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GATEKEEPERS OF THE PROFESSION: AN EMPIRICAL PROFILE OF THE NATION'S LAW PROFESSORS

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INTRODUCTION

James Barr Ames's appointment in 1873 as an assistant professor of law at Harvard marked the beginning of a new era in American legal education. He represented the first of a new breed of law professor: a law graduate with little or no experience as a practitioner, appointed for his scholarly abilities and teaching potential.¹ The twenty-six year-old Ames, who had received his law degree from Harvard the previous year, was exactly the type of professor that Christopher Columbus Langdell, then Dean of Harvard Law School, was searching for to employ his new case method:

A teacher of law should be a person who accompanies his pupils on a road which is new to them, but with which he is well acquainted from having often traveled it before. What qualifies a person, therefore, to teach law, is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of cases, not experience, in short, in using law, but experience in learning law.²

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We would like to thank Professor Sam Gross for his inspiration and guidance in producing this Note. We would also like to thank Robert Wood, Ph.D. candidate in Economics, for his skill in conducting the requested statistical analyses using the University of Michigan's OSIRIS program.

1. ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850'S TO THE 1980'S* 38 (1983); see also Donna Fossum, *Law Professors: A Profile of the Teaching Branch of the Legal Profession*, 1980 AM. B. FOUND. RES. J. 501, 502 (1980).

2. JOEL SELIGMAN, *THE HIGH CITADEL* 37 (1978).

Indeed, Langdell conceived of himself not as an attorney but as a teacher of the principles of law.³ A successful practitioner would not necessarily be a successful teacher, in his view, any more than a successful teacher would prove to be a successful practitioner.⁴

Ames's appointment as an assistant professor represented a marked departure from tradition and created a minor furor within legal circles at the time. Though admitted to the bar, Ames had never practiced law,⁵ in contrast to the vast majority of professors who were either practitioners taking a few hours away from the office each week to conduct classes, or full-time teachers who had extensive experience as practitioners prior to their appointment.⁶ Against this backdrop, several members of the Harvard Law School community launched a concerted effort to block Ames's appointment.⁷ One commentator suggested that the opposition was so serious, and from such eminent and influential persons, that the appointment might never have been approved had not assistant professorships been limited to a term of five years.⁸

Ames's appointment foreshadowed great changes in the teaching profession and legal education generally. As accredited law schools emerged as the primary institution for legal training⁹ and the case method gained acceptance,¹⁰ law professors began to carve out a distinctive role for themselves. More than twenty years after Ames's appointment to the law school, Charles Eliot, President of Harvard University, in

3. Franklin G. Fessenden, *The Rebirth of the Harvard Law School*, 33 HARV. L. REV. 493, 512 (1920).

4. *Id.* at 511-12.

5. *Id.* at 511.

6. STEVENS, *supra* note 1, at 38.

7. Fessenden, *supra* note 3, at 511.

8. *Id.* Harvard's Board of Overseers remained dubious and later that same year, perhaps in response to the controversy, appointed James Bradley Thayer, a forty-three year-old Boston attorney with seventeen years practice experience, to a full professorship. SELIGMAN, *supra* note 2, at 37.

9. *See generally*, STEVENS, *supra* note 1, at 205. Stevens outlined four stages in the development of legal education. In the 1870s, entry into the profession generally required some period of law study followed by a bar exam. The second stage was a recognition of law school as an alternative to apprenticeship. The third stage, beginning in the 1930s, saw the requirement of law school without the alternative of office study, and the fourth stage consisted of the recognition solely of ABA-approved law schools coupled with the requirement of attendance at college. *Id.*

10. *See id.* at 59-63.

reflecting on the experiment, said that it was a "perfect success" and predicted:

[T]here will be produced in this country a body of men learned in the law, who have never been on the bench or at the bar, but who nevertheless hold positions of great weight and influence as teachers of the law, as expounders, systematizers and historians. This, I venture to predict, is one of the most far-reaching changes in the organization of the profession that has ever been made in our country.¹¹

Ames's appointment signalled the beginning of a division in the legal profession between "academics" and "practitioners."¹²

Today, the role of law professor includes control over the only training experience common to all members of the legal profession: attendance at law school. Law, unlike other professions, requires no formal apprenticeship. Thus, the influence of law professors extends well beyond the classroom. Law professors are both the gatekeepers and molders of the profession.

Despite their influential position, law professors have seldom been the subjects of empirical research.¹³ This Note fills part of the void by looking at the background characteristics

11. ARTHUR E. SUTHERLAND, *THE LAW AT HARVARD 184* (1967) (quoting REPORT OF THE NINTH ANNUAL MEETING, IN ESPECIAL HONOR OF CHRISTOPHER COLUMBUS LANGDELL (1873)).

