Directory.

\(^6\) J. P. Guilford, FUNDAMENTAL STATISTICS IN PSYCHOLOGY AND EDUCATION (1965).
The result of the tests showed that the random and general samples were sufficiently equivalent and did not warrant separate analyses, and that a high degree of confidence in the representativeness of the results was appropriate. For all further analysis the data from the two samples were merged.

The known characteristics of the sample (age, years teaching and years in practice) is diagrammatically presented in Table 1. The mean age is about 41 years, with about 62% of the sample between 30 and 49 years of age. The spread in years of teaching experience and years in practice is considerable, but in both, the distribution tends to cluster near the bottom, the mean of the former being near 10 years, the latter 5½ years. Ninety-two percent of the sample are men.

**TABLE 1**

<table>
<thead>
<tr>
<th>Years Intervals</th>
<th>Age</th>
<th>Length of Teaching</th>
<th>Length of Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>70 &amp; over</td>
<td>.7%</td>
<td>.4%</td>
<td>—0—</td>
</tr>
<tr>
<td>60 to 69</td>
<td>8.1%</td>
<td>.1%</td>
<td>—0—</td>
</tr>
<tr>
<td>50 to 59</td>
<td>15.4%</td>
<td>.2%</td>
<td>.1%</td>
</tr>
<tr>
<td>40 to 49</td>
<td>22.4%</td>
<td>1.8%</td>
<td>.4%</td>
</tr>
<tr>
<td>30 to 39</td>
<td>39.5%</td>
<td>2.8%</td>
<td>1.3%</td>
</tr>
<tr>
<td>20 to 29</td>
<td>18.1%</td>
<td>11.2%</td>
<td>4.0%</td>
</tr>
<tr>
<td>15 to 19</td>
<td>—0—</td>
<td>8.9%</td>
<td>4.3%</td>
</tr>
<tr>
<td>10 to 14</td>
<td>—0—</td>
<td>11.7%</td>
<td>9.0%</td>
</tr>
<tr>
<td>8 or 9</td>
<td>—0—</td>
<td>6.8%</td>
<td>5.2%</td>
</tr>
<tr>
<td>6 or 7</td>
<td>—0—</td>
<td>9.3%</td>
<td>6.9%</td>
</tr>
<tr>
<td>4 or 5</td>
<td>—0—</td>
<td>16.7%</td>
<td>16.9%</td>
</tr>
<tr>
<td>2 or 3</td>
<td>—0—</td>
<td>19.2%</td>
<td>21.9%</td>
</tr>
<tr>
<td>1 year</td>
<td>—0—</td>
<td>13.1%</td>
<td>8.4%</td>
</tr>
<tr>
<td>0 years</td>
<td>—0—</td>
<td>.5%</td>
<td>21.9%</td>
</tr>
</tbody>
</table>

Tabulation of Results

A sample of the questionnaire is presented in the appendix, followed by a copy of the cover information sheet. From these documents, data were keypunched for computer tabulation as follows. Variables 1 to 50 consisted of the 50 scaled questions on the questionnaire, quantified so that “strongly agree” equals 5, “agree” equals 4, “undecided” equals 3, “disagree” equals 2, and “strongly disagree” equals 1. (Question 51 was coded so the 50% = 6, 50-26% = 5, 25-11% = 4, 10-6% = 3, 5-1% = 2, 0 = 1.) Variable 52, age, was coded as a two-digit number, just as reported. Variable 53 was sex, coded with “male” equal to 1, “female” 2. Variables 54 and 55, “years teaching” and “years in practice”, respectively, were coded as two-digit numbers just as reported.
Factor Analysis

To facilitate interpretation of the mass of quantitative data available for analysis, a method was needed to cluster or reduce the variables to a smaller number. To accomplish this, factor analysis was utilized. This is a technique used in basic research to uncover underlying variables; in this study its purpose was to discover clusters of variables. The criterion for forming the clusters is common covariation of responses. For example, if persons responding positively to item X also tend to respond positively to item Y, the items covary and would be found in the same cluster or factor.

Subsequent analyses were, first, a simple tally of responses to all questions; second, a cross-tabulation of certain variables with other selected variables so that, for example, it would be possible to determine whether women responded differently from men; and finally, analysis of subscores identified by the factor analysis. For the latter some items were first recoded, where necessary, so that a high score would be interpretable consistently with the meaning of the factor. For example, if five items were to comprise the subscore, three worded positively and two negatively, the scoring for the two negative ones was reversed so that $SA = 1$, $A = 2$, $U = 3$, $D = 4$, and $SD = 5$.

