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A Gendered Update on Women Law Deans: Who, Where, Why, and Why Not?

Laura M. Padilla

California Western School of Law, lpadilla@cwsl.edu

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A GENDERED UPDATE ON WOMEN LAW DEANS: WHO, WHERE, WHY, AND WHY NOT?

LAURA M. PADILLA *

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* Professor of Law, California Western School of Law, J.D. Stanford Law School, 1987; B.A. Stanford University, 1983. I am grateful for the research assistance of Dorice Eaton, California Western School of Law Class of 2006, Sarah Fernow, California Western School of Law Class of 2007, Maria Hague, California Western School of Law Class of 2006, and Amy Ulibarri, California Western School of Law Class of 2006. Linda Weathers from California Western School of Law's library provided invaluable assistance in tracking down interlibrary materials and other hard to find resources. I am also thankful to Herma Hill Kay for her careful review of a draft of this article and insightful comments. Of course, any errors are mine alone. Finally, I want to thank the AALS Committee on the Recruitment and Retention of Minority Law Teachers on which I served from 2001-2004, and chaired in 2003-2004. Many committee members were law deans, and at one meeting of this committee, our composition and dinner conversation reminded me that as far as we have come, and as well intended as all of us were, someone was missing from our committee. Of all the deans present, there were no women. I was not hopeful enough to wish for a woman dean of color on our committee, even with our committee title and charge, given that as of that evening, there was then only one active woman of color serving as dean. As much as we would have liked to clone her, I knew there was no way she could be everywhere that everyone wanted her to be. I cannot seem to get away from a curiosity about the connections between gender and power, and hence the seeds of this article were born.

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INTRODUCTION

I interviewed a dean who stated that when she started her first deanship in 1998, there were only fourteen women deans.¹ As she was finishing her second deanship in 2006, preparing to move to a third deanship that summer, she happily reported that there were presently over thirty women deans, including three interim deans.² In fact, in the 2004-2005 school year, of the 166 American Association of Law Schools' ("AALS") member schools, female deans led thirty-one of the schools, including a handful of interim deans.³ That is remarkable progress in a short period of time; the number of women deans nearly doubled from 1998 to 2005. Is the increase temporary? Is the "woman problem" solved?⁴ What will happen to the number of women law deans in the future?

This article examines law school deans, how many are women, when they became deans, and what the trajectory is like for their numbers in the

1. Interview with Nell Jessup Newton, William B. Lockhart Professor of Law, Chancellor and Dean, Univ. of Calif. Hastings College of Law, in Chi., Ill. (Feb. 10, 2006).

2. *Id.*

3. See AMERICAN ASSOCIATION OF LAW SCHOOLS, DIRECTORY OF LAW TEACHERS (2006) [hereinafter DIRECTORY OF LAW TEACHERS]. I use AALS numbers in many cases because the AALS Directory of Law Teachers provides an annual source of current law deans that is consistent and fairly reliable. See also The Association of American Law Schools Home Page, <http://www.aals.org> (last visited April 16, 2007) (stating that it "is the principal representative of legal education to the federal government, other national higher education organizations, learned societies and international law schools"); The Association of American Law Schools Home Page, Handbook Membership Requirements, http://www.aals.org/about/handbook_requirements.php (last visited April 16, 2007) (informing, particularly in Bylaw Articles 2 and 6, that law schools can become members of the AALS by complying with the AALS bylaws and membership qualifications and qualitative criteria).

4. See DEBORAH L. RHODE, THE DIFFERENCE "DIFFERENCE" MAKES: WOMEN AND LEADERSHIP 6 (2003) (considering the woman problem solved because some women serve in positions of power: "A widespread assumption is that barriers have been coming down, women have been moving up, and equal treatment is an accomplished fact. Two-thirds of surveyed men and three-quarters of male business leaders do not believe that women encounter significant discrimination for top positions in business, the professions, or government"); SHEILA WELLINGTON & CATALYST WITH BETTY SPENCE, BE YOUR OWN MENTOR: STRATEGIES FROM TOP WOMEN ON THE SECRETS OF SUCCESS 10 (2001) (writing, in a tongue in cheek manner, "Every time one woman makes it, whenever there's any good news on the gender front, there are those who rush to believe the problem's solved"); Edwin G. Boring, *The Woman Problem*, 6 AM. PSYCHOL. 679, 679 (1951) (describing the "woman problem" in the early 1950s as the simple notion that "women are accorded less recognition than men in the professions and in public life").

future. Herma Hill Kay's informative 2002 article provided much detail on women law deans through 2002-2003, including raw numbers of women deans over the years and their backgrounds leading to deanships.⁵ This article will provide additional empirical information through the 2005-2006 academic year. It will also present results from a survey mailed to all women deans in the fall of 2005 and to a similar number of male deans.⁶ Rather than present all the survey summaries at once, I have elected to include results where substantively appropriate. I mailed the survey to the thirty-four women deans who were in office during late summer 2005, including three interim deans, only one of whom filled out and returned the survey. Twenty-one women returned their surveys, for roughly a 61.8% completion rate.⁷ I conducted follow-up interviews in person or by telephone with as many of the women deans as practicable who indicated in their surveys that they would be willing to be interviewed in more depth. I also mailed the survey to forty-six male deans, but only thirteen returned it, for roughly a 28.3% return rate.⁸ I remain curious about whether the tabulated male responses would have looked very different had a higher rate of male deans completed and returned their surveys.⁹

Before getting into the question of "who" our nation's law deans are, for background purposes, the article's first part asks the "what" and "how" questions. It is divided into two sections—the first addresses the "what" question: What does a law dean do? It then outlines a law dean's general job description. The second section answers the "how" question: How do you become a law dean? It then maps out the usual paths to a law deanship, although this is not to suggest that there is a single path to becoming a law dean, as there are "many roads that lead to Rome."

The second part provides empirical information on law deans at AALS member and American Bar Association ("ABA") accredited schools.¹⁰ It

5. See generally Herma Hill Kay, *Women Law School Deans: A Different Breed, Or Just One of the Boys?*, 14 YALE J.L. & FEMINISM 219 (2002) (providing valuable statistical information as well as descriptions of individual law deans' ascent to their positions).

6. See *infra* Appendix A.

7. By excluding the three interim deans from the denominator, and the one survey that an interim dean completed from the numerator, the return rate increases to 64.5%.

8. I tried to make the selection of male deans as random as possible in the context of trying to include deans from throughout the country with a wide range of tenure, teaching and research areas, and race.

9. Implied in my query is whether the self-selected group which returned its surveys happened to be more interested in the gender composition of law school deans than the male deans who did not complete and return the survey.

10. See DIRECTORY OF LAW TEACHERS, *supra* note 3 (listing the members of the AALS); American Bar Association, About the A.B.A., <http://www.abanet.org/about/> (last visited April 16, 2007) (stating that it is the world's largest voluntary association, and that it "provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal

then provides a thirty-year overview, focusing in more detail on the gendered composition of deans in the following school years: 1984-1985, 1994-1995, and 2004-2005.¹¹ This part then turns to a more in-depth exploration of the number of female deans to determine when changes took place, and whether the change in numbers has been steady, more of an ebb and flow, or a peak then plateau pattern. A review of the numbers is incomplete without some attention to retention. This part thus addresses the typical tenure of law deans, and how women's retention rates compare with men's. Are women deans leaving at the same rate as men, and if not, what explains the difference? Are we still seeing net gains in the number of women law deans, even with women leaving their deanships? Finally, this part closes by looking at what stories the empirical information reveals.

The third part considers whether there are gendered leadership styles or differences, starting with an overview of some of the extensive literature on gender and leadership.¹² Although interesting, this is hardly definitive given the conflicting information about leadership generally, specifically whether there are gendered leadership styles or differences.¹³ This part then presents survey results from sitting deans, both female and male, about

system for the public"); American Bar Association, *The A.B.A.'s Role in the Law School Accreditation Process*, <http://www.abanet.org/legaled/accreditation/abarole.html> (last visited April 16, 2007) (describing how the ABA provides approval for law schools that meet its detailed standards). In describing its role in the accreditation process, the ABA web site states the following: "*Law schools approved by the American Bar Association (ABA) provide a legal education which meets a minimum set of standards as promulgated by the ABA. Every jurisdiction in the United States has determined that graduates of ABA-approved law schools are able to sit for the bar in their respective jurisdictions. The role that the ABA plays as the national accrediting body has enabled accreditation to become unified and national in scope, rather than fragmented with the potential for inconsistency, among the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and other territories.*" *Id.* See generally American Bar Association, *2006-2007 Standards for Approval of Law School*, <http://www.abanet.org/legaled/standards/html> (last visited Aug. 1, 2006) (listing the standards that the ABA applies in the accreditation process).

11. I picked my starting point, 2004-2005, because that was when I commenced researching this article. Then, I selected two comparison points, one a decade earlier and one two decades earlier. I chose not to go further back in time because through 1980, there were only seven women law deans, and Herma Hill Kay had already addressed this time period. See generally Kay, *supra* note 5, at 222 (discussing at length the history of women law deans through 1980).

12. See RHODE, *supra* note 4, at 4 ("By the early 1990s, surveys identified over five thousand scholarly works on leadership and over five hundred programs in colleges and universities.").

13. See HELEN S. ASTIN & CAROLE LELAND, *WOMEN OF INFLUENCE, WOMEN OF VISION, A CROSS-GENERATIONAL STUDY OF LEADERS AND SOCIAL CHANGE* xii (1991) (suggesting that looking at whether there are "innately female leadership styles" is the wrong question and recommending that the more important question is why women leaders over the years received less attention and why these female leadership styles have recently become important); KARIN KLENKE, *WOMEN AND LEADERSHIP: A CONTEXTUAL PERSPECTIVE* 55 (1996) (identifying two common observations from experts: that there exists a multitude of theoretical approaches, and the repetition of inconsistencies across leadership philosophies).

the leadership styles of their deans when they were in law school and the deans they served under while faculty members. It also considers how those styles compare with their individual leadership styles. This part also ponders these responses in light of the general information available about gendered leadership styles.

The fourth part addresses the remaining barriers that exist for women considering law deanships. It looks at external barriers: those outside of women's individual control, such as social, institutional, and cultural barriers. It also discusses internal barriers: those that women may impose on themselves, such as an unwillingness to sacrifice too much of their personal life, reluctance to have a magnifying glass on their lives, or a simple preference for the life of an academic versus the life of an administrator.¹⁴ This part closes by asking what to do about remaining barriers to women's advancement, and whether some barriers can be removed.

The article closes in the fifth part by considering the future, including the gender composition of law deans in the years to come and how well represented women will be. I do not have a crystal ball, but I imagine the majority of law deans will still be white men. However, there will hopefully be continued gains in the number of women law deans, certainly more growth in the presently dismal representation of women of color, and maybe there will even be more openly gay or lesbian deans. For reasons I will explain later in this article, any optimism I have about these results is somewhat guarded. Still, I am hopeful.

I. WHAT DOES A LAW DEAN DO, AND HOW DO YOU BECOME ONE ANYWAY?

Effective deans devote most of their effort to the very few major things that make a school get better. At most law schools at the beginning of this century, that means hiring extraordinary faculty and administrators, obtaining major gifts, securing a budget that assures institutional health, and creating an environment in which students and faculty can thrive better than at competing law schools.¹⁵

14. See SUMRU ERKUT, *INSIDE WOMEN'S POWER: LEARNING FROM LEADERS* 30 (2001) (observing that the magnifying glass on a woman's every move has been a deterrent to many women who seek to advance to leadership positions). Erkut notes, "The 'different' person is both highly visible and invisible. The high visibility of the person who is different refers to being stared at during meetings or being watched while walking down the hall, as if she were under a spotlight that follows her all the time. This is the type of visibility that makes a person feel self-conscious and under pressure for being different. It is about being monitored and scrutinized to see if she will make a mistake." *Id.*

15. Kent Syverud, *Three Principles of Effective Deaning*, 31 U. TOL. L. REV. 751, 753 (2000); see also Hannah R. Arterian, *The Dean and the Web: Charlotte's Web as a Dean's Parable*, 35 U. TOL. L. REV. 1, 9 (2003) ("Remember it isn't about your power, your glory,

The first section of this part will briefly describe a dean's primary roles. The job description has been laid out in much detail in many articles, so this part will simply try to summarize the literature.¹⁶ The second section of this part will describe the most typical routes to a law deanship. Understanding the path to a law deanship may answer some readers' questions or respond to their intuition about why the composition of our nation's law deans looks as it does.

A. A Job Description for Law Deans

When reading an article about our law school deans, a logical question might be "what does a law dean do?" At a minimum, deans must:

- (1) try to understand how the institution is now operating (its people, programs, finances, facilities, and decision-making processes, as well as the context in which it does its thing);
- (2) however the institution is now operating, help figure out how it can operate better;
- (3) beyond simply improving existing operations, work to identify the institution's significant unrealized potential; and
- (4) help figure out how to realize this latent potential and get people moving toward it.¹⁷

The title of an oft-cited article, "The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual," lays out what many consider a dean's basic duties, which, according to the authors, a law dean assumes at various times and sometimes simultaneously.¹⁸ While the title adequately describes a law dean's various roles,¹⁹ those roles have changed somewhat since then, thus requiring a slight update. For example, "energizer" is incorporated into most of what a dean does vis-à-vis faculty, staff, and students, and it does not, in my view, demand a discrete label. I break down "envoy" into specific sub-roles that a dean assumes at an

your achievement. It is about the College. . . . Your task is to find the true potential of the College and to work to advance that potential. Don't disregard other law schools, but don't be intimidated by what others already have done. . . . You have to work with all constituencies, even those you (and others) find greedy and completely selfish.").

16. See William M. Richman, Foreword, Symposium, *Leadership in Legal Education*, 31 U. TOL. L. REV. 4, xviii (2000) (stating the goal of the issue as creating a forum for law school deans to exchange ideas and both positive and negative experiences for the benefit of prospective deans); see also Symposium, *Leadership in Legal Education Symposium*, 31 U. TOL. L. REV. 553-774 (2000); Symposium, *Leadership in Legal Education II*, U. TOL. L. REV. 1-285 (2001); Symposium, *Leadership in Legal Education III*, 34 U. TOL. L. REV. 1-191 (2002); Symposium, *Leadership in Legal Education IV*, 35 U. TOL. L. REV. 1-197 (2003); Symposium, *Leadership in Legal Education V*, 36 U. TOL. L. REV. 1-228 (2004); Symposium, *Leadership in Legal Education VI*, 37 U. TOL. L. REV. 1-201 (2005).

17. W. Taylor Reveley, III, *Cultural Musings of a Non-Traditional Dean*, 31 U. TOL. L. REV. 725, 725 (2000).

18. Jeffrey O'Connell & Thomas E. O'Connell, *The Five Roles of the Law School Dean: Leader, Manager, Energizer, Envoy, Intellectual*, 29 EMORY L. J. 605 (1980).

19. *Id.*

external level. To illustrate, law deans are now expected to do a significant amount of fundraising, and that by itself consumes a tremendous amount of their time.²⁰ Beyond fundraising, deans usually assume visible roles in legal associations, work with legislatures, participate in a broader university community, manage a board of trustees, and carry out various other duties outside of the law school.²¹ As to the “intellectual” role, that component is so integral to the life of an academic, and most deans come from academic ranks that it is not a separate role unique to deans but simply part of being a law professor, which most deans remain.²² A law dean wears many hats and to understand a dean’s job, one must know the constituencies with which a dean is primarily involved, such as “faculty members, law students, the law school’s support staff, the law school’s graduates, university administrators, donors and supporters, the bench and bar, and other friends of the law school.”²³ A dean’s relationship with these constituencies defines a dean’s role, and the remainder of this part will elaborate on that juggling act.

The dean is first and foremost the law school’s leader, which requires knowing the constituencies and how to appropriately balance them, which is an elusive talent. Beyond broad leadership skills, law deans must also know whom they serve, how they can best serve, and the specifics of how law schools operate.²⁴ To accomplish these tasks, a dean acts as both leader and manager, especially adept at the leadership part, but with the manager hat in close reach, as “[m]ost academic chiefs seem to agree that the Leader’s role is more important than the Manager’s role, since the Leader’s focus is ‘purposes and goals,’ while the Manager’s focus is ‘ways

20. See John A. Miller, *The Modern Law Dean*, 50 J. LEGAL EDUC. 398, 398 (2000) (arguing that fundraising and alumni relations have become the priority of the modern law dean to the point that deans often spend the majority of their time attending to these duties).

21. See *infra* pp. 448-454 (exploring the dean’s role and numerous responsibilities for the benefit of the institution’s public face, such as public relations, fundraising, and other duties outside of the academic sphere).

22. See Jagdeep S. Bhandari, Nicholas P. Cafardi, & Matthew Martin, *Who Are These People? An Empirical Profile of the Nation’s Law School Deans*, 48 J. LEGAL EDUC. 329, 361 (1998) (finding that over the two sample periods covered by the study, 1986-1987 and 1996-1997, approximately 7.5% of new deans were from outside of the legal academy); Kay, *supra* note 5, at 224 (noting that, as of 2002, “[o]nly five of the fifty-seven [women law deans] came from outside the academic world . . .”, or approximately 8.8% of the female deans).

23. Janice C. Griffith, *The Dean’s Role as a Member of the University’s Central Administration*, 35 U. TOL. L. REV. 79, 82 (2003).

24. See WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 86 (stating that woman leaders considered the following leadership skills imperative both to maintain a strong presence and succeed: “maintaining an energetic, positive attitude; being a team player; not taking things too seriously; picking your battles prudently; conveying confidence by the way you carry yourself and the way you communicate; maintaining a sense of humor; combining problem-solving and people management skills in your daily work”).

and means.”²⁵ In other words, the dean as a leader helps establish a law school’s vision and then sets forth the goals and implementation strategies to achieve that vision. However, this vision will not materialize unless the dean puts on a management hat as well.²⁶

The O’Connells succinctly describe some differences between the leader and manager roles of a law dean: “The Leader’s role of stating with wisdom and precision the problems and questions which the institution should be addressing can be distinguished from the role of the Manager which is to find ways for the organization to meet those problems and answer those questions.”²⁷ The O’Connells add that instead of being concerned with strategy like a leader, “the Manager is responsible for ways and means,” and “[t]he effective Manager is a person capable of skillful interaction with subordinates, superiors, and colleagues and is able to motivate them to perform at peak levels.”²⁸ The managerial role of a law dean is akin to a corporation’s chief executive officer running the business, as “[s]omeone has to pay attention to things like budget, payroll, physical plant, purchasing, admissions, career services, and . . . the kind and quality of service that we provide to students in the classroom.”²⁹ The budget is one area where the dean must manage wisely and competently because, even with judicious delegation, the dean must be involved in developing, overseeing, and carrying out the budget. A dean must form and implement the budget in a thoughtful manner as it informs and is shaped by the law school’s priorities and mission. As one dean wrote, deans have few duties more important “than helping the institution come to a reasonable consensus on priorities, and then helping it stay committed to making the priorities a reality. The budget is a central element for achieving improvements in the institution as outlined in its plan.”³⁰

A dean wears the management hat daily, and most have worn such a hat before. Not surprisingly, many law school deans have prior administrative experience, and this prepares them for a flavor of what the management

25. O’Connell & O’Connell, *supra* note 18, at 610.

26. *See id.* at 610, 640-42 (indicating that leadership is the most important feature of a successful dean, although managerial skills are also essential for instituting those policies through delegation, timing, etc.).

27. *Id.* at 612; *see also* KLENKE, *supra* note 13, at 102 (differentiating between managers and leaders by stating, “Managers have been described as rational, controlled problem-solvers who require efficiency, while leaders have been portrayed as brilliant, lonely people who first gain control of themselves before they attempt to control others”).

28. O’Connell & O’Connell, *supra* note 18, at 625.

29. John H. Garvey, *The Business of Running a Law School*, 33 U. TOL. L. REV. 37, 37 (2001).

30. Steven R. Smith, *The Dean and the Budget: Not “Just a Bunch of Damn Numbers,”* 33 U. TOL. L. REV. 203, 206 (2001).

role requires.³¹ Managerial roles involve varied skills, as

[m]anagers engage in many discrete activities such as attending meetings, handling conflict, directing subordinates, and organizing operations in the course of a day Managerial work is characterized by brevity, variety, discontinuity, and fragmentation. Managers work long hours, spend a great deal of time in meetings and on the telephone, prefer face-to-face communication over written documents, and generally favor the verbal mode in most of their interactions.³²

There is so much micro-level work that must be accomplished under the management role that this task would be impossible without wise delegation. As a result, deans rely heavily on associate deans, department heads, and key staff, and, although the dean still oversees all personnel, these other important players make it possible for many of the daily details to be handled seamlessly without the need for the dean's constant oversight.³³ As one dean wrote while in the trenches, "Your chances of survival as a dean increase if you have extremely competent people working with you, to whom you can delegate with confidence."³⁴

The dean's role with the faculty involves management, including knowing when to counsel, offer incentives, threaten punishment, provide rewards, or simply act as a therapist. Law professors typically divide their time between teaching, research, and service, while the dean helps to ensure that they spend appropriate time on each. Although the faculty is largely autonomous with respect to teaching, scholarship, and service, the dean still plays a leadership role by "helping create conditions that make teaching and research productive, effective, and enjoyable."³⁵ There is more to the dance, however, as the dean also has to oversee workable

31. See Bhandari, Cafardi, & Martin, *supra* note 22, at 343 (observing that according to one study, in 1996-1997, 27.6% of all deans had prior decanal experience and 57.1% of deans had prior administrative experience). *But see* Kay, *supra* note 5, at 219 (alleging that "[a]lmost none of them [women law deans] has had prior administrative experience, although some of them have previously been Associate Deans or Interim Deans").

32. KLENKE, *supra* note 13, at 88-89.

33. See Howard A. Glickstein, *A Dean's Survival Guide*, 34 U. TOL. L. REV. 75, 77 (2002) (indicating that to be a good dean, the dean must have competent people surrounding him on which to rely, otherwise he would get bogged down in unnecessary micromanaging when he could be attending to more important issues that require his oversight).

34. *Id.*

35. Robert H. Jerry II, *A Primer for the First-Time Law Dean Candidate*, 49 J. LEGAL EDUC. 564, 569 (1999). The author asserts that a dean can exhibit leadership through his own teaching. "To encourage excellent teaching, the dean must lead by example; he should teach at least one course per year . . . should find the time to learn more about what each teacher does in the classroom" and "[h]e should encourage teaching innovation; faculty should feel at liberty to experiment with new techniques, without concern for adverse consequences . . ." *Id.* at 580.

faculty governance.³⁶ The dean, with other administrators, must be adept at managing faculty governance in a way that allows and encourages sufficient faculty involvement, while not succumbing to faculty-driven paralysis. As one associate dean lamented:

Faculty governance leaves law school administrators with two equally odious choices when determining whether a particular matter requires consultation with faculty. One option is to make a decision, and then endure the wailing and gnashing of teeth by faculty who claim the administration has trespassed on their sacred ground. The other option is to ask for faculty input in the first instance, thereby guaranteeing a minimum of six months' delay in reaching a final resolution. This second option is inevitably accompanied by a faculty critique that the administration isn't moving the law school forward quickly enough.³⁷

A talented law school dean will be able to balance these two somewhat exaggerated positions to arrive at faculty governance that is functional, while moving steadily toward common goals.

One must remember that "law schools exist because of [the] students and not the other way around."³⁸ Starting with admissions, continuing with financial aid, student services, academic support, student groups, and finally career services, the dean's role vis-à-vis students is not always direct. However, because the dean is responsible for allocating resources, hiring, and supervising those who run admissions, financial aid, career services, and student services, the dean has a strong, albeit indirect, influence on the students. There are also many direct ways a dean can be involved with and influence students. For example, Dean Dessem lists the following ten ways deans can build positive relationships with the student constituency: "Meet and Greet Them . . . Teach Them . . . Advise Them . . . Inform Them . . . Involve Them . . . Connect with Them . . . Connect Them with Each Other . . . Connect Them with Alumni and the Profession . . . Brag on Them. . . [and]. . . Learn from and Enjoy Them."³⁹ While deans connect directly with students in many ways, in terms of deans' time, students do not receive as much of it as other constituencies. Among the deans I surveyed, when asked about their law school deans, most of them responded that their deans' primary responsibilities involved supervising

36. See Susan J. Becker, *Thanks, But I'm Just Looking: Or, Why I Don't Want to be a Dean*, 49 J. LEGAL EDUC. 595, 598-99 (1999) (describing the significant difficulties and delays associated with faculty governance, or as the author describes it, "letting the inmates run the asylum").

37. *Id.*

38. R. Lawrence Dessem, *Ten Things Deans Can Do With Students*, 35 U. TOL. L. REV. 45, 45 (2004) (emphasizing that law schools have a collective mission to teach, train, and even inspire law students).

39. *Id.* at 45-54.

faculty and staff. Although these deans enjoyed time with their students, they spent much more time on their other roles and constituents. In the end, even though students are the *raison d'être* of law schools, they get much of the dean's attention indirectly through the dean's delegation of student-related issues to appropriate administrators and staff.

A dean's most important role outside of the law school, and sometimes the primary reason a particular person is hired as the dean, is to be "first and foremost public envoy, professional fundraiser, and alumni booster. I call this dean 'the rainmaker.'"⁴⁰ While establishing a law school's vision and putting it into place, law deans must also be concerned with external roles which have become much more prominent, especially in the development arena, as a vision rarely materializes without significant financial support beyond the usual law school budget:

[T]he leadership needs of the law school are much more externally oriented than those of other educational institutions in other times during the past fifty years. In our time, it is not realistic to expect the dean to spend most of her time on faculty development, curriculum, and scholarly leadership. . . . In the contemporary law school world, associate deans and other faculty leaders must assume many of the internal academic leaderships once handled by the dean.⁴¹

Fundraising has always been a part of the dean's job. However, now it is one of a dean's top jobs, which even with a development office cannot be delegated.⁴² Whether seeking a major gift, or merely attending alumni events, no one but the dean will suffice, and as one current dean stated, "I would not be surprised to find that private law school deans become even more like 'mini-Presidents' with the bulk of their time devoted to external relationships and fundraising. This may have the odd effect of making the job of associate dean more interesting as associate deans become 'mini-provosts' with much more direct responsibility for the academic program."⁴³ Accordingly, as law deans' responsibility for raising money increases, something has to give and it is often deans' other roles, which is

40. Miller, *supra* note 20, at 398.

41. Donald D. Gifford, *How Does the Dean Resemble the Islets of Langerhans?*, 31 U. TOL. L. REV. 599, 606 (2000).

42. See Miller, *supra* note 20, at 398, 401 (stressing that although law schools' development offices do much of the work of fundraising, such as developing fundraising strategies, targeting key donors, and masterminding major campaigns, the dean is crucial in implementation and no one else can take the dean's place in soliciting major gifts or meeting and greeting alumni). To the public, "the dean symbolized the law school. She is the one designated to offer its vision for the future. . . . She must be present at major alumni events and at important conferences. She must speak on ceremonial occasions. Her presence is part of the emotional reward to the donor or the audience. Her presence shows respect." *Id.*

43. Howard O. Hunter, *Thoughts on Being a Dean*, 31 U. TOL. L. REV. 641, 644 (2000).

accomplished through delegation of those roles to others.⁴⁴

As is evident, law deans serve many constituencies, which requires adopting many roles. One challenge for deans is to be able to switch effortlessly from one role to another, often with little advance notice. It is a complex position that changes daily and is filled with surprises; no two days are alike, and it is nearly impossible for a dean to predict the exact composition of his or her workload over the coming day, much less week, month, year, or term. What is certain is that the dean must be a wise leader and an effective manager, comfortable in a public role and flexible, while also not taking things too personally.

B. *The Path to a Law Deanship*

This section will lay out the usual paths to a law deanship from the perspective of a law dean search, as that provides insight into what law schools are looking for and how they go about looking. This section should help answer whether there is anything inherent in the path to a law deanship that makes it easier for men than women to become deans (i.e., treasure maps written in ink decipherable only by those with a Y chromosome).

