

# Building Bridges Across Curricular and Status Lines: Gender Inequity Throughout the Legal Academy

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Discussion Group  
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In the spring of 2018, we read with interest as a fascinating thread unfolded on the Association of American Law Schools (AALS) Women in Legal Education group email list. The thread began with concerns raised about questionable advice on appropriate professional attire for women of color in the academy. It then delved into related gender issues among law faculty, particularly those that involved intersections with race, religion, and ethnicity.<sup>1</sup>

As legal writing faculty and scholars, as well as a former and then current president of the Legal Writing Institute,<sup>2</sup> we read this thread from the additional perspective of belonging to a group of faculty that is primarily female, untenured, and with little governing power to make change at many of their law schools.<sup>3</sup> As practitioners, scholars, and representatives of this

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1. The thread then posed concerns about underrepresentation of women generally, and women of color in particular, in leadership positions, overrepresentation of women and women of color in contingent positions, and the disproportionate service burden borne by women and women of color.
2. The Legal Writing Institute (LWI), founded in 1985, is a nonprofit organization dedicated to improving legal communication by supporting the development of teaching and scholarly resources and establishing various forums to discuss the study, teaching, and practice of professional legal writing. *About LWI*, LEGAL WRITING INST., <https://www.lwionline.org/about> (last visited August 3, 2020). A related organization, the Association of Legal Writing Directors (ALWD), founded in 1996, also engages in a variety of activities related to teaching legal writing, including direct advocacy before the ABA. *About ALWD*, ASS'N OF LEGAL WRITING DIRECTORS, <https://www.alwd.org/about> (last visited August 3, 2020).
3. *See, e.g.*, ASSOCIATION OF LEGAL WRITING DIRECTORS & LEGAL WRITING INST., REPORT OF THE ANNUAL LEGAL WRITING SURVEY 2015, at 69 (2015) (indicating that seventy-two percent of

community, each of us has had a long-standing interest in gender inequities in legal education, the academy, and the legal profession. We have devoted a substantial portion of our careers outside the classroom to combating discrimination against skills-focused faculty, but we are by no means the first to do so.<sup>4</sup> Like many of our colleagues, we have considered it our duty to take a turn carrying the torch. Our scholarship on gender discrimination in legal writing generally focuses on American Bar Association (ABA) accreditation standards, specifically Standard 405,<sup>5</sup> which permits law schools to discriminate

full-time legal writing faculty are female), [https://www.alwd.org/images/resources/2015%20Survey%20Report%20\(AY%202014-2015\).pdf](https://www.alwd.org/images/resources/2015%20Survey%20Report%20(AY%202014-2015).pdf); ASSOCIATION OF LEGAL WRITING DIRECTORS & LEGAL WRITING INST., REPORT OF THE 2017-2018 INSTITUTIONAL SURVEY, 11 (2018) (indicating that some or all legal writing faculty have traditional tenure at twenty-six out of the 182 law schools that responded to the survey); *id.* at 58-59, 79 (indicating that some faculty on long-term contracts who are not directors have no voting rights at fifteen out of thirty-two schools, some faculty on short-term contracts have no voting rights at thirty-four out of seventy-two schools, and some faculty with 405(c) status or on 405(c) track have no voting rights at two out of seventy-eight schools), <https://www.alwd.org/images/resources/ALWD-LWI-2017-18-Institutional-Survey-Report.pdf>.

4. See, e.g., Mary Beth Beazley, “*Riddikulus!*”: *Tenure-Track Legal-Writing Faculty and the Boggart in the Wardrobe*, 7 SCRIBES J. LEG. WRITING 79 (2000); Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537 (1988); COMM’N ON WOMEN IN THE PROFESSION, AMER. BAR ASS’N, ELUSIVE EQUALITY: THE EXPERIENCE OF WOMEN IN LEGAL EDUCATION (1996); Jo Anne Durako, *Second-Class Citizens in the Pink Ghetto*, 50 J. LEGAL EDUC. 562 (2000); Linda H. Edwards, *The Trouble with Categories: What Theory Can Teach Us About the Doctrine Skills Divide*, 64 J. LEGAL EDUC. 181 (2014); Pamela Edwards, *Teaching Legal Writing as Women’s Work: Life on the Fringes of the Academy*, 4 CARDOZO WOMEN’S L.J. 75 (1997).
5. Standard 405, titled *Professional Environment*, reads:

(a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(b) A law school shall have an established and announced policy with respect to academic freedom and tenure of which Appendix 1 herein is an example but is not obligatory.

