

# OF AUTHORSHIP AND AUDACITY: AN EMPIRICAL STUDY OF GENDER DISPARITY AND PRIVILEGE IN THE “TOP TEN” LAW REVIEWS

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## ABSTRACT

*In today's law schools, article placement is a significant consideration in hiring, promotion, tenure, and lateral mobility. This article analyzes authorship by gender and home school “privilege” in 15 law reviews (the “top ten”) over a three year period. It compares these data with the gender composition of the professoriate and of the 15 schools’ faculties, using Association of American Law Schools and American Bar Association statistics. The mean percentage of articles authored by one or more women (and no men) is 20.3. Nationally, women comprise 31% of the tenured/tenure-track professoriate and 28.3% at the 15 schools. At the associate and assistant professor levels, the national figures are 46.8% and 53.9% respectively. As to privilege, 45% of authors come from US News top ten schools, 61% from the top 25, and 70% from the top 50, cumulatively.*

*The article considers a number of possible explanations for the gender disparity, including: years and subject matter of teaching; affirmative action; institutional and family commitments; and social science theories. At least as to the quantifiable hypotheses, none fully explains the disparity. The article concludes with the suggestion that editorial boards examine their selection processes for unconscious bias with regard to gender and conscious bias with regard to privilege and that they consider adopting true anonymous submissions. It also argues that some number of women academics have not perfected the “audacity” factor that may contribute to article placement in elite journals. Although the gender gap in hiring and promotion has largely been resolved, the top of the legal academic ladder will elude women until the gender disparity in publications is overcome.*

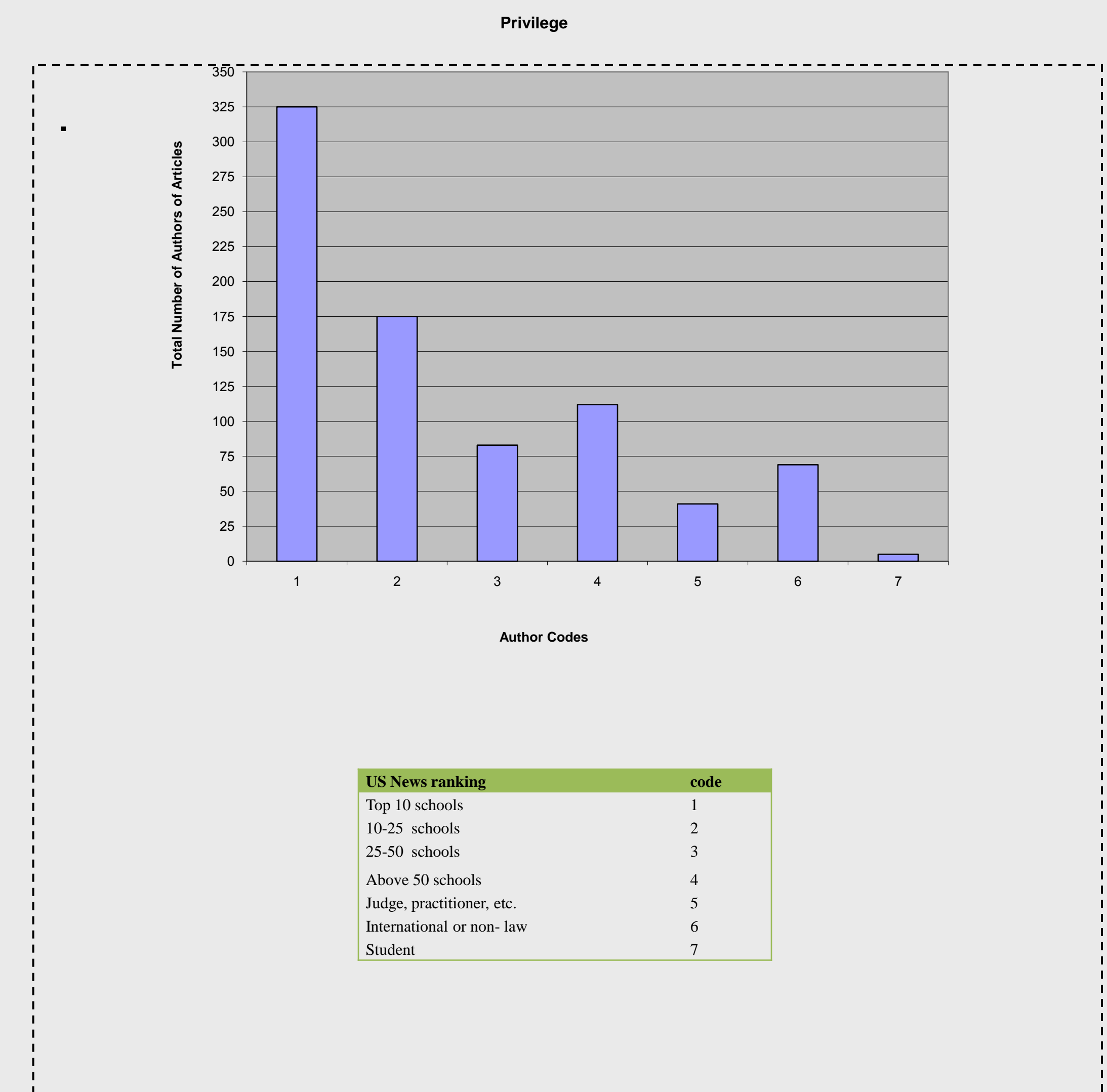
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## Top 15 Law Reviews Ranked by % of Women Authors