One way to a law deanship is to be solicited, whether through a phone call, letter, e-mail, or visit.⁴⁵ Another way is to announce that one is generally interested in a law deanship or specifically interested in a particular opening. Yet another way is to respond to an advertisement—at any given time in my law school's faculty lounge, there are several posted letters requesting nominations of candidates for law dean openings.⁴⁶ From the perspective of a law school, "Ordinarily, there are two major channels for developing a pool of dean candidates: first by advertising the position, and second by soliciting nominations from members of the academy."⁴⁷ Most law schools, in fact, will employ both channels.⁴⁸

Prior to commencing a search, a law school will form a dean search

44. *See id.* (surmising that, as deans' fundraising roles increase in importance, deans will likely delegate oversight of the academic program to associate deans).

45. *See, e.g.,* Jerry, *supra* note 35, at 564 (opening with a hypothetical solicitation in which another law school has solicited the potential dean through the mail).

46. *See id.* at 564 n. 1 (stating that "[b]ecause it is customary for dean search committees to send an advertisement to the dean of every U.S. law school, you may have seen a notice on a bulletin board in your faculty lounge").

47. Eric J. Gouvin, *Register This! Searching For a Better Way to Search for Law Deans*, JURIST LEGAL INTELLIGENCE, Oct. 24, 2002, available at <http://jurist.law.pitt.edu/forum/forumnew64.php>.

48. *See* Jerry, *supra* note 35, at 564 n. 1 (stating that the search for a dean position may start either by the law school soliciting the candidate, or through the candidate contacting a school, although the committee looks more favorably upon candidates with colleague recommendations, and those who the school has contacted because of their reputations).

committee, which

develops a pool and does its initial screening of candidates. . . . It is common for committees to do first interviews with a large number of candidates at the January AALS meeting. . . . [T]elephone interviews sometimes occur, and occasionally arrangements are made to bring the candidate to the campus . . . to interview only with the committee. After these initial interviews, it is typical for a search committee to winnow the list to five or six . . . candidates who are invited to campus for a more extensive interview. This visit, which typically lasts at least a day and a portion of another . . . normally requires the candidate to meet with the law school's various constituencies and key persons in the central administration. . . . A presentation to faculty, staff, and perhaps students will probably be part of the schedule.⁴⁹

Once all the candidates have completed on-campus interviews, the narrowing process continues.⁵⁰ The final candidates may make another visit, and if the faculty comes to an agreement, the school will extend an offer to its first choice, perhaps reserving a back up candidate who is also acceptable.⁵¹

Knowing what a search committee does, it is also important to know what the candidate does. If you are interested in becoming a dean, you can simply respond to posted advertisements, which, although a viable option, may be less fruitful than having a contact at a law school.⁵² At a subconscious level, there is the notion that if one is an attractive candidate, this information will be known and the candidate will have already been contacted or recruited. Hence, sending one's résumé or curriculum vitae unsolicited could be seen as code to not take a candidate seriously. "There is no loss or cost in [sending materials directly to a search committee]. But there is a line of thinking that committees will contact you if they are interested in you, and the absence of such a contact is one strike against

49. Jerry, *supra* note 35, at 572-73; see also Eric J. Gouvin, *Looking for a Leader: A Primer for the Dean Search Committee Chair*, JURIST LEGAL INTELLIGENCE, Oct. 2002, at 3-7, available at <http://jurist.law.pitt.edu/pdf/DeanSearch.pdf> (asserting that schools should strive to create a diverse committee not just in terms of gender and race, but also experience, subject matter, viewpoint, and status as faculty, student, alumni, trustee, etc.).

50. See Jerry, *supra* note 35, at 572-73 (stating that it is common practice for the search committee to continuously narrow the group of candidates and engage in more extensive interviews with remaining candidates).

51. See *id.* at 574-75 (explaining that once the committee has narrowed the applicant pool to a few candidates, it generally makes recommendations to the provost, listing one applicant as the leading candidate, then that applicant may take one last visit before the school extends him or her an offer, at which point negotiations begin).

52. See Gouvin, *supra* note 47 (noting that, "In our experience . . . the applications we could trace to our advertisements produced a large amount of 'noise' relative to the number of viable candidacies").

you.”⁵³ In the end, responding to an advertisement is not fatal, but the odds are long that this type of applicant will end up as dean simply by responding to an advertisement.

More informally, an interested candidate could simply let the right people know that she might be interested in a particular opening or alert the appropriate people to suggest her as a potential candidate. The candidates who are nominated, either because of whispering in the right ears or because others have recommended them, have better odds simply because of the personal contact advantage:

These people are the early frontrunners in the competition. In fact, among this group, there may be some who are personally called and asked to be a candidate; this signals the committee’s serious interest. All of this suggests that one way to start the dance is to ask some of your colleagues, either at your own institution or at other schools, to mention your name when they are asked by search committees about possible candidates.⁵⁴

Many of the women deans I contacted when researching this article stated that they were not looking for deanships but were directly contacted by members of dean search committees. This indicates that names of well-respected faculty members, whom the committee considers to possess leadership skills, seem to circulate among certain influential circles.

Although efficacious, the nomination process has its shortcomings. One dean search chair wrote that the nomination process was more productive than simply advertising, but he was disappointed at the imbalance of nominees that it produced because

[the applicant] pool was predominantly white and male despite our best efforts to reach out to all potential applicants. I understand that this is true of most dean searches at most law schools. It occurs to me that the usual nomination method probably influences the composition of the applicant pool in unintended ways.⁵⁵

So although effective, the nomination process perpetuates the status quo, which is not surprising.

A woman candidate has another, less direct alternative, which is to place her name on the Women Dean’s Databank (“Databank”).⁵⁶ Although

53. Jerry, *supra* note 35 at 564, note 1.

54. *Id.*

55. Gouvin, *supra* note 47.

56. See Joyce Saltalamachia, *Women’s Deans Databank and the Minority Deans Databank*, Mar. 22, 2005, <http://www.aals.org/deansmemos/05-09.html> (advising, in a memorandum, that the AALS would maintain two lists, one for female dean candidates and another for minority candidates, that will be available to dean search committees).

women deans have been meeting on a regular basis since 1989, starting with a rather small group, there was no traditional or institutional first step for women interested in deanships.⁵⁷ While women relied on word of mouth communication to relay their potential interest in a deanship, a list of prospective women deans eventually developed, and Dean Judith Areen of the Georgetown University Law Center maintained the list from 1997-2001, when the AALS took over responsibility for the list.⁵⁸ A recent memorandum from the AALS provided the following information about the Databank:

In its commitment to support its members in achieving diversity at all ranks within the law school community, the Association will maintain two lists, a list of women and a list of minorities, who have either expressed interest directly or have been recommended, as candidates for law school deanships. By maintaining these lists the Association will be able to make them available to dean search committees interested in having a diverse pool of candidates that includes women and minorities in their searches.

The Association requests that you provide names of women and minority faculty members and administrators that you think should be included on one or both of these lists. Once we have received your nominations we will proceed to obtain the permission of the nominees to allow their names to be placed on the lists. We make a solicitation for names to be added to these lists annually.

This is our third year for the maintenance of the Minority Deans Databank and it is the Association's fourth year as the host of the Women Deans Databank, which had been maintained by the Georgetown University Law Center in prior years. The past response to these databanks has been very favorable, supported overwhelmingly by deans across the country, and it has received much praise from search committees that have used it in their searches.⁵⁹

A year after Dean Areen started the Databank, the number of women

57. See Kay, *supra* note 5, at 232-33 (describing Dean Marilyn Yarbrough's invitation to the first retreat for women law deans, which allowed the group to gain a personal perception that they constituted a unique, stable group). Since then, women deans have had a chance to meet each year, usually in connection with the annual AALS conference or the ABA mid-year meeting. *Id.* The deans I spoke with were universal in their praise for these gatherings, and the sentiment that these get-togethers are their favorite dean-type of meeting.

58. See Kay, *supra* note 5, at 233 (reporting that, although the list was initially the responsibility of Dean Areen of Georgetown, the AALS has since taken up responsibility for maintenance of the list).

59. Association of American Law Schools Home Page, Deans Memo, <http://www.aals.org/deansmemos/05-09.html> (last visited Apr. 16, 2007).

deans jumped from fourteen to twenty.⁶⁰ It is impossible to pinpoint whether there is a causal connection between establishment of the Databank and the increase in the number of women law deans, but the Databank certainly did not hurt.⁶¹

Is the path to a deanship different for women? Other than having a Databank, it does not seem that it is. Most deans follow traditional paths to their deanships, teaching first, and then assuming an administrative role.⁶² In response to my survey question of whether they followed a traditional path to becoming dean, the male and female survey respondents varied in their responses. Nearly two-thirds of the men (61.5%) answered that they did, while just under a third of the men (30.8%) answered that they did not. Nearly as many women followed a traditional path as those who did not, with 42.9% of the women answering that they took the traditional path, while 38.1% answered that they did not. In terms of whether gender impacts the career path, many more men than women I surveyed followed a lockstep path towards a deanship. Considering the argument that typical career paths for professionals have been designed largely by men for men, it is not surprising that more male deans surveyed, over 60%, followed a traditional path to a deanship, compared to just over 40% of the women.⁶³

As with many male deans, females come from within an institution roughly as often as they come from outside. In a roundtable of five women deans, Dean Kristin Booth Glen stated the belief that women more often came from within institutions, but that was starting to change.

[T]he pathway for women was within their own institution, often as academic deans. They became dean because the institution really needed them to do that. It wasn't a job to which they aspired. The cadre of professional deans that we see in men didn't exist. That's really changed in the past couple of years. There are women who are much more

60. See Gouvin, *supra* note 47 (implying that the Databank is an effective means of attracting female dean candidates).

61. See *infra* pp. 478-79 (noting that while the number of women deans increased thirty percent a year after the Databank was established, there has been no study to conclusively show that the Databank actually caused a thirty percent rise in women deans).

62. See, e.g., Bhandari, Cafardi, & Martin, *supra* note 22, at 337 (stating that all deans are full time professors); see also Kay, *supra* note 5, at 226 (stating that "less than half of the fifty-seven women deans have had prior administrative experience as associate deans either at the law school where they were appointed or at another school").

63. See ERKUT, *supra* note 14, at 3 (arguing that many obstacles to women's leadership "are embedded in the general organization of work that was designed neither with women nor with the support of a family structure in mind, rather than in any so-called deficiencies women may have as leaders"); see also *infra* pp. 454-59 (explaining that a path towards a deanship requires candidates to take incremental steps, such as advancing up the corporate ladder via administrative positions, which places women at a disadvantage because their careers often are interrupted by childbirth and familial duties).

mobile and interested in seeking positions as deans around the country.⁶⁴

Dean Kay implied that women have been mobile all along, given “that of the 57 [women deans at ABA-approved law schools as of 2003], the number of women recruited from the outside was slightly larger than the number of women promoted from within.”⁶⁵ Interestingly, since 2003, of the fourteen new deans hired, ten have been internal hires, and four have been external hires.⁶⁶ While female and male deans come from both internal and external positions, differences remain nonetheless, often in subtle forms. For example, given how many more male deans there are than female deans, it is still easier for men considering deanships to find mentors than women.⁶⁷ In addition, there are still more men than women in the pipeline, and men less directly experience the strain of balancing family and career, particularly during pregnancy, child birth, and child-rearing.⁶⁸

This section has provided the reader with some general background on what a law dean does, who a dean serves, and how a dean serves. The day-to-day specifics on a dean’s calendar vary, even if a dean’s primary tasks remain related to the same basic constituencies. What has changed is that there is now a greater emphasis on a dean’s external roles. Yet, with all that has changed and all that remains the same, there is nothing to indicate that any of the deans’ roles are gender-limited. While this section also gave a general explanation of how a dean is typically appointed, the process is hardly uniform: “The recruitment process employed now has very few standard features. While the steps in the process may be broadly

64. ABA Commission on Women in the Profession, *Five Women Law Deans Tell the Truth* (2003), available at <http://www.abanet.org/women/perspectives/FiveWomenDeansFall2003.pdf>.

65. *Id.*; see also Kay, *supra* note 5, at 225 (observing that the number of “women deans are nearly evenly divided . . . twenty-six have been internal deans while thirty-one have been external deans”).

66. Internal dean hires include: O’Rourke, Boston University School of Law; Nagy, University of Cincinnati College of Law; White, University of Georgia School of Law; Geraghty, Loyola University Chicago School of Law; Suni, University of Missouri-Kansas City School of Law; Dickerson, Stetson University College of Law; Miles, Catholic University of America Columbus School of Law; Mead, Indiana University School of Law-Indianapolis; Testy, Seattle University School of Law; and Agrawal, University of North Carolina. External dean hires include: Jones, The University of Iowa College of Law; Floyd, Mercer University School of Law; Daly, St. John’s University School of Law; and Crossley, the University of Pittsburgh School of Law. For more information about these deans see their respective law school web pages.

67. See *infra* pp. 510-16 (explaining that mentoring is an essential aspect of a dean’s learning experience, and, with a lack of women mentors, women deans may lack the guidance to become more effective leaders).

68. See ERKUT, *supra* note 14, at 21 (stating that the time necessary for women to take incremental steps to become leaders often conflicts with their limited time to bear children, and this in turn prevents some women from becoming leaders, while men do not face the same child-bearing hurdles).

similar, the details vary widely from school to school.”⁶⁹

In the end, even with highly qualified candidates, if the fit is not right, regardless of how well qualified a candidate is, the candidacy will likely not result in a deanship: “[M]any good people are offered deanships, and many good people are not offered them. . . . [A] school may need particular talents in its next dean, and the skills you bring to the table may not be the best match for the school’s needs.”⁷⁰ Thus, regardless of one’s gender or the path one takes to a deanship, even if well-prepared and qualified, if the fit is not perfect, it is unlikely that the path will end with the candidate in the dean’s office. But when it does, who are these people that were appointed as deans? Having explored what a dean does and how one becomes a law dean, this article turns now to a review of those who have made it to the pinnacle of law school leadership.

II. EMPIRICAL INFORMATION

This part presents the big picture of our nation’s law deans. The first section provides some detail on the total number of deans, how many are women, and how many are women of color. It also provides other relevant factual information about the pipeline that leads to deanships. Although the second section does not give a detailed history of women law deans, it does provide a more detailed snapshot of three school years, 1984-1985, 1994-1995, and 2004-2005, focusing on the most recent period and discussing where women deans are located.⁷¹ The third section discusses the average tenure of all deans and then compares it with the tenure of women law deans. Without this information, it is hard to accurately gauge changes in the total number of women law deans. The fourth section closes out this section by exploring the story that the numbers tell.

A. Who Are Our Law Deans, and What Are Their Demographics?

If you looked out at the sea of our nation’s law deans, what would you see? One study that compared law school deans in 1987 with law school deans in 1997 reported, “nine-tenths of our law deans are men. Nine-tenths were law professors before becoming dean. Most are middle-aged. They tend to be graduates of top-tier law schools. . . . They average about five years in office, but that average is misleading since turnover varies

69. Gouvin, *supra* note 47.

70. Jerry, *supra* note 35, at 593 (implying that while some women possess the skills to be good deans, sometimes they are not selected because their skills might not match a law school’s purposes).

71. *See generally* Kay, *supra* note 5, at 220-21 (detailing how women law deans obtained their positions and questioning whether women deans are treated differently than their male counterparts).

significantly between categories of schools.”⁷² There is actually more to it, but that description is not too far off the mark. As of 2005-2006, approximately 81.3% of our nation’s law schools (representing about 135 out of 166 AALS member schools) were led by male deans, and 18.7% (representing about thirty-one schools) were led by female deans.⁷³ Some interim deans were women, but I did not include them in the percentage of law schools led by women because of their temporary status. The growth in the percentage of deans who are women indeed marks progress toward diversifying leadership in the legal academy.

[T]he number of women deans serving simultaneously did not exceed fourteen until well into the 1990s. . . . For thirty years, from 1951 to 1981, the number of women deans holding office at the same time fluctuated, achieving a high of five women deans in 1975. For the next twenty-one years, the increase was more steadily upward, with only a few breaks, going from three in 1981 to twenty-seven as of 2002.⁷⁴

Since 2002, many more women deans have been appointed, with four new deans appointed effective in the 2002-2003 school year, one effective in the 2003-2004 school year, seven effective in the 2004-2005 school year, and four effective in the 2005-2006 school year.⁷⁵ Thus, by the 2005-2006 school year, there were thirty-one women law deans (not including interim deans), matching the all time high of thirty-one from the 2004-2005 school year.

Although there is much to celebrate, there is also room for improvement in the number of women law deans, especially in the number of women of color. Historically, there have been few women deans of color.⁷⁶ Dean Kay wrote that during the period from 1950-1980, only one woman of

72. Miller, *supra* note 20, at 408.

73. See The Feminist Majority Foundation, *Empowering Women in Business: Myths about Women in Business*, http://www.feminist.org/research/business/ewb_myths.html (last visited Apr. 16, 2007) (observing that most of the positions women hold in the executive, management, and administrative domain are confined to the middle and lower ranks, while senior management remains almost exclusively a male domain, and describing a 1990 study showing that women comprised only 2.6% of corporate officers in Fortune 500 companies).

74. Kay, *supra* note 5, at 232 (noting the steady rise of women deans yet cautioning that the slow rise barely has penetrated the stronghold men have on deanships).

75. Some women stepped down from their deanships during each of these years, which impacted the total number of women law deans.

76. Few women of color have broken the glass ceiling of positional leadership, and law has been a particularly hard surface to crack. Although many legal arenas have diversity goals, they have largely been ineffective. See Jill Schachner Chanen, *Early Exits: Women of Color at Law Firms Tell ABA Researchers they are Being Overlooked and Undervalued—Maybe that’s Why They are Leaving in Droves*, 92 A.B.A. 32, 33, 35 (2006) (observing that diversity initiatives in law firms tend to focus on either gender or race, and the overlap of these factors, “intersectionality,” is often overlooked, leaving women of color to feel isolated in the periphery of the law firm or “twice removed”).

color served as dean, during the period from 1981-1991, there were two women of color, and from 1992-2003, there were two women of color, for a grand total of five women deans of color through 2003.⁷⁷ Dean Kay noted that “[o]nly one—Dean Marilyn Yarbrough of Tennessee—has held office as dean at a majority white law school.”⁷⁸ Thus, of the five women deans of color that had served through 2003, only one of those women led a law school that was not part of the Historically Black Colleges and Universities (“HBCU”). From 2003 through the 2005-2006 academic year, a total of three women of color served as deans, with one at an HBCU, and the other two at traditional law schools.⁷⁹ Many might expect more minority women deans in the 2005-2006 school year, yet as of now, no Asian or Latina has served as dean at an ABA or AALS law school.⁸⁰ Dean Veryl Miles of Catholic University School of Law was the only minority dean serving during the 2006 spring term.⁸¹ Patricia Mell, who was the dean at John Marshall School of Law, retired at the end of 2005 after serving just over two years as dean. Linda Ammons is presently the newest woman dean of color, having started her deanship at Widener University School of Law on July 1, 2006.⁸² The following chart illustrates how few women of color have served among the total woman law dean population. With some effort, one can see the suppressed representation of women of color.

77. See Kay, *supra* note 5, at 225.

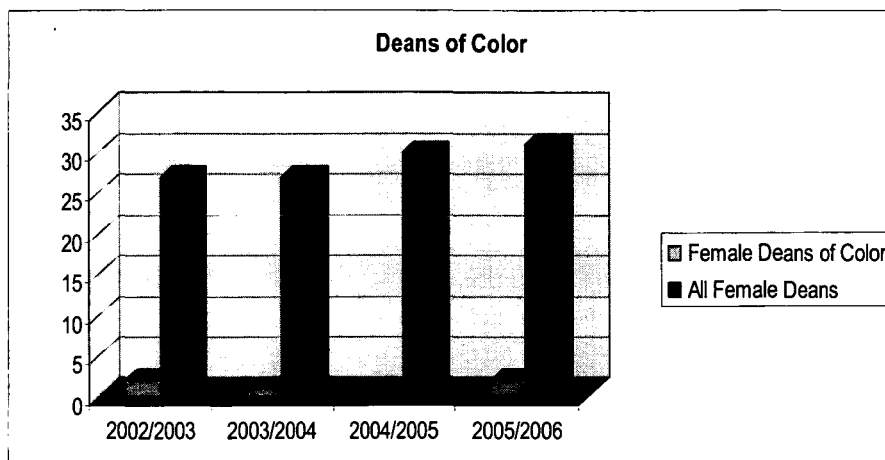
78. *Id.* at 227 (implying that women of color face gender and racial barriers in the deanship process).

79. The deans are: Janice Mills, North Carolina Central University School of Law, an HBCU; Patricia Mell, John Marshall School of Law; and Veryl Miles, Catholic University School of Law.

80. While writing this article, Jennifer Rosato, a Latina, was appointed acting dean of Drexel University’s new law school. See Press Release, Drexel University, A Message from the Acting Dean, *available at* <http://www.drexel.edu/law/jennifer.rosato.asp>.

81. See Press Release, Catholic University of America, CUA President Announces New Dean for Law School (May 6, 2005), *available at* <http://publicaffairs.cua.edu/news/05MilesAnnouncement.htm>.

82. See Press Release, Widener University, Widener University School of Law Appoints New Dean (Jan. 6, 2006), *available at* http://www.law.widener.edu/news/articles/2006/hb_010106.shtml.



Women of color traditionally have faced more barriers to positions of power than men of color or white women; in a study, women leaders “noted significant racial and ethnic differences in reporting roadblocks in one’s own career. Caucasian leaders were much more likely than women of color to say they were not experiencing barriers (43% and 14% respectively).”⁸³ The study does not state the converse, that 57% of Caucasian leaders and 86% of women of color were experiencing barriers.⁸⁴ That seems like a bigger story. Consider it: women of color lead less than 1% of AALS member schools.

To get some perspective on women professors in the legal academy—the primary conduit leading to deanships—as well as women in law more generally, let me provide a few statistics courtesy of the ABA on women in law from reports released in 2000, 2001, 2003, and 2005.⁸⁵ The ABA reports show few lawyers in education, only 1% of men and women in

83. ERKUT, *supra* note 14, at 58 (revealing a common sentiment amongst women of color that racial barriers hamper their progress towards obtaining deanships).

84. It is also possible that many women simply did not respond to the question or, if it were framed in the negative, would have answered differently if framed in the positive.

85. See American Bar Association Commission on Women in the Profession, *A Current Glance at Women in the Law* (2005), available at <http://www.abanet.org/women/ataglance2005.pdf> [hereinafter *Women in the Law 2005*]; American Bar Association Commission on Women in the Profession, *A Current Glance at Women in the Law* (2003), available at <http://www.abanet.org/women/glance2003.pdf> [hereinafter *Women in the Law 2003*]; American Bar Association Commission on Women in the Profession, *A Current Glance at Women in the Law* (2001), available at <http://www.abanet.org/women/glance.pdf> [hereinafter *Women in the Law 2001*]; American Bar Association Commission on Women in the Profession, *A Snapshot of Women in the Law in the year 2000* (2000), available at <http://www.abanet.org/women/snapshots.pdf> [hereinafter *ABA Report 2000*] [collectively, *ABA Reports*].

2000 and 2001, increasing slightly to 1.2% and 1.4%, respectively in 2003, and 1.4% and 1.7%, respectively in 2005.⁸⁶ The following chart shows the percentages of women law students, women lawyers, women law professors (overall numbers), women law professors with tenure, and women deans as of each of the report years.

	2000 Report	2001 Report	2003 Report	2005 Report
Percent of Law Students Who Are Women	47%	48%	49%	47.5% 48% 51% ⁸⁷
Percent of Lawyers Who Are Women	28.9%	29.7%	29.1%	29.4%
Percent of Law Faculty Who Are Women	31%	31.5%	32.8%	35.1%
Percent of Tenured Law Faculty Who Are Women	6.4%	5.9%	25.1%	25.3%
Percent of Deans Who Are Women	10.4%	10.9%	16.1%	19%

The chart reveals that the percentage of law students who are women is close to the percentage of law students who are men. It shows an incremental increase in the percentage of women in law schools from 47% in 2000, to 48% in 2001, to 49% in 2003, and a range from 47.5% to 51% in 2005, depending on which measure one uses.⁸⁸ Another study, relying on ABA-provided information, showed slightly different numbers, moving from 47.5% in 1998, up to 49.4% in each of 2000 and 2001, then dropping to 48.7% in 2002, and dropping further to 47.8% in 2003.⁸⁹ Although the two sets of numbers are not very different, the chart above shows a steady, incremental gain in the percentage of women in law school, while the latter study indicates that the percentage of women in law school peaked in 2001 and has declined since then.

The chart also shows a change in the percentage of women lawyers from

86. *ABA Report 2000*, *supra* note 85; Marina Angel, *The Glass Ceiling for Women in Legal Education: Contract Positions and the Death of Tenure*, 50 J. LEGAL EDUC. 1, 8 (2000) (elaborating that women's higher compensation as lawyers may deter them from seeking faculty positions at law schools where women are often non-tenured faculty members receiving less pay than their tenured, often male, counterparts).

87. *Women in the Law 2005*, *supra* note 85 (noting that the 2005 Report categorized women in law schools by either first year enrollment (47.5%), J.D. enrollment (48%), or J.D.'s awarded (51%), unlike prior years' reports which simply had a percentage of law students who were women).

88. *ABA Reports*, *supra* note 85.

89. Richard K. Neumann, Jr., *Women in Legal Education: A Statistical Update*, 73 UMKC L. REV. 419, 421 (2004).

2000 to 2005 as the percentage of lawyers who are women rose slightly from 28.9% in 2000 to 29.7% in 2001, and then dropped slightly to 29.1% in 2003, before inching higher to 29.4% in 2005.⁹⁰ Interestingly, the percentage of women lawyers in 2005 was lower than it was in 2001.⁹¹ Has the number peaked, or will it keep growing? That will likely depend on both the number of women who graduate from law school, and the number that remain in the profession following graduation. Although there has been steady growth in both the percentage of women law students and women lawyers, there are no clear indicators that there will be continued increases in the future, especially if women drop out of law at a more rapid rate than men.

There was a modest gain in the number of women law professors over the ABA report periods, with slow, steady growth. From 2000 to 2001, the percentage of law professors who were women rose incrementally from 31% to 31.5%, then to 32.8% in 2003, and 35.1% in 2005.⁹² While 35.1% is still well below the percentage of law professors who are male, it is significantly higher than it was in the not too distant past.⁹³ The pattern for tenured women was unusual. The chart shows that the percentage of tenured faculty who are women dropped from 6.4% in 2000 to 5.9% in 2001, then exploded to 25.1% in 2003, before increasing ever so slightly to 25.3% in 2005.⁹⁴

The numbers pertaining to women law deans reveal a positive growth pattern. The percentage of women law deans increased marginally from 10.4% in 2000 to 10.9% in 2001, then jumped appreciably in 2003 to 16.1%, with more modest gains through 2005 up to 19%.⁹⁵

An immediate conclusion one could draw is that the ranks within law schools are steadily diversifying, which is a step in the right direction.

90. *ABA Reports*, *supra* note 85.

91. *Id.*

92. *Id.*

93. See, e.g., Richard K. Neumann, Jr., *Women In Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313, 325 (2000) (noting that research conducted from 1992-1993 through 1999-2000 showed a steady increase in the percentages of full-time female law teachers with growth of about one percent per year); see also Marjorie E. Kornhauser, *Rooms of Their Own: An Empirical Study of Occupational Segregation by Gender Among Law Professors*, 73 UMKC L. REV. 293, 294-95 (2004) (finding that during the thirteen year period of her study covering 1990-1991 through 2002-2003, the percentage of women law professors grew by almost 50%).

94. *ABA Reports*, *supra* note 85; see also Neumann, *supra* note 93, at 313-14 (arguing that the huge increase in 2005 means that the pipeline should be well populated by now). *But see supra* note 86 (explaining that some scholars have used the term "ghettoization" to describe the notion that women are often treated as a lower class compared to their male and minority counterparts because they often are left out of the same faculty tenure systems which leads to higher status positions).

95. *ABA Reports*, *supra* note 85.