(c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory prerequisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

(d) A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 303(a)(2), and (2) safeguard academic freedom.

ABA SECTION LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2020–2021, Standard 405 (2020), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_)

against faculty on the basis of the subject they teach, the decades-long, high correlation between women and law faculty with low status and little or no security of position, and the disparate treatment of skills-focused faculty.<sup>6</sup> In 2015, LWI formed a Professional Status Committee to gather information about status issues and challenges facing legal writing faculty and launched a *Full Citizenship Campaign for All Law Faculty*.<sup>7</sup>

The email thread served to remind us that regardless of our status or security of position, female faculty as a whole share some significant experiences in common. Nor are these experiences in the academy unique to law faculty.<sup>8</sup> When it comes to gender issues, we must work together and support one another. Inspired by the “Building Bridges” theme chosen for the 2019 AALS Annual Meeting, we reached out to a variety of distinguished administrators and faculty to join in our proposed discussion. Our goal was to highlight any and all persistent inequities in the legal academy that disadvantage female faculty and students, particularly those of color. In keeping with the conference theme, the panelists included law deans as well as traditional, clinical, and legal writing faculty under ABA Standards 405(b)-(d).<sup>9</sup>

In preparing their remarks, we encouraged participants to consider the following topics for discussion:

- **Scholarship.** At the 2015 AALS Annual meeting, a discussion group addressed the lack of author diversity in law review publication selection decisions. In connection with this troubling trend, professors raised concerns of implicit bias favoring male authors in the publication selection process. There is also a strong sense among female faculty that senior male faculty mentor primarily junior male faculty; student-run, journal-sponsored symposia favor male speakers; and men continue to dominate the legal blogosphere.

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[the\\_bar/standards/2020-2021/2020-21-aba-standards-and-rules-chapter4.pdf](https://www.lawbarstandards.org/standards/2020-2021/2020-21-aba-standards-and-rules-chapter4.pdf).

6. See sources listed in *supra* note 4; Members of the LWI Prof. Status Comm., *Treating Professionals Professionally: Requiring Security of Position for All Skills-Focused Faculty Under ABA Accreditation Standard 405(c) and Eliminating 405(d)*, 98 OR. L. REV. 1 (2019); Deborah Maranville, Ruth Anne Robbins, & Kristen K. Tiscione, *Faculty Status and Effectiveness in BUILDING ON BEST PRACTICES & CARNEGIE’S EDUCATING LAWYERS: LEGAL EDUCATION IN A CHANGING WORLD* 432-43 (Maranville, Sedillo Lopez, Bliss, & Kaas, eds., 2015); Kristen K. Tiscione & Amy Vorenberg, *Podia and Pens: Dismantling the Two-Track System for Legal Research and Writing Faculty*, 31 COLUM. J. GENDER & L. 47 (2015); Melissa H. Weresh, *Stars Upon Thars: Evaluating the Discriminatory Impact of ABA Standard 405(c), “Tenure-Like” Security of Position*, 34 LAW AND INEQUALITY: A JOURNAL OF THEORY AND PRACTICE 137 (2016); Melissa H. Weresh, *Best Practices for Protecting Security of Position for ABA Accreditation Standard 405(c) Faculty*, 66 J. LEGAL EDUC. 538 (2017).
7. See *The Professional Status Committee and Status-Related Advocacy*, LEGAL WRITING INST., <https://www.lwionline.org/resources/status-related-advocacy> (last visited August 3, 2020).
8. See, e.g., ELLEN MAYOCK, *GENDER SHRAPNEL IN THE ACADEMIC WORKPLACE* (2016); MOTHERS IN ACADEMIA (Mari Castañeda & Kirsten Isgro, eds., 2013); PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA (Gabriella Gutiérrez y Muhs, et al., eds., 2012).
9. See ABA STANDARDS, *supra* note 5.

