

## The Leaky Pipeline for Women Entering the Legal Profession

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Many observers worry about a leaky pipeline for women attorneys once they leave law school. The leaks in the pipeline, however, start much earlier—during the law school admissions process. By analyzing data collected by the ABA and LSAC, we have identified three early leaks that affect the representation of women in the legal profession. Addressing these leaks would improve gender diversity in law schools and the legal profession. It might also help schools draw talented new applicants to their JD programs.

Leak One: Women obtain 57.1% of all college degrees,<sup>3</sup> but they account for just 50.8% of law school applicants.<sup>4</sup>

- To put this a different way, about 3.4% of men college graduates apply to law school, but just 2.6% of women do.
- If women applied to law school at the same rate as men, applications would go up 16% overall.
- Why aren't women more interested in applying to law school? It's not a lack of interest in post-college education. Women obtain more graduate degrees than men: 59.9% of all master's degrees and 51.8% of doctoral ones.<sup>5</sup>
- Are law schools doing as much as they could to make law school attractive to women? To reach out to women?
- Is the profession doing as much as it could to make legal careers attractive to women?

Leak Two: Women who apply to law school are less likely than men to be admitted.<sup>6</sup>

- For the class that matriculated in fall 2015, law schools admitted 79.5% of their male applicants, but just 75.8% of the female ones—a gap of almost four percentage points.
- Similar gaps existed when law school admissions were more competitive. For fall 2004, for example, law schools admitted 57.9% of male applicants and 54.2% of female ones.
- This gender gap is persistent: it appears for every year since 2000 (the oldest year for which reliable data are available). The gap exceeded three percentage points in all but two years. For fall 2006 it was 5.9 points.

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<sup>3</sup> NATIONAL CENTER FOR EDUCATION STATISTICS, DIGEST OF EDUCATION STATISTICS, [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_318.30.asp?current=yes](https://nces.ed.gov/programs/digest/d15/tables/dt15_318.30.asp?current=yes) (2013-14 data, the latest year available).

<sup>4</sup> LSAC, APPLICANTS BY ETHNIC AND GENDER GROUP, <http://www.lsac.org/lisacresources/data/ethnic-gender-applicants> (fall 2015 matriculants, the most recent year available).

<sup>5</sup> NATIONAL CENTER FOR EDUCATION STATISTICS, DIGEST OF EDUCATION STATISTICS, [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_318.30.asp?current=yes](https://nces.ed.gov/programs/digest/d15/tables/dt15_318.30.asp?current=yes) (2013-14 data, the latest year available).

<sup>6</sup> Calculations in these bullet points are based on LSAC data about applicants and admittees.

- Are female applicants less qualified than male ones? If so, what can law schools do to encourage more qualified women to apply?
- Does the gap stem from law schools' increasing reliance on LSAT scores rather than UGPA and other factors? Men, on average, outscore women on the LSAT. Women, on the other hand, tend to have higher UGPAs.

Leak Three: When women are admitted to law school, they attend schools with significantly worse placement rates (and *US News* rank) than men.

- In fall 2015, women made up 49.4% of all JD students at ABA-accredited law schools. Those women, however, were not evenly distributed among schools.
- In 2015, there were 11 schools with particularly strong placement rates. Those schools placed at least 85% of their graduates in full-time, long-term (FTLT) jobs requiring bar passage.<sup>7</sup> But those schools averaged just 46.6% female enrollment—noticeably less than the 49.4% of women enrolled in all law schools.
- The story is even worse in the next group of law schools, those that placed 70-84% of their graduates in FTLT jobs requiring bar passage. These schools averaged a female enrollment of just 45.7%.
- Conversely, at schools that placed less than 40% of their graduates in FTLT jobs requiring bar passage, the percentage of female enrollment averaged 55.9%—significantly higher than the average at other schools ( $p < .001$ ).
- To put this another way, the correlation between the percentage of women enrolled at a law school and the percentage of that school's graduates obtaining FTLT jobs requiring bar passage was  $-.520$ . That's both statistically significant ( $p < .001$ ) and practically meaningful. Compare the size of that correlation to the one between LSAT scores and first-year grades:  $.380$  at the average law school.<sup>8</sup>
- The negative correlation between the percentage of women and percentage of jobs requiring bar passage constitutes a major leak in the pipeline carrying women into the legal profession. Women occupy almost half of all law school seats, but they are significantly less likely than men to attend the schools that send a high percentage of graduates into the profession. Even if graduates of the latter schools ultimately enter the profession, they start at a disadvantage.
- We can tell a similar story using *US News* rank. In 2015, women made up 53% of students attending the bottom “unranked” quarter of law schools. In contrast, they accounted for just 46% of JD students at the top 50 law schools. The correlation between a school's *US News* rank and the percentage of women it enrolled was  $.381$  ( $p < .001$ ).<sup>9</sup>

