

A "MEAN HARD PLACE"? LAW STUDENTS TELL IT AS IT IS

Caroline Morris*

Empirical research carried out in the US in the last 10-15 years reveals that law students are generally dissatisfied with their experiences there. The negative effects of legal education are particularly marked for female students. This study, carried out at Victoria University of Wellington in late 2004 seeks to replicate earlier United States studies and queries whether the influx of female students into law school in the past ten years has effected any change in how law school is experienced. It asks: how comfortable are students with lecturer interactions inside and outside the classroom? with student interactions? how attached are they to their law school? why did they come to law school and how do they feel about their performance while there?

I THE LITERATURE OF THE LAW SCHOOL EXPERIENCE

What do we know of law school? This article seeks to shed some light on this question from a perspective traditionally given little attention in the New Zealand context: law students. It reports the results of a survey undertaken at Victoria University of Wellington which sought to uncover what students thought about what went on in the lecture theatres, library, and law school common room. However, before we turn to what today's students say, we should first uncover what has been said to date about the law school experience.

Much ink has been devoted to recounting and sometimes analysing the marked impact that law school has had upon the lives of those who have gone through it.¹ Scott Turow's account of his first year at Harvard Law School is probably the most well-known,² but there are many other accounts on the shelves.³

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1 As A Etzioni notes in "Organizational and Control structure" in James G March (ed) *Handbook of Organizations* (Rand McNally, Chicago, 1965) attending the so-called professional schools is a very invasive psychological experience which exerts significant control over the lives of their attendees.

2 Scott Turow *One L* (GP Putnam's Sons, New York, 1977).

3 Richard D Kahlenberg *Broken Contract: A Memoir of Harvard Law School* (Faber and Faber, New York, 1992); Alex Wellen *Barman: Ping-Pong, Pathos, and Passing the Bar* (Harmony Books, New York, 2003);

Sometimes there is talk of the riches that legal studies will bring: "I do not know that law will bring you gold, but in its own terms ... it will be rewarding";⁴ sometimes a blunt critique "I'd always been told law school is a mean hard place and everyone hates it";⁵ and, less often, a litany of gratitude to inspirational teachers, as this former student relays: "Derek Hall was an elegant and inspiring tutor in legal history. Contact with Professors Hart and Lawson was liberating rather than narrowing. Barry Nicholas ... was a model of the Oxford version of a Socratic tutor."⁶

What binds these seemingly disparate accounts together is method: biography or autobiography has been the primary method of experiencing law school from the outside.

A *Asking Law Students What They Think*

While (auto)biography provides a valuable narrative, it is by its nature an intensely personal form of reportage. Moreover, it is more often than not assembled after the fact, with all the associated potential for revisionism, danger of dramatic embellishment and risk of memory gaps that inhere in this method. What was missing from the literature on the law student experience was the voices of current students; and moreover, the voices of students en masse.

In the 1980s some United States law academics sought to amend this deficit: they began administering quantitative and qualitative surveys which asked their students how they came to be at law school, the impact it had upon their daily lives and ways of thinking about the world, and where they saw themselves headed once law school was over. In short, what sort of place was law school?

What did students tell us about their experiences? The picture painted by students has been overwhelmingly bleak, if the titles of articles such as "Institutional Denial About the Dark Side of Law School",⁷ "The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers"⁸ and "Making Docile Lawyers: An Essay on the Pacification of Law Students"⁹ are any indication.

Lawrence Dieker Jr *Letters from Law School: The Life of a Second-Year Law Student* (Writers Club Press, USA, 2000).

- 4 Edward H Levi "An Approach to Law" in *Occasional Papers from the Law School, University of Chicago* (No 8, 1974) 1, 13.
- 5 Miranda Stewart "Conflict and Connection at Sydney University Law School" (1992) 18 *Melb ULR* 828, 837.
- 6 William Twining *Law in Context: Enlarging a Discipline* (Clarendon Press, Oxford, 1997) 4.
- 7 Lawrence S Krieger "Institutional Denial About the Dark Side of Law School" (2002) 52 *J Leg Educ* 112.
- 8 GAH Benjamin and others "The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers" (1986) 2 *Am Bar Fdn Res J* 225.
- 9 Anon "Making Docile Lawyers: An Essay on the Pacification of Law Students" (1998) 111 *Harv L Rev* 2027.

In sum, researchers report that law students experience a great deal of stress during their legal studies – law school is competitive, alienating, and dispiriting.¹⁰ They enter law school eager to learn, confident in their abilities to do well, with many keen to work in public interest¹¹ or social justice fields, and somewhere along the way lose their self-esteem, their goals and their motivations.¹²

B Life in Law School for Female Students

Feminist law academics, particularly in the United States, have picked up on this work, leading to a number of surveys investigating the experiences of women law students. One constant theme that has emerged from this line of research is that the law school experience is significantly gendered.¹³ Women students, it is reported, experience all of those phenomena listed above, but to a greater degree. In particular, women enter with identical grades to their male counterparts but leave with lower ones;¹⁴ experience a greater negative shift in their desire to use their degrees in the public interest;¹⁵ and are especially alienated by the teaching methods, particularly Socratic teaching, at law school.¹⁶

10 This is even the case for law schools which enjoy a reputation for being particularly supportive and attentive to student needs. See Celestial Cassman and Lisa Pruitt "A Kinder, Gentler Law School? Race, Ethnicity, Gender and Legal Education at King Hall" (UC Davis Legal Studies Research Paper Series, Research Paper No 41, May 2005).

11 Robert V Stover "Law School and Professional Responsibility: the Impact of Legal Education on Public Interest Practice" (1982) 66 *Judicature* 194. Stover's survey was one of the first quantitative analysis of the impact of law school on student attitudes and values. The first was probably Gregory J Rathjen, "The Impact of Legal Education on the Beliefs, Attitudes and Values of Law Students" (1976) 44 *Tenn Law Rev* 85.

12 Lawrence S Krieger "The Inseparability of Professionalism and Personal Satisfaction" (2005) 11 *Clinical Law Rev* 425, 433-434; Gerald F Hess "Heads and Hearts: The Teaching and Learning Environment in Law School" (2002) 52 *J Leg Educ* 75.

13 For an overview of these surveys, see Sarah Berger and others "Hey! There's Ladies Here!!" (1998) 73 *NYU Law Rev* 1022. For a critique of the limitations of some of these surveys, see L Amede Obiora "Neither Here nor There: Of the Female in American Legal Education" (1996) 21 *L & Soc Inquiry* 355. There were a few earlier pieces: see Alice Jacobs "Women in Law School" (1972) 24 *J Leg Educ* 462; ER Robert and MF Winter "Sex – Role and Success in Law School" (1978) 29 *J Leg Educ* 449. These too reported that women students reported low self-esteem and even self-hatred, consistent with a sense of being a member of a minority group.

14 Lani Guinier, Michelle Fine, and Jane Balin "Becoming Gentlemen: Women's Experiences at one Ivy League Law School" (1994) 143 *U Pa L Rev* 1, 36-37; Suzanne Homer and Lois Schwartz "Admitted but Not Accepted" (1989-90) 5 *Berkeley Women's LJ* 1.