- ***Institutional Inequities.*** Law schools perpetuate the traditional male patriarchy. Men often earn significantly higher salaries than their female colleagues and teach more prestigious courses such as constitutional law, while women are more likely to teach skills courses. Women are underrepresented among tenured faculty, and may feel disadvantaged during the tenure or decanal evaluation process or other forms of faculty review. Law school-sponsored conferences tend to be dominated by male speakers, and male faculty are often awarded the bulk of named chairs and professorships. Women tend to be judged more harshly on their scholarship at both the entry and lateral level, and gender dynamics disadvantage women both in faculty workshops and in the classroom.
- ***Perceptions and Expectations.*** Studies demonstrate that women, particularly those of color, have to work harder than men to demonstrate competence. Men are rated more favorably than women on course evaluations, even when teaching the same course. Students are more likely to comment on non-teaching-related attributes of women, such as appearance, than of men. Women face more critical and ambiguous expectations about professional dress and appearance than men.
- ***Labor and Leadership.*** Men vastly outnumber women in top decanal positions. Moreover, women are more likely to occupy leadership positions involving emotional labor, such as dean of students positions, rather than the more prestigious deans of scholarship positions, and women tend to carry the bulk of the “emotional load” of planning and carrying out organizational activities. Men are better represented on faculty committees that are deemed intellectual and important, and women are better represented on committees that might be characterized as housekeeping.
- ***Security of Position.*** Women in the legal academy are far more likely than men to be employed in positions that lack security of position, such as tenure. Women begin their professional careers at a lower rank than men, even when they have the same credentials. Women outnumber men in clinical and legal writing positions, which are more likely to be long-term contract positions rather than tenured positions.
- ***Female Faculty of Color:*** These issues are even more problematic for female faculty of color, who face greater obstacles to equity.

Our talented speakers, listed below in alphabetical order, touched on all these topics in varying degrees. We are grateful for their participation in the discussion group, their insights, and their willingness to allow us to publish a summary of their remarks. We are also grateful to those whose time permitted them to submit more detailed companion essays. We hope to keep the conversation going.

**Sahar Aziz**, *Professor of Law, Chancellor's Social Justice Scholar, Middle East and Legal Studies Scholar, and the founding Director of the Rutgers Center for Security, Race, and Rights at Rutgers University Law School.*

Professor Aziz discussed the “triple bind” of being a female law professor, of color, and Muslim. Drawing on her article *Coercive Assimilationism: The Perils of Muslim Women's Identity Performance in the Workplace*,<sup>10</sup> she described what it feels like to be part of a group of women who are often overtly hated and assumed to be anti-American. Contrary to popular belief, she noted, it is not Muslim but American women who need to be saved. In her experience in her home country of Egypt, women in upper-middle-class professions have more versatile identity performances than here in the United States, and she described feeling “straitjacketed” when she returns from a trip to Egypt. Looking forward to the sequel to *Presumed Incompetent: The Intersections of Race and Class for Women in Academia*,<sup>11</sup> Sahar noted her initial surprise and disgust at the lack of transparency in the legal academy and the patriarchal power that infuses it. She concluded by encouraging us to advocate on these issues not only in our scholarship but at our home institutions, and she expressed her hope that as we assimilate into existing law school structures, we remain sensitive and accountable to those women who have not.

**Mary Bowman**, *former Director of the Legal Writing Program and Associate Professor of Law at Seattle University School of Law and Clinical Professor of Law at The Sandra Day O'Connor College of Law at Arizona State University.*

Professor Bowman framed her remarks as a professor of legal writing (she is also a clinician) and member of LWI's Professional Status Committee since its inception in 2015. Noting the significant number of legal writing faculty without security of position under ABA Standard 405,<sup>12</sup> Professor Bowman noted Joan Williams' and Rachel Dempsey's distinction between glamour work and office housework<sup>13</sup> and applied that to the legal academy. Whereas glamour work often helps one succeed, office housework, such as administrative or housekeeping tasks, confers little career benefit. Likening legal writing faculty to “office houseworkers,” she explained that this group

10. Sahar F. Aziz, *Coercive Assimilationism: The Perils of Muslim Women's Identity Performance in the Workplace*, 20 MICH. J. RACE & L. 1 (2014).
11. See PRESUMED INCOMPETENT, *supra* note 8.
12. See, e.g., Kristen Konrad Tiscione, “Best Practices”: *A Giant Step Toward Ensuring Compliance with ABA Standard 405(c), a Small Yet Important Step Toward Addressing Gender Discrimination in the Legal Academy*, 66 J. LEGAL EDUC. 566 (2017).
13. JOAN C. WILLIAMS & RACHEL DEMPSEY, *WHAT WORKS FOR WOMEN AT WORK: FOUR PATTERNS WORKING WOMEN NEED TO KNOW* 108 (2018).

bears a disproportionate burden in law school of providing emotional labor, engaging in important but undervalued work, and serving in positions that sound glamorous but provide little professional gain, such as chairing committees. Drawing again on Williams' and Dempsey's work, Professor Bowman suggested that we raise awareness about the extent to which office housework precludes faculty from engaging in glamour work and stressed the need to distribute the office housework more evenly among all faculty.