However, Professor Neumann, in a grim conclusion from his study of women in legal education, cautions us not to celebrate too prematurely:

At the point of hiring, men receive a higher percentage of the associate professor appointments while women tend to be appointed at the assistant professor rank. The available statistics suggest that women achieve tenure at lower rates than men. And there is evidence that women are paid less than similarly qualified men within the same status and at the same experience levels. Perhaps the most stark finding is that everywhere in legal education the line between the conventional tenure track and the lesser forms of faculty employment has become a line of gender segregation.⁹⁶

Neumann's update of his original study produced findings consistent with those from the first study, with the caveat that "more female law school deans are being hired, but the number is still low."⁹⁷ Neumann continued that "in deans' offices, on faculties, and in libraries, the people with the best jobs are much more likely to be male than those in lower positions. In deans' offices and on faculties, the line of gender segregation identified in [Neumann's] 2000 study is still there, with law school deans and tenured full professors overwhelmingly male and assistant deans and off-tenure-track skills teachers overwhelmingly female."⁹⁸

We see that there is cause for both optimism and pessimism. The negative news is gender segregation persists, and some would argue that gender segregation in the legal academy has gotten worse over the years.⁹⁹ The positive news is there has been a significant increase in the number of women law deans. When did these positive changes take place, and what types of patterns have emerged? The next part of this section will look at these questions by providing more information about three select school years.

96. Neumann, *supra* note 93, at 313-14.

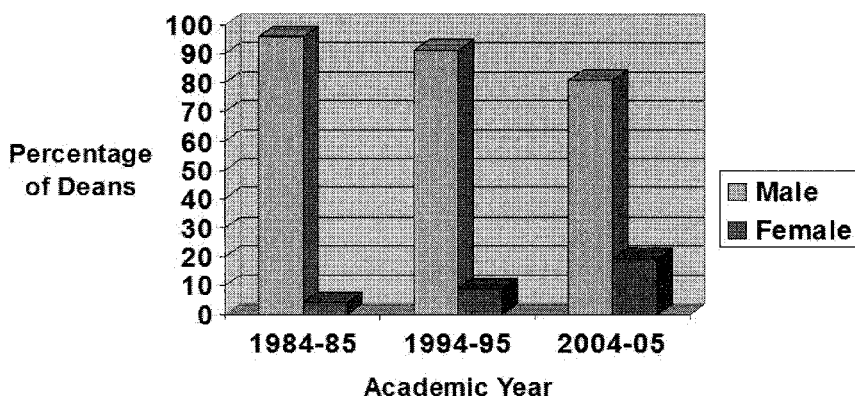
97. Neumann, *supra* note 89, at 441 (elaborating that the number of women is still low in faculty and associate dean positions, which are springboards for deanships).

98. *Id.* at 441-42 (implying that the growing trend of women in deanships may halt or decrease because they are less visible in the tenured-faculty systems, which lead to deanships).

99. *See generally* Kornhauser, *supra* note 93, at 293-95 (arguing that the deanship selection process inherently discriminates against females); Neumann, *supra* note 89, at 441-42 (contending that despite women's superior credentials, women are not hired in higher status positions); Neumann, *supra* note 93, at 322-25 (noting that while women represent nearly half the law school student body, women do not hold nearly half of law school deanships).

B. A Twenty Year Overview of Women Law Deans, Focusing on 1984-1985, 1994-1995, and 2004-2005

At this point, I have introduced some basic numbers about deans in general and women law deans. This section will go into more depth on the number of women law deans in each of the 1984-1985, 1994-1995, and 2004-2005 school years. The following charts and tables reveal the changes in the number of women law deans over this twenty year period, allowing the reader to see how the changes have taken place over time.



The number of women serving as law school deans has steadily increased throughout the past three decades, yet women are still under-represented in the role of dean.¹⁰⁰ According to the annual AALS directory, female deans led six law schools out of a total of 148 AALS member law schools during the 1984-1985 academic year.¹⁰¹ In other words, about 4% of law school deans were female.¹⁰² In the 1994-1995 academic year, female deans led fourteen law schools out of a total of 158 member schools,¹⁰³ meaning that the percentage of women law deans more

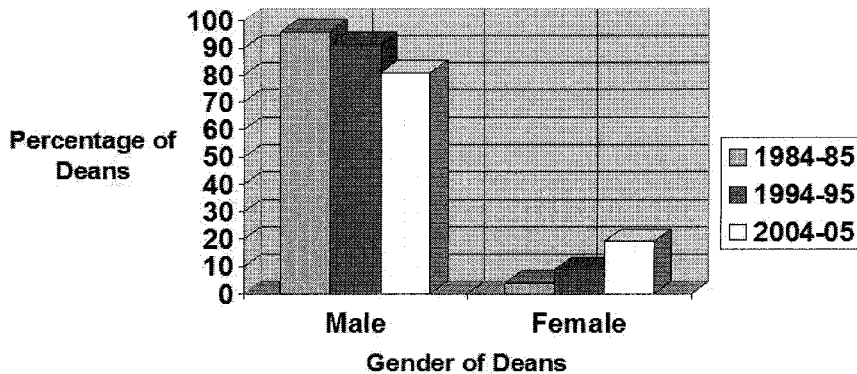
100. As has been established elsewhere, women are under-represented in positions of power throughout the academy. See Sunday Di Palma et al., *Women's Attainment of Leadership Positions in Social Work Academia: The Impact of Region*, THE RUTGERS SCHOLAR: AN ELECTRONIC BULLETIN OF UNDERGRADUATE RESEARCH, 1999, <http://rutgersscholar.rutgers.edu/volume01/dipacruz/dipacruz.htm> (noting that “[u]ntil quite recently, leadership positions in Social Work academia were almost exclusively the province of white males . . . the over-representation of males mirrored the higher education scene across disciplines in this country”).

101. DIRECTORY OF LAW TEACHERS, *supra* note 3.

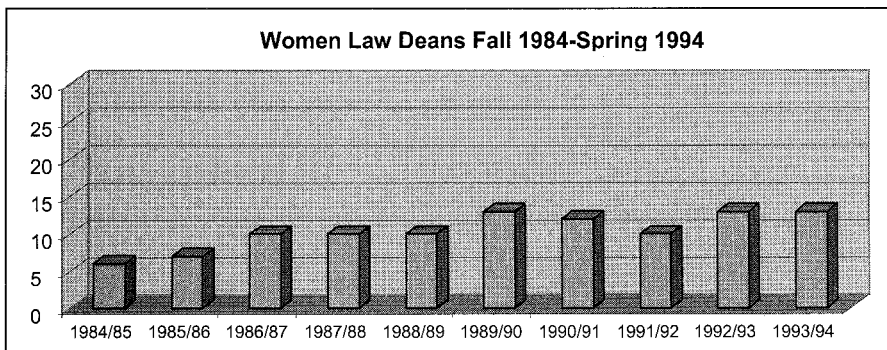
102. *Id.*

103. *Id.*

than doubled to 8.9%.¹⁰⁴ By the 2004-2005 academic year, women deans represented thirty-one law schools out of a total of 166 member schools,¹⁰⁵ doubling the percentage of female deans again to more than 18.7%.¹⁰⁶



What have the year-to-year changes looked like in the numbers of women deans? Starting in the 1984-1985 school year and tracking each school year through 2005-2006, the charts below show the annual numbers of women law deans by decade, starting in 1984.¹⁰⁷ The first and second charts provide statistics from the fall of 1984 through the spring of 1994 and the fall of 1994 through the spring of 2004, respectively. The third chart provides statistics for the fall of 2004 through the spring of 2006.

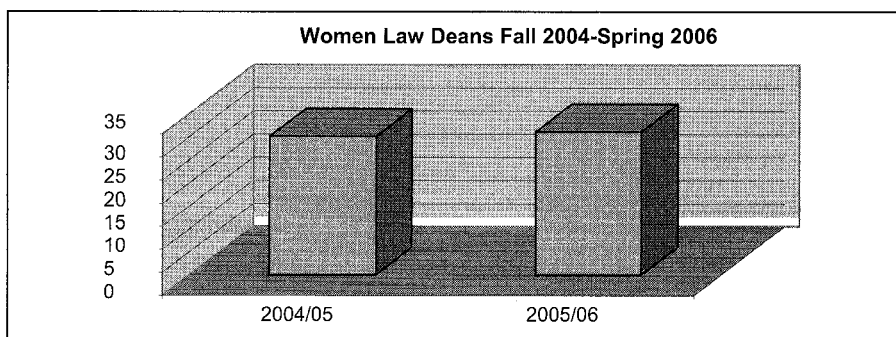
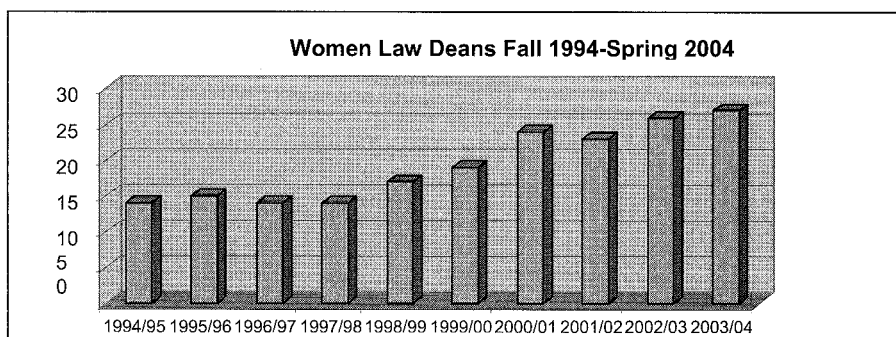


104. *Id.*

105. *Id.*

106. *Id.*

107. *See id.*



The charts indicate that the number of women law deans increased over the last three decades.¹⁰⁸ From the fall of 1984 through the spring of 1994, the number of women law deans nearly doubled.¹⁰⁹ Similarly, the number of women deans almost doubled from the fall of 1994 through the spring of 2004, and, for the first time ever, more than twenty women held deanships during the 2000-2001 academic school year.¹¹⁰ Since 2000, the number of women law deans has not dipped below twenty, and with the exception of one year, the number of women deans has increased steadily.¹¹¹ The two academic school years from Fall 2004 through Spring 2006 also reveal more encouraging news, as over thirty women held deanships during this period.¹¹² I like to think that the number of women law deans will never

108. See Kay, *supra* note 5, at 222 (noting that between 1950 and 1980 only seven women served as deans compared to twenty-seven in 2002).

109. Compare *id.* at 232 (observing that from 1985 until the early 1990s the number of law deans did not exceed fourteen), with Neumann, *supra* note 93, at 339 n.61 (citing statistics from table 8 and finding that twenty-four deans were women in the 1994-95 school year).

110. Compare Neumann, *supra* note 93, at 323 (noting that women deans totaled fifteen in the 1994-1995 school year and that by 2001 women deans totaled twenty-three), with Women in the Law 2005, *supra* note 85 (saying that the number of women deans in 2005 totaled thirty-four).

111. Kay, *supra* note 5, at 232.

112. See Women in the Law 2005, *supra* note 85 (showing that as of the year 2005,

fall below thirty, but I am not sure whether to be optimistic that it will continue to increase as steadily in the coming years as it has in recent years. I will explain more about my ambivalence in the part of this article on continuing barriers.¹¹³

Where did the women law deans from the third and most recent period of my study serve geographically? The thirty-one women deans at AALS member schools in the 2004-2005 academic year were scattered throughout the country. The eastern and mid-western states of Massachusetts, New York, Illinois, and Ohio each had three law schools led by women. Some western, southern, and mid-western states like California, Arizona, Georgia and Indiana each had two law schools directed by women. Other states like Colorado, Connecticut, Florida, Iowa, Kentucky, Maine, Maryland, Missouri, New Mexico, North Carolina, and Texas each had one school with a woman dean. One might think that a positive correlation exists between geographic location of women in power and other general indicators of achievement by gender, but that is not the case in the legal academy. To illustrate, research reveals that “the states with the highest number of women in elected office tend to be in the West. In general, women in the West and Northeast tend to fare better than in other regions in regards to earnings, employment, and the attainment of managerial and professional level occupations.”¹¹⁴ However, while the West and Northeast appear to be more women-friendly in overall economic and professional status and have more women elected to office, they do not appear to offer any advantage to women seeking the highest position of power in law schools—the deanship.¹¹⁵

Where did the women deans serve in terms of school status, and how many women law deans are in each quartile?¹¹⁶ A 1998 article which

which includes the fall 2004 and spring 2006 semester, the number of women deans totaled thirty-four).

113. See *infra* Part IV, Sections A and B (arguing that certain barriers exist that prevent women from becoming law school deans).

114. Di Palma et al., *supra* note 100 (cautioning that, even in areas where women earn more, barriers still exist for women who strive for leadership positions).

115. See *id.* (noting social literature has found evidence of pay and deanship appointment disparities between men and women in law school deanships).

116. Compare Robert J. Morse, *The Ranking Methodology*, U.S. NEWS & WORLD REP., Apr. 10, 2005 (explaining that rankings are based on (1) expert opinion about program quality from deans, program directors, and senior faculty and professionals who hire new graduates, and (2) statistical measures of the quality of faculty, research, and students, including inputs, the measures of the qualities that students and faculty bring to the educational experience, and outputs, measures of graduates' achievements linked to their degrees), with Bruce Gottlieb, *Cooking the School Books*, SLATE, Sept. 1, 1999 (questioning the accuracy of the *U.S. News & World Report* rankings because factors, such as educational quality, student graduation rates, and faculty resources, are weighed differently each year leading to subjective and inaccurate rankings), and American Association of Law Schools, Statement Regarding Law School Rankings, http://www.aals.org/about_handbooksgpran.

provided an empirical profile on law deans stated that “[o]ur results indicate that, in 1996-1997, women deans were somewhat more prevalent in the elite schools (13 percent) than in law schools generally (9 percent).”¹¹⁷ What about in 2004-2005, the third period of my study? Women deans were still much more heavily represented in the top one hundred law schools than in the third and fourth tier law schools, which represent schools ranked 101 through 150 and 151 through 200, respectively. With that in mind, the percentage breakdown of women law deans by their school rank is as follows: 1st tier: 41.9%, 2nd tier: 38.7%, 3rd tier: 9.7%, and 4th tier: 9.7%. More specifically, 80.6% of the women led schools in the top 100, 9.7% led schools in the third tier, and the remaining 9.7% led schools in the fourth tier.¹¹⁸

U.S. News & World Report Rankings	Number of Women Law Deans/Percent
Top 100	25 women deans or 80.6%
Third Tier	3 women deans or 9.7%
Fourth Tier	3 women deans or 9.7%

The empirical information in this part confirms that there has been a dramatic increase in the number of women law deans. The following table details every women dean hire from 1984 through 2006 and shows that at least one woman dean was hired every year since 1984-1985, except during the 1990-1991 school year.

php (last visited Apr. 16, 2007) (characterizing the *U.S. News & World Report* law school rankings as “meaningless or grossly misleading” because the rankings do not consider relevant factors such as “quality of faculty, curricular offerings, adequacy of library resources, and quality of life”), and Gerhard Casper, President, Stanford University, *An Alternative to the U.S. News & World Report College Survey* (Apr. 18, 1997), available at <http://www.stanford.edu/dept/pres-provost/president/speeches/970418rankings.html> (saying that the *U.S. News & World Report* rankings are “misleading and inaccurate” because school rankings do not consider other factors that some small schools offer, like more student-teacher interaction or whether a school is more suitable for some students than others).

117. Bhandari, Cafardi, & Martin, *supra* note 22, at 338.

118. See *Schools of Law*, U.S. NEWS & WORLD REP., Apr. 12, 2004, at 69.

Year	# Hired	Name and School
1984-85	1	Nina Appel-Loyola Chicago
1985-86	2	Gaynor Van Landingham-Ohio Northern; Elizabeth Defeis-Seton Hall
1986-87	3	Barbara Black-Columbia; Mary Doyle-Miami; Marjorie Fine Knowles-Georgia State
1987-88	2	Jacqueline Allee-St. Thomas; Marilyn Yarbrough-Tennessee
1988-89	1	Pamela Gann-Duke
1989-90	4	Barbara Aldave-St. Marys; Judith Areen-Georgetown; Kristine Strachan-San Diego; Judith Wegner-North Carolina
1990-91	0	
1991-92	1	Mary Wright-North Carolina Central
1992-93	3	Ellen Rausen Jordan-UC Davis; Marjorie Girth-Georgia State; Herma Hill Kay-UC Berkeley
1993-94	2	Teree Foster-West Virginia; Mary Kay Kane-UC Hastings
1994-95	3	Joan Mahoney-Western New England; Elizabeth Moody-Stetson; Joan G. Wexler-Brooklyn
1995-96	1	Kristen Booth Glen-CUNY at Queens
1996-97	1	Janice Griffith-Georgia State
1997-98	2	Alice Bullock-Howard; Teree Foster-DePaul
1998-99	5	Katherine Broderick-District of Columbia; Colleen Khoury-Maine; Joan Mahoney-Wayne State; Nell Newton-Denver; Nancy Rapoport-Nebraska
1999-2000	5	Toni Massaro-Arizona; Janice Mills-North Carolina Central; Patricia O'Hara-Notre Dame; Kathleen Sullivan-Stanford; Patricia White-Arizona State
2000-01	6	Katharine T. Bartlett-Duke; Nell Newton-Connecticut; Nancy Rapoport-Houston; Mary Ricketson-Denver; Karen Rothenberg-Maryland; Laura Rothstein-Louisville
2001-02	2	Lisa A. Kloppenberg-Dayton; Nancy Rogers-Ohio State
2002-03	4	Hannah Arterian-Syracuse; Heidi Hurd-Illinois; Elizabeth Rindskopf Parker-UOP; Emily Spieler-Northeastern
2003-04	4	Elena Kagan-Harvard; Patricia Mell-John Marshall; Lauren Robel-Indiana Bloomington; Suellyn Scarnecchia-New Mexico
2004-05	8	Mary Daly-St. John's; Darby Dickerson-Stetson; Daisy Floyd-Mercer; Carolyn Jones-Iowa; Mary Ann Jones-Western State; Maureen O'Rourke-Boston Univ.; Ellen Yankiver Suni-Missouri; Rebecca H. White-Georgia
2005-06	3	Mary A. Crossley-Pittsburgh; Veryl Miles-Catholic; Kellye Testy-Seattle

At this rate, the percentage of women law deans should keep growing, and perhaps some day women will serve in the top law school leadership role in proportion to their population. However, that trend will only

continue with the cooperation of many forces.¹¹⁹ Additionally, women's entry into law deanships is practically meaningless if they do not last at their positions. Accordingly, the next section will explore women's average tenure at the helm, and how it compares with men's average tenure.

C. How Long Do Law Deans Typically Serve?

While women serve as deans throughout the country, and hence mirror the geographic distribution of men as deans, do they also tend to serve for similar length terms? In the business world, women's tenure as leaders is not as long as men's tenure.¹²⁰ How about in the world of law school deanships? This section will explore the average length of tenure for all deans, and then look specifically at the tenure of female deans.

While the "average" length of service of an American law dean is three years and a few months, that figure is misleading. Sometimes faculty members, promoted to a deanship, find themselves unhappy and ill-suited to the frantic pace of the job and leave after a year or two. The truth is that if one survives the first and second year, it is common for deans to serve five, six, or more years.¹²¹

It is difficult to come by empirical information on law deans' average tenure, and there is certainly no annual study that provides this information. However, there is some available information on law deans' tenure. Victor Streib published a 1994 article on the term of law deanships, and he concluded that they are "positions lasting an average of just over three years."¹²² In a 1998 article profiling the nation's law deans, the authors looked at terms of deanships, concentrating their inquiry on the 1986-1987 and 1996-1997 school years.¹²³ They stated that according to various reports, "the average tenure of deans was reported to be 3.2 years."¹²⁴ The

119. See *infra* Part IV (describing some of the forces that operate to hinder women's entry into law deanship positions).

120. See, e.g., Kimberly Blanton, *CEO Staying Power?*, BOSTON GLOBE, Feb. 21, 2005 at D1 (noting that, on average, male chief executives in large, publicly traded companies stay 8.2 years, while women stay only 4.8 years).

121. Frank T. Read, *The Unique Role of the American Law School Dean: Academic Leader or Embattled Juggler?*, 31 U. TOL. L. REV. 715, 716 (2000).

122. Victor L. Streib, *Law Deanships: Must They Be Nasty, Brutish, and Short?*, 44 J. LEGAL EDUC. 116, 116 (1994) (explaining that a "new dean, particularly one brought in from outside the law school, may spend most of the first year getting to understand the issues, limitations, and potential of the law school"). The author further notes that usually, "the still-new dean's major initiatives are begun in the second year, and then the dean's resignation is announced in the third year." *Id.*

123. See Bhandari, Cafardi, & Martin, *supra* note 22, at 330.

124. *Id.*

authors then refuted those reported numbers, asserting that deanships on average last closer to five years: "We find no statistical support for the frequent assertion that the mean decanal tenure is as short as three years; rather, it appears to be in excess of five years in 1996-1997 and, if anything, it has increased from the 1986-1987 period."¹²⁵ An article published in 2002-2003 did not find consensus on average decanal terms, but it agreed that deanships were short-lived in the 1980s and early 1990s, averaging between "three and four years" and noting that "there were far too many deanships of two years or under."¹²⁶ Nevertheless, after developing a new law dean's seminar aimed in part at increasing the length of law dean terms, the author proudly announced "[t]he average tenure of law deans is up . . . the number of extremely short deanships is down."¹²⁷ Another author wrote, "While the median term of a law school dean in 1999 was three years, the average term was 4.8 years. In 1980 when the O'Connells wrote their *Emory Law Journal* article, the average term of a law school dean was four years."¹²⁸ Although we are lacking recent studies of the average tenure of law deans, based on studies in the 1980s and 1990s positing that deanships averaged three years and five years respectively, we could estimate the average law deanship to be approximately four years. During the period of those studies, the vast majority of deans were still men, and women's numbers did not significantly impact the overall averages.

Given how few women law deans there have been to date, it is possible to provide more detailed information on the tenure of each woman law dean who has completed her service, as well as an average term for those women. Appendix B provides the total number of years of service as dean for each woman who has completed her service at a given law school, starting with the 1981 school year. It also has start dates for deans who were still serving effective in the 2004-2005 school year. Appendix B shows an average tenure for women deans of just over six and one-half years, 6.62 years to be more precise, for women who have completed their

125. *Id.* (noting that the average numbers are somewhat misleading because "the length of decanal service is . . . an issue of some complexity. . . [i]t depends on the type of institution, and on the type of average (median or mean) one is using").

126. Robert K. Walsh, *Advice From The New Deans Boot Camp*, 34 U. TOL. L. REV. 185, 185 (2002) (explaining the consensus among deans that the rapid turnover of deans is not good for legal education).

127. *Id.* at 186 (touting the success and influence of the New Dean's Seminar and the prominence of its attendees).

128. Gerald T. McLaughlin, *The Role of the Law School Dean as Institutional Veteran*, 31 U. TOL. L. REV. 675, 679 (2000) (explaining that "the increase in the average term of a law school dean may suggest that many deans are leaving office after only a few years of service, but deans who last through the first years are staying longer in the position").

deanships.¹²⁹

While the number of women deans of color is extremely small, it is interesting to see how their average terms compare with women deans overall. Six of the women deans of color have completed their service already, and they averaged 3.83 years in their deanships.¹³⁰ The table that follows provides a visual image of their tenure. Their 3.83-year average term is almost three years shorter than the 6.62-year average for all women who have completed their terms.¹³¹ I cannot explain why women of color have not lasted as long on average as other women deans, but there may be something to the dual burden they faced as women of color.

Name	School	Dates of Service	Number of Years
Patricia Roberts Harris	Howard	1969-1972	3
Marilyn Yarbrough	Tennessee	1987-1991	4
Mary Wright	North Carolina Central	1991-1994 ¹³²	3
Alice Bullock	Howard	1997-2002	5
Janice Mills	North Carolina Central	1999-2005 ¹³³	6
Patricia Mell	John Marshall	2003-2005	2

Comparing women's average deanship terms with men's average terms is complicated given that there is no annual study of men's terms. Moreover, given that most law deans in the United States have been men, it would be a Herculean task to compile data on the term of all male deans who have completed their service. Nonetheless, comparing the average length of women's terms with the average length of deanships more generally, it is interesting that while the overall average length of law dean terms hovers at approximately four years, women's terms average approximately six and one-half years. If that trend continues, then there should not be a retention problem that would erode women's gains in the

129. A handful of women served lengthy terms, as long as ten, eleven, fifteen, seventeen, and twenty years, which would skew the average upward. However, this is offset by the overall averages, which are impacted by very long terms served by many men.

130. DIRECTORY OF LAW TEACHERS, *supra* note 3. There are two relative newcomers in the world of women deans of color, one of whom started her term in 2005, and one who started in 2006. It is too early to include them in the average terms of women deans, but I will be paying attention.

131. *Id.*

132. Dean Wright served the previous year as Interim Dean before being appointed Dean in 1991.

133. Dean Mills served the previous year as Interim Dean before being appointed Dean in 1999.

law dean domain. However, many of the women who have completed their service served very long terms, possibly skewing the average term of women deans upward. Only time will tell if the current generation of women deans will continue to serve longer terms than deans overall.

What we have learned in this section is that the number of women deans remains at an all time high, they serve throughout the country, and they serve at schools of all status levels, but many more serve in the top 100 law schools than in the third and fourth tier schools. In addition, women overall tend to serve longer than their male peers, but women of color serve shorter terms than women generally and men. There is more to the story, and that is the subject of the next section.

D. *What Story Do the Numbers Tell?*

The numbers in the last section tell an important story: a dramatic increase in the number of women law deans from the 1984-1985 cohort I studied through the 2004-2005 cohort. What explains the changes to date? Some common reasons include the support provided by the increased number of role models, tremendous growth in the pipeline of tenured women law professors, a Databank specifically geared toward helping women considering deanships, and a greater overall awareness of the need for a more diverse group of law deans.

One explanation for the increased number of women law deans is that with each additional female dean, there is one more mentor or role model. This growth is exponential, and over time has produced significantly more mentors, which in the end may be the difference for a woman considering a deanship. Moreover, with each new woman appointed, the overall number of female deans increases, making it less of a novelty and more acceptable or common place. Imagine how isolated that first generation of women law deans felt.¹³⁴ The women presumably had few, if any, female peers, and female mentors were probably nonexistent as the people in power ahead of them were mostly, if not all, male. Undoubtedly some of those men served as mentors or were available for guidance,¹³⁵ but their way of doing business was likely based on a hierarchical model, and their comfort level

134. See Martha Craig Daughtrey, *Going Against the Grain: Personal Reflections on the Emergence of Women in the Legal Profession*, 67 MONT. L. REV. 159, 171 (2006) (writing about her experiences as the only woman, or one of only a few women, in most of her legal experiences dating from when she started law school in 1963 until she joined the Sixth Circuit Court of Appeals in 1993, at which point she obtained "the first legal job. . . in which I was not the first or only woman in the group"). Of her isolation, Judge Daughtrey wrote "I spent perhaps as much as two decades or more plowing through that proverbial wheat field, going against the grain of an entrenched, virtually completely white male bastion known as the legal profession." *Id.* at 160.

135. See *infra* pp. 510-13 (discussing the availability and role of mentors, including male mentors).

with mentoring a woman may have limited their effectiveness.¹³⁶ As noted in a study of women leaders:

The early cohort of women placed in positions of leadership were the “solo” women in their organizations. They had no role models other than the powerful men. Very often they had to adapt the male model of leadership. They also had to excel; they had to become even more exceptional than the men among their peers so that they would be listened to.¹³⁷

With so many more women deans now, mentoring possibilities have greatly expanded, and more ways of leading are deemed acceptable. This bodes well for more law dean doors opening for women in the future.