15 For a summary of the research on this question, see Adrienne Stone "Women, Law School and Student Commitment to the Public Interest" in Louise Trubek and Jeremy Cooper (eds) *Educating for Justice: Social Values and Legal Education* (Dartmouth, London, 1997) 60-61; Robert Granfield "Contextualising

As one survey concluded: "The data we have collected tell a poignant story about the insidious effects of gendered stratification in law school "socialization".... [T]he educational strategies of the Law School sustain hierarchy, legitimate inequity in the name of merit, and yield serious, adverse consequences for many women."¹⁷

Spurred on by similar research presented on gender and legal education in Australia at the 2003 Feminist Legal Academics Workshop in Adelaide,¹⁸ I decided to inquire into the experiences of students at my own university, Victoria University of Wellington (VUW).

What would VUW students tell us about their life in the law if we asked them? Would their experiences replicate those of their United States counterparts, even though New Zealand students are younger on average than students in the United States, and generally do their law degrees less intensely over a longer period?¹⁹ In addition, I wondered whether the changed make-up of the student body at VUW law school would result in different conclusions being drawn from those of the earlier US studies. The majority of surveys investigating the particular experiences of women students took place in the late 1980s to mid 1990s,²⁰ a period where women had climbed from being a token presence in law school to being a significant minority (and in some cases, close to half the student body).²¹

the Different Voice: Women, Occupational Goals, and Legal Education" (1994) 16 Law and Policy 1, 14-15.

16 Berger, above n 13, 1035-1037; Margaret Thornton *Dissonance and Distrust* (Oxford University Press, Melbourne, 1996) ch 3.

17 Guinier, above n 14, 98.

18 Amy Kilpatrick "Considering gender in the education of future lawyers: Results from an empirical study" (Paper presented at Re-searching Research Agendas: Women, Research and Publication in Higher Education, Perth, 2003); Fiona Martin and Rachel Field "Gendered Experiences of Legal Education: a survey" (Unpublished paper presented at the Feminist Legal Academics Workshop, Adelaide, 2003).

19 Although note the comments of Thornton, above n 16, 91, indicating that despite Australia's approach to legal education being similar to that in New Zealand, women law students nonetheless report very similar experiences to their United States counterparts.

20 Since then, there have been two other major surveys: Working Group on Student Experiences, "Study on Women's Experiences at Harvard Law School" (2004), available at <<http://www.law.harvard.edu>> (last accessed 22 June 2005); Yale Law Women "Yale Law School Faculty and Students Speak About Gender" (2002) available at <<http://www.yale.edu>> (last accessed 22 June 2005) also discussed in Sari Bashi and Maryana Iskander "Methodology Matters" (2003) 53 J Leg Educ 505. Both reported findings similar to those of other surveys.

21 For statistics on the changing composition of US law schools, see Richard K Neumann "Women in Legal Education: What the Statistics Show" (2000) 50 J Leg Educ 313, 314-320.

On the question of gender and law school, little has been written in a specific New Zealand context. There are two highly personal accounts in the law reviews. Neither is flattering. Carmel Rogers summed up her time at VUW thus:²²

[Allow] me to take you with me as a companion as I tell you about how legal education will assault you as a woman. If I and others tell enough of you then there will be a perfect cry, between women there will be a constancy, a harmony. ...

Others of us are assaulted but do not even know it, and there are still others of us, be they women law students or women legal academics, who actually help to bolster the battery of other women.

And Leah Whiu wrote in her account of being a Māori woman in a law class at Waikato University:²³

Being wheeled out, here is our native girl! An exhibit. And a sentence or two is trotted out, mentioning Māori women. For of course not to would be a political no-no. And you write one maybe two paragraphs about us in your paper which your network will publish, buy and use in their writings while I sit here every day amongst you, invisible it seems.

By the time my questionnaire was administered, female students comprised 65% of the law student body at VUW. Would this shift in the gender balance at law school have any effect on (female) student experiences? Would the women in the VUW survey say anything different from the Rogers and Whiu pieces? Should we expect them to?

II THE SURVEY UNDERTAKEN AT VICTORIA UNIVERSITY OF WELLINGTON

The survey was drawn up using questions that had featured in United States and Australian surveys with the addition of some questions proposed at a faculty workshop.²⁴ In September 2004 a pilot survey was undertaken on recent graduates taking the required course for admission to the bar at the Institute of Professional Legal Studies and a few modifications made as a result.²⁵

The survey itself, believed to be the first of its kind conducted at a New Zealand law school, took place over three weeks in October 2004. All students enrolled in a 200 or 300 level LAWS course (that is, all undergraduate law courses, except the first year law courses and those run by the

22 Carmel Rogers "How Legal Education Will Assault You as a Woman" (1993) 23 VUWLR 167.

23 Leah Whiu "A Māori Woman's Experience of Feminist Legal Education in Aotearoa" (1994) 2 Waikato LR 161, 165.

24 These surveys were those mentioned in above nn 14 and 15, with the addition of Janet Taber and others, "Gender, Legal Education, and the Legal Profession" (1988) 40 Stan L Rev 1209.

25 These were minor, and involved adding an additional frequency option to questions that asked: "How often do you ...?"

school of Accounting and Commercial Law) were sent an email to their student email accounts explaining the purpose of the survey and including a link to the university webpage hosting the questionnaire. The online questionnaire contained 63 questions and included space for comments at various points.²⁶ To preserve respondent anonymity, answers were collected and reported by analysts at VUW Marketing Services.

The survey began by collecting some basic demographic information from students (age, gender, ethnicity, year of law study, degree enrolment, study status, and parental education levels) and then asked what their three top motivations were for attending law school. Questions were then divided into four main categories:

- Classroom participation and interactions;
- Views of/interaction with faculty;
- Engagement with other students; and
- The law school experience and future ambitions.

The third category was further subdivided to assess how students interacted with each other socially, academically, and via student organisations such as the Law Students' Society and Nga Rangahautira (the Māori Law Students' Society). A number of the questions asked the students to consider their experiences through the lens of gender.

III THE RESULTS

The survey received 533 responses, which was a 48% response rate from the total sample of 1121. The demographics of those answering were generally representative of the law school student body, although part-time students were slightly under-represented, as were students over 25. The responses broke down as follows: 65% of respondents were female, 35% male; 86% identified as New Zealand European/Pakeha, 10% as Asian, 7% as Māori, and 4% as Pacific;²⁷ 90% were full-time students, and 10% part-time; 97% of students were currently or previously enrolled in another degree, with the most popular other degree being the Bachelor of Arts at 64%; 53% of students were in the 21-24 age group, with 16% at 20 years of age, and 8.5% in the 25-29 age range. The majority of students reported that at least one parent had attained a university qualification (30% undergraduate and 24% postgraduate). Asian students reported the highest levels of parental involvement in tertiary education (60%) and Māori students the lowest (23%).

As a preliminary point on methodology, it should be borne in mind that the results reported by students are their own impressions and perceptions of their experiences of law school; at this stage,

²⁶ The questionnaire is reproduced as Appendix I.

²⁷ Note that multiple answers were permitted to the question "What is your ethnicity?" so the total sums to more than 100%.

no attempt has been made to follow up on student comments by way of focus groups or interviews nor to verify the results by further objective studies.²⁸ This article presents the raw, unadulterated student voice from VUW.

The first question asked of students was "What motivated you to go to law school?". It should be noted that, from 2003, entry into the first year law programme at VUW has been unrestricted. Prior to that, entry was competitive, based on performance in the final year of school, with additional places for mature (over 25) students and Māori.