*Leslie Culver, Professor (Clinical) of Law at University of Utah S.J. Quinney College of Law.*

Professor Culver discussed the concept of gender sidelining<sup>14</sup> in the legal writing discipline. Focusing on identity performance, Professor Culver noted the inequity that results from being an African American woman teaching in a sidelined segment of the academy. She described the frustration and anguish that accompany the lack of professional mentoring for many legal writing faculty, negatively affecting their ability to develop research agendas, interviewing skills, and a sophisticated understanding of how to navigate various status tracks. She recommended the development of a legal writing colloquium akin to the Culp Colloquium at Duke University.<sup>15</sup> Her version would help legal writing faculty develop job talks, interviewing skills, and scholarship ideas. Culver explores these ideas in more detail in the essay included in this issue.<sup>16</sup>

*Meera E. Deo, Director, Law School Survey of Student Engagement (LSSSE), Professor of Law at Thomas Jefferson School of Law, and Visiting Professor at UC Davis School of Law*

Professor Deo discussed the experiences of female faculty of color, noting the extent to which women of color are underrepresented in the academy, roughly seven percent of all female faculty. She also indicated that students from all backgrounds often view female faculty of color as more available and accessible and thus tend to seek them out for informal guidance and mentorship. Several faculty in her recent study indicated that this is both welcome and burdensome.<sup>17</sup> Professor Deo also described the extent to which

14. For the genesis of this phrase, see Jessica Fink, *Gender Sidelining and the Problem of Unactionable Discrimination*, 29 STAN. L. & POL'Y REV. 57 (2018).

15. See *Culp Colloquium*, DUKE LAW, <https://web.law.duke.edu/clrp/culpcolloquium/> (last visited Aug. 4, 2020).

16. Leslie P. Culver, *No Matter How Loud I Shout: Legal Writing as Gender Sidelining*, 69 J. LEGAL EDUC. 31 (2019).

17. See MEERA E. DEO, UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA 57-60 (2019).

students unfairly and often harshly evaluate female faculty of color on criteria unrelated to teaching, such as their clothing or appearance.<sup>18</sup> She described in some detail the troubling stories of several of her subjects, stressing the impact of these evaluations on their ability to achieve tenure and how they experienced that process.

*Darby Dickerson, Dean and Professor of Law at The John Marshall Law School in Chicago.*

Dean Dickerson spoke about the need for female faculty to learn to negotiate and negotiate better with respect to their initial faculty contracts and annual raises. Drawing on her experience of negotiating salary and benefits packages with at least fifty faculty as the dean at three different law schools, she observed that men negotiate more than women, often because women are perceived less well negotiating for themselves than for others. This “social cost of negotiation” thus serves to inhibit women from asserting themselves when it comes to salary and other job perquisites. As explained more fully in her essay included in this issue,<sup>19</sup> Dean Dickerson encourages female faculty to enter salary negotiations having done comprehensive research about current salaries, the financial health of the law school, and even the current dean’s background and perspective. She concluded her remarks by urging different groups of female faculty to bring these issues to the surface and support one another.

*Susan Duncan, Dean and Professor of Law at the University of Mississippi School of Law.*

Dean Duncan summarized her unusual career path as a legal writing professor, beginning as an adjunct and then moving first to a long-term contract, then tenure at the University of Louisville Brandeis School of Law, a five-year stint there as interim dean, and then her current position at Mississippi. As explained more fully in her essay in this issue,<sup>20</sup> Dean Duncan addressed some cause for optimism, noting the increasing number of female deans in the academy, the rising number of female law school students, and the rising number of female managing partners in law firms, equity partners in law firms, and general counsels.<sup>21</sup> Despite these gains, Duncan focused on a recent

18. See, e.g., Meera E. Deo, *Intersectional Barriers to Tenure*, 51 U.C. DAVIS L. REV. 997 (2018); Meera E. Deo, *A Better Tenure Battle: Fighting Bias in Teaching Evaluations*, 31 COLUM. J. GENDER & L. 7 (2015).