Factors and Their Interpretation

The procedure in this section will be to present, factor by factor, all salient variables and their loadings, and then discuss and interpret the factor. The factor loading is a number which may range from 1.00 to $-1.00$ which indicates the strength and direction of the particular variable’s relationship to that cluster or factor. It is customary to include as salient variables in a factor all those with loadings equal to or greater than $\pm.30$; this procedure will be followed except that, for simplification, if a variable has salient loadings on more than one factor, it will only be interpreted for that factor on which it loads highest.

Factor 1: Women can be professionals equally with men

<table>
<thead>
<tr>
<th>Variable</th>
<th>Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>-76</td>
</tr>
<tr>
<td>12</td>
<td>-76</td>
</tr>
<tr>
<td>10</td>
<td>-62</td>
</tr>
<tr>
<td>13</td>
<td>-56</td>
</tr>
</tbody>
</table>

Women are better suited for non-professional roles.

Even exceptional women are better suited for non-professional roles.

A woman cannot retain her feminity and be a successfully attorney.

Law should remain a predominantly male profession.

27 The complete matrix is available at the Law Library of the Cleveland State University, College of Law, or may be obtained from the authors.
Most women are not serious in their law studies.
The women who finish law school will sooner or later have to choose between family and profession.
A woman must adapt to certain characteristically male qualities if she is to succeed in law.
I would not encourage a woman to study law because of the disadvantage at which she will be placed because of discrimination against those of her sex.
Most women who finish law school can be expected to abandon their professions in favor of family.
Only an exceptional female attorney can devote herself to her profession with the same dedication and at the same level of competence as the average male attorney.
It is impossible not to view women, including women law students, sexually.

The variables are arranged in descending order of the absolute magnitude of their loadings. The negative signs indicate that the meaning of the variables is to be reversed in attempting to interpret the flavor of the factor. For example, Variable 11 is to be interpreted negatively, i.e., that "women are not better suited to non-professional roles."

This is a large factor, and its meaning seems to be that women can be feminine and familial and still be generally suited for professional (law) roles. Included in this interpretation is the possibility of viewing women other than sexually (item 26); and, somewhat surprisingly, the inferences resulting from item 43. The latter is difficult to interpret because it contains two ideas, (1) that the respondent would or would not encourage a woman to study law, and (2) that the reason for this encouragement or lack thereof is discrimination. The rest of the items, however, seem to be clearly and consistently related to women's professionalism.

**Factor 2: Affirmative Action: Law schools should encourage more women to enter the field of law**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Loading</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>67</td>
<td>Law schools should set up recruitment programs so that more women would consider entering the legal profession.</td>
</tr>
<tr>
<td>50</td>
<td>67</td>
<td>Special consideration should be provided women law students in the form of child care programs, part-time scheduling opportunities, and facilitated transfer programs.</td>
</tr>
</tbody>
</table>
Law firms that refuse to interview women as possible candidates for employment should not be permitted to interview on campus.

More women should be encouraged to study law.

Law schools actively encourage law firms to hire women on an equal basis with men.

Law school policies are geared to the convenience of males.

There is a need for women in law.

Sex of the respondent.

The items comprising this factor are mostly characterized by opinions that law schools should bend over backward to make it possible and easy for women to enter the field. It is a consistent, homogenous factor. Two demographic variables, age and sex, load on this factor, age negatively. The interpretation is that older men tend to disagree with the statements which make up the factor, and women tend to agree, and although neither tendency is powerful, both make psychological sense.

Factor 3: Women are capable in all areas of law and law studies

<table>
<thead>
<tr>
<th>Variable</th>
<th>Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>74</td>
</tr>
<tr>
<td>4</td>
<td>69</td>
</tr>
<tr>
<td>6</td>
<td>60</td>
</tr>
<tr>
<td>5</td>
<td>-50</td>
</tr>
<tr>
<td>33</td>
<td>38</td>
</tr>
<tr>
<td>7</td>
<td>-36</td>
</tr>
</tbody>
</table>