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<sup>7</sup> We draw placement information from the ABA reports available at [employmentsummary.abaquestionnaire.org/](http://employmentsummary.abaquestionnaire.org/). Like the ABA, we include judicial clerkships in the category of jobs requiring bar admission. See [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/reports/2015\\_law\\_graduate\\_employment\\_data.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/reports/2015_law_graduate_employment_data.authcheckdam.pdf).

<sup>8</sup> *LSAT Scores as Predictors of Law School Performance*, LSAC, <http://www.lsac.org/jd/lsat/your-score/law-school-performance> (last visited Sept. 18, 2016).

<sup>9</sup> In *US News*, lower values signify higher ranks. The positive correlation between percentage of women students and rank, therefore, means that the schools with a lower percentage of women tended to have numerically lower (and more prestigious) ranks.

Unfortunately, this third leak seems to be new—and growing. In 2011, when the ABA first collected detailed employment data, there was a correlation between a school's gender composition and its job outcomes, but the relationship was considerably smaller than it is today. The correlation in 2011 was just  $-.340$  ( $p < .001$ ).

We lack detailed employment data before 2011, but we can trace the leak's growth using the *US News* rankings. In 2001, when women's law school enrollment first approached 50%, there was no significant relationship between a school's gender composition and its *US News* rank. In 2006, there was a small correlation between the two (.137) that approached statistical significance ( $p = .066$ ).

It seems, therefore, that this leak in the pipeline emerged after 2000. There are traces of the leak in 2006, it becomes evident by 2011, and it is stark by 2015.

Why does this pattern exist—and why is it a recent phenomenon? Possible explanations include:

- Schools, especially those in the top half of the *US News* ranking, stress LSAT scores over other admissions factors as they fight to maintain or improve their rankings. This disadvantages women, who have lower LSAT scores (on average) than men.
- Schools award an increasing number of scholarships based on LSAT scores. Men, with higher LSAT scores than women, receive scholarships to more prestigious schools.
- Women may not negotiate as aggressively as men for scholarships. Even if schools attempt to make equal “first offers” to men and women, men may negotiate for higher scholarships that allow them to attend more prestigious schools.

On the other hand, there are several explanations for the leak that—based on current data—seem unlikely.

- The leak does not seem to occur because women law graduates prefer non-practice jobs. NALP data show that the percentage of women graduates obtaining jobs that require bar admission is almost identical to the percentage of men graduates obtaining those jobs<sup>10</sup>—although the women, who graduate from schools with less successful placement records, may have to struggle harder to secure those jobs.
- Nor does the leak seem limited to particular regions of the country. We divided schools into the nine geographical regions used by NALP and found that the bias existed in every region. The correlations were not statistically significant in some regions, due to the small number of schools, but they consistently pointed in the same direction: In 2015, women held fewer seats at schools with high rank and/or strong employment outcomes (as measured by percentage of jobs requiring bar passage).
- Nor is the leak related to differences between schools in major legal markets and schools in other areas. When we separated schools along those lines, we found the same phenomenon in both groups: a statistically significant correlation existed between a school's gender composition and its job outcomes.

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<sup>10</sup> See, e.g., NALP, JOBS & JDS: EMPLOYMENT AND SALARIES OF NEW LAW GRADUATES, CLASS OF 2015, at 61 (66.4% of women and 67.0% of men secured jobs that required bar admission).

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- These geographic analyses also undercut any suggestion that the bias stems from women's geographical choices. No matter how we divide schools geographically, we find the same gender bias in every group of schools.