12. This gulf between academia and the practicing bar endures to the present day. See Herma Hill Kay, *Lawyers and Law Teachers: Are We In the Same Profession?*, AALS NEWSL. (ASS'N AM. L. SCHS., WASHINGTON, D.C.), Dec. 1989, at 1 (AALS/Washington D.C.). In particular, some practitioners perceive that law schools have somehow lost sight of their mission to train lawyers. See, e.g., ALBERT J. HARNO, *LEGAL EDUCATION IN THE UNITED STATES 146* (1953) (observing that the most often repeated criticism of legal education is that it is not practical enough and that it does not adequately train the young lawyer in the skills of the profession); E. Gordon Gee & Donald W. Jackson, *Bridging the Gap: Legal Education and Lawyer Competency*, B.Y.U. L. REV. 695, 933 (1977) (noting that many law professors lack experience in the practice of law and that some professors view legal practitioners with considerable disdain); Scott Turow, *Law School vs. Reality*, N.Y. TIMES, Sept. 18, 1988, § 6, at 52, 71-72 (complaining that law school does not teach students to think like lawyers, but like law professors, and noting that the words "practice" and "practice skills" are often associated by law professors with a form of "roving anti-intellectualism.").

13. See *infra* notes 25-47 and accompanying text (reviewing prior studies).

of the present generation of law professors. Data for the study were obtained from *The AALS Directory of Law Teachers 1988-89*.¹⁴ The *AALS Directory* contains professional biographies, submitted by law professors themselves, for every law teacher at the 175 Association of American Law Schools (AALS) member and fee-paid schools.¹⁵ Approximately 5,528 assistant, associate, and full professors appear in the *AALS Directory*, of which 872, or just over 15%, were sampled for the study.¹⁶

The study documents a number of significant developments within the teaching profession. For example, women are entering the legal education profession in ever greater numbers. Women comprised approximately 20% of the law professors sampled, and the data suggest that this percentage will continue to increase.¹⁷ The number of professors with experience in the practice of law also appears to be on the rise. Of the professors sampled, 79% had at least one year of practice experience, compared with only 67% of the professors teaching in the 1975-76 school year.¹⁸ One area where change has been slower, however, is in the dominance of a few "producer" schools in providing the nation's law teachers. Five of the nation's 175 law schools graduated nearly one-third of all law professors teaching today.¹⁹

Part I of this Note surveys the existing body of literature on legal education, with a particular emphasis on previous

14. ASSOCIATION OF AMERICAN LAW SCHOOLS, *THE AALS DIRECTORY OF LAW TEACHERS 1988-89* (1988) [hereinafter *AALS DIRECTORY*].

15. One notable omission in the information contained in the biographical sketches appearing in the 1988-89 *Directory* is the racial or ethnic background of the law teacher. Consequently, we were unable to analyze these variables.

16. The study focused on tenured and tenure-track professors who as a group make up the majority of the legal teaching profession. Thus, *Directory* entries for professors emeriti, lecturers, nonteaching deans and assistant deans, fellows, nonteaching librarians, clinical instructors (but not clinical professors), legal writing instructors, and staff attorneys were excluded as outside the scope of the study. These individuals comprised approximately 332 of the 5,860 total entries that appear in the 1988-89 *AALS Directory*. Approximately every seventh tenured and tenure-track professor was sampled to ensure that professors were sampled from throughout the *AALS Directory*. The data were then coded and analyzed using the University of Michigan's OSIRIS program.

17. See *infra* Table 1 and accompanying text.

18. See Fossum, *supra* note 1, at 511.

19. The five law schools are Harvard, Yale, Columbia, Chicago, and Michigan. See *infra* Table 27 and accompanying text.

empirical studies concerning law professors. Part II focuses on the increasing number of women in the teaching profession. Part III looks at the nonteaching experience of law teachers, including judicial clerkships, private practice, government experience, and public interest experience. Finally, Part IV examines the influence of "elite schools" in law school hiring and tenure decisions.

I. BACKGROUND

The substantial body of literature on legal education can be divided into three areas of study: teaching methods, law students, and law professors. Scholarly writing in the first area has traditionally focused on classroom instruction. For example, curricular reform²⁰ and critiques of Langdell's case method²¹ have been enduring topics for legal writers.

Legal education writers have also looked at the students who occupy law school classrooms. In particular, they have conducted research on students' backgrounds, characteristics, and motivations for attending law school.²² For example, one study found that, compared to other graduate students, law students tend to come from families of very high socioeconomic status.²³ Another study concentrated on the factors that attracted students to law school and on what the students hoped to obtain from the experience.²⁴

In contrast, relatively little has been written about the principal actor in the classroom: the law professor. The literature that does exist consists largely of professors remembering

20. See, e.g., Barry B. Boyer & Roger C. Cramton, *American Legal Education: An Agenda for Research and Reform*, 59 CORNELL L. REV. 221, 227-35 (1974).