This factor, like Factor 1, stresses the equality of men and women, but this one has the special flavor of women as law students and lawyers, rather than generally as professionals. In addition, it includes a number of qualities of personality that are sometimes thought to be characteristic of successful attorneys. The clustering of variables statistically may be partly an artifact of the method of questionnaire construction — it will be noted that, as with previous factors considered, the statistical cluster is also close together physically on the page. The possibility of this phenomenon, however, does not negate the meaning of the factor, which is quite clear.
Factor 4: "Equal Opportunity": There should be equal opportunity for men and women in law

Variable | Loading | Description
--- | --- | ---
22 | 62 | Male and female law students should be afforded equal opportunities for educational experiences.
24 | -60 | I would not advise a male law professor to have a female student assistant.
21 | -57 | I expect more from my female students.
23 | -46 | It is more important to give male law students first preference for positions of responsibility and prestige in the law school.
44 | -42 | Different admissions criteria should be applied to women seeking entrance to law school from those applied to men.
25 | 41 | Professors should treat female law students no differently than male law students.
40 | 41 | Female attorneys should earn salaries comparable to male attorneys.
19 | -38 | I call on men to recite more often than women.

We have taken the title for this factor from the item with the highest loading, and it seems to summarize the sense of the factor neatly, in the commonly accepted use of the phrase "equal opportunity." The emphasis is on opportunity to enter and prosper in law school, since only one item, number 40, has to do with equal opportunity outside the university. Even that item, however, has to do with equal opportunity in a strict sense, and one with which it might be considered difficult to argue, that people should get comparable salaries for comparable work.

Factor 5: Women are not more suited for one area of law or law school than another

Variable | Loading | Description
--- | --- | ---
32 | -51 | A male attorney is not as effective in litigation as a female attorney.
37 | 50 | Men, as a group, are better suited to certain areas of law than to others.
36 | -49 | Women, as a group, are better suited to certain areas of law than to others.
20 | -49 | Women volunteer to recite more often than men.
30 | -48 | Women are more capable of success in law school, but men are more capable of success in the legal profession.
39 | 48 | More female law students are motivated by high financial gain than male law students.
Female law students consistently perform better academically than male law students.

I would not recommend that a woman go into labor law.

Aggressiveness is equally desirable in male and female students.

The achievements of high professional status is not as important for a woman as it is for a man.

This factor is similar to Factor 3 in stressing equality of men and women as lawyers, but seems to stress functioning in law practice more than in school in the variables with the highest loadings. It is difficult to separate the decisive flavor of the factor that makes it emerge separate from Factor 3 other than the artifact of physical grouping on the page, and the fact that the items in Factor 3 are generally phrased positively (that is, in the socially desirable direction) and those in Factor 5 negatively.

**Factor 6: Men have no advantage in law practice over women**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Loading</th>
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<td>35</td>
<td>44</td>
</tr>
<tr>
<td>42</td>
<td>-42</td>
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</table>

On the whole, male attorneys command greater respect than female attorneys.

A woman, more than a man, has to prove herself before she will be regarded as a competent attorney.

Clients react negatively toward female attorneys.

Both male and female attorneys have the same opportunities for practicing in any area of law of their choice.

Female attorneys create personnel problems for their firms.

This factor has a slightly different flavor from the others, being not so much a judgment as to the capabilities of women as lawyers or law students (Factors 1, 3 and 5) nor a statement of opinion as to what the situation should be (Factors 2 and 4), but rather a judgment about the state of women lawyers in the real, existing world. It should be remembered that the negative loadings do not indicate disagreement with the statement, but that in interpreting the factor one should reverse the meaning of the statement.

**Factor 7: Severity of Judgment**

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</table>

Few law students possess the qualities of a counselor.

Few law students possess the qualities of an advocate.
This small factor includes only the first two variables, and the meaning is clear. It represents a tendency for respondents to be consistently either severe or lenient in their opinions about how many students are capable as advocates or counselors.

Tally of Questions and Subscores

This section will present and discuss a simple tally of the responses to the questionnaire, exhibit cross tabulations of certain items against one another, and examine the subscores generated when item clusters were formed according to the evidence of covariation derived from the factor analysis. For the latter only the first six factors will be presented, the last two being either difficult of interpretation or not really relevant to our purpose. To give an overall flavor of the results of the study, the subscores will be presented first.