Another explanation for the increased number of women law deans can be traced back to the large number of women law school graduates in recent decades.¹³⁸ This naturally has led to more women lawyers and a huge jump in the number of women law professors.¹³⁹ As these women earn tenure, they create a pipeline for women law deans.¹⁴⁰ Recall the ABA Reports, which showed the percentage of tenured women law professors at 6.4% in 2000, 5.9% in 2001, skyrocketing to 25.1% in 2003, and leveling off somewhat to 25.3% in 2005.¹⁴¹ This bumper crop of

136. See, e.g., Jacob H. Herring, *Can They Do It? Can Law Firms, Corporate Counsel Departments and Governmental Agencies Create a Level Playing Field for Women Attorneys?*, in DEBORAH L. RHODE, *THE DIFFERENCE “DIFFERENCE” MAKES, WOMEN AND LEADERSHIP* 76, 78 (2003) (commenting that “senior men often fear mentoring more junior women because they believe they risk the appearance of impropriety as well as potential accusations of sexual harassment”).

137. ASTIN & LELAND, *supra* note 13, at 32.

138. See *ABA Reports*, *supra* note 85; see also Nancy Levit, *Embracing Segregation: The Jurisprudence of Choice and Diversity in Race and Sex Separatism in Schools*, 2005 U. ILL. L. REV. 455, 501 n. 295 (2005) (observing that the milestone years for gender changes in law school were 1967, 1974, 1985, and 2001-2002). In 1967, the enrollment rate of females in law school was only 5%, which increased to 20% in 1974, 40% in 1985, and finally became almost equal to the male enrollment rate in 2001-2002 at 49%. *Id.* But see *ABA Reports*, *supra* note 85 (showing that the percentage of women in law school has increased steadily and there is no pivotal point where the number of female enrollment increased significantly).

139. See *ABA Reports*, *supra* note 85; see also Neumann, *supra* note 89, at 426 (showing an increase in the percentage of female full professors from 3% in the 1990-1991 school year to 25% in the 2002-2003 school year, and an increase in the percentage of female associate professors from 35% to 47% in those same time periods).

140. See Neumann, *supra* note 93, at 323 (finding that although not all women law deans were previously tenured law professors, almost all were, with a handful coming from untenured positions, or other leadership roles outside of the legal academy, thus full professors “are, for the most part, the population from which deans are drawn”).

141. *ABA Reports*, *supra* note 85 (noting, however, that this increase in the number of women law professors will not necessarily lead to a commensurate increase in the pipeline); see also Kornhauser, *supra* note 93, at 294 (contending that despite recent increases of women law professors, “women are still underrepresented on faculties and disproportionately hold less prestigious and non-tenured positions such as librarians,

tenured women law professors, the largest pool from which deans are selected, has both created a wealth of potential deans and made it harder to plausibly argue that there are no qualified women for the position of dean.¹⁴²

Yet another explanation for the growth in the number of women law deans involves the Women Dean's Databank, maintained by the AALS.¹⁴³ There is no study that has looked specifically at how the Databank has impacted the appointment of women law deans. However, we know this: the Databank started in 1997, and the number of women law deans increased from fourteen to twenty the following year.¹⁴⁴ While the approximately thirty percent jump may be a coincidence, that is unlikely. It is much likelier that the Databank contributed to the growth in the number of women law deans, even if we cannot pinpoint the exact contribution or extricate which strand the Databank represents in the multiple strands or factors that ultimately lead to the appointment of a particular person as dean. Although I could not obtain a yearly list of the number of women included in the Databank, I did receive the following information: in 2003, there were forty-two women listed in the Women Dean's Databank, including seven minorities; in 2004, there were thirty-eight women listed, including five minorities; in 2005, there were thirty-nine women listed, including eight minorities; and through May 2006, there were seventeen women listed, including four minorities.¹⁴⁵ As noted earlier, the AALS solicits new nominees every year,¹⁴⁶ and the request for 2006 had just gone out at the time I received the data from the AALS, so I suspect the total number of women listed for 2006 ultimately increased. Although causal connections cannot be proven, it is worth noting how the numbers of women in the Databank correspond with hiring. There were forty-two women on the 2003 list, and four women were appointed for the

clinicians, and legal research and writing instructors"). Additional areas of inequality still remain, including the lower rank at which women get hired, the lower rate of tenure for women, and the under representation of women as deans. *Id.*

142. See RHODE, *supra* note 4, at 7 (commenting that although the pipeline is much more robust than it has been in the past, relying on it alone will not produce desired increases in the numbers of women law deans). Although low representation of women in leadership is often attributed to the fact that "they have not been in the pipeline long enough," women have "long constituted between a third and half of new entrants" into the legal field. *Id.* Furthermore, this theory does nothing to explain the "disparities in advancement among male and female candidates with comparable qualifications." *Id.*

143. See *supra* note 56 and accompanying text.

144. See *supra* note 59 and accompanying text.

145. E-mail from Kafui Asembri, assistant to Elizabeth H. Patterson, Deputy Director, AALS 2005-2006, to Laura M. Padilla, Professor of Law, California Western School of Law (on file with author).

146. See *supra* note 59 and accompanying text.

2003-2004 school year.¹⁴⁷ There were thirty-eight women on the 2004 list, and seven women were appointed for the 2004-2005 school year.¹⁴⁸ There were thirty-nine women on the 2005 list, and three women were appointed for the 2005-2006 school year.¹⁴⁹ Unfortunately, the AALS has not kept a record of the number of requests it has received each year from dean search committees, nor does it follow up with those committees to learn of their dean search results.¹⁵⁰ However, I was told that as of May 2006, the AALS had already received one request for the list of women in the Databank.¹⁵¹

Finally, I believe more women have been hired as law deans because there is greater awareness of who our law deans are and, until recently, how few of them were women. Dean Kay's 2002 article put a spotlight on women law deans, and others had already recognized the need for more diversity in the composition of deans in the legal academy.¹⁵² In sum, there are many reasons why we have more women law deans than in the past. But have we hit a plateau, will those numbers keep growing, or will they decline?

When considering the numbers of women deans and the growth in those numbers, one may wonder whether those numbers are sufficient, and if not, why not? One explanation why there are not more women in law school leadership may involve motivation. My survey asked a series of questions about what motivated the law deans to take various actions, or pursue particular paths. Perhaps women's motivations to become dean have traditionally been more similar to each other, and different from men's, thus limiting the number of women applying for deanships in the past. To explain, a number of women deans I interviewed indicated that they thought women went into deanships for different reasons than men, with a greater desire to serve, and less of an emphasis on the prestige of the title, or the power it confers. This is consistent with some research on women leaders, which described what moved them forward.

Seldom do their words suggest strong drives for authority and power. While they accepted the importance of platforms, even lobbying mechanisms, they seemed generally to prefer team efforts. While they often acted independently and took risks to promote issues and to

147. DIRECTORY OF LAW TEACHERS, *supra* note 3.

148. *Id.*

149. *Id.*

150. I would recommend that for data collection purposes, the AALS track the requests for the Databank it receives each year, and who the requesting schools hire. This can be done anonymously for public records, and would be very valuable in measuring outcomes and the effectiveness of the Databank.

151. E-mail from Asembri, *supra* note 145.

152. See generally Gouvin, *supra* note 47; Gouvin, *supra* note 49; Kornhauser, *supra* note 93; Neumann, *supra* note 93; Neumann, *supra* note 89.

advocate solutions, their descriptions emphasize collaboration, networks, and an appreciation for the variety of expertise and insight found within the [women's] movement.¹⁵³

These same forces were at work for many of the women I interviewed, and perhaps even when they were deciding whether to go to law school. To illustrate, my survey asked the deans what motivated them to attend law school. The available responses were: (a) Interest in law; (b) Prestige; (c) Higher income; (d) Serve public; or (e) Career options. The first choice for both men (61.5%) and women (66.7%) was "Interest in law." The second choice for both men (38.5%) and women (52.4%) was "Serve public," but many more women than men selected service.

A different question asked what motivated the deans to go into legal education. The results contradict what some of the women I interviewed said about prestige, but the number is so small it is difficult to draw specific conclusions. Although neither men nor women cared much about prestige, it seemed to matter a little more to women than men. The results below show what percentage of men and women selected each response:

Why Go Into Legal Education?	Men	Women
Always aspired to be a teacher	30.8%	47.6%
Desire to do research	38.5%	42.9%
Prestige	0%	4.8%
Professionally enriching	53.8%	66.7%

A final related question asked what motivated each person to apply for a deanship. The choices are set out in the following chart, along with the percentage of men and women who selected each response:

Why Become a Dean?	Men	Women
Always aspired to be a dean	0%	4.8%
Next logical career step	23.1%	19%
Prestige	0%	4.8%
Professionally enriching	46.2%	38.1%
Provide needed/different leadership	38.5%	47.6%

Both men and women selected "Professionally enriching" and "Provide needed/different leadership," as their top two choices, but women selected the leadership option as their first choice, receiving 47.6% of their votes, and men selected it as their second choice, receiving 38.5% of their votes. A higher percentage of men, 46.2%, selected the enriching option as their first choice, with 38.1% of women selecting it as their second choice.

153. See ASTIN & LELAND, *supra* note 13, at 140.

Although men's and women's write-in responses both noted that they were encouraged to apply for their deanships, the write-in responses otherwise diverged quite a bit. The men who checked "other" wrote in reasons ranging from: midlife crisis and cheaper than a Maserati, to needed a change, welcomed the opportunity to bring significant improvement, and wanted a challenge. The women who checked "other" wrote in reasons such as: had a strong connection to the school, wanted to take school to the next step and participate in a broad natural conversation about legal education, saw leadership as a service, and were concerned about the small number of female deans. This last reason resonated with many of the women with whom I did follow up interviews and is consistent with many of the factors that motivated other prominent women to positions of leadership. A study of women leaders asked what motivated or influenced them and reported the following:

What were some of the early influences on positional leaders that instilled in these women a sense of mission or caring and the desire to make a difference? . . . it was probably a combination of family background (where there was a strong emphasis on human rights and on the need for social activism) and their own victimization as women and/or as members of minority groups that made these women leaders. Encounters with discrimination and other kinds of injustice—especially during their formative years—played a key role for . . . positional leaders¹⁵⁴

Speculating on what the write-in answers in the surveys reveal, there seemed to be a stronger tendency for the men to be motivated by their individual needs and goals, whereas there was a stronger tendency for the women to be motivated by broader social needs and goals. This pattern has been common in leadership positions as reported by Dr. Erkut:

Men are believed to be more self-assertive (e.g., independent, forceful, dominant) which suggests that they would be task-oriented. Women, on the other hand, are believed to be more concerned with the well being of others (e.g., helpful, understanding of others' feelings, caring) and hence possess qualities that would make them good socio-emotional leaders.¹⁵⁵

It is possible that something is hidden, or missing from law deans' responses, that may reveal in part why there are not more women law deans. In the section on barriers, I write at greater length on why qualified women choose not to pursue deanships,¹⁵⁶ but I at least want to introduce

154. *Id.* at 81.

155. ERKUT, *supra* note 14, at 37 (describing common assumptions about the managerial styles of men and women).

156. *See infra* Part IV.

one reason why women would forego available leadership roles: a distaste for what comes with a leadership position. In writing about why women who have leadership opportunities might turn them down, one author stated:

They confront more opportunities and options than ever before. Nonetheless, women must choose to walk the path. If few women today are opting for positions of top leadership, perhaps it is even because young women who have been schooled in a world of feminist consciousness are not enticed by joining what they perceive to be a type of life they want to shun—an alien, high pressured, brutally competitive lifestyle with unappealing rewards.¹⁵⁷

In the end, the numbers could tell any, of many, different stories. But they would have to include the story of women law deans' numbers increasing dramatically since the late 1990s; there are more women law deans now than ever. Do they include the story of continued increases in those numbers? Only time will tell. However, I suspect that without continued attention to this issue, the numbers could well level off for some time. A later section will explain this pessimism/realism by detailing some of the barriers that remain for women seeking law school leadership posts,¹⁵⁸ but first, let us shift to gender and leadership. Now it is time to turn to the inquiries of whether gender matters, and if it does, why?

III. HOW DO DEANS LEAD, AND IS THERE A GENDER DIFFERENCE?

In the first year of my deanship, gender assumed a larger place in my thoughts than I had imagined it would, and it surfaced in ways I had not expected. I am old enough . . . to know what it is like to be the “only” or “one of the few” for better or worse, I have learned to use humor and my own enthusiasm for spectator sports to make my way in a “man’s world.” Nevertheless, I did have some initial concerns about how our alumni and especially our larger donors and other senior members of the legal and business community would respond to a dean who did not look like a “Dean.”¹⁵⁹

This part will explore how leaders lead, and whether there is a difference between male and female leadership. If not, perhaps the number of women

157. Ruth B. Mandel, *A Question About Women and the Leadership Option*, in DEBORAH L. RHODE, *THE DIFFERENCE “DIFFERENCE” MAKES, WOMEN AND LEADERSHIP* 72 (2003) (noting that whatever the reasons women choose not to aggressively seek leadership positions, the result is maintaining the status quo).

158. See *infra* Part IV.

159. Colleen A. Khoury, *Ruminations on a Deanship*, 34 U. TOL. L. REV. 105, 105 (2002) (finding that the law school’s “external constituencies” were not discomfited by a woman dean).

deans now or in the future does not matter.¹⁶⁰ If there are measurable differences, what are they? Are there generational differences that are as significant as gender differences, or are they woven together in a way that makes it difficult to know whether leadership differences are more attributable to generation, gender, or even race or some other factors? Though I am reluctant to delve into this inquiry given the inherent risks involved with stereotyping behavior, particularly as “male” or “female,” I think it is even riskier to ignore the inquiry or to pretend that there are no gender-based differences. Although any description of gender-based leadership styles will always be faulty for a myriad of reasons, including questions about causality, context, and exceptions, it is worth exploring how women and men lead generally. This part does not purport to claim “the truth” on gender and leadership. Instead, it will provide information from studies on gender and leadership, as well as anecdotal information from women leaders relating to their work and how they do it. I will attempt to relate this information without essentializing any one woman’s experience as the experience of all women and to relay some experiences without denigrating or erasing other experiences. Even though imprecise and charged with controversy, there is no way to avoid questions involving gender and leadership in an article on women law deans. Accordingly, this part will start in the first section by exploring how gender informs leadership, if at all. The second section will share deans’ thoughts about leadership based on responses to a survey sent out in Fall 2005 to select deans sitting at the beginning of the 2005-2006 school year.¹⁶¹ Finally, the last section of this part will close by revisiting the general question of why gender matters in leadership.

A. *Gender and Leadership – What Do the Experts Say?*

Given the emphasis of this article, it is important to understand how a dean carries out his or her responsibilities for a number of reasons, including exploring whether a dean’s job or a dean’s various roles lend themselves better to typically male or female characteristics. Of course that begs the question of whether typically male or female characteristics even exist, and if they do, what are they? One must then explore whether there are gender differences in leadership that can be generalized in any meaningful way, and if there are genuine differences, why that matters in

160. I do not mean to suggest that diversity in leadership is important only or primarily because of how one leads, although I do believe that a range of diverse leadership styles is healthier than a singular way of leading. See *infra* Part IIIC (discussing some of the ways that diversity in leadership can make a positive difference, both related and unrelated to actual leadership style).

161. See *supra* Introduction (describing the survey protocol, including who received surveys).

terms of the actual number of female deans at American law schools. This is a “loaded” question and is made more complicated by the limited materials available, many of which produce contradictory conclusions. “Adequate information on women lawyers in leadership roles is particularly thin, as is research on the interaction of gender with other characteristics, such as race, ethnicity, age, class, and sexual orientation . . . sweeping generalizations about women’s experience risk over claiming and oversimplifying.”¹⁶² With admittedly little direct information about gender and leadership in the law school academy, this section will draw on broader studies of gender and leadership.

An previous part of this article outlined a law dean’s general job description. With that in mind, consider the qualities that describe a good law dean and leader.

A leader must be visionary and have the ability to communicate the vision and aspirations for the institution. The leader must be confident, decisive, but also a good listener. The leader must have integrity and be seen by others to be honest and trustworthy, and one who creates a climate of trust. The leader needs to be persistent, not impatient. The leader must also have drive, energy, and enthusiasm for the job, as well as being a long-term strategic thinker who is also setting and reaching new goals.¹⁶³

So who possesses these leadership qualities, and do more men than women possess these qualities, or vice versa?

Though I am not sure there is any quality listed in the above paragraph that could be considered more descriptive of either men or women, some remain convinced that most women are not cut out for leadership positions. For example, it has been noted that “the characteristics traditionally associated with women are at odds with the characteristics traditionally associated with leadership Most qualities traditionally linked with leaders have been masculine: forceful, assertive, authoritative, and so forth.”¹⁶⁴ A study published in 1959 looking at the relationship between traits and leadership “found that leaders tended to be more intelligent, extroverted, dominant, masculine, and taller than nonleaders.”¹⁶⁵ This description clearly had a man in mind as the archetypal leader. But many women are smart and have even gotten taller over time! On a serious note,

162. See RHODE, *supra* note 4, at 18.

163. E. Thomas Sullivan, *Decanal Leadership: Managing Relationships*, 31 U. TOL. L. REV. 749, 749 (2000).

164. RHODE, *supra* note 4, at 8 (noting further that so-called masculine qualities seem abrasive when demonstrated by women).

165. KLENKE, *supra* note 13, at 59 (noting, however, that having these traits is not a guarantor of leadership success).

women have suffered by being compared to men, and also by being saddled with endless pejorative stereotypes. One article on gender and management styles in business, not the legal academy, summarized a few studies as follows: "Women bosses are more autocratic and delegate less authority than their male counterparts Women bosses are more organized, and better at meeting deadlines than men Most women believe female managers are more interested in stepping over their female employees than in giving them a helping hand."¹⁶⁶ This paints women leaders as bossy, controlling, and scratching their way to the top; at least they are also organized and can stay on schedule. There are other unflattering pictures of women leaders.

Despite the gains women have made over the past two decades, negative attitudes and stereotypes about women leaders prevail. Early studies focused on differences in leadership traits and styles as well as stereotypical expectations associated with men and women. These stereotypes imply that, with respect to their leadership abilities, men are better fit for the leadership role than women Other studies . . . found that women in positions of authority were evaluated as less competent than men, even when their performances were equal by some objective measure Still other research . . . found that not only were women generally seen as less likely to be leaders, but women themselves reported that they were less inclined to see themselves as leaders or seek leadership roles.¹⁶⁷

So even when there do not appear to be gender-based differences in leadership styles, what is acceptable and even expected in men, is found lacking or unacceptable in women.¹⁶⁸ One study of evaluations of first year law professors found that "students habitually interpreted identical behavior as a strength, even a flawed strength, in men and a weakness in women."¹⁶⁹

Women are also stereotyped as overly emotional and irrational, hence unfit to lead. Two authors who studied three generations of women leaders

166. Betsy Wangenstein, *Managing Style: What's Gender Got to Do With It?*, CRAIN'S N.Y. BUS., Sept. 29, 1997, at 23; see also RHODE, *supra* note 4, at 13-14 (finding that women at the top are stereotyped as either clawing their way up and knocking others out of the way, or having made it on their own and wanting other women to do as well). These "Queen Bees" are "women who believe that they managed without special help, so why can't everyone else? These women enjoy the special status that comes with being one of the few females at the top of the pecking order and are willing to serve as proof that gender is no barrier to those who are qualified." *Id.*

167. KLENKE, *supra* note 13, at 165-66 (citations omitted).

168. See *infra* pp. 507-510 (discussing in detail the double standard that women face in leadership roles).

169. Neumann, *supra* note 89, at 349 (finding the evaluation phenomenon among both students and faculty).

wrote:

Contrary to popular belief, female leaders are not more emotional, more suggestible, less decisive, or less objective than male leaders. A further anomaly is that whereas there are no consistent gender differences among leaders, research suggests that subordinates attribute differences and react differently to similar behaviors depending on whether these behaviors are exhibited by men or women.¹⁷⁰

This leads to a different problem for women leaders that will be explored more in the part on barriers: the inclination to favorably respond to certain leadership behaviors if exhibited by men and unfavorably if exhibited by women.¹⁷¹ Regardless of how you paint the picture, what emerges is a portrait filled with doubts about women's ability to lead.

The same doubts about the ability of women to perform as well as men in . . . [leadership] positions lie closely beneath the surface, and not infrequently, break through the silence: women may not be tough enough, rigorous enough, or sufficiently inspiring to be successful either at fund-raising or institutional leadership. Search committees may discount the ability of women with small children to handle such a time-consuming and stressful position. The burden of overcoming these stereotypes is a unique obstacle faced by women, and particularly by women of color, who aspire to become law school deans.¹⁷²

The pejorative stereotypes of women described in the paragraphs above help explain why so few women have made it to significant leadership positions. Women clearly have more obstacles to overcome than men when pursuing law deanships, and, ironically, many of the negative perceptions about women's leadership, which can hurt their chances of advancement, are misperceptions.

There are those who believe that gender does not matter in leadership because there are no significant differences between male and female leadership. In response to the question about whether there is a female style of management, one expert said:

[T]here is not one definitive "female" management style. Some say women are better leaders and managers by virtue of their "female" management style, their superior team-building skills, their ability to nurture and groom other employees, even perhaps their "feminine intuition." However, I have also worked with nurturing male managers and with tyrannical women, and I don't believe these are the exceptions

170. ASTIN & LELAND, *supra* note 13, at 3-4 (citations omitted).

171. *See infra* Part IV.

172. Kay, *supra* note 5, at 233-34.

that prove the rule.¹⁷³

Thus, even while laying out common gender traits, this expert argued that any given trait could be attributed to either a female or male leader. I agree but suggest that one is more likely to find that women possess certain traits in common, while men possess other traits in common. Another author thought that differences were nearly nonexistent, but people's perceptions of difference nonetheless persist.

Turning to leadership style, the fact that sex differences are neither large nor pervasive is not surprising . . . Nonetheless, many Americans believe that the sexes significantly differ in interests, skills, dispositions, and values. Although these perceptions are unfounded, they linger because people's expectations distort what they perceive and recall about the world around them.¹⁷⁴

There is much truth to the idea that men and women lead in many of the same ways. However, there may be some intuitive differences or traits that come more naturally based on one's gender, socialization, and context. The rest of this section will discuss gender-influenced leadership traits and styles.

Several experts think there are some basic gender differences in leadership, and many of those experts believe these differences are healthy and contribute to more varied ways of doing business. What would some typically female ways of leading look like? Females in positions of power are often described as collaborative, efficient, effective at multi-tasking, and talented at helping others develop their potential. Women leaders in an academic setting who were considered non-positional leaders because their leadership vis-à-vis scholarly works and research is somewhat indirect, had their leadership style "characterized by collaboration, sharing, listening to and empowering others, and accomplishing desired changes through collective efforts."¹⁷⁵ An academic was reluctant to overly essentialize women's leadership methods, but she was willing to make some observations.

While it is not possible to talk about a singular female style of leadership, the majority of these [women] leaders combined a strong focus on results with equal attention to the growth and development of the people surrounding them. Indeed, the descriptions of nearly every

173. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 96-97.

174. Barbara Reskin, *What's the Difference? A Comment on Deborah Rhodes's "The Difference 'Difference' Makes"*, in DEBORAH L. RHODE, *THE DIFFERENCE "DIFFERENCE" MAKES, WOMEN AND LEADERSHIP* 60 (2003).

175. KLENKE, *supra* note 13, at 164-65 (observing that even if the collaborative style worked in an academic setting, a business setting might not accept this approach, implying that a more traditional hierarchical approach would be preferred).

woman's leadership practice included elements of the democratic, people-oriented style.¹⁷⁶

Women have been particularly talented at moving projects forward through collaboration. In a study of three generations of women leaders, the authors concluded that "they believe in the collaborative, collegial style of leadership and in the importance of reaching consensus."¹⁷⁷ Collaboration involves a greater emphasis on building relationships and establishing alliances—skills that may be more intuitive for women. This notion is consistent with Carol Gilligan's description of females' inclination toward relational ways of communicating. Although Gilligan studied gender, morality, and psychology, not leadership, she did uncover different gender-based inclinations that can extend beyond the parameters of her study and even apply to leadership styles.¹⁷⁸ When exploring gender differences and women's moral growth, Gilligan asked the women in her study to describe their own development. She noted that:

[A]ll of the women describe a relationship, depicting their identity *in* the connection of future mother, present wife, adopted child, or past lover. Similarly, the standard of moral judgment that informs their assessment of self is a standard of relationship, an ethic of nurturance, responsibility, and care. Measuring their strength in the activity of attachment . . . these highly successful and achieving women do not mention their academic and professional distinction in the context of describing themselves.¹⁷⁹

Gilligan concluded that "in all of the women's descriptions, identity is defined in a context of relationship and judged by a standard of responsibility and care."¹⁸⁰ Women's self-descriptions in Gilligan's study contrasted with men's self-descriptions, which were less about connection and more about self and status.

For the men, the tone of identity is different, clearer, more direct, more

176. ERKUT, *supra* note 14, at 3-4.

177. ASTIN & LELAND, *supra* note 13, at 121 (noting that women are unthreatened by collaboration among their peers).

178. See CAROL GILLIGAN, *IN A DIFFERENT VOICE, PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* 1-2 (1982) (stating in her seminal book that it "records different modes of thinking about relationships and the association of these modes with male and female voices in psychological and literary texts and in the data of my research). The author continues to note that "disparity between women's experience and the representation of human development, noted throughout the psychological literature, has generally been seen to signify a problem in women's development Instead, the failure of women to fit existing models of human growth may point to a problem in the representation, a limitation in the conception of human condition, an omission of certain truths about life." *Id.*

179. *Id.* at 159.

180. *Id.* at 160 (observing that many women feel professional constructs and procedural constraints interfere with their personal work goals and desire to provide care for others).

distinct and sharp-edged. . . . Although the world of the self that men describe at times includes “people” and “deep attachments,” no particular person or relationship is mentioned, nor is the activity of relationship portrayed in the context of self-description. Replacing the women’s verbs of attachment are adjectives of separation—“intelligent,” “logical,” “imaginative,” “honest,” sometimes even “arrogant” and “cocky.” Thus the male “I” is defined in separation, although the men speak of having “real contacts” and “deep emotions” or otherwise wishing for them.¹⁸¹

The men’s descriptions in Gilligan’s study produced certain patterns that were distinct from the patterns that emerged in the women’s self-descriptions. “In these men’s descriptions of self, involvement with others is tied to a qualification of identity rather than to its realization. Instead of attachment, individual achievement rivets the male imagination, and great ideas or distinctive activity defines the standard of self assessment and success.”¹⁸² For many of the male leaders, there was more autonomy and focus on individual achievement, which holds true across many professions. For women, there was a greater emphasis on connection and collaboration, which also holds true across many professions. If these different self-descriptions play out by gender in the legal academy, it is likely that women deans might lead differently than men. I will return to this thought in section B, which explores sitting deans’ responses to questions about their leadership.

Women leaders often work efficiently and do not have the leisure to do otherwise given their often-competing family demands. Some women leaders who are mothers have described parenting as an instrumental skill builder. One dean I interviewed stated that one of the best ways to prepare for the job of dean was being a parent. When I asked her to explain, she said, “it teaches effective time management, and how to take into account each individual family or faculty member’s needs, while also being aware of what is in the best interest of the whole family or law school. It also gives experience in terms of dealing with individuals who are acting unreasonably.”¹⁸³ Many leaders in a study on women’s power described their leadership style in terms that sound familiar to mothers.

The participants spoke of mothering as both a training ground for leadership and a metaphor for describing leadership behavior. This . . .

181. *Id.* at 160-61 (noting that men in similar occupational and marital situations described themselves as “logical, compromising, and outwardly calm”).

182. *Id.* at 163 (giving an account of a male medical intern expressing doubt in his ability to imagine himself in the future with distinctive, inspired achievements).

183. Interview with Anonymous Dean (Feb. 26, 2006) (name withheld to protect privacy) (on file with author).

represents a radical departure from the early traditional advice for women aspiring to leadership to “become more like men.” These leaders were secure enough in their roles that they could describe leadership using language from their lived experiences as women, just as men often use military or sports metaphors to describe leadership.¹⁸⁴

Accordingly, motherhood taught important skills and informed how these women led. Moreover, these women were comfortable enough in their self-identity to utilize maternal metaphors as reference points for their leadership.