The overwhelming motivation in the general student body was simply an "interest in the subject" (62.26%), followed by "intellectual stimulation and training" (35.66%) and "influence of family, friends or teachers" (34.34%). Male and female students' responses differed little on this question, although of the less popular choices, female students ranked the "opportunity to be of service to society" more highly than males (22.7%, in sixth place versus 16.4%, in eighth place)²⁹ and male students ranked the financial benefits (28.4%, in fifth place) and prestige of the legal profession (25.7%, in sixth place) more highly than females (22.4% and 20.3% at seventh and eighth places respectively).

However, the responses from minority (Māori and Asian)³⁰ students told of different motivations. Māori students ranked the prestige factor and the financial benefits of joining the legal profession in equal second place (30.8%), with the opportunity to be of service to society in the same place as female students (sixth) at 25.6%. Asian students also ranked prestige and financial benefits highly in third and fourth place, at 36.4% and 34.5%.

A Classroom Participation and Interaction

Law school pedagogy, with its focus on a discussion-based method of teaching (in its ideal form, a lively question and answer dialogue between lecturer and student focusing on the search for truth; at its worst, a feared tool of humiliation, or an obscure game of "guess what I'm thinking"), has been criticised for its negative effect on students' ability to learn. As Halpern has written: "[t]he tense atmosphere and psychological insecurity engendered by law school pedagogy inhibits curiosity and genuine intellectual interest. In such an environment independent and critical thinking by students is unlikely."³¹

28 For example, in some of the studies mentioned above, class participation rates were assessed by monitors sitting in on lectures, as opposed to this study, which relied on self-reported statistics.

29 This is consistent with United States findings: see Taber, above n 24, 1238. See also Stone, above n 15, 66.

30 Pacific students formed too small a percentage of respondents to be suitable for separate analysis.

31 Stephen C Halpern "On the Politics and Pathology of Legal Education (Or Whatever Happened to That Blindfolded Lady with the Scales)" (1982) 32 J Leg Educ 383.

To test this critique, this section of the questionnaire contained 22 questions canvassing views on how often students asked questions or volunteered answers in class, their level of comfort with their voluntary participation, and similar questions for their involuntary participation. It also asked whether students considered there was a gender difference in the way in which academics interacted with students in the lecture theatre or between students themselves.

Unsurprisingly, students reported that their levels of involuntary participation were much higher than their voluntary participation:

- 61.44% reported participating involuntarily (that is, without raising their hand) occasionally in class;³² while
- 35.92% reported that they asked questions "occasionally" while 35.09% reported volunteering answers with the same frequency; and
- 37.43% and 31.3% respectively reported never either asking a question in class or volunteering an answer.

This might indicate that were students given a choice of whether to participate or not, they may well freely choose not to more often than not; on the other hand, it might be that students are simply less keen to participate knowing the exchange that might well follow. It is, however, concerning that approximately a third of all students, for whatever reason, simply do not participate in class unless made to.³³ Despite this, students reported almost identical levels of comfort with the two forms of participation in class:

- 52.55% said they were very comfortable or comfortable with their level of voluntary participation; and
- 52.56% said they were very comfortable or comfortable with their level of involuntary participation.

It is not possible to discern from these results (and not one student comment shone any light on this point) whether those who reported otherwise were unhappy with their participation levels because they would like to participate more or participate less in the class discussion.

The next stage of analysis was to look at the answers given according to the gender of the student. At this point, some interesting differences emerged.

32 In the range of possible answers, "occasionally" ranked in frequency between "monthly" and "never".

33 I categorise this as a concern based on my view that active involvement in learning is preferable to passive absorption of the material. Active learning is one of the well-known "Seven Principles for Good Practice" in tertiary education, see Gerald Hess, above n 12, 85.

The proportion of female students who reported asking questions and volunteering answers occasionally was similar to that in the general student body (35.6% for asking questions, and 35.2% for volunteering answers). However, when it came to frequent contributors, 25.1% of male students said they volunteered answers on a weekly basis, compared to 14.5% of females who did so, and when it came to asking questions, 19.7% of men said they did so weekly, while the comparable figure was 9.9% of women. In addition, 42.9% of female students said that they never asked questions in class, and 37.2% never volunteered answers. As with the overseas research, female students in New Zealand appear to be less vocal and less involved in the classroom.³⁴ Moreover, they are less comfortable than men with both forms of participation in class: 46.5% are comfortable or very comfortable with their level of voluntary participation (compared to 63.2% of men), and for involuntary participation, the figure is 47.7% (compared to 61.5%).

This was an unexpected and counter-intuitive result: if women make up two thirds of the class, would they not find this an atmosphere in which they would feel more comfortable speaking? Or is it that there is something about the method of teaching itself that inhibits women from speaking? Could it be something as simple as a fear of public speaking generally, and that female students have this more often than males? As Margaret Thornton has reported, some women in Australian law schools were "too terrified to speak in case they gave the wrong answer and were publicly humiliated by the lecturer."³⁵ Others have suggested that women's silence is a conscious strategy, not so much a fear-based inability to rise to the challenge of the lecturer's question, but a "deliberate expression of resistance" by "outsider" students unwilling to submit their alternative viewpoints to a value system which is unresponsive to, and even dismissive of, their ideas.³⁶

In the case of minority students, Māori reported some of the highest levels of participation: 68.4% said they participated involuntarily on an occasional basis, 41% volunteered answers occasionally, and 43.6% asked questions occasionally. They also reported similar comfort levels to the general student body: 53.8% being happy with their voluntary participation, and 51.3% being comfortable or very comfortable with their involuntary participation. Asian students also reported high participation rates. Involuntary participation was reported on an occasional basis by 67.3% of Asian students, with 45.5% asking questions occasionally, and 47.3% volunteering answers with the same frequency. Interestingly, frequency here did not translate into comfort, with only 43.6% reporting that they were comfortable or very comfortable with the voluntary participation rates (a lower rate than female students), and 34.6% being comfortable or very comfortable with involuntary participation.

34 Taunya Banks "Gender Bias in the Classroom" (1988) 38 J Leg Educ 137, 139-140; Catherine Weiss and Louise Melling "The Legal Education of Twenty Women" (1988) 40 Stan L Rev, 1299, 1332-1341; Homer and Schwartz, above n 14, 37.

35 Thornton, above n 16, 91.

36 Homer and Schwartz, above n 14, 38.

Despite the differences reported in students' willingness and comfort surrounding their participation levels by gender, students reported that their perception of gender differences in the classroom, where they existed, was small. The results showed that:

- 78.10% believed that students were equally tolerant of the comments made by male and female students
- 77.13% believed that both genders were called on with the same frequency in class
- 74.81% believed that both genders were given equal time by the lecturer when called on
- 79.02% believed that both genders were asked questions of equal difficulty
- 72.54% believed that both genders were given equal time by the lecturer when asking questions or volunteering answers
- 67.49% believed that both genders received follow-up questions with the same frequency
- 55.66% believed that both genders volunteered answers with the same frequency.

When asked to consider whether "the nature or content of classroom interactions between lecturers and students is affected by the gender of the lecturer", 28.19% said they agreed or strongly agreed, thus reflecting overall views on gendered classroom interaction. However, this was matched by a similar percentage who thought the impact of gender was neutral (28.08%), and outweighed by those who disagreed or strongly disagreed that gender had an impact (45.73%).