19. Darby Dickerson, *Finding the Goldilocks Zone: Negotiating Your First Employment Offer in Legal Academia*, 69 J. LEGAL EDUC. 48 (2019).

20. Susan Hanley Duncan, *Reducing Gender Inequity in the Academy and the Legal Profession*, 69 J. LEGAL EDUC. 95 (2019).

21. Deborah L. Rhode, *Diversity and Gender Equity in Legal Practice*, 82 U. CIN. L. REV. 871, 879 (2014).

ABA study<sup>22</sup> that reveals increasing gender inequity in salaries, both in the academy and in the legal profession. She also noted the lack of mentoring for women and a corresponding lack of access to information brought about by women's reluctance to ask questions. She cited an article by Deborah Rhode<sup>23</sup> suggesting that a review of workplace structures could help schools address these problems. Based, in part, on that article, she argued for more formal mentoring and coaching of female colleagues, noting recent improvements in the promotion process for her staff and a more equitable distribution of committee work among male and female faculty.

*Mary Lynch, Kate Stoneman Chair in Law and Democracy; Director, Center for Excellence in Law Teaching; and Director, Domestic Violence Prosecution Hybrid Clinic at Albany Law School.*

Professor Lynch focused her remarks on gender inequity in law school service work, as reflected in her co-authored article *Addressing Social Loafing on Faculty Committees*.<sup>24</sup> Lynch explained that law faculty work on faculty committees is a form of governance and one that plays a role in academic freedom. She asserted that gender inequity in the distribution of such work is particularly troubling during a time when tenure has been challenged and outcomes and assessment have increased the service workload on law faculties. Emphasizing the negative impact of some faculty to underperform and therefore engage in "social loafing," Professor Lynch advocated for greater awareness and transparency from law deans and faculty about who is bearing the significant workload. She also addresses strategies such as rotating particularly burdensome service obligations and providing some form of benefit such as compensation or leave to faculty who have engaged in exceptional scholarship and service.

22. ABA COMMISSION ON WOMEN IN THE PROFESSION, A CURRENT GLANCE AT WOMEN IN THE LAW (2019) (citing the United States Census Bureau), [https://www.americanbar.org/content/dam/aba/administrative/women/current\\_glance\\_2019.pdf](https://www.americanbar.org/content/dam/aba/administrative/women/current_glance_2019.pdf); see also ABA COMMISSION ON WOMEN IN THE PROFESSION, YOU CAN'T CHANGE WHAT YOU CAN'T SEE: INTERRUPTING RACIAL & GENDER BIAS IN THE LEGAL PROFESSION (2018), <https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-Sec-Executive-Summary.pdf>.
23. Rhode, *supra* note 21, at 884-87.
24. Andrea A. Curcio & Mary A. Lynch, *Addressing Social Loafing on Faculty Committees*, 67 J. LEGAL EDUC. 242 (2017).



**Ann McGinley**, *Co-Director, UNLV Workplace Law Program and William S. Boyd Professor of Law at UNLV William S. Boyd School of Law.*

Professor McGinley said she began as a teacher of legal writing but realized early in her career that there were few or no opportunities for tenure in the field. She decided then to start writing toward tenure, moving first to Florida State University College of Law and then to UNLV, which she reported has a primarily female faculty, and where both traditional and skills faculty are eligible for a unitary form of tenure. Professor McGinley focused her remarks primarily on her scholarship on masculinity theory, which posits that “being masculine” is not a function of biology but a social construct, detrimental to both girls and boys, who may have difficulty proving their worth as males.<sup>25</sup> The demand to be masculine extends into adulthood and into the workplace, including law firms and law schools. In particular, she noted legal education’s focus on reason (as strong and masculine) over emotion (as weak and “girly”) and the resulting lack of respect for certain areas of scholarship.