Table 2 presents the scores for the six factors, arranged in descending order of magnitude of mean score. After the factor and the percent of response to the factor, the next value is the mean score for the whole sample, derived by simply adding all the coded responses and dividing by the total number of responses for the factor. The higher the mean, the more the respondents agree with the interpretative statement. Next is the standard deviation (S.D.), a statistical expression of the spread of scores, a higher S.D. indicating wider spread. In this data, the widest spread was on Factor 2, "Affirmative Action," the smallest on Factor 4, "Equal Opportunity."

The final column is the reliability of the scale, an index of how much one might expect similar results from the same group another time, the higher values indicating higher reliabilities. The values in the present study are acceptable for a study of group differences with the exception of that for Factor 6, which falls a bit below what one would prefer, and suggests some caution in the interpretation of results from that factor.

<table>
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<th>Mean</th>
<th>S.D.</th>
<th>Reliability</th>
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<tr>
<td>Men should not have preference but rather there should be equal opportunity.</td>
<td>4</td>
<td>93%</td>
<td>4.41</td>
<td>.89</td>
<td>.75</td>
</tr>
<tr>
<td>Women can be professionals equally with men.</td>
<td>1</td>
<td>90%</td>
<td>4.16</td>
<td>1.01</td>
<td>.86</td>
</tr>
<tr>
<td>Women are capable in all areas of law and law studies.</td>
<td>3</td>
<td>93%</td>
<td>4.01</td>
<td>1.03</td>
<td>.76</td>
</tr>
<tr>
<td>Neither men nor women are more suited for one area of law or preparation than another</td>
<td>5</td>
<td>88%</td>
<td>3.84</td>
<td>1.00</td>
<td>.74</td>
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</table>
The results are presented in descending order of agreement so that the trend can be seen more dramatically. The respondents agree most often with the tenets of equal opportunity (Factor 4); then, that women can be professionals in all areas (Factors 1, 3, and 5); less often, in the strictures of Affirmative Action; and still less, that men really have no advantage over women. It should be recalled that the interpretation of the mean scores is directly dependent on the original coding scheme, in which 5 equalled strongly agree, 4 equalled agree, and so on, so that all of the means indicate agreement except for Factor 6, where there is a slight leaning toward disagreement.

Table 3 presents the breakdown of responses for the total sample, the values being proportions of the sample that chose each of the alternatives indicated. Also present are a mean score for each item, calculated by simply averaging the scores for all respondents with “strongly agree” coded 5, “agree” coded 4, and so on, as before. A rapid survey of the means shows that about 70% of the items were answered “agree” or “disagree” (i.e., an average score near 4 or 2) in the socially expected direction. An example is item 32, “A male attorney is not as effective in litigation as a female attorney”, which has a mean response of 1.86, indicating that the mean response fell between disagree and “strongly agree” coded 5, “agree” coded 4, and so on, as before. A rapid is item 3, “Men and women are equally capable of developing the qualities of an advocate”, which has a mean response of 4.26, indicating a mean response close to “agree” but tending in the direction of “strongly agree.” Since this trend is approximately what one would expect from self-report data like the present, and since tendencies in responding have been discussed above, detailed, item-by-item inspection will be left to the interest of the reader.
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The data were broken down in various ways to explore the relationships among responses: by sex, by age, by years teaching, by years practice, by responses to items 12, 16, 32, 39, and 40. The last four breakdowns were chosen because these are the items on which fewest persons chose one extreme or the other. The results of these breakdowns yielded no salient differences among groups, and practically no trends. For example, it was thought that the percentage of women in classes might be greater for women professors than for men, but such was not the case. Differences in response by age and sex proved to be slightly significant only with respect to the items forming the "Affirmative Action" cluster as discussed above in the section on the factor analysis, that women and younger respondents were more favorable to affirmative action. Age was, of course, significantly related to both years teaching and years practice.

In the analysis of extreme responses to the four selected items, there was noted a significant tendency for respondents who chose an extremely unusual response to one of the four selected items to also choose extreme responses to all items. There was an additional tendency for those respondents to be less in agreement with the summative statement for Factor 1, "Women can be professionals equally with men."

Respondents' Comments

The questionnaire's format provided the respondents with an opportunity to make comments through the use of an open-ended question, and through a "comment" section on the last page of the questionnaire. Of the 172 respondents in the Random Sample, 121 made comments (70%); of the 1,197 of the General Sample responding, 654 made comments (54%).