Another common trait attributed to women is their natural ability to empower others. A generational study of women leaders observed that many of the women were very interested in accomplishing goals while enhancing others’ abilities. The authors of the study wrote, “They view leadership as the challenge and the opportunity to work with others, and their words echo again and again the genuine belief that collective effort and the empowerment of others provide the critical elements for significant social change.”¹⁸⁵ Accordingly, these leaders recognized that achieving a goal without developing the people responsible for the change was a hollow victory. Moreover, they were not interested in bullying others into submission but preferred to bring them on board while nurturing their talents. As one author wrote:

Influence was preferred [rather than power] because it was seen in interpersonal and in value-oriented terms. They recognized that by virtue of their position—being the president of an institution—they had authority and that others attribute power to them. . . . However, they used their position as a power base to influence and to develop networks that, in turn, became the powerful agents of change. By empowering others, they were able to create a collective that worked synergistically (synergy is, indeed, collective power-energy that is the result of combining efforts).¹⁸⁶

In looking at women leaders, this trait of empowering others emerges repeatedly, but it is not a trait that men often cite in self-descriptions of their leadership.

For many, the normative picture of workplace structures is hierarchical or pyramidal because in many educational, political, and business models,

184. ERKUT, *supra* note 14, at 5 (emphasizing the positive trend in women’s employment conditions and their individual experiences as mothers that shaped their leadership abilities).

185. ASTIN & LELAND, *supra* note 13, at 127 (explaining how these women describe themselves with personality traits such as intuitiveness, self-confidence, and adaptability).

186. *Id.* at 119 (outlining the view that individual power may have unintended consequences, including intimidating those around you and raising unrealistic expectations for the “leader”).

hierarchy is still the prevalent operational mode. Women leaders, however, often conceptualize the shape of leadership differently. One leadership expert “characterizes female leadership as a web of inclusion and male leadership as hierarchy. In the web of inclusion, the most desirable place is at the center—as opposed to the top of the hierarchy.”¹⁸⁷ When contrasting the traditional hierarchical workplace model that is male-associated with the female-associated web model consisting of circles or spokes in a wheel, we see some noticeable differences. Instead of hierarchy, the “alternative, feminine model stresses cooperation, collaboration among managers and subordinates, empowerment of subordinates, lessened control on the part of the leaders, and problem solving based on intuition, empathy as well as on rationality.”¹⁸⁸ In a study of women leaders predominantly in academia, foundations, and non-profits, there was greater acceptance of multiple leadership styles and shapes, although hierarchy was still present.

In hierarchical paradigms of leadership that rest on the leader-follower model, the positional leader is someone who has authority and who controls information and resources in order to accomplish particular objectives. In other words, this person exercises power over others as she or he “leads.” In contrast, . . . [the women leaders interviewed] viewed power as a relational process. . . . According to them, hierarchical power is problematic in that it can create an attitude of worship by the followers that, in turn, imposes great expectations of what a leader can and should be able to accomplish. It can intimidate those around you and thus stifle creativity. They affirmed not a need for power in the form of control but rather power in the form of empowerment.¹⁸⁹

Numerous other studies have concluded that women have a distinct leadership style, specifically that women are more likely to utilize intuitive or natural leadership traits that emphasize interpersonal skills and relationships. As times have changed and women have joined the ranks of leaders, the world of leadership has evolved, incorporating many traits and visions that once were considered feminine and now are simply considered aspects of wise leadership. “[T]hese visions of ‘new’ leadership share a view that today’s leadership is less hierarchical, bureaucratic, or controlling while being more holistic, connected, participatory, and flexible. Feminist

187. ERKUT, *supra* note 14, at 33 (discussing SALLY HELGESEN, *THE FEMALE ADVANTAGE: WOMEN’S WAYS OF LEADERSHIP* (1990)).

188. *Id.* at 32 (presenting the alternative feminine model as an effective strategy for female executives to succeed in the corporate environment instead of adopting leadership styles that men have used in the past).

189. ASTIN & LELAND, *supra* note 13, at 119 (arguing that leaders who empower and influence, rather than control resources and information to exert authority, value their co-workers, listen to their opinions, and accept constructive criticism).

scholars have argued that the requirements of 'new' leadership call for many of the strengths that have been associated with women's more relational focus."¹⁹⁰ With time, these strengths may be accepted as good leadership skills without gender attachments. Clearly, the characteristics stressed in feminine models do not belong exclusively to women,¹⁹¹ but many people associate them more with women than men. Some authors suggest that although more women than men exercise certain leadership muscles or approaches, it is risky to label those approaches "female," as that may drive men away from adopting these leadership approaches.

The empowering, cooperative approaches most often associated with women are not exclusively female terrain. If we see these as crucial models for leadership in the twenty-first century, then we do not want only women to adopt them. On the contrary, it is important to break down the mind-set that labels such behavior "feminine," serving to stigmatize it as weak, or less desirable than real leadership, especially at the highest echelons of patriarchal power. It is precisely in such places that female leaders and new approaches are more desperately needed if we are to change the patterns of domination that have become so destructive to the world.¹⁹²

Even if women primarily use these empowering or cooperative approaches to leadership, they should not shy away from adopting others that are authentic or appropriate for them; likewise, men should not shy away from incorporating styles considered more "feminine" into their leadership repertoire. Undoubtedly, men and women will continue to share their best leadership practices, and over time they can jointly develop other leadership strengths and practices to promote the best interest of their institutions and people.

What about deans of color—is there anything different about how they carry out their deanships, their sense of mission, or the constituencies they serve? Do they have unique gender- or race-based experiences that may have shaped how they carry out their roles? One dean of color wrote that:

[T]he history of racism and the ongoing obsession of our society with race places non-white deans under a lens of "strict scrutiny" in its most

190. ERKUT, *supra* note 14, at 39 (noting that while the workplace has seen a rise in the popularity of the participatory or feminine approach to leadership, workplace practices have not necessarily changed in terms of hierarchy, bureaucracy, and control).

191. *See, e.g.*, ASTIN & LELAND, *supra* note 13, at xiii ("In this search for new leadership forms, it is useful to see cooperative, empowering models not as inherently female but as female-led. That is to say, these approaches have been exercised by women more often than by men because they spring from the socialization of women as nurturers and sustainers of life. . . . As our culture seeks more appropriate styles of leadership in the future, studies of how women have led in varying circumstances will serve us well.").

192. *Id.* at xii.

oppressive sense. But beyond the constant pressure to do twice as well as our white counterparts for half the credit, the perspective we bring to the position is further made unique by the influence of a heritage and culture that presents a different, and often oppositional, face to accepted norms.¹⁹³

What does this mean? It means, among other things, that deans of color, particularly women of color, have probably undergone many instances of being the “other.” Thus, they may see the world differently than white men who have spent most of their lives, perhaps all of their lives, never once thinking about their own race or gender. Deans of color and women deans rarely have the luxury of discounting race or gender when facing a challenge to their authority and thus may have different ideas about how the world operates and whether the playing field is indeed level. “Problems of exclusion are greatest for those who appear ‘different’ on other grounds as well as gender, such as race, ethnicity, disability, or sexual orientation. Many women of color report being treated as outsiders by white colleagues and as potential competitors by minority men.”¹⁹⁴

There is more to how and why deans of color and women deans lead as they do. Women and deans of color are in positions of power and have tremendous opportunities to make positive changes with innumerable ripple effects.

The role of dean, particularly within minority communities, has distinct political and social dimensions that go beyond the traditional academic leadership role. We are often looked upon to be community leaders regarding a range of issues and we often can be perceived as a resource for generating political, economic, and social change separate from the academy.¹⁹⁵

A dean who has a different leadership style, or looks different than the majority of our deans who are white males, can make way for other deans from different demographics or with multi-faceted leadership approaches.

Promoting more women to deanships is important partly so they can reach a critical mass—the point where they are no longer “token women.”¹⁹⁶ At the point where there is a critical mass, there is less

193. LeRoy Pernell, *Deans of Color Speak Out: Unique Voice in a Unique Role*, 20 B. C. THIRD WORLD L. J. 43, 43-44 (2000).

194. RHODE, *supra* note 4, at 13.

195. Pernell, *supra* note 193, at 45 (noting that Howard University College of Law deans have historically utilized their roles as deans to promote and encourage social change on behalf of African American communities).

196. See KLENKE, *supra* note 13, at 176 (suggesting “that when members of a particular gender or ethnic category comprise less than 35% of a group, they have ‘token’ or ‘solo’ status. Not only are dominant group members the defining group, they are taken to be the highest category—the best—and all other groups must be defined and judged solely

pressure to constantly prove oneself as the exception by meeting standards twice as high as those in the status quo. A critical mass also provides the possibility of a comfortable place for those women in power. For example, women deans have a regularly set annual meeting that many consider a highlight of every year. When describing how important these sorts of gatherings are for women leaders, one woman wrote “they met regularly to talk about common problems, learn from one another, see what they could do for women in their respective schools, address pressures they were beginning to experience, and identify and recommend qualified women for administrative and faculty positions.”¹⁹⁷ Without a critical mass, this type of productive and comfortable meeting could not exist.

B. Gender and Leadership – What Do Law Deans Say?

Having provided some general information about gender and leadership, it is time to look at what law deans themselves think about gender and leadership. Based on her study of essays penned by deans in the University of Toledo’s annual symposium on Leadership in Legal Education,¹⁹⁸ Dean Kay concluded that:

[N]either the content nor the style of these essays suggests that deaning is experienced differently by men and women. On the contrary, illustrations of similar reactions to similar situations regardless of gender abound in the essays, and several run counter to common stereotypes about the differences between male and female leaders.¹⁹⁹

In contrast, Dean Colleen Khoury thought that gender came into play in her deanship, but not in the way she expected it to arise.

To my surprise, I have been unable to detect any discomfort among our external constituencies as a result of my gender. . . . Gender did seem to matter internally, however, in some ways I did not anticipate. I was taken by surprise, early on, by what I sensed was an unspoken expectation of some faculty and staff, that because I was a woman, I would manage differently. This seemed to mean that I would be “more understanding,” which in translation meant that I would not act as a manager, as a boss. Several times, in that first year, I sensed some

according to majority group standards”).

197. ASTIN & LELAND, *supra* note 13, at 101 (listing the 1964 symposium at MIT that focused on problems faced by women in science and engineering and the 1971 training institute, “Crisis: Women in Higher Education,” sponsored by the U.S. Office of Education, as two examples of fora where women had opportunities to collaborate and affiliate).

198. Kay, *supra* note 5, at 236-38 (arguing that the collections of essays submitted by male and female deans reveal that deans of both genders had similar experiences as deans, and questioning whether a female dean’s self identification as feminist or interest in advancing women in the legal profession had any impact on the dean’s management style).

199. *Id.* at 236.

resentment when, after being a sympathetic and empathetic listener, I still needed to hold the individual accountable for deficient performance, missed deadlines, poor interaction with students and the like. A few members of the staff routinely shared details of their personal lives with me while discussing their jobs and law school business. I am pretty sure that such matters were not raised with my predecessor, except in cases of a family emergency, serious health problems and the like.²⁰⁰

I think Kay bases her perception on the macro-level of deaning—all law deans address similar issues and face similar constituencies, regardless of gender. Khoury's comments go more to the micro-level of deaning. Therefore, I do not believe their comments are contradictory, they are simply directed at different aspects of the job.

The deans who responded to my questionnaire had clear ideas about leadership, some of which related to gender. My questionnaire asked a series of questions about deans' qualities. First, I want to share what a survey of executives revealed about gender, leadership, and common traits as it ties in nicely with my survey results. Korn/Ferry International sponsored a global executive survey that I came across after sending out my questionnaire. The survey found:

[T]hat due to shifts in business operating environments—such as globalization, increased competition, and shorter product life styles—leadership is increasingly moving away from “command and control” toward a “team-oriented” approach. The survey concludes that for companies to survive in the next millennium, the all-powerful “controllasaurus” boss must give way to a management style that is more empowering, supportive, nurturing, sharing and relationship-oriented, traits that are ascribed by the predominantly male respondents more to women than men.²⁰¹

The survey continued, noting that:

According to respondents,²⁰² [the following are] the top five traits of . . .

<u>Men</u>	<u>Women</u>
Risk-taking	Empathetic
Self-confident	Supportive
Competitive	Nurturing
Decisive	Relationship-building
Direct	Sharing of power and information

200. Khoury, *supra* note 159, at 105-06.

201. Korn/Ferry International, Global Study Finds Increased Diversity in Nationality and Gender Likely Among Board Members, Top 100 Corporate Jobs; Little Increase at CEO Level, http://www.kornferry.com/Library/Process.asp?P=Articles_Detail&CID=507&LID=1 (last visited Apr. 16, 2007) [hereinafter Global Study].

202. *Id.* (“Respondents are predominantly male.”).

With that background, my first survey question addressed the past and asked current deans how they remembered their law school deans (who were all male). The choices and percent of men and women surveyed who selected each response to describe their law school deans follow:

Qualities of Deans While Students	Men	Women
Ambitious	0%	19%
Approachable	15.4%	4.8%
Assertive	15.4%	28.6%
Authoritative	38.5%	47.6%
Collaborative	23.1%	9.5%
Confident	61.5%	47.6%
Confrontational	0%	9.5%
Creative	15.4%	4.8%
Decisive	46.2%	38.1%
Empathetic	0%	4.8%
Relationship-oriented	23.1%	4.8%
Risk-taker	0%	0%
Supportive	38.5%	9.5%
Task-oriented	23.1%	4.8%

Both men and women selected “Confident” as their first choice to describe the deans from their student days. Approximately 61.5% of men chose it, and 47.6% of women. The same percentage of women, 47.6%, also selected “Authoritative,” giving the women a tie between “Authoritative” and “Confident” for the most prominent memory they had of their law deans’ qualities. Both the women’s and men’s second highest vote was for “Decisive,” with a 38.1% and 46.2% selection rate respectively. The women’s third most common recollection of their deans’ qualities was “Assertive,” with 28.6% of the women selecting it, while men’s third most common recollection was tied between “Authoritative” and “Supportive,” with 38.5% of the men selecting each of these. Men’s top selection of “Confident” and women’s top selections of “Confident” and “Authoritative” are not surprising given the traditionally hierarchical leadership pattern that has been prevalent in legal education. That would also explain women’s next selections of “Decisive” and “Assertive” and men’s next selections of “Decisive” and “Authoritative.”

As the nature of qualities moved away from traditional hierarchical ones toward relational ones, men and women’s recollections of their deans’ qualities diverged. For example, men were much more likely than women to recall their deans as “Approachable” (15.4% of men compared to 4.8% of women), “Collaborative” (23.1% of men compared to 9.5% of women), “Relationship-oriented” (23.1% of men compared to 4.8% of women), and

“Supportive” (38.5% of men compared to 9.5% of women). I suspect that it was easier for men than women to find their male deans relationship-oriented because it was probably easier for male deans to develop relationships with those most like themselves—the male law students—than to develop relationships with those less like themselves—the female law students. For similar reasons, it would have been more natural for male law students to find male deans approachable than female law students would have—in fact, three times as many men as women surveyed found their male deans approachable. Finally, if you have developed a relationship with a dean, as more males would have if they found their deans relationship-oriented, then it would certainly have been easier to consider that person as supportive. The quality of “Empathetic” proved an exception to the pattern of men recalling their law school deans as more relational than women did, with 4.8% of women remembering their law school deans as such, but no men selecting “Empathetic.”

The survey also asked about the most prominent qualities of the deans who served (almost all were male) while the survey respondents were still teaching.²⁰³ The choices and the percent of men and women who selected each response to describe their law school deans/bosses follow:

Qualities of Deans While Professors	Men	Women
Ambitious	23.1%	47.6%
Approachable	76.9%	28.6%
Assertive	23.1%	33.3%
Authoritative	38.5%	23.8%
Collaborative	46.2%	19%
Confident	53.8%	28.6%
Confrontational	7.7%	9.5%
Creative	38.5%	19%
Decisive	53.8%	38.1%
Empathetic	30.8%	4.8%
Relationship-oriented	46.2%	4.8%
Risk-taker	15.4%	28.6%
Supportive	61.5%	23.8%
Task-oriented	53.8%	33.3%

Interestingly, men and women had very different opinions here, especially considering how closely their opinions aligned when recalling their law school deans while they were students. Men remembered the deans who served while they were teaching in largely relational terms.

203. For one respondent, this was irrelevant because that respondent came from outside the legal academy. However, all the other deans who responded to the survey came from the legal academy.

Their top responses and percentages respectively were the following: first, "Approachable" (76.9%); second, "Supportive" (61.5%); and third, a three-way tie between "Confident," "Decisive," and "Task-oriented" (46.2% each). Women remembered the deans who served while they were teaching largely in the terms men used to describe themselves in the Korn/Ferry survey.²⁰⁴ Their top responses and corresponding percentages respectively were the following: first, "Ambitious" (47.6%); second, "Decisive" (38.1%); and third, a two-way tie between "Assertive" and "Task-oriented" (33.3% each). Not only was there no real overlap in the men's and women's selections (other than a tie in the third place slot for "Task-oriented"), but the very nature of the qualities could not be more different. The men perceived the deans they worked for to display more group-minded attributes such as approachable and supportive, while the women perceived them to display more autonomous attributes, such as ambitious and decisive.

In reflecting on themselves as deans, I asked the survey respondents how they would characterize their own leadership styles. Although there were differences, the answers provided by men and women were more similar in this self-assessment than when describing the deans who served while they were students or while they were teaching. The choices and the percent of men and women who selected each response follow:

Leadership Styles	Men	Women
Charismatic	7.7%	19%
Consensus Builder	76.9%	47.6%
Relationship-oriented	53.8%	57.1%
Selfless	30.8%	9.5%
Task-oriented	53.8%	23.8%
Transformative	15.4%	33.3%
Visionary	23.1%	23.8%

Men's first choice for their own leadership style was "Consensus-builder" with 76.9% of the respondents selecting it, followed by a two-way tie for second between "Relationship-oriented" and "Task-oriented" at 53.8% each, and then "Selfless" at 30.8%. Women's first choice for their leadership style was "Relationship-oriented" with 57.1% of the survey respondents selecting it, followed by "Consensus-builder" at 47.6%, and then "Transformative" at 33.3%. Does this mean that men and women lead differently? One could hardly draw that conclusion, but this small sample reveals that even if their overall styles are similar (i.e., they both put a

204. See *supra* notes 201-02 and accompanying text (documenting the results of the Global Study that demonstrated strong differences between men and women who were surveyed).

premium on building consensus and relationships), they have different emphases on how they lead, or at least how they perceive themselves to lead.

Although not related to leadership style, but otherwise telling in terms of why they like their jobs, my survey asked the deans which of the following roles they enjoyed most. The following percentages of men and women selected the following responses:

Leadership Roles Enjoyed	Men	Women
Fundraising	46.2%	57.1%
Planning the future of the school	84.6%	85.7%
Prestige	0%	4.8%
Supervising faculty and staff	38.5%	33.3%
Working with alumni	69.2%	81%
Working with students	69.2%	52.4%

There did not seem to be significant differences in how men and women responded to this question, both favoring planning the law school's future as their first choice, with 84.6% of the men and 85.7% of the women selecting it. Women's second choice was working with alumni at 81%, and men selected working with alumni as well as 69.2%, but it tied with men's choice of working with students that also registered at 69.2%. Men and women's third choice was fundraising, with 57.1% of the women and 46.2% of the men selecting it. In addition, men wrote in that they enjoyed improving the institution's future and financial management. Women wrote in that they enjoyed the following: working with the rest of the university; working with faculty and staff; speaking and encouraging others; playing cheerleader-in-chief; and celebrating the success of colleagues and students. Perhaps the write-in responses reveal more fundamental gender-based differences than the form-provided responses. The men's write-in responses relate to institutional goals with more concrete and measurable indicators of success, while the women's write-in responses convey a premium on relationships and developing others to be their best.

C. Gender and Leadership – Tell Me Again Why it Matters?

Going back to the beginning of this examination—why does it matter whether there are women law deans, much less the actual number of women law deans? One reason is that leadership has proved elusive for women in many sectors, including the Academy. For those who have made it, they often had to adopt men's leadership styles to be successful in workplaces designed by and for men, and all of us then lost out on some of the positive changes women could have brought to the workplace:

[I]f women had not been so busy emulating men, they would have contributed their own ideas derived from personal experiences at work and at home. Instead, most women have been concerned with trying to change themselves, rather than their places of work. It is only recently that organizations realized that they need to make places of work more hospitable for women.²⁰⁵

Recognizing that making the workplace more hospitable has benefits for women, men, and the organizations themselves, is an important discovery. Realizing this, it makes sense to continue to diversify leadership, partly by increasing the number of women leaders, at least well beyond token numbers.

Diversity is important in law leadership for reasons beyond providing a range of leadership styles. There is still great value in presenting a rainbow of role models and providing a glimpse into possibilities for the future for all of our students who do not see themselves reflected in their law school leadership, or any leadership for that matter. The female students who see women in leadership receive not only role models, but also a signal of hope about what they can accomplish and a needed boost in their esteem when they are feeling isolated or out of place (which is often). A problem that hinders this advancement occurs when female faculty members are considered to have lower status than male faculty members.²⁰⁶ When women are absent from positional leadership, the law faculty, students, alumni, and broader legal community receive messages about where women belong.

The effects of this gender segregation are felt not just within law schools but also far beyond the institutions' walls. Marginalizing women professors sends a message to both male and female law students that affects students' attitudes towards (and success in) law school and the legal profession. Moreover, the concentration of women in less prestigious areas of the law distorts the development of the law itself. As long as men and women inhabit unequal positions within the law, there cannot be the free exchange of ideas among equals that allows the law to

205. KLENKE, *supra* note 13, at 257.

206. See, e.g., Angel, *supra* note 86, at 1-15 (noting that, while there has been an increase in the number of women employed at law schools, women disproportionately hold lower-status, non-tenure track jobs); Kornhauser, *supra* note 93, at 324-27 (discussing how the gender segregation of female professors into less prestigious, "feminized" classes such as poverty law, and the over-concentration of male professors in traditional and high-status courses, such as constitutional law, reinforces the notion that female professors are not as qualified as their male counterparts and discourages female students from pursuing certain types of legal careers); Neumann, *supra* note 93, at 322-45 (noting that women academically outperform men in college, but under-perform in law school, suggesting that this trend may be connected to an unfriendly and gender segregated law school environment, where men predominate in the top ranks of law school employees, and women are disproportionately at the bottom).

develop most fully.²⁰⁷

Part of Kornhauser's concern is that when a disproportionately female group of gender-segregated faculty members receives second-class treatment, there are devastating direct and indirect consequences for faculty members and students. For women professors, the direct consequences are manifested in lower status and pay, fewer desirable job opportunities and course assignments, less respect, and poorer overall treatment. For students, the consequences are more diffuse and less traceable, but nonetheless evident. "For male and female students alike, seeing women faculty disproportionately in less prestigious, 'softer,' or 'more caring' courses often reconfirms the students' preconceived notions that female professors are not quite as qualified as their male counterparts who teach 'real' courses and possess valued knowledge and ability."²⁰⁸ Female law students can easily internalize this mistaken but pervasive idea that they are not as smart as their male classmates. This self-reflected oppression negatively impacts women law students, many who come into law school with better grades than their male counterparts, but whose grades slip below their male classmates' during law school, and whose esteem often plummets as well.²⁰⁹ There are a number of studies that explore women's experiences of declining esteem and intelligence over the course of their law school careers.²¹⁰ I am curious about whether those experiences are universal, or might they be diminished or even non-existent, in law schools with several women faculty members in prestigious positions and in law school leadership. I believe that negative law school experiences, which disproportionately haunt female students, could be reversed with more women in positional leadership in the legal academy.

207. Kornhauser, *supra* note 93, at 294-95.

208. *Id.* at 326.

209. See LINDA F. WIGHTMAN, WOMEN IN LEGAL EDUCATION: A COMPARISON OF THE LAW SCHOOL PERFORMANCE AND LAW SCHOOL EXPERIENCES OF WOMEN AND MEN 26-27 (1996); see also Kornhauser, *supra* note 93, at 294 (emphasizing that women hold fewer leadership positions in law school than their male counterparts, often get hired at lower ranks than men, and gain tenure on a slower track than men; all of which may contribute to female student underperformance in law school); Neumann, *supra* note 93, at 313, 345 (reporting that the gap between the grades of men and women is larger at higher ranked schools, and arguing that the pedagogical environment of the institutions has a harmful impact on women who disproportionately feel "less articulate" than male students, deprived of female role models, and subject to sexual discrimination).

210. See, e.g., WIGHTMAN, *supra* note 209 (exploring the experiences of law students through a gendered lens by means of a nation-wide longitudinal study of students who entered law school in 1991); Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1 (1994) (exploring the experiences of a significant number of women law students at the University of Pennsylvania Law School from 1987-1992); Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988) (exploring the experiences of a select group of women law students from the Yale Law School class of 1987).

As in many professional arenas, there are plenty of women in the profession but not many at the top. The more women in top positional leadership, the greater the opportunity for many positive spillover effects, such as changes in law and policy to eliminate bias and promote a playing field that is actually level, not just touted as such.²¹¹ With respect to the former, one path-breaking judge summed it up when she wrote:

The participation of women in the legal profession has led directly to changes in the legal system and in our laws to the benefit of American women, men and children. And together with the larger civil rights movement of the twentieth century, it has provided us all with a degree of social justice that, while certainly not perfect, supplies us with a firm pad from which to launch further efforts to improve the legal system in this country.²¹²

Not every woman dean is going to be involved in issues related to gender. However, there are probably more women deans interested in these issues than men, and, if they are in positions of power, when they speak, more people will listen. With respect to mentoring, when researchers interviewed a number of seminal women leaders on this topic, one woman said:

It's all kind of secret and if you don't have the right mentor who is in the right place and knows the information, you won't ever find out what it is all about. What you should be doing, at what point you should do this, what kinds of strategies others had worked out, what was successful and not successful strategies and all of that kind of thing.²¹³

Having more women deans means that yet more women can learn the secret handshake, and there will be movement toward a critical mass. Women deans can promote and support policy changes that make the playing field more level. But even if they do not take such proactive steps, they make a difference.

If women do not deliberately promote changes in policy or process, will they not still have been the agents for progressive change simply by being there and thus pushing the society into meeting its democratic ideal and obligation to provide opportunity for all? That may not be

211. See, e.g., Lisa A. Kloppenberg, *A Mentor of Her Own*, 33 U. TOL. L. REV. 99 (2002) (relating that "as one of a small number of women deans at ABA-approved law schools and one of the youngest law deans, I can speak to the significant role mentors played in my choice to become a dean," and praising Dean Dorothy Nelson for mentoring her and inspiring her to become a dean).

212. Daughtrey, *supra* note 134, at 174.

213. ASTIN & LELAND, *supra* note 13, at 89.

everything, but it is something.²¹⁴

Women's mere presence at the top can lead to positive changes, more doors opening for other under-represented people, and a greater comfort level for all outsiders.²¹⁵

In closing this part, let me stress that it is important to pay attention to the number of women law deans and to work toward the advancement of more because the position of law dean is well respected and can lead to situations of leadership elsewhere. "The law school deanship has proven to be a stepping stone for some male deans, who have gone on to become Provosts, Chancellors, or Presidents of their own or other schools. This pattern is just beginning to extend to women law deans."²¹⁶ In addition, although there is much controversy and little consensus on whether there are different gender-based leadership styles, many studies have found that women tend to be more collaborative and relational, which is healthy given the direction of global needs and trends. So if women lead differently, it is important to have women leaders for whom desirable leadership traits may be more intuitive. A summary of leadership studies relating to what is required for the next generation of leaders provided that "for leaders to function effectively in the complex world of today and tomorrow, they need critically important skills that involve agreement-building, networking, the exercise of nonjurisdictional power, and institution-building. These are some of the skills that presumably come easier to women than men."²¹⁷ There always have been, and always will be, many different leadership styles, but there is a trend towards more inclusivity, and presently there is more widespread acceptance of varying styles. "[T]oday's leadership is less hierarchical, bureaucratic, or controlling while being more holistic, connected, participatory, and flexible. Feminist scholars have argued that the requirements of 'new' leadership call for many of the strengths that have been associated with women's more relational focus."²¹⁸ What we are seeing is that both men and women use a variety of leadership styles based on context, and there is less gender labeling and more willingness to try what seems appropriate under a given set of circumstances. At the same time, with more women in power, women are more comfortable using what is intuitive and effective, rather than engaging in the energy-depleting exercise of fitting in (as one of the

214. Mandel, *supra* note 157, at 70.

215. See WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 37 (explaining that "Catalyst's research shows that the more women directors there are at a company, the greater the number of women in officer positions.").