Thus it appears that female students' greater reluctance to contribute cannot necessarily be sourced to the practices and atmosphere created by their fellow students or the lecturer – at least to the extent that students perceive that it does. Where students did identify a difference in classroom interactions, they were more likely to consider that this had its source other than in gender – comments from surveyed students included:

Gender issues are something which have not really captured my attention at law school – if there is any gender inequality it is not great enough to be even noticeable to me in my memory.

I haven't noticed any gender bias with regards to questioning. I think that it is less [of] a gender issue; [rather] I think more time is given to those who are more articulate.

The nature of the interactions is also affected by the culture of the lecturer.

However, the apparent absence of a gendered impact does not necessarily mean that it does not exist. It could be that it is so pervasive, so much a part of the culture of the lecture theatre, that it

becomes invisible by virtue of its normality.³⁷ There were also some dissenting views on the effect of gender in the lecture theatre:

I have heard female students complain that they give an answer which is rejected. A man responds saying the same thing and the lecturer accepts it.

This very much depends on the lecturer in question. Some lecturers clearly favoured males in terms of their positive response and [their] decidedly negative, dismissive response to females.

I do hear some men making derogatory comments about women and/or topics which deal with gender and crimes against women.

B Faculty/Student Relations

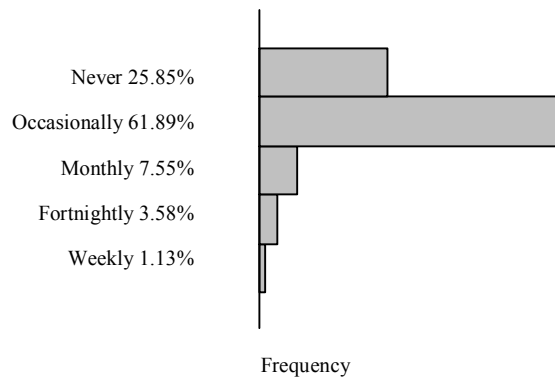
Student-faculty contact is considered one of the key factors in improving good practice in higher education.³⁸ It is a significant contributor to student motivation and engagement, and helps students remain committed to their course of study. With this in mind, the next section of the survey tested how frequently students approached their law school lecturers and how receptive they thought lecturers were to student contact (on the assumption that the latter has some predictive value for the former). Almost two-thirds of students (64.58%) found lecturers "very receptive" or "receptive" to student contact outside class, with male, female and Māori students recording almost identical responses. Notably, Asian students recorded much lower figures on this question, with less than half (49.1%) considering their lecturers "very receptive" or "receptive". These discrepancies may reflect the fact that while the VUW law faculty has nearly the same number of male and female academics, two of whom are Māori, it does not currently have any Asian academics.

37 Nancy Chodorow *Femininities, Masculinities, Sexualities* (University Press of Kentucky, Lexington, 1994) 60.

38 Hess, above n 12, 84.

Students were also asked how often they approached lecturers outside the formal class setting:

How often do you approach your lecturers after class or in their offices?



While it is encouraging that almost three quarters of students felt able to approach their lecturers at least once or more than once a trimester, it is nonetheless disquieting that just over a quarter of students reported never going to see a lecturer outside regular class times. This also does not correlate with reported student perceptions of how receptive lecturers might be to that contact. Female (28.2%), Māori (28.2%) and Asian (27.3%) students all recorded a higher proportion of students who never approached a lecturer outside class.

Students also reported being slightly more comfortable approaching a lecturer of the same gender:

- 21.78% reported being "very comfortable" approaching a lecturer of the same gender as opposed to the 18.98% who were "very comfortable" approaching an opposite-gender lecturer;
- 55.87% reported being "comfortable" approaching a lecturer of the same gender as opposed to the 53.70% who were "comfortable" approaching an opposite-gender lecturer.

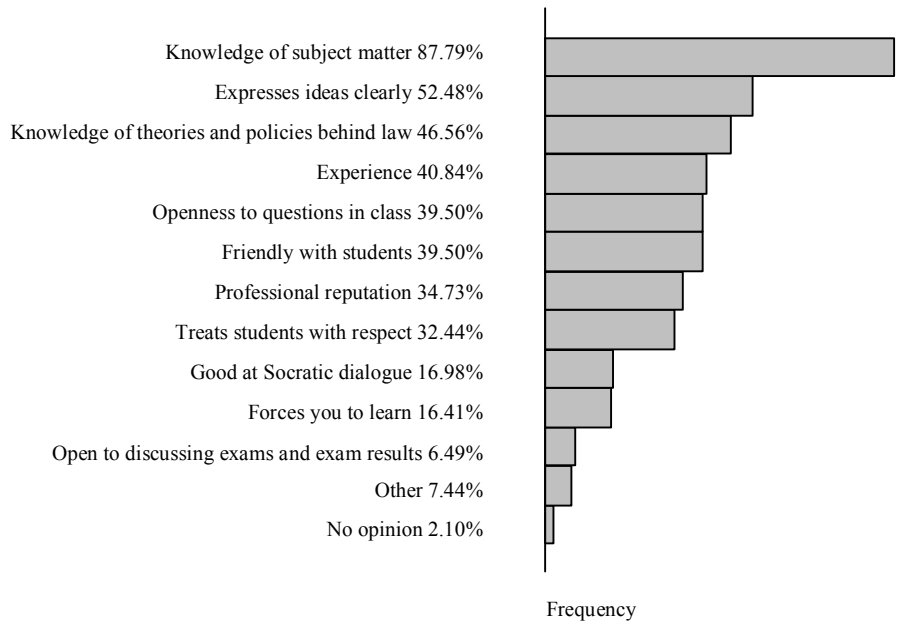
Students were also asked to choose the five most admirable qualities exhibited by their lecturers. I was particularly interested in the outcome of this question, since discussions with other female colleagues and my own experiences led me to believe that students were less likely to consider women academics authoritative because of our gender, more likely to comment on our clothing and appearances in student evaluations,³⁹ and more likely to rate us unfavourably in teaching

³⁹ These experiences have been articulated by other women law academics, see for example: Sheila McIntyre "Gender Bias with the Law School: 'The Memo' and Its Impact" (1987-88) 2 CJWL 362; Thornton, above n

evaluations when we did not fit into a "mothering" model, meaning friendly, approachable, more focussed on delivering information than challenging settled views of legal orthodoxy.⁴⁰

Despite the large number of comments recorded protesting that lecturers' admirable qualities were gender-blind, the actual results spoke otherwise:

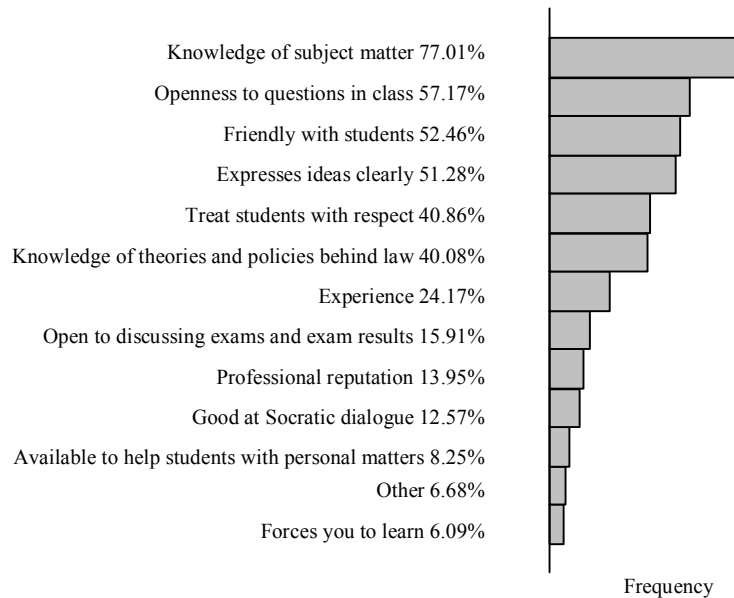
Thinking about your current male law school lecturers, which qualities do you admire most in them? Please tick no more than five.