Question 52 was designed to elicit subjective comments from the respondents. Responses to the question, "Is there any reason why you would not encourage a woman to study law?", fell generally into one of the following categories: Eight percent of the total number of respondents answered that they would not encourage anyone to study law; some qualified that they would not do so because of present economic conditions, overcrowded schools, or the necessity for individual choice, without advice. Three percent answered that they would encourage males and females who had certain qualifications, such as a great interest in law, aptitude, maturity, and high motivation. Three percent responded that they would not encourage a woman to study law. Some qualified that they would not do so if a woman was insecure, had a large family, lacked extreme dedication, or was not serious about law as a career. Others commented that difficulties are common for women, there are better opportunities in areas other than law, that women have more important roles than law, that women must be better than average, that in law women would be isolated from a warm sup-
porting atmosphere, that women shouldn’t take on a “man’s game.” Nine percent commented that they would encourage a woman to study law. Some listed the following prerequisites for encouragement of women: they must have determination and must have a greater interest in law than male law students.

Seven percent cautioned that a woman who wants to study law should be aware of discrimination against women in the legal profession. Some listed the following discriminatory situations they felt were common: the “locker room ambiance” of the law school, the “water cooler crowd” of the law office, sexist abuse by employers and fellow attorneys, a difficult time breaking into the profession, and discrimination in employment.

Regarding opportunities for women in law, twenty seven percent of the respondents commented that women do not have the same or equal opportunities in law as do men; twenty percent commented that males and females should have the same opportunities in law; and three percent commented that males and females do have the same or equal opportunities in law.

Regarding the need for women in law, four percent commented that there is no need for women in law; two percent commented that there is a need; seventeen percent commented that there is a place for women in law; one percent commented that law schools should actively recruit women; and two percent commented that law schools should not recruit women.

Regarding legal skills, two percent commented that the ability to develop legal skills is not sex related; fifteen percent commented that women are more capable or qualified than men, explaining that women are more attentive to detail, that cultural barriers discourage the less capable women from studying law, and that the selection processes have been more rigorous with women law students; and one percent commented that women are not as capable or as qualified as men, explaining that women have weak voices, are shy and anxious, are burdened with husbands and families, and experience role conflicts.

Regarding the sex of law students, two percent commented that there are differences between males and females that go beyond the biological, and that women need to unlearn certain behavior patterns to do well in the legal profession. Five percent commented that there are no innate differences between males and females, only socially produced ones.

In making their comments, many respondents listed what qualities they thought desirable in attorneys: aptitude, interest in law, aggressiveness to a degree, good health, fortitude, and sufficient financial resources. These qualities were listed as undesirable: conflicting interests, insufficient interests for a strong commitment to law, and aggressiveness.
Summary and Conclusions

In an effort to examine the expressed attitudes of law professors toward women in law and women law students, a questionnaire was sent to law professors in two categories: a general mailing to all professors associated with accredited U.S. law schools, and a special mailing to a randomly selected sample of the same group. Returns from the general mailing were 25%, from the randomly selected group 74%. When the two groups were compared, question by question and characteristic by characteristic, the statistically significant differences were seven in number out of a possible 55, and, except for a tendency for the random group to be slightly older and more experienced, were judged to represent no important differences. The similarity of the two groups, together with the large percentage return from the random group, suggested that a high degree of confidence in the survey as representative of the expressed opinions of American law professors was appropriate.

Two kinds of data were available on the questionnaires, data readily quantified (multiple-choice expressions of opinion and already quantified data such as age, years in practice, etc.), and open expressions of opinion in response to a specific question and a general solicitation of comment. Various statistical tabulations were performed on the quantified data, while the comments were grouped by categories and counted.