216. Kay, *supra* note 5, at 230.

217. KLENKE, *supra* note 13, at 244 (citations omitted).

218. ERKUT, *supra* note 14, at 39.

guys) that was more commonplace when there were few women in power. This marks positive progress, but some bad news remains in the form of continuing barriers. These will be discussed in the next part.

IV. DO BARRIERS REMAIN, AND IF YES, IN WHAT FORM?

There are those who would claim that barriers for women have dissolved because women are represented in powerful positions in government, academia, business, and elsewhere. Hence, the “woman problem” has been solved.²¹⁹ I would agree that more women are in more powerful positions than ever before, and that is a sign of progress. But given women’s depressingly small representation in positional leadership relative to their numbers, we can hardly accept the claim that the playing field is now level. “Women account for about half of managerial and professional positions but only about 12 percent of corporate officers, 4 percent of top corporate earners, and about 1 percent of the Fortune 500 CEOs.”²²⁰ As disproportional as it is for white women, it is downright atrocious for women of color.

[Women of color] account for only about 3 percent of state legislators, 3 percent of congressional representatives, 1 percent of corporate officers, and under 1 percent of law firm partners. Only two women of color serve as mayors of large cities, and only two as general counsel or chief executive of a Fortune 500 corporation. None serve as chief executives or state governors.²²¹

As I stated earlier, while writing in May 2006, there was only one woman of color serving as law dean, with the number to double to two in the summer of 2006.²²² Other sources confirm that the glass ceiling remains a strong barrier, which is even more impenetrable for women of color. A federal report prepared by a bipartisan panel found that “few women and minorities pass through this barrier into top levels of business. While white men make up 43% of the workforce, they hold 95% of senior management positions. In addition, women and minorities who make it to the top continue to earn less than their male colleagues.”²²³

Even with laws designed to eliminate discrimination, policies designed to level the playing field, and the dual recognition that women have been

219. *See generally supra* note 10 (describing the “woman problem as mitigated by some progress but by no means completely rectified”).

220. RHODE, *supra* note 4, at 6 (citations omitted).

221. *Id.* at 6-7.

222. *See supra* text accompanying footnotes 78-79 (emphasizing the dearth of representation of women deans of color at American law schools).

223. KLENKE, *supra* note 13, at 174.

short-changed through limited advancement opportunities, and society has been short-changed by missing out on the richness that diverse ways of doing business provides, barriers remain.²²⁴ Many good efforts

do not fundamentally change the prevailing perception that women who wish to be leaders have to be extremely well qualified, possess a proven track record of accomplishments, and be overprepared for their positions. Thus, stereotypes persist and women are often required to go the extra mile. . . . Coupled with stereotypes and additional performance requirements are women's own negative attitudes against women in leadership roles. Instead of developing differential training programs, organizations and institutions of higher learning needed to foster a gender-positive environment. This is defined as a setting in which gender does not work as a negative factor in evaluating a person's individual worth and leadership potential.²²⁵

Despite today's remarkable opportunities for women, given men's overrepresentation in leadership and women's underrepresentation, there must be remaining barriers. This part will discuss external and internal barriers to women's advancement to the pinnacle of law school leadership. The first section will explore external reasons hindering women's progress, including the following: gender specific stereotypes; leadership double standards, and a continued preference for, or at least familiarity with, male-oriented leadership styles; a young networking system that is not as widespread as that in the men's arena and related to this, women's smaller number of role models or mentors compared to men; cultural norms and societal expectations that simultaneously continue to privilege men and devalue women; and a workplace structure developed around men's careers.

The second section will turn to internal barriers that create roadblocks, some temporary and others permanent, that stymie women's progress toward leadership. These can include frustration with the higher standards women must achieve to be considered adept; a greater distaste for the magnifying glass under which leaders operate, especially unfamiliar leaders such as people of color, women, and the rarest breed—women of color;

224. Although overt discrimination is much rarer now than subtle discrimination, many women of color still report being subject to blatant discrimination. An ABA-commissioned study on women in law firms reported that "[n]early half of women of color but only 3% of white men experienced demeaning comments or harassment. Unlike white men, many women of color felt they had to disprove negative preconceived notions about their legal abilities and their commitment to their careers." AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, *VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS*, EXECUTIVE SUMMARY 10 (2006) [hereinafter *VISIBLE INVISIBILITY*]; see also Chanen, *supra* note 76, at 37 (reporting that the isolation and marginalization of women of color at large law firms has resulted in the loss of "incredible talent" from the profession).

225. KLENKE, *supra* note 13, at 258 (citations omitted).

goals that do not align with the trappings and residual effects of leadership; insistence on a manageable professional-personal life balance; and an unwillingness to conform to an inauthentic style in order to succeed.

The third section explores what it means for women to face barriers that are usually nonexistent for men. It also discusses how to get rid of as many barriers as possible, while reducing those intractable ones that cannot be eliminated so simply. To the extent barriers can be reframed as opportunities (this really takes creative thinking), the third section engages in that exercise.

A. External Barriers to Women's Advancement

This section focuses on external barriers, barriers that are outside of women's individual control to change. These tend to be institutional, societal, or otherwise so interwoven in our fabric that we are not sure where they start, where they end, or how to pull them out without unraveling the fabric entirely. Researchers studying women's leadership wrote that "external barriers, though diminishing in strength and becoming more subtle than overt, continue to carry the blame for the slow pace of progress in increasing women's representation in top leadership."²²⁶ Clearly, women still have to face these barriers, and if they make it, sometimes it is because they rise over the barriers (adapt to existing structures), and other times it is because they eliminate the barriers (alter existing structures). The remainder of this section will explain some of the most common external barriers women face in the road to leadership.

Although it is no longer politically correct to be overly gender-biased, subtle forms of discrimination continue to exist. As long as gender stereotypes provide a major framework for organizing information about women leaders, and as long as social categorizations based on gender . . . play an important part in judging women's fitness for leadership, we need to scrutinize the effects of stereotypic perceptions and expectations which drive the assessment of leaders, especially those who deviate from the prevailing male model.²²⁷

One challenge that women continue to face revolves around gender specific stereotypes that harm women in a variety of ways. By way of background, stereotypes provide us with codes or shorthand to describe typical attributes of a group. Although there is some underlying truth to most stereotypes, they are problematic given that we often rely on a stereotype when dealing with a member of a group we are not as familiar with to help us quickly gain an understanding of that person or her

226. ERKUT, *supra* note 14, at 84.

227. KLENKE, *supra* note 13, at 187.

actions.²²⁸ This reliance provides a faster way to make sense of that person and her actions than actually getting to know the person or her work. When that person's actions are congruent with the stereotype, we do not think twice about it. But when they are not congruent, rather than considering the actions vis-à-vis that person and the entity she is leading, we think about the actions vis-à-vis the stereotype and judge the person or actions accordingly. Some common gender-based stereotypes in business school settings have been described as follows: "men are more effective in cultivating external constituencies . . . women may not be able to handle difficult faculty, who are often male, or have their support . . . women do not want the authority/power . . . women are 'soft', weak, emotional, etc. . . . a woman dean wouldn't 'fit in' . . ." ²²⁹ These stereotypes and others have been harmful for women leaders partly because if the women act out of type, even if prudent from a leadership perspective, they may be harshly judged. Consider the results of the following research:

One widely quoted study showed that men, but not women, were characterized as aggressive, objective, dominant, competitive, and decisive whereas the traits attributed to women clustered around gentleness, emotionality, passivity, dependency, and submissiveness. . . . [T]he stereotypic characteristics of men were preferred and considered desirable attributes by both men and women. However, only for men were gender-congruent characteristics considered acceptable in all situations. Women, on the other hand, were perceived as "real" women only in some situations, namely those in which they acted in accordance with the gender stereotypes. In other situations, women's behavior is seen as out-of-role according to prevailing stereotypes, and easily becomes subject to perceptual biases. By exhibiting out-of-role behaviors that are incongruent with the female stereotype, women run the risk of being negatively evaluated as leaders. . . . [W]omen who were perceived as autocratic leaders received negative evaluations, whereas male managers exhibiting the same leadership style were positively evaluated.²³⁰

Thus, the exact same behavior was evaluated differently depending on whether the actor was male or female. This is consistent with both the presumption that men's way of leading is always better and the expectation

228. See, e.g., *id.* at 164-69 (describing women leadership stereotypes as a conception of women that is often translated into the same manner in which gender is used as a salient category to classify women leaders).

229. Summary, Patricia M. Flynn, *Identifying and Overcoming Barriers for Women Deans in Business Schools*, 1996 Ass'n to Advance Collegiate Schools Business Annual Meeting Workshop: Developing Women Business School Leaders, Apr. 21, 1996, <http://www.aacsb.edu/members/communities/affinitygroups/wame-barriers.asp>.

230. KLENKE, *supra* note 13, at 166.

that women will adapt to existing ways of doing business (read male ways) to succeed, but will not adapt too well.

At the same time that gender-specific stereotypes privilege men and harm women, women must cope with a continued preference for male-oriented leadership styles because those styles are known, even if not always appropriate. As quoted above, some male-oriented leadership traits include being "aggressive, objective, dominant, competitive, and decisive."²³¹ These very same traits have proven to be a double-edged sword for women. For example, masculine-type behavior that is expected of leaders may be punished when exhibited by women,²³² or feminine-type behavior may be criticized as inappropriate, even if it functions well. This criticism takes many forms, but one classic is "when women are assertive, they face negative reaction, but when they're not assertive, they can't advance."²³³ Women also seem to suffer more when they adopt opposite gender traits than vice-versa. "[S]witching or adopting the behaviors stereotypically associated with the opposite gender seems more problematic for a women serving in a leadership capacity than it does for her male counterpart."²³⁴ A different perception problem that women routinely face but men rarely encounter is that women's hard work and effective results frequently go unrecognized, while men's work, regardless of how well done or whether it is done at all, is frequently assumed competent and complete. "[P]eople who are in a position to make or influence decisions about others tend, at least unconsciously, to credit what men do and discredit what women do, even if men and women are doing the same thing. . . ."²³⁵

Working mothers face even more barriers than other women leaders, as well as harsher criticism and greater scrutiny. Almost every working mother has heard that she must be deficient because she is either shortchanging her employer or her family. "Working mothers are held to

231. *Id.*

232. The famous Price Waterhouse case comes to mind. See *Hopkins v. Price Waterhouse*, 920 F.2d 967 (D.C. Cir. 1990). Ann Hopkins, the only woman out of eighty-eight candidates who was up for partnership at the firm (to join 662 partners including a paltry seven women), was not selected for the promotion. *Id.* at 970. The company claimed that Hopkins's interpersonal skills suffered because of her macho attitude, refusal to wear make up, and overall adoption of typically male traits. Hopkins was described as "sometimes overbearing and abrasive. . . . [T]hese defects were especially inappropriate because Hopkins was a woman." *Id.* Hopkins "was advised to walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewelry." *Id.* at 970-71.

233. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 57; see also RHODE, *supra* note 4, at 8 (noting that the characteristics associated with women are at odds with those characteristics associated with leadership).

234. KLENKE, *supra* note 13, at 167.

235. Neumann, *supra* note 89, at 442.

higher standards than working fathers and are often criticized for being insufficiently committed, either as parents or professionals.”²³⁶ The section on internal barriers will elaborate further on the internal conflict that working mothers face in attempting to juggle their professional and personal lives.

An additional barrier for women that is tied in with gender stereotypes involves institutional and personal preference for the familiar, even if no longer expedient.²³⁷ In other words, precedent has a strong pull, especially in the legal world where resistance to change remains the norm. For an example of comfort with the old way of doing business, consider a board of trustees’ greater reluctance to approve hiring a woman dean. I have heard numerous stories of women making it to the final round of the interview process, but ultimately not receiving an offer. Of course there are always legitimate reasons, but sometimes it is due to unspoken biases and discomfort with the idea of a woman taking over. If left to its own devices, change would likely occur, but very slowly. To speed up positive change, we need to recognize the value of diversity and take proactive steps to eliminate barriers.²³⁸

I will now turn to three interconnected challenges. The first arises from the relatively small number of female mentors until quite recently.

Mentors are more important to career success than hard work, more important than talent, more important than intelligence. Why? Because you need to learn how to operate in the work world—whether in a corporation, a professional firm, a nonprofit, a university, or the public sector—and mentors can teach you how.²³⁹

236. RHODE, *supra* note 4, at 10.

237. There are countless examples of our preference for the known, but I will share a personal, recent one. I had been agonizing over whether to get a new cell phone that incorporated e-mail, internet access, and calendar functions. It would be more efficient than what I had, but I hesitated for over two years because I was already familiar with my outdated phone and knew all its short cuts. I finally broke down and bought the new phone. I have only owned it a short period of time and am still learning, but I am very happy with it, in spite of the learning curve.

238. As I was editing this section, the New York Times published an article about corporations pressuring law firms to take the corporations’ commitment to diversity seriously. See Karen Donovan, *Pushed by Clients, Law Firms Step Up Diversity Efforts*, N.Y. TIMES, July 21, 2006, at C6 (“The nation’s largest law firms, long dominated by white men, have struggled to attract, keep and promote minority and women lawyers. Now these firms have a powerful incentive to do better. Some of their biggest corporate clients are demanding that they increase the number of minority and women associates and partners. Indeed, for some companies, diversity is as important as cost-cutting and performance when evaluating which law firm to hire. And they are threatening to fire firms that do not show enough progress.”). Clearly those corporations not only value diversity, but also are taking action to show their commitment.

239. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 3.

The second relates to women's nascent formal and informal networking mechanisms, which are finally developing but have long been in place in the men's world. One leader wrote, "I can't think of a single facet of your work life that couldn't profit from the insights, help, and connections that come through networking."²⁴⁰ The third revolves around a young pipeline that is just starting to gain steam. "About two-thirds of male chief executive officers attribute women's low representation in leadership positions to the fact that they have not been in the pipeline long enough."²⁴¹

When women first obtained leadership roles, they had no female role models. Instead, they had to rely on male role models, as they still do in many instances. Countless men have generously provided professional guidance to women over the years, and no doubt will continue to do so. Men's mentoring has assisted women in myriad ways.²⁴² Yet more men help other men, naturally gravitating towards other "in-group" members.²⁴³ Although "in-group favoritism disadvantages women,"²⁴⁴ women are slowly gaining in-group access. As noted, "[t]he occasional positive effect of mentorship on women's access to leadership may reflect the fact that powerful mentors help women win in-group status."²⁴⁵ Even with this help, women remain at a disadvantage because of the relative dearth of female role models until the recent past, while men have had deep reserves of role models for a very long time. "In my experience, the single most important reason why—among the equally talented—men tend to rise higher than women is that most men have mentors and most women do not."²⁴⁶ Although mentors do not replace hard work and experience, their worth cannot be discounted. What does mentoring offer? "Mentoring has a number of benefits, including enhancement of career progress; promotional decisions; motivation; job performance; and retention

240. *Id.* at 111.

241. RHODE, *supra* note 4, at 7.

242. Note, however, that many men have been reluctant to mentor women because of the potential appearance of impropriety. See, e.g., KLENKE, *supra* note 13, at 184-85 (explaining that men may avoid opposite sex mentor relationships because of concerns that the intimate and personal nature of a mentoring relationship will lead to public accusations of romantic involvement); RHODE, *supra* note 4, at 12-13 (citing sexual harassment as one concern that keeps men from mentoring women); HERRING, *supra* note 136, at 78-79 (noting men's fears of sexual harassment claims should they mentor women).

243. Barbara Reskin describes in-group mechanics as follows: "[W]e automatically categorize the people we encounter as either members of our in-group or as out-group members. . . . accompanied by an automatic preference for in-group members. We are more comfortable with members of our in-group than out-group members, have more trust in them, hold more positive views of them, feel more obligated to them, and prefer to cooperate with them rather than compete with them." Reskin, *supra* note 174, at 62.

244. *Id.* at 63.

245. *Id.*

246. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 3.

rates.”²⁴⁷ Without the experience of mentors, women often do not even realize that they are missing out on these benefits. “‘Exclusion from informal networks’ stands as one of the top barriers to success reported by women at or near the top in Catalyst’s Women in Corporate Leadership survey Women of color emphasized a lack of informal networking as the second-biggest barrier to their advancement.”²⁴⁸

Men’s well-established networks, many of which have excluded women,²⁴⁹ coupled with women’s still developing networks, operate to disadvantage women.²⁵⁰ There are many ways that networking propels those within the network along a path of career advancement. “Among the benefits of networking are information exchange, career planning and strategizing, professional support and encouragement, increased visibility, and upward mobility.”²⁵¹ Because women have only recently advanced into positional leadership, they have fewer and less established formal and informal networks,²⁵² especially compared to long established “old boys” networks.

The “old-boys” network within which men in business operate—the informal buddy system that connects them with jobs and new business and other opportunities—has evolved from people the men have known through the years, from going through school, then working, changing jobs, making new connections through those old connections, and so on.²⁵³

Old boys’ networks persist not because of pernicious intent, but rather because they already exist and provide recognizable benefits to in-group members. One writer explains how out-group members suffer from their lack of in-group status (achieving in-group status is one of the perks of networking) in the following terms: “[A]utomatic in-group preference works against outsiders, and because in-group membership is often based on sex and since most incumbents of institutions’ upper echelons are male, in-group favoritism disadvantages women.”²⁵⁴ Thus, if men are already in

247. KLENKE, *supra* note 13, at 183.

248. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 110.

249. See RHODE, *supra* note 4, at 13 (“Surveys of professional women offer repeated refrains of exclusion from ‘boys clubs’ or ‘old boys’ networks.”).

250. See WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 114 (“Women haven’t thought in terms of connecting in ways that will help them professionally for as long as men have.”).

251. KLENKE, *supra* note 13, at 182.

252. See, e.g., *id.* (explaining that women do not share the traditional well-established networks because they are often on their own in their positions).

253. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 114.

254. Reskin, *supra* note 174, at 62-63.

leadership positions, they are more likely to think of other in-group members when asked for recommendations for dean candidates, or when mentoring colleagues for leadership positions. It is very natural for people with decision-making power over leadership promotions to choose people who resemble themselves. As noted, "primogeniture prevails in business. Mostly, men in the top jobs continue to choose other men to succeed them."²⁵⁵ While often there is no insidious plan to perpetuate more of the same, it usually comes more naturally to continue with what is already known, than to try something new. And what is already in place is an existing network for men, limited access to that network for women (the network is nearly off limits for women of color),²⁵⁶ and networks for women that are still not well established.

Limited network access creates multiple disadvantages for women, including restricted knowledge of what is going on in the organization and difficulty in forming alliances which, in turn, are associated with limited mobility and the glass ceiling effect. As long as male networks are the more powerful informal groups with greater access to political, financial, legal, and professional resources that flow through the informal tributaries, the structure of organizations will continue to serve as a barrier to women's leadership.²⁵⁷

There is no doubt that a lack of formal and informal networking has been a barrier for women seeking leadership positions. The bright side is that there are many positive developments and changes occurring. Women are learning how to establish a variety of networks and to use them to their advantage. However, men's networks show no signs of weakening, and there is much catching up to do. This obviously will not happen overnight and will require intentional steps to create and sustain formal networks while carving out the time (on top of work and family obligations) to develop and nurture informal networks.²⁵⁸

Some will argue that the number of women in leadership positions has stagnated because of pipeline issues.²⁵⁹ However, when considering

255. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 10.

256. See VISIBLE INVISIBILITY, *supra* note 224, at 10 (reporting that "[n]early two-thirds of the women of color but only [four percent] of white men were excluded from informal and formal networking opportunities, marginalized and peripheral to professional networks within the firm.")

257. KLENKE, *supra* note 13, at 182 (citations omitted).

258. Rhode asserts that this is easier said than done. "Participation in informal networks is particularly difficult for women with demanding family commitments, who lack time for the social activities that could generate collegial support and client contacts." RHODE, *supra* note 4, at 13.

259. See, e.g., Mandel, *supra* note 157, at 68 (observing that "an analysis of in-depth interviews conducted in 2000 with sixty prominent women leaders in a variety of professional arenas, notes that there is a 'continued scarcity of women in top leadership

women law deans, this explanation is undermined given that a 2005 report showed that women made up 51% of law school graduates, 29.4% of lawyers, and 25.3% of tenured law faculty.²⁶⁰ Women are present and in positions to advance. But advancement is occurring at a much slower rate than would have been predicted given the pool of qualified women.

Women's scarcity in the pipeline may have been a plausible explanation for low numbers of women in top leadership positions in the 1960s and 1970s. . . . [T]he slow pace of progress since 1980. . . has eroded this theory's credibility. If the lack of diversity in top leadership were due only, or even primarily, to the small numbers in the pipeline, there would have been more progress by now.²⁶¹

There is no reason to stop populating the pipeline, but the pipes will get clogged before long if we do not move some of these women along.

A barrier for women in every profession results from cultural norms or societal expectations that permit women to take on working roles that perpetuate the norm, and even to rise a little in an organization without resistance, but eventually slow the rise of women to positional leadership. "[W]ork norms, policies, and practices that are taken for granted as 'normal,' privilege men while disenfranchising women to the extent that the average women's [sic] life is different from that of the average man."²⁶² Not only is there still a subconscious notion that leaders are men, but, when we encounter women leaders, we are more likely to accept them only if they fit in and represent the usual way of doing business. Women must know the norms of those in power and often have to adapt their styles to make those around them more at ease. "In Catalyst's studies of women near the top in business in the United States and Canada, successful women reported that 'finding a style with which men are comfortable' was an important success strategy, second only to 'exceeding performance expectations.'"²⁶³ While many women have done this, such a strategy remains a barrier because success requires that women perform not only better than expected, but also that they learn and adopt styles that are not necessarily intuitive or comfortable. Men do not typically carry this burden.

A significant structural barrier for women exists in the form of career

positions' and concludes that 'the passage of time . . . alone cannot solve the problem of professional women's advancement; rather, it may exacerbate the problem.'").

260. ABA Report 2005, *supra* note 85 (surveying the participation of women in various aspects of the legal profession).

261. ERKUT, *supra* note 14, at 15.

262. *Id.* at 20.

263. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 74.

timetables and workplace structures based on an “ideal worker”²⁶⁴ with limited family responsibilities, if any, and a steady career climb. “[A]s long as our conception of careers is based on the male, linear model of progression and success, women will continue to experience stress as they battle to maintain both a family and a career and to establish a sense of personal autonomy.”²⁶⁵ This stress is particularly acute for professional women moving towards leadership positions. Picture a partnership track at a law firm, a tenure and promotion schedule, or a career path towards a deanship, each of which is typically linear and not aligned with women’s biological schedules if they want to have children.

Career success in many contemporary organizations is defined as a sequence of linear, vertical steps up the corporate ladder. Leadership opportunities are offered to those men and women who rapidly obtain the series of promotions necessary to move them into leadership positions. The status positions at the top continue to be the ultimate symbol of success. Women executives who decide to take the extended family leaves (more than 2 years) are penalized not only by a discontinuous salary history, but by being passed over for advancement once they return to work full time. As long as career systems in organizations are designed around hierarchical progression, the integration of work, family roles, and leadership roles will remain problematic.²⁶⁶

If women choose to have children, a career usually is sidelined, either temporarily or forever, and there are certainly compensation losses that, even when the women return to full-time work, cannot be overcome relative to a comparable employee who does not take time off.

Women who take time off or who work part-time in order to have children or take care of elderly parents are still more often than not restricted from mainstream access to leadership positions. And they are frequently paid less than their contributions would suggest is fair. The unfairness is compounded by the expectation that they will be available for phone calls and faxes at home during their “off” time.²⁶⁷

264. See generally JOAN WILLIAMS, UNBENDING GENDER, WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 1 (2000) (defining the ideal worker as one “who works full time and overtime and takes little or no time off for childbearing or child rearing”).

265. ASTIN & LELAND, *supra* note 13, at 150. See generally RHODE, *supra* note 4, at 14-17 (describing obstacles women with children find in the workplace either through colleagues who do not believe they should be there or through resistance to special treatment for women seeking to accommodate family obligations).

266. KLENKE, *supra* note 13, at 181.

267. Herring, *supra* note 136, at 79; see also RHODE, *supra* note 4, at 10-11 (noting that, in the legal context, women who take extended leaves or adopt reduced schedules appear to be lacking as lawyers).

Inflexible workplaces are problematic for many reasons, but in the context of women's advancement, they are especially damning for women who have dependent care responsibilities. An economics journalist pointed out that:

[I]nflexible workplaces guarantee that many women will have to cut back on, if not quit, their employment once they have children. The result is a loss of income that produces a bigger wage gap between mothers and childless women than the wage gap between young men and women. This foregone income, the equivalent of a huge "mommy tax," is typically more than \$1 million for a college-educated American woman.²⁶⁸

Moving up the ladder for women is complicated as a result of timetables that require workers to move steadily, in lockstep fashion, up the chain of command. There has been skepticism about the commitment of those members of the workforce who get off the ladder then later return, thus pushing their age higher than the median age of their counterparts. There is now greater acceptance of leaders of all ages and that is a sign of progress. However, there is still plenty of room for modification of career structures and work environments.

It is clear that working mothers face a huge barrier resulting from careers not structured for women who give birth and need to recover from that, as well as take reasonable time to nurture newborns. This barrier grows when considering that male leaders do not experience the physical strain of pregnancy, labor, or around-the-clock feedings. Those same male leaders frequently have the added benefit of help from spouses who actively support their husbands' careers, whereas most female leaders do not. One writer stated bluntly that:

Often, women who aim for top positions of leadership must follow either . . . "orderly" or "high-g geared" career paths, or be shunted off to the sidelines of their organizations. This model of work is built on the premise that the upwardly mobile employee has a spouse who manages concerns outside the job. . . . [S]ome top positions require that a second person is available as a hostess, to manage the parts of a man's career that spill over into after-work hours, and to compensate for his absences from home by taking care of the children, the extended family, and friendship networks.²⁶⁹

Frankly, there are not too many women I know who have spouses who perform the second person duties that Erkut describes above. In fact, almost all the professional women I know who are married are married to

268. ANN CRITTENDEN, *THE PRICE OF MOTHERHOOD* 5 (2001).

269. ERKUT, *supra* note 14, at 21 (citations omitted).

other professionals. Although some of the professional men I know who are married are married to other professionals, a far larger number are married to women who stay home (I will not say that they do not work—I know how much energy it takes to run a house, raise children, do laundry, cook, clean, etc.). Even the women deans I interviewed, who have amazingly supportive spouses, have amazingly supportive spouses *with* careers. Will this change? There are more stay-at-home fathers now than at any other point of which I am aware, but I do not know of any women deans who are married to stay-at-home husbands.

Although many professional women like their jobs, are dedicated to their work, and hope to advance their careers, the typical path to advancement is filled with barriers and hence is problematic for women. These external barriers undoubtedly deter many qualified women from seeking positions of power, including deanships. I have spoken with several women law professors who find a deanship enticing, but state they are not interested right now but might be later in their careers. Negative stereotypes, limited mentoring opportunities, a youthful network system and pipeline, subtle discrimination, and structural barriers, continue to make it more difficult for women than men to advance in their careers to the point of obtaining leadership positions.

More subtle forms of discrimination may . . . take the form of segregation within a particular field. . . . In addition, an organization's physical surroundings, status symbols, hidden promotional criteria, jokes that are told at meetings, the information loop, and the corporate culture itself all represent potential barriers that must be examined when trying to understand why these factors may make it difficult for women to assume leadership roles. These subtler forms of discrimination are more difficult to detect and cannot be litigated away.²⁷⁰

Even though overt gender- and race-based discrimination are mostly behind us, with the continued existence of institutional barriers, structural barriers, and covert discrimination, women still face many external challenges in the trek toward leadership. These are compounded by internal barriers, which will be discussed in the next section.