16, 126: "Alternative faculty handbooks (in which students frankly appraise subjects and lecturers) frequently publish negative comments about women lecturers' dress and personal style."

40 On the "handmaiden" model for women law academics, see Thornton, above n 16, 111-113,

Thinking about your current female law school lecturers, which qualities do you admire most in them? Please tick no more than five.

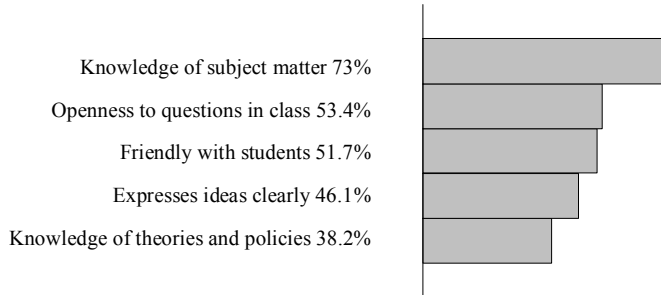


Consistent with impressions, it appears that what students find admirable in their lecturers differs according to the lecturer's gender. While legal knowledge is consistently the top preferred quality in an academic, beyond that point, men are admired for their knowledge of what lay behind the law; women more for their interpersonal skills: being friendly, displaying respect to students, and being open to questions. These results correlate with what Margaret Thornton has described as the "gendered paradigm of authoritative knower and handmaiden. ... [M]en, as the 'knowers', create knowledge, and women teach it."⁴¹ At VUW, male lecturers outranked women in the categories of "knowledge of theories and policies behind the law"; "expresses ideas clearly"; "experience"; "professional reputation"; "good at socratic dialogue"; and "forces you to learn". Women outranked men in the categories of "openness to questions"; "friendly with students"; "treats students with respect"; "open to discussing exams and exam results", and "available to help with personal matters". These gender differences became more pronounced once the results were analysed according to the gender of the student:

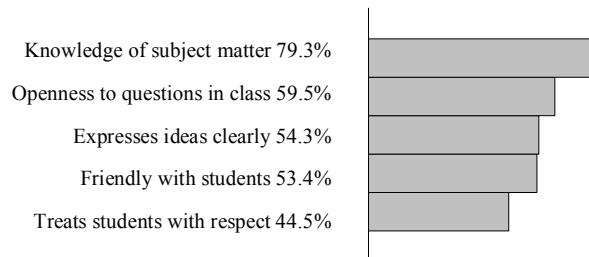
41 Thornton, above n 16, 111-112.

What qualities do you admire in your female lecturers?

Male students



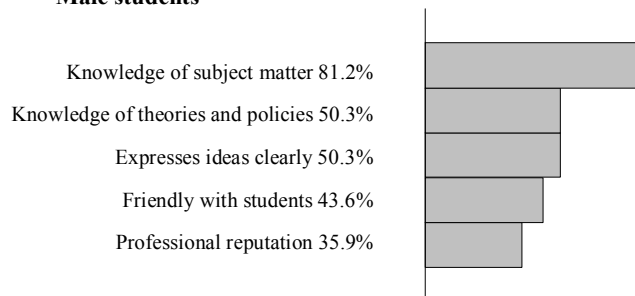
Female students



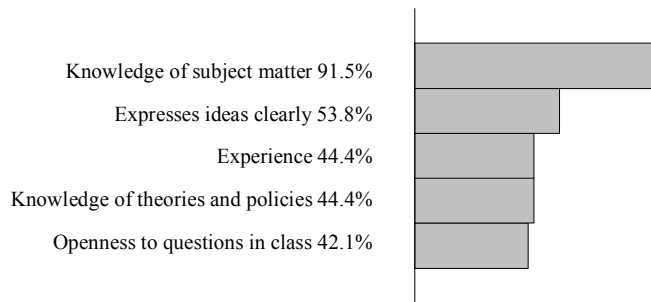
While male and female students admire generally similar qualities in their female lecturers, it is interesting that female students rank interpersonal qualities more highly, and in particular ranked respect over theoretical knowledge. Male students reversed this ranking.

What qualities do you admire in your male lecturers?

Male students



Female students



These differences were reflected in several of the comments made by students on this topic:

I am much more aware of my male lecturers' public reputation. Like what articles they have published, what their background is, well-known cases they have worked on.

Generally male lecturers are much more into the socratic method, and have had out-of-class experience, mainly in the court.

I have noticed that female lecturers are more receptive to students outside of class, whereas male lecturers always seem to be rushing to and from lectures and work.

Female lecturers tend to seem less aloof, more approachable, than male lecturers. Male lecturers command respect by their knowledge, stimulating questions, and discussions.

These results are consistent with overseas findings. For example, in the University of Pennsylvania study, the authors reported that female students ranked "treats students with respect", "openness to questions in class" and "friendly with students" more highly than males in their assessment of lecturers' admirable qualities.⁴²

One issue that needs to be addressed by the legal academy is how to respond to these perceptions. Are students merely describing how male and female academics behave? Or are they responding according to internalised stereotypes and gendered expectations of appropriate behaviour for male and female academics? Why is it that a male lecturer's experience is ranked almost twice as highly as a female lecturer's? Why are female academics valued for their ability to help students with personal problems when this does not even make it onto the scale for their male colleagues as an admired attribute? Is this because they do, or because students think that they should?

⁴² Guinier, above n 14, 34-35.

C Engagement with Other Students

This section aimed to uncover students' views of their relationships with each other at three levels.

First, there were a number of questions relating to student organisation, assessing how engaged they were with the "official" student community; second, there was a series of questions asking about informal social interactions with other law students; finally, the questionnaire inquired into how often they interacted with each other on academic matters outside the classroom.

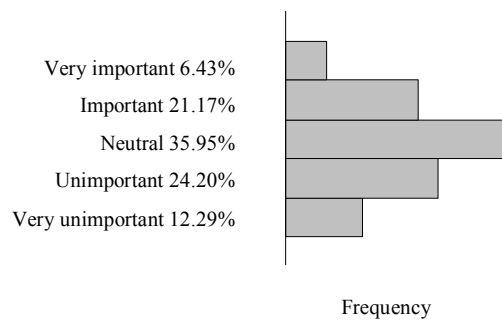
1 Student organisations

The first question tested their sense of affinity with the various student-led and -run organisations that exist to promote their interests and provide some sense of community within the law school. When asked about their membership of these organisations:

- 67.76% said they had never been a member of any law student organisation;
- 21.31% said they were currently members; and
- 10.93% said they had been a member in the past.

This is an interesting result, since under its constitution, all law students are automatically members of the Law Students' Society, yet only a fifth (at most) considered themselves members. Notwithstanding the existence of the Women in Law group, female students were more likely to respond that they had never been a member of a student organisation than males (72.9% to 67.8%). Perhaps the answer lies in the response to the next question which asked "How important are student organisations and activities to you?" As the graph below shows, only slightly more than a quarter of respondents ranked student organisations and activities as "very important" or "important".