	# of articles	# of articles by at least 1 women	% of articles by women	# of articles by only women	% of articles by only women	% of women authors, all pieces (fig 2)
Columbia	34	10	29.4	10	29.4	21.3
UCLA <sup>a</sup>	59	17	28.8	16	27.1	26.6
GT <sup>b</sup>	37	12	32.4	10	27.0	35.2
Yale <sup>c</sup>	32	8	25.0	8	25.0	17.4
Michigan <sup>d</sup>	68	22	32.4	17	25.0	29.6
NYU <sup>e</sup>	41	15	36.6	10	24.4	27.9
Berkeley <sup>f</sup>	71	19	26.8	16	22.5	30.1
Harvard <sup>g</sup>	32	6	18.8	6	18.8	15.9
Chicago <sup>h</sup>	37	8	21.6	6	16.2	16.1
Stanford <sup>i</sup>	62	15	24.2	10	16.1	18.5
Cornell <sup>j</sup>	32	5	15.6	5	15.6	21.3
Texas <sup>k</sup>	37	7	18.9	5	13.5	13.2
U Penn <sup>l</sup>	40	10	25.0	5	12.5	21.5
Virginia <sup>m</sup>	52	6	11.5	5	9.6	11.8
MEAN						21

## Privilege: Authors by Home School US News Ranking



## Percentage of female faculty at top 15 schools

school	F1 male faculty	F1 female faculty	TOTAL faculty	% female	% female authors
Yale	52.5	13.5	66.0	20.5	
Harvard	109.5	32	141.5	22.6	
Stanford	35.5	18	53.5	33.6	
Columbia	74.0	33.0	107.0	30.8	
NYU	80.0	34.0	114.0	29.8	
UC Berkeley	37.0	22.0	59.0	37.3	
Chicago	38.5	9.5	48.0	19.8	
Penn	39.0	13.0	52.0	25.0	
Northwestern	40.0	21.5	61.5	34.6	
Michigan	54.0	23.0	77.0	29.9	
Virginia	54.0	19.0	73.0	26.0	
Cornell	26.5	15.0	41.5	36.1	
Georgetown	80.0	37.5	117.5	31.9	
Texas	48.5	24.5	73.0	33.6	
UCLA	46.5	18.0	64.5	27.9	
average				28.3	

## Privilege: Authors Publishing in Home School Journals

Home school	# articles	# home school	%	# female	% female	% female authors overall
Yale	32	8	25.0	2	25	25.0
Harvard	32	10	31.3	0	0	18.8
Stanford	62	5	8.1	1	20	16.1
Columbia	34	6	17.6	3	50	29.4
NYU	41	4	9.8	2	50	24.4
Berkeley	71	11	15.5	3	27	22.5
Chicago	37	17	45.9	2	12	16.2
Penn	40	10	25.0	0	0	12.5
Northwestern	21	1	4.8	1	100	14.3
Michigan	68	2	2.9	0	0	25.0
Virginia	52	5	9.6	0	0	9.6
Cornell	32	3	9.4	1	33	15.6
Georgetown	37	2	5.4	1	50	27.0
Texas	37	3	8.1	0	0	12.5
UCLA	59	7	11.9	0	0	27.1