B. Internal Barriers to Women's Advancement

Internal barriers exist in the context of external barriers but tend to revolve more around individual decision-making. In other words, but for the external barriers, women would not have to make many tough internal choices respecting their careers. Although this section cannot detail every internal barrier women face, it will highlight the more salient ones.

270. KLENKE, *supra* note 13, at 170.

Women in leadership roles share many of the structural characteristics of tokens: they are highly visible, public individuals who attract attention with anything they do; as such, they are stand-ins for all women, symbols of how women behave and perform as leaders. As tokens, women leaders are different in status from other members of their work group. The pressure of being a minority sets women apart by gender even before anything is said or done.

Token leaders find themselves in the organizational limelight; their actions and moves are constantly scrutinized, and they are faced with pressures that result from the application of performance standards that are only applicable to tokens. Many token women have reported that they must work twice as hard as their male colleagues to be considered competent.²⁷¹

Countless members of underrepresented groups, whether women, women of color, lesbians or other minority group members, have lamented the expectation that they will not succeed, so merely performing average work for their position is not enough; they must exceed standards to be considered acceptable. “[W]omen [are] required to demonstrate qualities far superior to their male contenders to gain leadership positions; when female contenders [are] merely equal they [lose] out.”²⁷² Moreover, if they are in positions of power, whatever they do will be observed, critiqued, and dissected under a high powered microscope,²⁷³ which microscope magnifies even more intensely each step a woman of color takes. An ABA report on women attorneys of color stated that “[a]s a result of stereotypes and assumptions, multicultural women find themselves over scrutinized and expected to conform to incompatible work styles. In addition, multicultural women contend with isolation, hostility, and disrespect.”²⁷⁴ Although these really are external burdens, the decision whether to commit to a visible post where one must undergo the scrutiny of performing at a higher than average level to be considered competent is a personal one. The magnifying glass that scrutinizes a woman’s performance, exaggerating mistakes, and downplaying successes,²⁷⁵ takes a personal toll

271. *Id.* at 176.

272. Jerome J. Shestack, *What Men Can Give to Women’s Quest for Leadership*, in DEBORAH L. RHODE, *THE DIFFERENCE “DIFFERENCE” MAKES, WOMEN AND LEADERSHIP* 185 (2003).

273. See RHODE, *supra* note 4, at 9 (“Where the number of women is small, as is often the case in leadership contexts, their performance is subject to special scrutiny and more demanding requirements.”).

274. AMERICAN BAR ASSOCIATION, *THE BURDENS OF BOTH, THE PRIVILEGES OF NEITHER, A REPORT OF THE MULTICULTURAL WOMEN ATTORNEYS NETWORK* 17 (August 1994).

275. See, e.g., RHODE, *supra* note 4, at 9 (citing surveys of women professionals that find the majority of respondents believe that they are held to higher standards than their male

that many women have no interest in enduring over the long haul. As one woman wrote:

The few women who make it to the top are *itemized* by those who wish to set them apart and put them in their place; *trivialized* by those who assume they cannot accomplish the task; *scrutinized* by those who may covet their positions; *criticized* by those who envy their talents; *categorized* by those who see women as being in the wrong place; and *stigmatized* by those who continue to believe that female attributes and leader attributes are mutually exclusive.²⁷⁶

This level of scrutiny is understandably unattractive for many women. So long as the magnifying glass barrier exists, many well-qualified women will choose not to subject themselves to the harsher environment women in leadership positions face and simply will forgo leadership opportunities. Others will adapt and tolerate the initial glare. Once they prove themselves, the magnifying glass may well disappear,²⁷⁷ and the spotlight will shine at the same intensity as it does for any leader. Yet others will try to change the terms at the outset in order to be treated just like any other leader. Regardless of which approach they take, women face the glare of this barrier, and men are free from its harsh light because it rarely exists for them (unless they are “other” by virtue of race or sexual orientation).

“Few women have the luxury of relocating in order to attain job advancement. Ninety percent of women reported they would relocate only if their husbands secured employment. Seventy-five percent of men would relocate for a better job with or without the spouse’s employment.”²⁷⁸ A number of the surveyed women deans with whom I had follow-up interviews stated that mobility, or the lack thereof, continues to be a barrier for far more women than men. One woman stated that “[m]obility is often a problem for women. While it may also be for men, more women professionals are married to men professionals than vice versa, thus making mobility more challenging for more women than men.”²⁷⁹ A different dean echoed that sentiment in response to my question about the biggest remaining barriers for women considering deanships. She said, “Another big issue is mobility. Most women law professors who are in committed

counterparts).

276. KLENKE, *supra* note 13, at 169 (emphasis added).

277. See ERKUT, *supra* note 14, at 3 (commenting that, for some women leaders, “their individual prominence and achievements now protect against incidents of gender-based inequity. . .”).

278. Regina M. Watkins et al., *The Juxtaposition of Career and Family: A Dilemma for Professional Women*, *ADVANCING WOMEN IN LEADERSHIP J.* (Winter 1998), http://www.advancingwomen.com/awl/winter98/awlv2_watkins5.html.

279. Interview with Anonymous Dean (name withheld to protect privacy) (on file with author).

relationships are with other professionals. It is hard to move together to a situation that is beneficial to both partners. And once dean, it may be hard to move to another deanship.”²⁸⁰ This barrier is erected across many professions. Although it could be considered an external barrier because of societal constructs defining what is appropriate in terms of husband and wife career sacrifice, I have included it under internal barriers because, in the end, we make the individual choices about geography and mobility. I recognize, however, that we also must consider the social forces that expect women to move to follow their husband’s careers, while frowning on men who make the choice to follow their wives.

Many women want to make positive changes, whether in their communities, work places, industries, or more nationally or globally. However, they do not necessarily want what can be considered the toxic side effects of a leadership role. To illustrate, the trappings of positional leadership may include a more macho style of doing business, including more masculine imagery and language (warfare, domination, etc.), more competition, and a more hostile or cutthroat environment.²⁸¹ Some women adapt to this work environment as they progress up the leadership ladder. Others, however, want no part of it and, for many legitimate reasons, will not undertake the Herculean task of attempting to alter the work environment or otherwise purge it of some of its toxic side effects. A different way of seeing this situation is not to consider whether women are willing to put up with the negative side effects of many leadership positions in order to maintain those positions and even progress, but instead focus on the results that women want, regardless of whether they coincide with what typically comes with leadership. In that case, women might not see the dearth of women in leadership as a problem. Perhaps it even represents wisdom.

It is at least plausible that many women do not see inequities in the legal profession . . . as a “significant problem” because they do not want, or at least they do not badly want, what men have. To be a federal judge, to be a partner in a law firm, or to be a law school dean is demanding business. Work at the top of the greasy pole takes time, saps energy, and is usually all-consuming. Maybe women’s values are different from men’s values. Maybe the trade-offs high positions entail are ones that

280. Interview with Anonymous Dean (name withheld to protect privacy) (on file with author).

281. See, e.g., Flynn, *supra* note 229 (“Some [women] may not want to ‘claw’ their way to the top. Not interested in becoming ‘one of the guys’, nor playing the games perceived necessary to get there.”); see also Mandel, *supra* note 157, at 71-73 (noting that women who have been schooled in a world of “feminist consciousness” do not want to adopt a high-pressured, brutally competitive lifestyle with unappealing rewards).

many women do not want to make.²⁸²

Accordingly, even though some women may privately lament foregone career opportunities, in the end, they may consider themselves better off for avoiding work places that diminish their spirits and drain their souls. This is especially true if they are mothers.

The demands of bearing and caring for young children generally are most intense during the same period in which the foundations for career development are laid. Moreover, despite a significant increase in men's domestic work over the last two decades, women continue to shoulder the major burden. Most male leaders in business and professional positions have spouses who are full-time homemakers or who are working part-time. The same is not true of female leaders, who, with few exceptions, are either single or have partners with full-time jobs.²⁸³

Women may be especially disinclined to undertake the trade-offs of power if it means giving up too much in the personal realm. One of the most significant internal barriers that women face when undertaking a leadership role is a shift in the balance between their professional and personal lives, with personal life getting less time because of increased demands of professional life. Whether male or female, people in leadership positions must make sacrifices.

One personal factor that has contributed to my survival is that I am unmarried and can claim no "significant other." You cannot imagine the time involved in being a dean until you assume the job . . . I know that the pressures of family responsibilities place great strains on a deanship . . . I can only imagine the stresses on a dean with children to raise.²⁸⁴

Although the above quote is written by a man, this applies as well, if not more, to women, given their tendency to end up with significantly more than fifty percent of home and family duties.²⁸⁵ There also are concerns—verging on the ridiculous—with asking for time off for parental leave. One woman noted wryly, "having a Y chromosome means never having to say, 'May I take a maternity leave?'"²⁸⁶ When I gave birth to my first daughter

282. Barbara Kellerman, *You've Come a Long Way Baby – And You've Got Miles to Go*, in DEBORAH L. RHODE, *THE DIFFERENCE "DIFFERENCE" MAKES, WOMEN AND LEADERSHIP* 54-55 (2003).

283. RHODE, *supra* note 4, at 15.

284. Glickstein, *supra* note 33, at 76 (comparing the schedule of a law school dean to that of a first year associate at a large law firm).

285. See generally ARLIE RUSSELL HOCHSCHILD, *THE SECOND SHIFT* (1990) (discussing how many women raising children have to work a "second shift" in order to satisfy their dual roles in the home and workplace).

286. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 26 (implying that

four weeks early, a student marched into the dean's office and demanded that we never allow a professor to teach if that person might not be able to complete the semester.²⁸⁷ I suppose we could make all professors sign a statement that they will not fall ill, die, be in an accident, etc., during the course of a semester. Oddly enough, at my same institution, when a male colleague became ill mid-semester, students rightly only expressed sympathy over his plight and concern over his well-being. This shows there is still hostility toward pregnancy-related health issues, which are viewed more harshly than non-pregnancy related health problems. For women considering deanships and motherhood during the same time period, be aware of continued mean-spiritedness toward pregnancy-related conditions.

It is no secret that working women with babies usually take some time off from work to give birth or adopt and are more likely than others to make use of flex-time arrangements. This in turn impacts career paths, both temporally and in terms of shape, but usually does not spell the death of the mothers' careers.²⁸⁸ Most working women who give birth or adopt return to work, many after a very short leave.²⁸⁹ Moreover, these women usually acquire invaluable skills and training that benefit both their employers and families. In fact, working mothers have to learn many skills simply to co-exist in professional and personal worlds, and many of those skills are extremely valuable in both worlds. As noted, "women who succeed at work often repeat that success at home. Necessity being the mother of efficiency, efficient working mothers soon mutate into great time managers in both milieus."²⁹⁰

When women first became law deans or assumed other positions of power for that matter, they often had to sacrifice families of their own to marry their jobs.

women have a more difficult time envisioning their future with certainty because of the possibility of motherhood affecting their plans).

287. I did take two weeks off after my daughter was born, then came back to finish the semester.

288. See Watkins et al., *supra* note 278 (asserting that "[t]he vocations of successful mother and professional are not necessarily mutually exclusive," but later stating that "the major segment of the workforce—women, comprising 52%—are struggling to balance these two most important forces in their lives.").

289. See Laura M. Padilla, *Gendered Shades of Property: A Status Check on Gender, Race & Property*, 5 J. GENDER, RACE & JUST. 361, 387-88 (2002) (commenting that contrary to common misperceptions, mothers frequently return to work after childbirth, rather than leave the workforce altogether).

290. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 49 (suggesting that women under pressure to achieve the success they desire will make conscious choices to do what it takes to attain it).

Some of the pioneers and women [leaders who we studied] . . . made a conscious choice not to have children, and some did so because they wanted to focus on their careers. It is not uncommon to hear from women that advancement in their organizations has depended on putting their careers before their personal lives.²⁹¹

Many of the early women leaders either remained single or even if they married, never had children. The first generation of women law deans was made up of path breakers and path makers, and that took a tremendous amount of energy, perhaps not leaving much for other pursuits. “For the earlier generations of women, it was much harder to manage a demanding career as well as marriage and a family.”²⁹² As we move into the third and fourth generations with critical masses of women leaders, there are many indications that women are much less likely to sacrifice personal relationships or families in order to succeed professionally.²⁹³ Thanks to the efforts of earlier generations of female leaders, women today can follow existing paths instead of always having to create new ones, thus freeing up energy for more professional and personal opportunities. Not surprisingly, more women leaders can now “have it all,” or perhaps more accurately, are not as hard pressed to choose family or career. This is evident in the number of women law deans who are married or in committed partnerships, many of whom also have children.²⁹⁴

Apart from one’s parental status, almost everyone has family, and the time required by a deanship takes time away from family. There is a considerable shift from the life of a legal academic to the life of an administrator, particularly the role of dean, with much more scheduled time, and by necessity, much less flexible time.

291. *Id.* at 145; *see also* Daughtrey, *supra* note 134, at 173 (exhorting us to “be grateful that none of us must any longer make the choice that many law-trained women were forced into for most of the last century: the choice between a career and a family, one to the exclusion of the other”).

292. ASTIN & LELAND, *supra* note 13, at 30 (analyzing the results of a study of women in various age groups and careers and observing from the data that one half of women ages 70-80 who currently or previously served in a leadership role, were never married); *see also* KLENKE, *supra* note 14, at 179 (reporting that “[e]ven women without children who hold high-powered positions sometimes find it difficult to maintain a marriage or relationship . . .”). “However, compared to 10 years ago, when only 40% of women executives were married and 40% had children, the survey . . . found that 60% of the senior women managers were married and 57% had children.” *Id.*

293. *See, e.g.*, ERKUT, *supra* note 14, at 22 (“[I]n recent years it may have become easier for women leaders to balance work and family roles.”).

294. *See infra* pp. 526-27 (examining the marital status of the law deans whom I surveyed); *see also infra* pp. 527-28 (observing the parental status of those deans). Note, however, that many of the women I spoke with in follow up interviews advised mothers to consider waiting until their children were older and more self-reliant before pursuing or accepting a deanship.

An academic life is in many ways a blessing to families, because faculty members often have blocks of unscheduled time, including summers and semester breaks, when the pace of work relents and there are more opportunities for sustained attention to children, spouse, or partners. Not so for deans. Becoming a dean can thus be a particularly tough transition for family members.²⁹⁵

As demanding as the job is, many deans wrote that their jobs were made easier by supportive spouses, and I am certain both men and women feel that way, but that more men than women have spouses who do not work elsewhere, and hence can put more time and energy into the support role. Regardless, many successful deans attribute their success in part to their spouses—almost always wives, who support their husbands' work as deans.

I am fortunate that my wife has as much enthusiasm for the deaning business as I do. She is wonderful with alumni, she is super with students, she can work a crowd at a reception, she gets to know people, she likes to entertain, she gives excellent dinner parties, and she loves college football.²⁹⁶

Without a doubt, this type of support from a spouse or partner is crucial to the success of many law deans. Although not all male leaders have wives who can perform these support functions, and not all women are lacking someone to fulfill that role, it remains likelier that men will have this support person and women will not.²⁹⁷ Moreover, currently there is no societal expectation that powerful women's husbands will perform the extra duties that housewives have been expected to perform for their successful husbands for decades. "[T]here is still no comparable cultural expectation that husbands will fulfill the supportive spouse role in two-person careers for leaders who happen to be women: men are not generally

295. Syverud, *supra* note 15, at 754.

296. David E. Shipley, *The Personal Side of a Deanship*, 31 U. TOL. L. REV. 739, 741 (2000) (describing how he and his wife make a concerted effort to create personal time whenever they are overwhelmed with days of dean related work); see also Jeffrey A. Brauch, *The Dean and Family Life*, 36 U. TOL. L. REV. 11, 13 (2004) ("[M]y wife . . . views involvement in the life of the law school as part of her personal calling and ministry. She loves law students. She interacts with them in many ways. Formally, she is the faculty advisor to the Law Wives, an organization that holds events for and helps build relationships among spouses of law students Less formally, Becky goes out of her way to build relationships with law students. She mentors them, encourages them, and challenges them.").

297. I have not heard one woman say something like Dean Shipley said in the previous footnote. It would sound something like the following: "I am fortunate that my husband has as much enthusiasm for the deaning business as I do. He is wonderful with alumni, he is super with students, he can work a crowd at a reception, he gets to know people, he likes to entertain, he gives excellent dinner parties, and he loves decorating in our college motif" [ok, "decorating . . ." was supposed to read "college football"].

expected to take over domestic work or to make ‘sacrifices’ to support their wives’ careers.”²⁹⁸ I wonder whether women deans get extensive support from their spouses or partners. One source believes this is not the case. “Most male leaders in business and professional positions have spouses who are full-time homemakers or who are working part-time. The same is not true of female leaders, who, with few exceptions, are either single or have partners with full-time jobs.”²⁹⁹ I believe this overstates the situation, yet also holds much truth.³⁰⁰ It appears that male professionals are much likelier than females to get extensive support for their careers from their spouses. It is also probably true that male professionals have fewer family and home-related duties than female professionals because their wives take over a disproportionate amount of that work, freeing the men up to devote the bulk of their time to their careers.

The fact that work-family issues disproportionately affect women can be gleaned from any number of studies that compare the family status of male and female leaders. It is always the case that women who have risen to top leadership positions will be more likely than their male counterparts to be divorced, widowed or never married, and less likely to have children.³⁰¹

There are multiple sources that support the notion that women leaders are less likely to be parents, and more likely to be single, either by choice, divorce, or death.

The proportion of executive women who remain single (26%), who are divorced or separated (16%), and who have never had children (52%) are higher than the national norms . . . In fact, the higher her ranking, the less likely the executive woman is to be married—only 46% of top corporate women are married.³⁰²

This contrasts with high-level men, who are likelier than the general population both to be married and to have children. “The overwhelming majority of executive men (94.6%) are married compared to 81.6% in the

298. ERKUT, *supra* note 14, at 21 (asserting that husbands who contribute as much to household responsibilities and childraising as their wives are still in the minority).

299. RHODE, *supra* note 4, at 15 (informing that very few Fortune 1000 companies and law firms offer fathers paternity leave which equals the maternity leave offered to mothers).

300. For example, at least two women deans wrote in their questionnaires that their husbands provide every type of support imaginable. See Carroll Brodsky, *Musings on Decanal Spousing*, BOALT HALL TRANSCRIPT 14 (Summer 2000) (offering a direct account of his role as a woman law dean’s husband).

301. ERKUT, *supra* note 14, at 21 (citation omitted) (stressing that women continue to be perceived by society as having the “primary responsibility” of managing familial and household duties).

302. The Feminist Majority Foundation, *Empowering Women in Business*, http://www.feminist.org/research/business/ewb_myths.html (last visited Feb. 20, 2007).

general population of men 45 years and older. Nearly 6% of men over 45 years are single compared to only 0.9% of executives.³⁰³ The statistics appear to be more ominous for women academics, especially if they hope to be in committed relationships or have children. I read that:

[C]onflicts involving expectations and family obligations appear to run rampant in institutions of higher education. Several pertinent statistics are esoteric to institutions of higher learning and the issue of family and employee gender: (1) Fewer married women achieve high academic rank than married men; (2) Men are more successful in combining parenthood and academic careers; in fact, the combination of family and career are the norm for men, not women, academicians; (3) The majority of university women remain childless, . . . with only 15% having three or more children, as compared to 33% of men . . . ; and (4) The more children a woman has, the more difficult it is to balance family and career. In fact, career advancement for the professional woman often means limiting family size.³⁰⁴

This overwhelmingly negative information about working mothers and families, particularly for women in academia, made me wonder what I would find with the deans I surveyed and led me to look into the marital status of the women law deans, and how that compared with men's marital status.³⁰⁵ A majority of the women who completed the surveys, and all but one of the men, were either married or in partnerships. Not one survey respondent was single, and only 7.7% of the men and 14.3% of the women were divorced. None of the men were widowed, and 9.5% of the women were widowed. The following chart provides the same information in a visual format.

	Married or in Partnerships	Divorced	Single	Widowed
Men	92.3%	7.7%	0	0
Women	76.2%	14.3%	0	9.5%

I know the demands of a deanship are many, and, given how little time a deanship leaves for personal relationships, I was surprised that not one

303. *Id.* (stating that corporations hiring executives weed out candidates by selecting those who fit into one of two favored groupings, the married family man or the single woman).

304. Watkins et. al., *supra* note 278 (citations omitted) (supporting the idea that professional and academic women with families achieve limited success).

305. With more resources and time, I would have liked to have surveyed all law deans to produce a more accurate picture of marital status and parental status, but that was impracticable. Even with more time, it would have been nearly impossible to get complete information unless every dean completed and returned his or her survey.

surveyed dean was single. On the other hand, if one is already in a relationship prior to a deanship, ideally that relationship will last and provide crucial support during the term. The majority of both men and women were married or in partnerships, but for men it was nearly unanimous, with 92.3% in that category, and women were closer to three-quarters, with 76.2% in that category. Not many of the surveyed men or women were divorced. Nonetheless, twice as many women as men were divorced. I was a little surprised that no women were single, given the perception that women have to give up relationships to focus on work, whereas men are more likely to have supportive wives who can support them in their career advancement. I am very curious about what a survey of *all* serving deans would reveal about their marital or partnership status, and how women's status would compare with men's.

As interested as I was in deans' relationship status, and how that might have impacted their rise to leadership given the internal barrier that women face when they have careers and children, I was even more curious about the surveyed deans' parental status. Although studies on leadership and parenting are limited, "surveys on work and family issues consistently report that leadership positions are incompatible with involved parenting."³⁰⁶ This should hold true for both men and women, and I wanted to know if it was vis-à-vis the deans I surveyed. Accordingly, I analyzed how many of the surveyed respondents were parents, and if they were parents, how many had younger children. The following chart shows the parental status of the deans surveyed:

	Have Children	Do Not Have Children	Declined to Answer
Men	92.3%	0	7.7%
Women	71.4%	28.6%	0

The numbers were not quite what I had guessed, but not too surprising either. Over ninety percent of the men had children. Not one man answered that he did not have children; however, one declined to answer, so I am not sure what that means. Just over seventy percent of the women had children, and close to thirty percent did not have children. That means women deans are nearly thirty percent as likely as men not to have children. It seems that women still must consider whether they can have

306. RHODE, *supra* note 4, at 15 (footnote omitted) (describing how women law firm associates who desire extra time to fulfill family obligations have a difficult time advancing their careers).

children and a deanship, whereas men are less likely to engage in that deliberation.

Even if women deans have children, do they have as many as men deans? This next chart shows more detail about deans' parental status. Specifically, it shows the number of children the surveyed men and women deans have.

	0 Children	1 Child	2 Children	3 Children	4 Children	Did not answer
Men	0	7.7%	46.2%	15.4%	15.4%	15.4%
Women	28.6%	9.5%	38.1%	23.8%	0	0

As stated above, no man answered that he was childless, but almost thirty percent of the women responded that they were childless. If the surveyed deans had children, they were most likely to have two (like the average American parent)—46.2% of the men responded that they had two children, as did 38.1% of the women. Men were tied next at three and four children, with 15.4% answering that they had three children, and 15.4% answering that they had four children. Women were next most likely to have no children, with 28.6% of women answering that they were childless, followed by 23.8% of the women answering that they had three children. None of the surveyed women had four children. A small percentage of both men and women were the parents of an only child—7.7% of the men and 9.5% of the women. Some men did not answer this question, so we are left wondering if they have children at all and if they do, how many.

Another relevant question is how many of the serving deans with children had school-aged children at home (high school and under) who require more time and attention than adult children? Consider how many of them still have child care responsibilities. The chart below shows how many of the men and women deans have children older than eighteen, and how many have children who are eighteen or younger.

	No Kids	Percent of Deans With Children Older than 18	Percent of Deans With Children 18 or Younger	Did Not Answer
Men	0%	38.5%	38.5%	23%
Women	28.6%	42.8%	28.6%	0%

A higher percentage of men than women had children who were eighteen or younger.³⁰⁷ This did not surprise me given that women usually handle more of the child rearing, scheduling, etc., than men, and deaning is so time intensive. In fact, many of the women deans wrote in their surveys, cautioning against a deanship with young children, and every woman I interviewed stated something to the effect that it would be very difficult to be a law school dean with young children at home. I guessed that women with young children would be less likely to serve as law school deans, but the survey results did not exactly support that. Although no women deans had infant children, several had children young enough that they still required basic care as well as attendance at numerous school, sporting, and other extracurricular events.

In contrast with earlier women law deans, today's law deans are often married with children, and at least six women of the twenty-one who completed surveys had children under eighteen years old. There are now significant numbers of women who are tenured law professors, and many of them are parents. How many of these women who are otherwise well credentialed and interested in a law deanship postpone or sacrifice that goal because of the demands of parenthood? I thought I would have a better answer at this point in my research than I do. On the one hand, several women I spoke with emphasized that you cannot re-do parenthood and being a law school dean simply takes too much time to effectively be there for your children. On the other hand, nearly one-third of the women law deans who completed surveys are parents of children under eighteen. I believe that work-family issues will continue to haunt women more heavily than men, but I am heartened by the numbers of women with school-aged children who are moving into law school positions of power.

However, I still have some misgivings. At the end of the day, there are many women who are well qualified for the job of law school dean, and even if tempted to reach for the golden apple, they do not. Why? One leader succinctly answered as follows:

In a world with many options now available to highly educated young women, is leadership an appealing choice? I raise this question mainly because more than thirty years after the new feminism, women have made very limited advances in positions of leadership and power. At the same time, we see many examples of highly educated young women shaping professional and family lives that do not include dreams of becoming leaders. Have today's young women seen previews of the leadership life, not found it particularly appealing, and decided to skip

307. Although a larger number of surveyed women than men had children under eighteen, a larger percentage of men than women had children under eighteen.

the full feature? Are other scripts more enticing?³⁰⁸

It appears that the answer is “yes” for many women who are able and qualified but not pursuing leadership opportunities. And it is a definite “yes” for at least one woman associate dean who saw enough from that position to convince her that she was not interested in pursuing a deanship. In a very common-sense manner, she questioned, “Why would any member of a law school faculty trade a comfortable life of teaching, scholarship, and minimal administrative responsibility for a life of administrative drudgery, very little teaching, and virtually no time for scholarship?”³⁰⁹ This strong sentiment was in terms of just an associate dean position, not a law deanship. Although many women have moved up the ladder, countless others are not willing to sacrifice their personal lives, their personal styles, or their sanity. If women are members of minority groups or lesbians, every hurdle discussed in this part is even higher. In terms of glare, the strength of the magnifying glass increases so the scrutiny is greater and the heat is hotter. The intense heat under the bright light for these women enhances the risk of catching fire and being burned alive; many outsider women simply do not want to live that life.

C. *So What About the Barriers?*

Women have achieved many gains and well-deserved recognition for their advances in the past few decades. There is no reason to doubt that this trend will continue. Yet there are still barriers for women that either do not exist for men, or exist for women in a more pronounced form, especially for women of color.³¹⁰ Women are still subject to some overt discrimination and extensive subtle discrimination, some of which the perpetrator is not even wholly aware.³¹¹ Women can take a variety of steps

308. Mandel, *supra* note 157, at 66-67.

309. Becker, *supra* note 36, at 595 (commenting that she accepted a promotion to an associate deanship in order to make an informed decision about accepting any future administrative roles and because “no one else wanted the job”).

310. See, e.g., ERKUT, *supra* note 14, at 58-59 (analyzing their study of women leaders, the authors “noted significant racial and ethnic differences in reporting roadblocks in one’s own career. Caucasian leaders were much more likely than women of color to say they were not experiencing barriers . . .”).