How important are student organisations and activities to you?

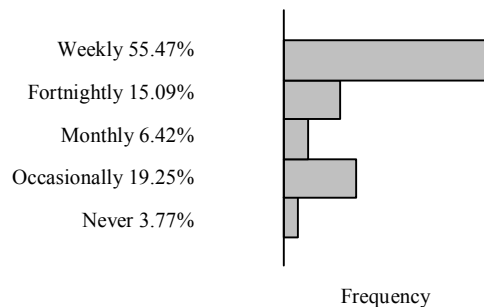


It is tempting to hypothesise that the demands of law school and the need to work to support themselves make student activities a low priority for many law students. However it is difficult to make any substantive inferences here, since the comments on this point were inconclusive. There may also be something in the nature of the events themselves which means students do not find them appealing. It is noteworthy that while 45.16% of respondents considered that student organisation activities were equally appealing to male and female students, twice as many believed that these activities were more appealing to males (14.04%) than to females (7.02%). There were also a number of comments that the focus on "sausages and beer" made the student events on offer unattractive to women students. Perhaps student organisations have not yet moved on from the models of student activities adopted when women were in the minority at law school.

2 *Social interaction with other law students*

In contrast to the organised socialising (amongst other activities) provided by student organisations, students revealed a very high level of informal interaction in the student body. When asked "How often do you interact socially with other law students", the majority of students socialised with each other on a weekly basis:

How often do you interact socially with other law students?

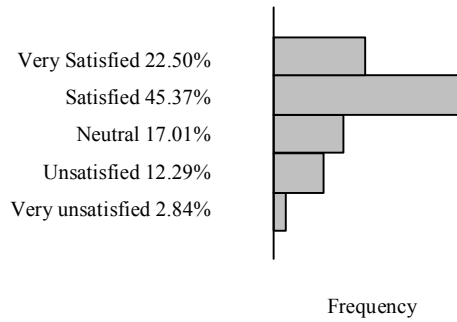


This may be a product of the physical location of the law school, which until the very recent arrival of the Commerce faculty to an adjacent building, was isolated from the main university campus in downtown Wellington. Law students are provided with a common room within the law library building: in such circumstances, it is probably difficult to avoid social contact with other law students.⁴³

Students also reported high levels of satisfaction with the amount of social interaction they experienced:

⁴³ Nevertheless, about 4% of students seem to manage it.

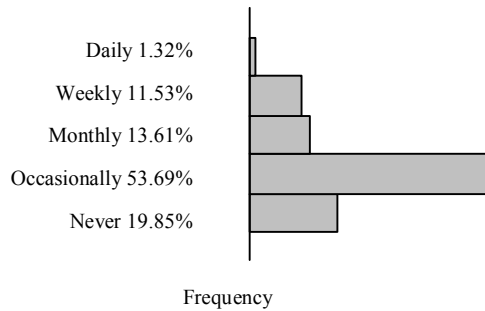
How satisfied are you with this level of social interaction?



3 Competition and co-operation outside the classroom

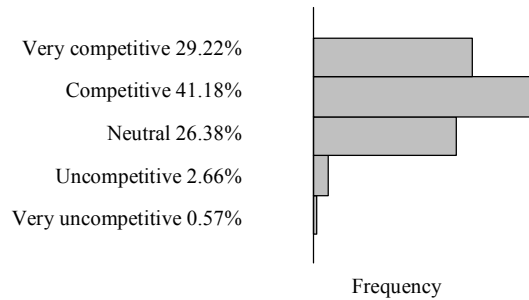
In this part of the survey, students were asked about their levels of academic interaction with each other. When asked "How often do you study with your peers?", most students reported studying with each other only occasionally, and almost a fifth said they never studied with others:

How often do you study with your peers?



Māori and Asian students were the most likely to study regularly with fellow students: 18.2% of Asian, and 17.9% of Māori students reported studying with peers on a weekly basis, compared to the 11.53% of the general student body who did so (broken down into 11.7% of female students, and 11.5% of males who studied together weekly).

Outside minority students, the high frequency of social interaction did not translate into widespread academic co-operation. Perhaps this can be explained in part by the competitive atmosphere existing at law school. When asked "how competitive are the students in this Law School"? students were very clear in their views:

How competitive are the students in this Law School?

Female students were more likely to consider their fellow students "very competitive" or "competitive": 72.2% of female answers fell into these categories, compared to 67% of males.

Students were very eager to comment on this aspect of law school life; this section attracted the highest number of comments in the entire questionnaire. When asked what the reason for this competition might be, students isolated three main causes.

First, students located the cause of competition in the types of people who came to law school and the attitudes of faculty:

A lot of students here are used to being the *crème de la crème* of everything. For example, they may have consistently won every academic prize at their high school.

I think Law attracts competitive people. I also think the VUW Law School encourages the idea that law students are superior to others.

Secondly, linked to this was the perception that jobs and other markers of success were scarce for law graduates and were only available to those with the best academic records, hence the need to compete for grades.

It's all about competition for grades and glory – the keys to a career.

Because there are far more ways to compare achievements with other students – socratic questioning, tests, scholarships, internships, etc.

There is a perception that there is a limited number of students who will go on to professional success.

Associated with this reason was a persistent yet erroneous belief that good grades were rationed by the faculty who had a pre-determined percentage of As to allocate to each class.

There are only so many As to go around and it is tough to get them, so you can't afford to be very generous to others as you may be sacrificing your own good grades.

Thirdly, the structure of the law degree, with its stepped points of entry into the higher reaches of the degree, created a need for students to outrank each other:

To get the best marks possible – esp[ecially] to get into second year.

It is bred from trying to get into 2nd year papers and limited entry papers and continues through to third and later year papers.

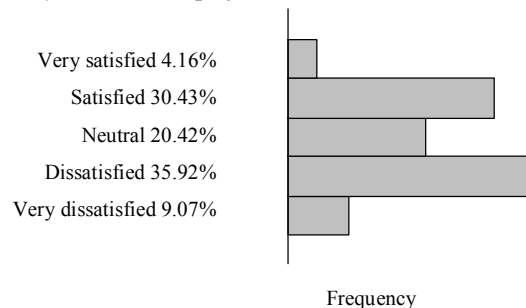
Good grades are needed for Honours and further study.

When asked whether there was a gendered nature to this competition, nearly identical proportions of male and female students reported that both sexes were equally as competitive as the other. Of those students who considered that competition had a gendered aspect, both sexes ranked the other as the more competitive and in the same proportion. However, female students were nearly three times as likely to believe that men were more competitive than women (21.6% compared to 6.1%) whereas male students were twice as likely to believe that it was women who were more competitive (21% compared to 11.1%).

D Law School and After

This last section required students to reflect on their performance so far and their feelings about the law school. Students reported fairly high levels of dissatisfaction with their academic performance. This can probably be linked with the responses on competitiveness – if law school is a continual process of trying to outdo one's peers, then naturally, anything less than the best grades will be seen as a disappointing result.⁴⁴ Moreover, given the numerous ways to distinguish oneself, even the best grades (without a law review editorship, a tutoring job, a competition success or two, and a position in a student organisation) may not be enough for some students.