The primary statistical analysis of the quantitative data was to form empirical clusters of questions which made psychological sense and to tally responses on these clusters. The first cluster, interpreted to mean "that men should not have preference but rather that there should be equal opportunity for both men and women in law and law school," the professors expressed agreement bordering on strong agreement (mean score 4.41, where 4.0 is "agree" and 5.0 is "strongly agree"). While the first cluster expressed a sense of obligation, the second, third and fourth expressed the general opinion that men and women are or can be equal as professionals, lawyers and law students, and lawyers in specific areas of practice. Expressed opinions on these areas centered on agreement (mean scores of 4.16, 4.01, 3.84), but tending toward uncertainty as the opinion focused on more controversial areas of law such as litigation and labor law. The fifth cluster also expressed obligation, this time that law schools should take affirmative action to correct the inequalities in the ratio of women to men lawyers, by active recruitment of women, giving women special consideration, etc. The response to this cluster, while still tending to agreement (mean score 3.61), was more modest and tended to uncertainty. The final cluster expressed opinion on the fact of discrimination in law practice, summarized in the statement "men have no advantage in law practice over women." The professors expressed uncertainty on this cluster, tending to disagreement (mean score 2.85, where 2.0 is "disagree").
3.0 is "uncertain."). The pattern is a clear one, ranging from almost strong agreement on the desirability of equal opportunity, through agreement on equality of ability, less than unanimous agreement on the desirability of affirmative action, and uncertainty verging on disagreement about the real existence of equality for all lawyers regardless of sex. This last point is reaffirmed by the open-ended comments, on which respondents agree nine to one that women do not in fact have equal opportunity.

The inconsistency in attitude revealed by this group tabulation (we do not assume that the opinions of any individual are internally inconsistent) may be seen to lie in the discrepancy between the degree of agreement on the desirability of equal opportunity and the relatively weak agreement on the need for affirmative action, given the admitted lack of real equality in the profession.

In a summary such as this it is difficult to do justice to the richness, depth, wistfulness, and honest expressions of confusion over a tough issue, which are revealed by a careful reading of the comments. Many expressed opinions of some complexity, displaying awareness of the ideal of equality but tempering their expression with comments on the existing social situation and the additional hardships it does indeed impose on women who want to become lawyers. There was considerable awareness of societal and familial pressures, and a good deal of uncertainty about "native" abilities to perform in law, but many said they would encourage a woman to study law if they felt she could stand the gaff. Few felt that there was a societal need for women in law, but many expressed belief that there was a place for women, consistent with the tally of the quantified opinion, that women should have the chance, but less firmly that law schools should take affirmative action.

There were many comments on the questionnaire, mostly negative, many deploring their inability to express exact opinion on a fixed-choice questionnaire. Most interesting from the writers' point of view were critical comments from two opposed points of view: some said the questionnaire was poor because it would fail to uncover real sexist bias in law schools, while others said the questionnaire was poor because it was slanted so as to create an impression of bias. It is certainly widely known that the consonance of verbally expressed and behaviorally indicated attitudes is far from perfect, and it was not the purpose of this study to attempt more than an analysis of expressed opinion, in which there is admittedly considerable room for motivational distortion, conscious and unconscious. Experience with devices of this kind, however, suggests the basic validity of the responses, particularly with selected populations such as the one under study. Furthermore, the conclusions drawn are quite in line with the usual
canons of parsimony — close to the original data, minimally inferential. In fact, as pointed out above, the only inference is in the statements summarizing the item clusters.

It is believed that a good case can be made for the existing data as a summary of existing expressions of opinion by law professors about women in law and in law schools. The implication for action is quite clear: a personal examination by the individual professor of his beliefs about equal opportunity, about the psychological and philosophical foundations of his beliefs, and about the kind of action directed by the inconsistencies between the real situation and what ought to be.

In terms of what women law students may expect from law schools, the survey suggests that while giving lip-service to equal opportunity the typical law professor harbors doubt with respect to women law students which extend from concern for lack of equal opportunities in the profession to beliefs that women are either not needed or are unsuited for certain areas of the law. Such ambiguous feelings on the part of professors are certainly to be translated into equal ambivalence in their relationship to women law students, resulting in continued "special" treatment for them. Because women are seeking admission to law school in greater numbers, expressed opinion that equal opportunity should be afforded them will have the inevitable result of admitting proportionately greater numbers of women to the study of law. On the other hand, efforts of affirmative action directed toward making the law school program more responsive to special requirements of women or to effecting equal employment opportunities are likely to be rebuffed. In other words, the premium for the woman law student will continue to be on her ability to adapt to conditions designed for men. The equal opportunity afforded to her is equal opportunity in a man's profession.

Appendix

CLEVELAND STATE UNIVERSITY LAW SCHOOL LAW PROFESSOR OPINION SURVEY

Please answer the following questions as openly and honestly as you can. The questions are not based on specific situations. If you feel your response would differ according to situation, answer as generally as possible.