**Deborah Jones Merritt**, *Distinguished University Professor; John Deaver Drinko-Baker & Hostetler Chair in Law; Courtesy Professor of Sociology; Courtesy Professor of Public Policy and Management, and Associate Faculty Member in Women’s, Gender and Sexuality Studies at The Ohio State University Michael E. Moritz College of Law.*

Professor Merritt noted that women now make up roughly fifty-two percent of incoming law students, but given the higher percentage of women in college (fifty-seven percent) and, until recently, in graduate master’s programs (sixty percent), we are losing women to other pursuits. Having studied the most recent data available, she reported that as the percentage of women at a given law school increases, the U.S. News & World Report ranking of that law school tends to decrease.<sup>26</sup> In conjunction, the percentage of students at that school getting the highest-paid jobs also decreases.<sup>27</sup> Professor Merritt suggested these downturns may have something to do with women performing less well than men on the LSAT and, in turn, getting less favorable scholarship packages, shifting women to lower-ranked schools. She also suspects that potential female students negotiate less well than their male counterparts for the best scholarships.

25. See, e.g., *MASCULINITIES AND THE LAW: A MULTIDIMENSIONAL APPROACH* (Frank Rudy Cooper & Ann C. McGinley, eds., 2012); Ann C. McGinley, *MASCULINITY AT WORK: EMPLOYMENT DISCRIMINATION THROUGH A DIFFERENT LENS* (2016); Ann C. McGinley, *Reproducing Gender on Law School Faculties*, 2009 *BYU L. REV.* 99 (2009).

26. Deborah Merritt and Kyle McEntee, *Gender Equity in Law School Enrollment: An Elusive Goal*, 69 *J. LEGAL EDUC.* 102 (2019).

27. *Id.*

**Angela Onwuachi-Willig**, *Dean of Boston University School of Law.*

Dean Onwuachi-Willig arrived at the Annual Meeting having just served her first semester as a dean. She shared that her identity as the first BU dean of color has affected expectations of her performance there. She emphasized that the community as a whole has been very welcoming, but she noted often feeling “pigeonholed” as a diversity dean, as though issues related to diversity would be the only issues of concern to her. Dean Onwuachi-Willig also noted that because of her scholarship on race, gender, and sexuality, students tend to view her as more receptive to complaints about diversity issues. Like Professor Bowman, she discussed the problem of women excelling in service positions and how those achievements fail to translate into higher salaries and other forms of recognition such as endowed chairs. She encouraged us to question the assumption that scholarship alone equates to merit and to find ways to begin changing it. Although she has not yet had to negotiate salary with her BU faculty, she, like Dean Dickerson, commented on the differences in negotiating styles between men and women, noting that men are far more likely than women to make demands and to feel comfortable doing so.

**Alicia Plerhoples**, *Professor of Law and Director, Social Enterprise & Nonprofit Law Clinic at Georgetown University Law Center.*

Professor Plerhoples addressed the “quadruple inequities” of being an African American, female, clinical faculty member practicing in the male-dominated space of transactional and corporate law. She noted that it is often difficult to know which of these inequities, either alone or in combination, motivates a given attitude or behavior, such as being ignored at faculty talks, lacking scholarship mentors, and carrying the additional burden of students, particularly students of color, who approach her as one of the few faculty of color. She focused in particular on what she described as the “eggshell factor,” or the reluctance of colleagues to engage deeply with her as a woman of color, presumptively out of fear that she will be offended by having her ideas challenged.

**Kristen K. Tiscione**, *Professor of Law, Legal Practice at Georgetown University Law Center and President, Legal Writing Institute (2018-20).*

Finally, Professor Tiscione addressed gender disparities or “gender segregation” across faculty lines in the legal academy. As is the case for clinical, legal writing, and library faculty, she noted that as the status and salary of the position decrease, the percentage of women increases dramatically. Based on 2013 data, roughly thirty-six percent of tenured law faculty nationwide

are women, whereas sixty-three percent of clinical faculty and seventy-two percent of legal writing faculty are women.<sup>28</sup> As explained more fully in her essay in this issue, Tiscione emphasized the persistence of this disparity and the paucity of current data on the gender and ethnicity of traditional tenured faculty.<sup>29</sup> She encouraged us to work together with the ABA and AALS to collect and distribute current data to address gender and other inequities across subject areas. Professor Tiscione also noted that female faculty in lower-status positions such as legal writing are thought to engage in what might be considered “women’s work,” which is perceived as intellectually inferior or unrewarding and which, as Professor Bowman indicated, includes a disproportionate amount of the emotional labor required to prepare law students for practice.

28. Kristen K. Tiscione, *Gender Inequity Throughout the Legal Academy: A Quick Look at the (Surprisingly Limited) Data*, 69 J. LEGAL EDUC. 116 (2019).

29. *See id.*