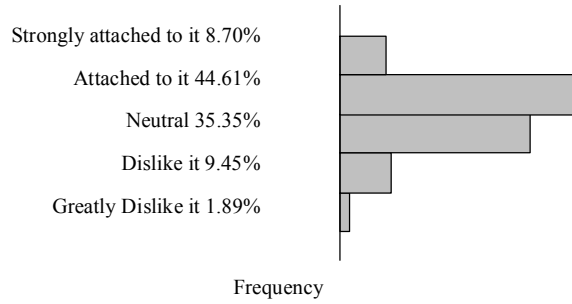
How do you feel about your academic performance at Law School?



Interestingly, this was not replicated in their responses to the question "Overall, how do you feel about Victoria Law School?", which showed that even though 45% of students reported that they were dissatisfied or very dissatisfied with their grades, 53% nonetheless considered themselves attached or strongly attached to the law school:

⁴⁴ However, it should be noted that some of the student comments made it clear that competition was not perceived negatively – rather it was seen as a way to spur people on to do their best.

Overall, how do you feel about Victoria Law School?

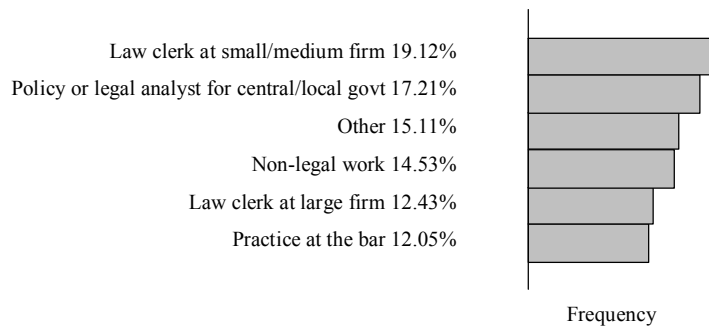


Men were almost twice as likely to consider themselves strongly attached to the law school as did women and Māori students (12% compared to 6.7% and 5.1%), but Asian students came close with 10.9% reporting themselves in that category.

Students were then asked what their plans were upon leaving law school.

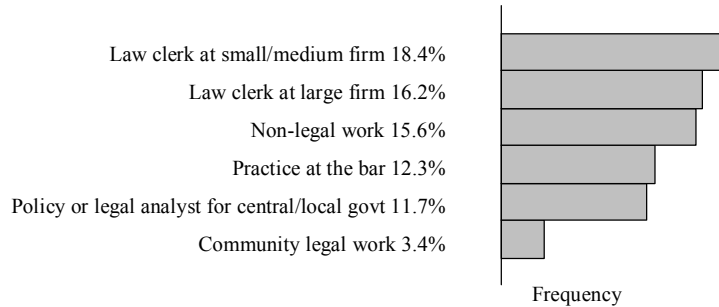
What sort of work are you most likely to do after graduation?

All students

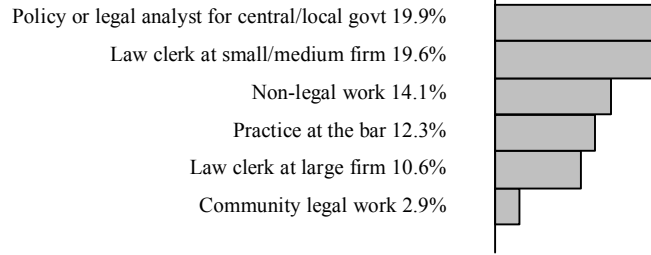


The results were then broken down according to gender and ethnic origin.

Male students

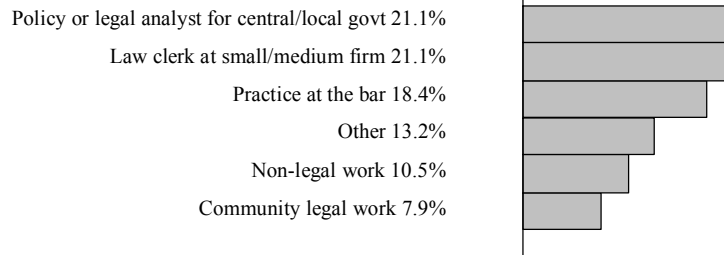


Female Students



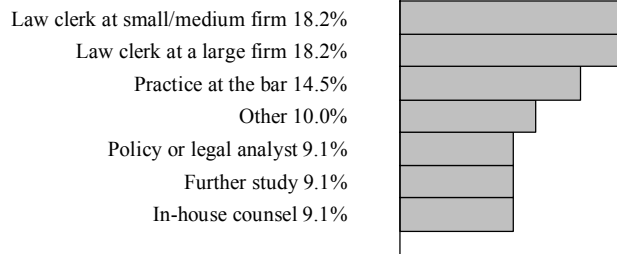
Frequency

Māori students



Frequency

Asian students



Frequency

IV WHERE TO FROM HERE?

Essentially, the survey and the student responses are about community – what is the law school community like? It seems that not much has changed since the first law academics set out to find out what life was like in the law school trenches. Students still report that law school is competitive, are

unhappy with their performance, and a worrying percentage seem to go through law school contributing nothing in class and never having any contact with staff.

It also seems that the increased numbers of women attending law school has had little impact on the negatively gendered nature of the experience. Academically, women law students at VUW found the place more competitive than men, were more dissatisfied with their performance, spoke up less frequently in class and were less happy about it. Socially, they were less engaged with student organisations, and believed that the activities they offered were more appealing to men than women.

The other finding of note is that the experiences and attitudes of students at VUW do not seem to be markedly different from those at law schools overseas. Clearly, as was found to be the case in Australia, the longer, less intensive approach to legal education in New Zealand is not enough of a differentiating factor to produce a significantly different experience of law school. The challenge for us now is to find out what might.

APPENDIX I**FACULTY OF LAW SURVEY - OCTOBER 2004**

1. Please indicate your age

18 or under	19	20	21-24	25-29	30-34	35-39	40+
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2. In what year of Law study are you?

2 nd year	3 rd year	4 th year	5 th year+
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3. Please indicate which other degree/s you are currently, or were previously, enrolled in.

BA	BCA	BSc	BMus	MA	PhD	Other
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4. Are you studying ...?

Part time	Full time
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5. Are you?

Male	Female
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6. What is your ethnicity? Tick all that apply.

European/Pakeha	Māori	Pacific	Asian	African	Arabic	European	Other
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7. Please indicate the educational background of your parents – whichever is higher.

School Certificate	University Entrance	University Bursary	Undergraduate Degree	Postgraduate Degree
Other Tertiary	No School Qualifications	Primary School Only	Secondary School – Unknown	Teacher's College
Unknown	Other			
8. What motivated you to go to law school? Please tick no more than 3 key reasons.
 - Interest in the subject
 - Intellectual stimulation and training
 - Influence of family, friends or teachers
 - Like to argue and debate
 - Financial benefits
 - Thought it would suit me
 - Prestige of legal profession
 - Opportunity to be of service to society
 - Could not think of anything better to do
 - Preparation for a political career
 - Other