PLEASE RATE THE FOLLOWING STATEMENTS by circling the proper response

SCALE: Strongly Agree = 5; Agree = 4; Undecided = 3; Disagree = 2; Strongly Disagree = 1

1. Few Law students possess the qualities of an advocate
2. Few Law students possess the qualities of a counselor
3. Men and women are equally capable of developing the qualities of an advocate.

4. Men and women are equally capable of developing the qualities of a counselor.

5. Men are more likely than women to be analytic and articulate.

6. Male and female Law students perform equally well in oral arguments.

7. I try to encourage female students to be more aggressive in their oral arguments.

8. Aggressiveness is equally desirable in male and female students.

9. A woman must adapt to certain characteristically male qualities if she is to succeed in Law.

10. A woman cannot retain her femininity and be a successful attorney.

11. Women are better suited for non-professional roles.

12. Even exceptional women are better suited for non-professional roles.

13. Law should remain a predominantly male profession.

14. The women who finish Law school will sooner or later have to choose between family and profession.

15. Most women who finish Law school can be expected to abandon their professions in favor of family.

16. Most women are not serious in their Law studies.

17. Female Law students consistently perform better academically than male law students.

18. I call on students to recite often.

19. I call on men to recite more often than women.

20. Women volunteer to recite more often than men.

21. I expect more from my female students.

22. Male and female Law students should be afforded equal opportunities for educational experiences.
23. It is more important to give male Law students first preference for positions of responsibility and prestige in the Law school.

24. I would not advise a male Law professor to have a female student assistant.

25. Professors should treat female Law students no differently than male Law students.

26. It is impossible not to view women, including women Law students, sexually.

27. On the whole, male attorneys command greater respect than female attorneys.

28. A woman, more than a man, has to prove herself before she will be regarded as a competent attorney.

29. Clients react negatively toward female attorneys.

30. Women are more capable of success in Law school, but men are more capable of success in the legal profession.

31. There is a need for women in Law.

32. A male attorney is not as effective in litigation as a female attorney.

33. A female is just as suitable as a male in the field of corporate law.

34. I would not recommend that a woman go into labor law.

35. Both male and female attorneys have the same opportunities for practicing in any area of Law of their choice.

36. Women, as a group, are better suited to certain areas of Law than to others.

37. Men, as a group, are better suited to certain areas of Law than to others.

38. The achievement of high professional status is not as important for a woman as it is for a man.

39. More female Law students are motivated by high financial gain than male Law students.

40. Female attorneys should earn salaries comparable to male attorneys.
41. Only an exceptional female attorney can devote herself to her profession with the same dedication and at the same level of competence as the average male attorney.

42. Female attorneys create personnel problems for their firms.

43. I would not encourage a woman to study Law because of the disadvantage at which she will be placed because of discrimination against those of her sex.

44. Different admissions criteria should be applied to women seeking entrance to Law school from those applied to men.

45. More women should be encouraged to study Law.

46. Law schools should set up recruitment programs so that more women would consider entering the legal profession.

47. Law schools should actively encourage Law firms to hire women on an equal basis with men.

48. Law firms that refuse to interview women as possible candidates for employment should not be permitted to interview on campus.

49. Law school policies are geared to the convenience of males.

50. Special consideration should be provided women Law students in the form of child care programs, part-time scheduling opportunities, and facilitated transfer programs.

51. What portion of your classes is made up of women? Over 50% ( ); 50%-26% ( ); 25%-11% ( ); 10%-6% ( ); 5%-1% ( ); 0 ( ).

52. Is there any reason why you would not encourage a woman to study Law? Please explain.

53. Comments.
Dear Professor,

In January, we asked you to participate in a nationwide survey of the views of legal educators toward women in Law. We need your cooperation in this important study!

Questionnaire responses received to date are expressive of greatly diverse views. We are anxious to hear from a greater number of professors for a more exact estimate of opinion. You are one of the professors of our select group of 230 whom we intend to pursue until we get a response. We are forwarding another copy of the questionnaire in the hope that you will take a few minutes to voice your opinions on women in Law.

The questionnaire asks for statements of opinion, and purports to measure expressed opinion, nothing more. Tabulation and analysis of results will be reported, but individual replies will, of course, be kept confidential.

Your participation in this project is vital to our study. Please complete the questionnaire at your earliest convenience and return it with this letter. Thank you for your cooperation.

Could you please give us the following information:

AGE
SEX
YEARS TEACHING LAW
YEARS IN PRIVATE PRACTICE
LAW SCHOOL POSITION