311. See, e.g., Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987) (describing the concept of unconscious racism throughout his article). Since I have limited space here, allow the following quote to provide a flavor for the concept, which can be extended to gender discrimination as well. “To the extent that [our common] . . . cultural belief system had influenced all of us, we are all racists. At the same time, most of us are unaware of our racism. We do not recognize the ways in which our cultural experience has influenced our beliefs about race or the occasions on which those beliefs affect our actions. In other words, a large part of the behavior that produces racial discrimination is influenced by unconscious racial motivation.” *Id.* at 322.

to eliminate some barriers but cannot dismantle the barriers by themselves. We need to do work on several levels, collaborate with multiple constituencies, and establish many points of common ground. Deborah Rhode tells us that “[i]n order to retain both an insider’s influence and an outsider’s critical perspective, women need allies. Support from respected colleagues, both men and women, is crucial for gaining leadership positions and leverage. Support from women’s groups, both inside and outside the organization, can be equally critical.”³¹²

There are several measures we can take to reduce or eliminate the many remaining barriers to leadership that women face. It must start through acknowledgment of the barriers and education about the extent and forms of their existence. Following that, we need widespread commitment to remove as many barriers as possible through an expansive strategy that includes the implementation of myriad social and institutional changes. This part will not offer an answer—if only it were that easy. It will, however, suggest a number of desirable changes and concrete steps that can be taken, both externally and internally, to do away with the barriers, and failing that, strategies for getting around the barriers.

At a very broad level, the legal academy could use a paradigm shift to parallel broader shifts undertaken in the business world. That is, rather than asking women to change to fit into existing structures so they can be accepted, legal institutions must continue to change the structures themselves. Ruth Mandel wrote on this topic as follows:

Making room for women within relatively unaltered structures would leave intact the overall system that historically has denied leadership opportunities to women and other powerless groups. Skepticism about incremental gains inside traditional systems is a familiar and understandable stance for those who believe that real, progressive change requires a radical restructuring of society that cannot take place by numbers alone.³¹³

It is impossible to seek the result of greater diversity in leadership without a commitment to changing institutions, but the “what” and “how” of making changes provide a monumental task, and there is no blueprint that will work for all institutions. Moreover, there are many opponents to change who consider diversity a disgrace and they will fight tooth and nail to

312. RHODE, *supra* note 4, at 34 (proposing that this research-supported strategy is one that will generally bring women success and power, though one must not understate the importance of context).

313. Mandel, *supra* note 157, at 69 (expressing the dismay of those who believe without a greater change to the traditional “system” of deciding advancement in organizations, the only ones benefiting from the rise of more women leaders are the individuals being promoted).

preserve the status quo.

A huge challenge is that there are too many people who believe the playing field is now level, in spite of numerous statistics to the contrary. “Unfortunately, this optimism prevents those at the top of the field from taking steps to eliminate a bias they don’t acknowledge. ‘People can’t change until they see there’s a problem.’”³¹⁴ To counter the complacency bred by the mistaken belief that the playing field is level, it is important to highlight and disseminate information on the demographics of our positional leaders. This information should be clear about who our top leaders are—what is their race, gender, etc. Do they represent America? Perhaps the AALS could prepare a report on the composition of leadership of AALS schools and distribute the report to all law faculty. If it does not already do so, it could track annual changes to the composition of law school deans, paying particular attention to the hiring or stepping down of women law deans. The AALS is also in an excellent position to disseminate information about the dearth of women law deans of color and to circulate strategies beyond the Databank for improving the number of women law deans.

Once there is a better understanding of how poor the match is between leadership and those being led, there are numerous steps institutions can take to increase diversity in leadership. Most of these require ensuring that the pool from which dean candidates are typically selected is rich in diversity. At an institutional level, law schools can take many steps to retain and promote women along the ranks, with a special eye toward women of color given that there are only two such women currently serving as law deans.³¹⁵ As is evident from the part on external barriers, a lack of mentoring is still a big problem. Many law schools now assign mentors to their new faculty members, and this should be a routine step. But it should not stop there—all too often assigned mentors end up no more than a name to new faculty members. Schools should carefully select mentors who are knowledgeable with new faculty members’ subject matter, who can provide guidance on scholarship, and who are familiar with common challenges for new teachers, and how to successfully overcome those challenges. Law schools can also provide appropriate networking and advancement opportunities—everything from introducing women to members of the law school’s board of trustees, to recommending women for important committees within the school, to nominating them for ABA

314. Amy Adams, *Barres Examines Gender, Science Debate and Offers Novel Critique*, STAN. REP., July 26, 2006, <http://news-service.stanford.edu/news/2006/july26/med-gender-072606.html> (examining gender bias in upper levels of science, but applying equally well to the law dean realm in terms of the unconscious notion that all is well in achieving diversity).

315. I am not including Interim Dean Jennifer Rosato yet, but I am hoping that she will join the ranks of law school deans and be the first permanent Latina law dean.

and AALS committees, and introducing them to well known experts in the faculty member's research area. These last steps will help women who are in the pipeline actually move along the pipeline.

To address the mobility barrier, law schools can do a better job of recruiting two-career couples. This is not as easy for independent law schools that are not part of a university, but it is still viable, and across the academic board, it is a strategy that remains underused. Finally, law schools and organizations can establish workshops or conferences to prepare women for leadership in the legal academy. For example, Seattle University School of Law is co-sponsoring a workshop in 2007 with the Society of American Law Teachers ("SALT") on promoting diversity in deanships. They have an ambitious program "designed to increase the ability of non-traditional dean candidates to break through the glass ceiling that is keeping these groups under-represented in decanal ranks."³¹⁶ The program will focus on a number of key areas relating to the following:

- Determining whether you want to be a dean and whether it is the right time and place to pursue a deanship;
- Understanding the nuts and bolts of the dean's role;
- Preparing yourself to be a successful dean candidate; and
- Negotiating the terms of your appointment and ensuring a successful transition to the decanal role.³¹⁷

Given the concerns about work-family balance, academic institutions need to be creative with class scheduling and appropriate teaching and committee assignments to retain women who are mothers with children at home or who want to be while still teaching or occupying a leadership position. One authority on women and leadership noted:

Organizations can . . . help equalize leadership opportunities by providing adequate support for women who assume them. Many individuals, especially those with significant family responsibilities, have seen too little to gain from accepting a senior management position. Others have dropped off the leadership track after being "worn down and worn out" by serving as token women with insufficient influence to compensate for the burdens.³¹⁸

316. E-mail from Katherine Hedland Hansen, Director of Communications, Seattle University School of Law (Oct. 18, 2006) (on file with author) (attaching a memorandum describing the workshop).

317. *Id.*

318. RHODE, *supra* note 4, at 28 (mentioning that providing more reassuring mechanisms, such as adequate recognition, respect, and issuance of proper credit for

There are many ways to provide support and reduce work-family conflict that are fair to the faculty member and the school. Ideally there is a just family and maternity leave plan in place, and the ability to adjust tenure timing for pregnancy-related time off. Schools can readily incorporate flexible scheduling that can front-load or end-load teaching assignments, consider time of day and day of the week preferences for working parents, and make other appropriate adjustments to compensate for career structures modeled around the linear career of an ideal worker.

There are many other ways that institutions can modify career structures and timetables that will benefit women, or any employees for that matter, who want more options than a ladder-shaped career. One leader said “the kayak has replaced the ladder as the most serviceable metaphor for one’s career. ‘Sometimes you’re in the rapid, at other times you are in placid places,’ . . . ‘It’s ok to explore the ebbs and flows—to slow down, to speed up.’”³¹⁹ People already in power often have more flexibility to shape what their careers look like. They can also help others on the way up, or through the rapids, by allowing and, more importantly, encouraging, different ways of doing business. With more women law deans than ever before, and more women in positional leadership, we have a chance to see how career trajectories might be different with women involved in the development of those trajectories. As already noted, schools can adjust tenure timetables, and otherwise think about a professor for the duration of the employee’s life, not just in terms of the usual tenure track. This frees up creative minds to consider a professor’s contributions in different ways at different times in her career—with perhaps more scholarship at one point, more committee work at another, and possibly administrative work at another point, especially for those considering a deanship down the road. Institutions should be aware of, as well as take advantage of, transitions in how business is conducted. Organizational structures continue to change, moving consistently away from hierarchical models to a wide array of models. One commentator wrote that “companies of the future are likely to be more fluid and less structured than the traditional hierarchical organization.”³²⁰ These changes make room for more and different career timetables and workplace structures, which are positive developments for women considering positional leadership.

It is very difficult to develop effective strategies to address broad and diffuse barriers that are engrained in our society, but I will mention some ideas, none of which, I confess, are original. To combat the pernicious

leadership obligations would inspire more women to seek roles of authority).

319. See KLENKE, *supra* note 13, at 104.

320. *Id.* at 245 (attributing this change in business structure to more widespread adoption of information technology in the workplace, globalization, and consumerism).

effect of negative stereotypes, we require a widespread effort to challenge those stereotypes whenever we hear them. It is tiring, and yes, even tiresome, but essential. If no one had spoken out when then Harvard President Larry Summers stated that “innate ability” might explain why there were so few women in top science leadership positions, then we would have missed out on a very visible opportunity to talk about whether hiring and advancement decisions are really made on merit alone, free from biases.³²¹

Institutions and individuals must overcome their built-in preferences for male-oriented leadership styles and structures while developing greater acceptance of varied leadership styles. This is easier to write than accomplish, but one way to think about this is to encourage people and places to focus less on whether leadership is male or female, and more on whether the leadership works effectively to accomplish goals and develop people. One expert on women and leadership wrote:

Organizational structures of tomorrow call for flexible, adaptive, even boundaryless forms that facilitate change and renewal. This means that leaders must be able to build cultures that are congruent with rapid technological and organizational change. Current research on emerging organizational forms suggests that women’s leadership skills are well suited to such circumstances.³²²

Accordingly, our efforts should not stop at simply accepting women’s leadership skills and styles, but to actually encourage varied skills and styles, which promotes creative and alternative ways of doing business.

Another challenge is how to move away from the ongoing, and often unrecognized, resistance many people have to answering to a woman. “[W]omen have to put up with continual challenges to their authority; they have difficulty establishing a track record and are much more likely than white men to be assumed incompetent until they prove themselves otherwise.”³²³ Both men and women undermine women’s authority, and both have exhibited resistance toward a woman boss, but men probably feel it more acutely and show it more visibly. I guess getting people to listen to their mothers is a good first step! Seriously, this is a matter of respect for

321. See Lawrence H. Summers, President, Harvard University, Remarks at NBER Conference on Diversifying the Science & Engineering Workforce, (Jan. 14, 2005), <http://www.president.harvard.edu/speeches/2005/nber.html> (unleashing a torrent of criticism, and some support, for his gender biased remarks).

322. KLENKE, *supra* note 13, at 245 (believing that one of the most important things for a leader of the twenty-first century to have is a “compelling vision,” regardless of their gender, race, size, or shape).

323. Herring, *supra* note 136, at 77 (finding from his management consulting experience that women lawyers are the angriest group in their organizations because of constant gender-based obstacles to their advancement).

leadership and may require sensitivity training, and perhaps even basic classes in good manners.

Internally, women can take many steps to jump over, reduce, or dissolve remaining barriers. Among other actions that women can take is to capitalize on their visibility; that is, because they stand out in leadership positions anyway and have the glare of the spotlight on them, to the extent possible, they should turn it into a positive.

Tokens can increase their power, and thereby increase their status, by taking advantage of their visible positions, which often increase their accessibility to important people in the organization or to other valued resources. Moreover, since women in leadership positions are often exceptional, both in terms of general competence as well as specialized expertise, their knowledge base may serve as an important source of power, especially if the group is dependent on the expertise possessed by the leader.³²⁴

The message is that so long as you stand out, let people know your accomplishments, sing your own praises, and toot your horn. Remember that others are not likely to do this for you, and as uncomfortable as it is for many women to do this, men have been doing it for a long time and it has served them well. While we are reshaping how business is done, we can continue to sing the praises of all our team members whose collective work make the team better.

Women can also take intentional steps to purge some of the toxic side effects of leadership. For example, rather than adopting masculine imagery and behavior, women leaders can use their own metaphors based on their life experiences. Women can reduce violent imagery and replace it with images connoting growth, accomplishment, success, and shared enterprises. We can decrease hostility in the workplace and demeaning types of competition that diminish camaraderie. Our choice of words is also important. While we cannot and should not self-censor every word and thought, we must be sensitive to how our choice of words can empower us, either at someone's expense, or while lifting another up at the same time—why not choose the latter? Leaders can create a work setting that nurtures people to develop to the best of their potential, rather than pitting them against each other in a dog-eat-dog environment.

What can women deans who are mothers of younger children do to make the transition from academic to administrator easier? Working mothers need support, from as many sources as possible. As written:

324. KLENKE, *supra* note 13, at 178 (expecting the practice of tokenism to decline slowly as more women assume positions of leadership and power).

Working mothers need more strategies than anyone else. And to hear a lot of women talk, the first one is, before you do anything else, *marry right!* A key strategy mentioned over and over by the women pioneers in this book and participants in our surveys, interviews, and focus groups was having a supportive spouse.³²⁵

Clearly, the idea of marrying well here involves not the usual economic notion (although that probably does not hurt), but rather the idea of marrying someone who is supportive in organizing and running the household, including child care responsibilities, as well as providing work-related support such as hosting, entertaining, traveling, etc. Most of the married women deans who responded to the survey wrote that they could not do their jobs without terrifically supportive spouses. At another level, women deans must be able to collaborate and delegate wisely and often in both the professional and personal realms.

A different part of the professional-personal life balance requires that women deans take proactive steps to remain healthy, sustain themselves, and nurture others. Without this piece, women law deans' retention rates would suffer. A study of women leaders found that:

Friendships and other close relationships seem extremely important to the . . . [women leaders]. Their lives appear to have developed from relatively solo performances—the isolation of graduate study or early homemaking years—to working with a large number of professional alliances and contacts, networks they developed in little more than a decade.³²⁶

My survey asked the deans what sustained them, and I received a variety of responses. Almost all wrote that time with family and friends sustained them, as well as the success of their faculty and graduates. Several said that the opportunity to make a difference in legal education and build a better future motivated them. Many wrote that faith, spiritual beliefs, and prayer held them up. One relied on scholarship, and another on her dog. Each woman clearly had developed methods of sustenance and ways to recharge as necessary. One dean who I did not interview summarized how to remain sane as a dean:

[T]he formula for a successful and happy life as a dean seems clear. It takes someone who will work with others to create a vision for the future of the school; who regards relationships with faculty and students not as

325. WELLINGTON & CATALYST WITH BETTY SPENCE, *supra* note 4, at 144 (suggesting that only a "time-tested marriage" would prove whether or not a husband would truly support his wife's endeavors).

326. ASTIN & LELAND, *supra* note 13, at 54 (discussing how many friendships that arise from relationships at work result in supportive relationships because each other understands what the other is going through).

management functions, but rather as collegial responsibilities addressing individual needs so that each can be the best that he or she can be; who regards his or her responsibilities to the law school and the university to be in harmony; and who is capable of using leadership rather than power to help all of the various constituencies work together for the improvement of the law school.³²⁷

It seems that authentically caring about your institution, treating people as important individuals, developing faculty, staff and students, spending quality time with family and friends, and maintaining habits that promote physical, emotional, and spiritual health, help tremendously in sustaining a healthy dean.

Women have more control over the internal barriers, but not complete control, and some changes cannot be achieved without the cooperation or buy in of others. The external barriers are much trickier, and require widespread changes that are harder to develop, implement, and measure. The sheer number of barriers, their pervasiveness, and the reality that most of them represent extra burdens that women have to face and that men do not even have to consider, is discouraging. However, it is encouraging that even with these barriers, there are more women law deans than ever before, and their numbers are sure to continue to increase in the future (though not necessarily steadily). What is next? I do not have a crystal ball, but the concluding section that follows will take a guess at what the future holds.

V. WHERE FROM HERE, AND SOME CLOSING THOUGHTS

It is now the 2006-2007 school year, and law schools across the country have welcomed new deans, law professors, and students. Many of the law school deans that welcomed their first year classes were women, but a lot more were men, and only two law schools had the privilege of being welcomed by a woman dean of color.

Some may wonder why I still pay so much attention to the number of women law deans, and whether it even matters. Upon completing my research to this point, I believe as strongly as ever that it matters, that too many people think it is a non-problem, and that we will remain at this present plateau if this attitude does not change.³²⁸

You might question whether I am seeing the glass as half empty, instead of half full, and I may be guilty as charged. Although I normally tilt more towards a Pollyanna-ish view of the world, I have a nagging discomfort

327. Streib, *supra* note 122, at 124.

328. See, e.g., Neumann, *supra* note 93, at 351 (“We are not objective observers of ourselves, and when asked to explain why we have done what we have done, we tend to think up rationalizations consistent with the principles we want to be associated with.”). “That makes it hard for us to change. We resist because we mistakenly believe that we are doing something other than what we really are doing.” *Id.*

that the number of women law deans will stagnate. Call it an immeasurable, and in many people's minds therefore nonexistent, intuition, but it gnaws at me. I wish I had something more concrete to lean on, but I do not. Allow me to try to explain. The women who made it to law deanships, filled out questionnaires, or shared their time with me through interviews, rewarded me with hope, but also gave me some pause. Perhaps I asked too much of them—maybe I was waiting for an epiphany that never materialized. Instead of a single “ah ha” moment, I had several “umm hmm” moments. Perhaps unconsciously I put too much pressure on what I hoped to hear—that women were in top leadership in record numbers, that discrimination was almost over, and that their battles were no different than the battles that all deans faced. Yet there was something present that indicated that these women faced something unspoken that drained their energy more than normal. I do not mean to suggest that any one of them said that her individual career was unsatisfying—to the contrary, many experienced tremendous career satisfaction and a sense of great accomplishment. I still sensed, however, that they had to contend with forces that traditional deans did not have to face. The barriers rear their ugly heads again. I refuse to dwell on the bad news though, so let me return to the good news.

We are in the midst of celebrating sustained record numbers of women law deans. Many accomplished women have made it to the top of law school leadership, and they are inviting others to follow. Their mere presence makes it easier for other women, including women of color, and other under-represented group members, to enter the decanal world. They are willing to serve as mentors, references, and sounding boards. They are paying attention to faculty appointments at their law schools, as well as retention and admissions. Their students, female and male alike, see them in respected positions, and are both inspired and comforted by their presence. Their leadership is making a difference in both visible and invisible, and measurable and immeasurable ways. My hat is off to each woman dean who has made it to the top, and I want to express my gratitude for each woman's willingness to step into the spotlight, carry burdens heavy enough to crush many, and reach a hand out to those behind her.

So, will we see continued growth in the number of women law deans? In the end, if we extrapolate the gains in the number of women deans out into the future, I am sure we will see continued growth in their number, and increased diversity in every way in the composition of future deans. But will it happen on its own? Is the AALS Databank enough for women and minorities, or do we need to make more intentional, concerted, efforts to produce that result? Although having a centralized Databank is important as is evident by the increase in women law deans' numbers since the Databank commenced, it is not enough by itself. Even with the Databank,

as one dean search committee chair rued, “Our pool was predominantly white and male despite our best efforts to reach out to all potential applicants. I understand that is true of most dean searches at most law schools.”³²⁹ I would like to see a study of dean searches. I imagine people will be unwilling to share sensitive information, but if it is kept confidential in terms of both who candidates are, and school names, it would be very valuable to know the demographics of the candidates who make it to the final round of a dean search. What do the finalists look like? How many are men, and how many are women? How many are people of color? How many are gay, lesbian, transsexual, or transgendered? This sort of information would be telling in terms of what we can expect the future of law school leadership to look like. If we learn that the vast majority of finalists remain white men, I am pessimistic about diversifying the decanal composition in the near term. If it is a diverse group, I am optimistic about what that will produce. So you see, I still am not sure whether the glass is half empty or half full, but I am free to imagine the glass ever so slowly filling up.

329. Gouvin, *supra* note 47 (commenting that the dean nomination process and pool of candidates considered were neither random nor unbiased because the nominations come from the professional contacts of faculty members, most of whom were white and male).

APPENDIX A - Dean's Questionnaire

Where are you presently serving as dean and how long have you been in that position? _____

Education:

What motivated you to attend law school? (check all that apply)

Interest in the law To serve the public

Prestige More career options

Higher income

Other: _____

Who was dean of the law school where you received your JD?

What was your sense of a dean's role and responsibilities when you were in law school? (please rank, with 1 most important)

Fundraise Manage student interests (support, discipline, curriculum, etc.)

Public speaking/activities Research and write

Supervise faculty and staff Teach

Other: _____

What were the most prominent qualities you perceived deans to possess when you were in law school? (check all that apply)

Ambitious Approachable

Assertive Authoritative

Collaborative Confident

Confrontational Creative

Decisive Empathetic

Relationship Oriented Risk Taker

Supportive Task Oriented

Other: _____

What organizations did you participate in while attending law school?

Were you on law review? Yes No If yes, what position?

Editor-in-Chief Executive Editor

Managing Editor Associate Editor

Other: _____

Work Experience:

Did you clerk after law school? Yes No If yes, where? -

If you practiced law before becoming a law professor, please answer the following:

How long did you practice, where and in what practice area?

Did you have any mentors? Yes No If yes, how did they impact you?

- Taught valuable professional skills Taught important life skills
 Offered emotional support Offered career advice
 Other: _____

Is your leadership style influenced by your work as an attorney? Yes No If yes, how?

- Better able to confront people Better communicator
 More comfortable with conflict
 Other: _____

Were you a professor before becoming a dean? Yes No If yes, please answer the following:

Where and how many years? _____

What classes did you teach? _____

What motivated you to go into legal education?

- Professionally enriching Desire to do research
 Always aspired to be a teacher Prestige
 Other: _____

While teaching, what were your dean's most prominent qualities? (check all that apply)

- Ambitious Approachable
 Assertive Authoritative
 Collaborative Confident
 Confrontational Creative
 Decisive Empathetic
 Relationship Oriented Risk Taker
 Supportive Task Oriented
 Other: _____

Did you follow a traditional career path to becoming dean? Yes No
 If not, what was unique about your path?

What motivated you to apply for a deanship?

- Professionally enriching Provide needed or different leadership
 Next logical career step Always aspired to be a dean
 Prestige
 Other: _____

Have you worked as a dean at any other law schools? Yes No

If yes, where and when?

Is there a network of support among law school deans? Yes No If yes, do you meet:

formally, informally, or both? Do you find it useful and why or why not? _____

Which of the following dean's roles do you enjoy the most?

- Supervising faculty and staff Fundraising
 Working with students Working with alumni
 Prestige Planning the future of the school
 Other: _____

What have your greatest challenges been as a dean? (please rank, with 1 most challenging)

- Balancing work/personal time Budget & Finances
 Faculty Issues Fundraising
 Human Resources Student Issues
 Other: _____

How would you characterize your leadership style?

- Charismatic Consensus-builder
 Relationship-oriented Selfless
 Task-oriented Transformative
 Visionary
 Other: _____

What changes (organizational or otherwise) do you hope to see for future deans?

- More varied leadership style Less bureaucracy
 Improve work/personal life balance More diversity
 Other: _____

What skills do you think are most important for those who aspire to a deanship?

- Ability to effectively confront Communicate well
 Compromise wisely Assert control over many constituencies

Other: _____

What are the most important qualities/characteristics of a good dean?
(check all that apply)

- Ambitious Approachable
 Assertive Authoritative
 Collaborative Confident
 Confrontational Creative
 Decisive Empathetic
 Relationship Oriented Risk Taker
 Supportive Task Oriented
 Other: _____

What are the greatest barriers to becoming a dean?

- Long hours Work/personal life balance
 Lack of diversity Lack of management experience
 Lack of leadership experience
 Other: _____

What advice do you have for people considering a deanship?

Personal Information:

What is your marital status?

- Married or Partnership Single
 Divorced Widowed
 Other: _____

If you are married or in a partnership, please answer the following:

What does your spouse or partner do?

How does your spouse or partner support your deanship?

Do you have any children? Yes No If yes, how many and what years were they born? _____

How do you balance work responsibilities with your private life responsibilities?

What sustains you? _____

26. Would you be willing to be interviewed by phone or in person?

- Yes No. If yes, please indicate whether you plan on attending the Dean's midyear meeting? Yes No

APPENDIX B
TENURE CHART FOR WOMEN LAW DEANS
FROM 1981 THROUGH 2005-2006 (Excluding Interim Deans)

Name	Tenure	School	Start	End
Betsy Levin	6	Colorado	1981	1987
Barbara Lewis	8	Louisville	1982	1990
Susan Westerberg Prager	17	UCLA	1982	1999
Janet Johnson	6	Pace	1983	1989
Nina Appel	20	Loyola, Chicago	1984	2004
Barbara Black	5	Columbia	1986	1991
Gaynor Van Landingham	2	Ohio Northern	1985	1987
Mary Doyle	8	Miami	1986	1994
Marjorie Fine Knowles	5	Georgia State	1986	1991
Jacqueline Allee	6	St. Thomas	1987	1993
Marilyn Yarbrough	4	Tennessee	1987	1991
Pamela Gann	11	Duke	1988	1999
Barbara Aldave	9	St. Mary's	1989	1998
Judith Areen	15	Georgetown	1989	2004
Kristine Strachan	8	San Diego	1989	1997
Judith Wegner	10	North Carolina	1989	1999
Mary Wright	3	North Carolina Central	1991	1994
Ellen Rausen Jordan	1	UC Davis	1992	1992
Marjorie Girth	4	Georgia State	1992	1996
Herma Hill Kay	8	UC Berkeley	1992	2000
Teree Foster*	4	West Virginia	1993	1997
Mary Kay Kane	13	UC Hastings	1993	2006
Joan Mahoney*	2	Western New England	1994	1996
Elizabeth Moody	4	Stetson	1994	1998
Joan G. Wexler	n/a	Brooklyn	1994	still serving
Kristin Booth Glen	9	CUNY at Queens	1995	2004
Janice C. Griffith	8	Georgia State	1996	2004
Alice Bullock	5	Howard	1997	2002
Teree Foster*	4	DePaul	1997	2001

Katherine Broderick	n/a	District of Columbia	1998	still serving
Colleen Khoury	7	Maine	1998	2005
Joan Mahoney*	6	Wayne State	1998	2004
Nell Newton*	2	Denver	1998	2000
Nancy Rapoport*	2	Nebraska	1998	2000
Toni Massaro	n/a	Arizona	1999	still serving
Janice L. Mills	6	North Carolina Central	1999	2005
Patricia O'Hara	n/a	Notre Dame	1999	still serving
Kathleen Sullivan	5	Stanford	1999	2004
Patricia White	n/a	Arizona State	1999	still serving
Katharine T. Bartlett	n/a	Duke	2000	still serving
Nell Newton*	6	Connecticut	2000	2006
Nancy Rapoport*	6	Houston	2000	2006
Mary Ricketson	6	Denver	2000	2006
Karen Rothenberg	n/a	Maryland	2000	still serving
Laura Rothstein	5	Louisville	2000	2005
Lisa A. Kloppenberg	n/a	Dayton	2001	still serving
Nancy Rogers	n/a	Ohio State	2001	still serving
Hannah Arterian	n/a	Syracuse	2002	still serving
Heidi Hurd	n/a	Illinois	2002	still serving
Elizabeth Rindskopf Parker	n/a	University of the Pacific	2002	still serving
Emily A. Spieler	n/a	Northeastern	2002	still serving
Elena Kagan	n/a	Harvard	2003	still serving
Patricia Mell	2	John Marshall	2003	2005
Lauren Robel	n/a	Indiana, Bloomington	2003	still serving
Suelyn Scarnecchia	n/a	New Mexico	2003	still serving
Mary Daly	n/a	St. John's	2004	still serving
Darby Dickerson	n/a	Stetson	2004	still serving
Daisy Floyd	n/a	Mercer	2004	still serving
Carolyn Jones	n/a	Iowa	2004	still serving
Mary Ann Jones	n/a	Western State	2004	still serving
Maureen O'Rouke	n/a	Boston University	2004	still serving

Ellen Yankiver Suni	n/a	Missouri, Kansas City	2004	still serving
Rebecca H. White	n/a	Georgia	2004	still serving
Mary Crossley	n/a	Pittsburgh	2005	still serving
Veryl Victoria Miles	n/a	Catholic	2005	still serving
Kellye Y. Testy	n/a	Seattle	2005	still serving

* denotes that the dean has served as Dean at more than one law school.