CLASSROOM PARTICIPATION AND INTERACTION

9. How often do you ask questions in class?
 Weekly Fortnightly Monthly Occasionally Never
10. How often do you volunteer answers in class?
 Weekly Fortnightly Monthly Occasionally Never
11. Are you comfortable with your level of voluntary participation in class?
 Very comfortable Comfortable Neutral Uncomfortable Very uncomfortable
12. Do you think that students of one gender ask more questions than students of the other gender?
 Men more often Women more often Both genders equally No opinion
13. Do you think that students of one gender volunteer more answers than students of the other gender?
 Men more often Women more often Both genders equally No opinion
14. Are students more tolerant of in-class comments made by students of one gender than of in-class comments made by students of the other gender?
 More tolerant of men More tolerant of women Equally tolerant of both No opinion
15. Do you think students of one gender who have asked questions or volunteered answers are given more class time than students of the other gender who have asked questions or volunteered answers?
 Men more time Women more time Both genders equal time No opinion
16. How many times are you called on in class involuntarily (ie without raising your hand) in class?
 Weekly Fortnightly Monthly Occasionally Never
17. Are you comfortable with how often you are called on involuntarily (eg without raising your hand) in class?
 Very comfortable Comfortable Neutral Uncomfortable Very uncomfortable
18. Do you think that students of one gender are called on more frequently than students of the other gender?
 Men more often Women more often Both genders equally No opinion

19. Do you think that students of one gender who have been called on are given more class time than students of the other gender who have been called on?
- Men more often Women more often Both genders equally No opinion
20. Do you think that students of one gender are asked questions that are more difficult than those posed to students of the other gender?
- Men more difficult Women more difficult Both genders equally No opinion
21. Do you think that students of one gender receive "follow up" questions more often than students of the other gender?
- Men more follow up Women more follow up Both genders equally No opinion
22. The nature or content of classroom interactions between lecturers and students is affected by the gender of the lecturer.
- Strongly Agree Agree Neutral Disagree Strongly Disagree
23. Do you have any comments about any of the above issues?

VIEWS OF LECTURERS

24. How receptive are your lecturers to contact with students outside of class?
- Very receptive Receptive Neutral Unreceptive Very unreceptive
25. How often do you approach your lecturers after class or in their offices?
- Weekly Fortnightly Monthly Occasionally Never
26. How comfortable are you in interactions occurring outside of class with lecturers of the opposite gender?
- Very comfortable Comfortable Neutral Uncomfortable Very uncomfortable
27. How comfortable are you in interactions occurring outside of class with lecturers of the same gender?
- Very comfortable Comfortable Neutral Uncomfortable Very uncomfortable
28. Thinking about your current male law school lecturers, which qualities do you admire most in them? Please tick no more than five.
- Knowledge of subject matter
Expresses ideas clearly
Knowledge of theories and policies behind law
Experience
Openness to questions in class

Friendly with students
 Professional reputation
 Treats students with respect
 Good at socratic dialogue
 Forces you to learn
 Open to discussing exams and exam results
 No opinion
 Other

29. Thinking about your current female law school lecturers, which qualities do you admire most in them? Please tick no more than five.

Knowledge of subject matter
 Expresses ideas clearly
 Knowledge of theories and policies behind law
 Experience
 Openness to questions in class
 Friendly with students
 Professional reputation
 Available to help students with personal matters
 Treats students with respect
 Good at socratic dialogue
 Forces you to learn
 Open to discussing exams and exam results
 Other

30. Do you have any comments about any of the above issues?

ASSESSMENT ISSUES

31. Do you think that your lecturers can determine gender based on your handwriting?

Yes No

32. How concerned are you that knowledge of your gender (based on your handwriting) may consciously or unconsciously influence the way that a lecturer grades your assessment?

Very concerned Concerned Neutral Unconcerned Very unconcerned

33. What type of assessment do you prefer?

Open book Opinions Closed book In-class tests Take home tests Other
 exams /essays exams

34. What type of assessment do you think best assess your knowledge of law?

Open book Opinions Closed book In-class tests Take home tests Other

exams /essays exams

35. Which skills do you believe are the greatest benefits of your legal education at Victoria?
Tick all that apply.

Logical reasoning
Knowledge of the law
Critical analysis
Thinking on one's feet
Effective writing
Persuasive argument
Legal research abilities
Oral argument
Negotiation skills
Building networks with future colleagues
Settling disputes
Other

36. Do you have any comments about any of the above?

STUDENT ORGANISATIONS

37. Are you or have you been a member of any student organisation here at Law School (for example Law Students Society, Women in Law, Pacific Island Law Student's Society, Nga Rangahautira, Law Students International)

Yes, currently Yes, in the past No, never

38. How important are student organisations and activities to you?

Very important Important Neutral Unimportant Very unimportant

39. In your opinion, do students of one gender participate in the activities of student organisations in proportionally greater numbers than students of the other gender?

Men more often Women more often Both genders equally No opinion

40. In your opinion, do students of one gender hold leadership positions in student organisations in proportionally greater numbers than students of the other gender?

Men more positions Women more positions Both genders equally No opinion

41. Do you think that a majority of the activities of student organisation are more appealing to students of one gender?

More appealing to men More appealing to women Equally appealing to all No opinion

42. Do you have any other comments about any of the above?

SOCIAL INTERACTION WITH OTHER STUDENTS

43. How often do you interact socially with other law students?
 Daily Weekly Monthly Occasionally Never
44. How satisfied are you with this level of social interaction?
 Very satisfied Satisfied Neutral Unsatisfied Very unsatisfied
45. Do you spend more time with law students of one gender?
 Men more often Women more often Both genders equally No opinion
46. Is your group of friends at law school demographically different from your group outside of law school? Please tick all that apply.
 My friends here are younger
 My friends here are older
 My friends here are the same age
 My friends here are proportionally more female
 My friends here are proportionally more male
 My friends here are proportionally of the same genders
 My friends here are less racially diverse
 My friends here are more racially diverse
 My friends here are as racially diverse
 Other

47. Do you have any comments about any of the above?

COMPETITION AND CO-OPERATION AMONG STUDENTS

48. How often do you ask fellow students to explain course content?
 Never Occasionally At least once a month At least once a week
49. How often do fellow students ask you to explain course content?
 Never Occasionally At least once a month At least once a week
50. How often do you study with your peers?
 Daily Weekly Monthly Occasionally Never
51. How competitive are the students in this Law School?
 Very competitive Competitive Neutral Uncompetitive Very uncompetitive
52. If you answered "very competitive" or "competitive", why do you think that is?

53. Are students of one gender more competitive than students of the other gender?
 Men more competitive Women more competitive Both equally competitive No opinion
54. Do you have any comments about any of the above?
55. How sensitive to gender issues are most Victoria law students?
 Very sensitive Sensitive Neutral Insensitive Very insensitive
56. Are sexist comments and actions by students or staff permitted under informal "house rules" of this Law School?
 Yes No No opinion
57. Have you ever felt, in any context, that a lecturer treated you inappropriately based on your gender?
 Yes No No opinion
58. Please tick all that apply. Given your day-to-day observations of life at Victoria Law School:
 I think that male lecturers favour male students
 I think that female lecturers favour female students
 I think that female lecturers favour female students
 I think that female lecturers favour male students
 I think that male lecturers favour male and female students equally
 I think that female lecturers favour male and female students equally
 No opinion
59. What are your grades so far?
 Mostly As A mix of As and Bs Mostly Bs A mix of Cs and Bs Mostly Cs
60. How do you feel about your academic performance at Law School?
 Very satisfied Satisfied Neutral Dissatisfied Very dissatisfied
61. Overall, how do you feel about Victoria Law School?
 Strongly attached to it Attached to it Neutral Dislike it Greatly dislike it
62. What sort of work are you most likely to do after graduation?
 Law clerk at small/medium firm
 Policy or legal analyst for central/local govt
 Non-legal work

Law clerk at large firm
Practice at the bar
Undecided
Further study
Other

63. Do you have any other comments about your experiences at Victoria Law School?