21. See STEVENS, *supra* note 1, at 57-59 (documenting early criticisms of the case method); Jay Feinman & Marc Feldman, *Pedagogy and Politics*, 73 GEO. L.J. 875 (1985) (offering a Critical Legal Studies perspective on instructional methods employed in today's law schools).

22. See, e.g., SPECIAL COMM. FOR A STUDY OF LEGAL EDUC., AM. BAR ASS'N, LAW SCHOOLS AND PROFESSIONAL EDUCATION 16-17 (1980) [hereinafter LAW SCHOOLS AND PROFESSIONAL EDUCATION].

23. LEONARD L. BAIRD, THE GRADUATES: A REPORT ON THE PLANS AND CHARACTERISTICS OF COLLEGE SENIORS 26 (1973).

24. Robert Stevens, *Law Schools and Law Students*, 59 VA. L. REV. 551 (1973).

colleagues²⁵ and attempting to describe the typical or ideal law professor. In the latter category, Gordon Gee and Donald Jackson describe five types of law professors, placing them along a "practical-theoretical continuum."²⁶ In another study, Douglas McFarland surveyed how both students and practicing lawyers conceived of the ideal professor.²⁷ He found a striking difference between students' concept of an ideal professor and how law teachers viewed themselves. McFarland found that whereas law professors positively valued research and writing, students and lawyers rejected these priorities in favor of concentration on classroom instruction.²⁸

In a more light-hearted examination of law teachers, Thomas Bergin asserted that all law professors suffer from an intellectual schizophrenia that leads them to believe that they can simultaneously be academicians and trainers of practitioners.²⁹ According to Bergin, the academic side of the professor favors the abolition of required classes, deplores the case method, loves the social sciences, teaches "far-out" seminars, and aches to reform the law.³⁰ At the same time, the "Hessian-trainer" side of the law teacher wants to discuss "hard-line" topics such as the recapture provisions of the Internal Revenue Code, believes the "grim" courses should be required, enjoys putting students' "feet to the fire" of the case method, imagines he was or could have been a great trial lawyer, and actually reads advance sheets.³¹ Professor Bergin suggested that the cure for this intellectual schizophrenia lies in creating a two-track system in which those who wish to practice law would earn a J.D. or LL.B. degree, while those who wish to teach would earn a Ph.D. in an "adjunct discipline."³²

25. See, e.g., Roscoe Pound, *Some Comments on Law Teachers and Law Teaching*, 3 J. LEGAL EDUC. 519 (1951) (reflecting upon law professors and his own teaching career).

26. Gee & Jackson, *supra* note 12, at 935. The five categories from theoretical to practical are the traditional legal scholar, the practitioner-scholar, the clinical teacher, the interdisciplinarian, and the activist. *Id.* at 933-94.

27. Douglas D. McFarland, *Students and Practicing Lawyers Identify the Ideal Law Professor*, 36 J. LEGAL EDUC. 93 (1986).

28. *Id.* at 103-05.

29. Thomas F. Bergin, *The Law Teacher: A Man Divided Against Himself*, 54 VA. L. REV. 637, 638 (1968).

30. *Id.*

31. *Id.*

32. *Id.* at 652-56.

He concluded that such a system would be a "movement towards relevance . . . initiated by a liberating of our academics and our Hessian-trainers to be fully one or the other, for they cannot be both at once."³³

Beyond such observations and speculation, little empirical research has been conducted on law professors. Lowell Nicholson provided the first information available on law professors in his report on law schools in the United States.³⁴ Based upon his survey of law teachers during the 1948-49 academic year, Nicholson constructed a composite description of the average law teacher. He described this hypothetical teacher as forty-two years old, a member of the bar for fifteen years, with six years experience teaching law, and in his third year at his present law school.³⁵ More recently, Charles Kelso directed an AALS study on the status of part-time legal education in the United States.³⁶ On the basis of questionnaires received from both part-time and full-time professors in 1964-65, Kelso found that teachers at "high resource" schools tended to support a theoretical approach to the law whereas those at "low resource" schools endorsed a more practical approach.³⁷

In another study, John Siegfried and Charles Scott found that in 1973 the typical law teacher was white (98.4%), male (94.9%), age forty-three, and had been out of law school fourteen years, the last seven in his current position.³⁸ The study, however, primarily compared the economic situation of law professors with their counterparts in private practice and did not focus on background characteristics.

Donna Fossum, working for the American Bar Foundation, conducted the most comprehensive empirical work on the

33. *Id.* at 657.

34. LOWELL S. NICHOLSON, *THE LAW SCHOOLS OF THE UNITED STATES* (1958).

35. *Id.* at 162.

36. CHARLES D. KELSO, *THE AALS STUDY OF PART-TIME LEGAL EDUCATION: FINAL REPORT* (1972).

37. *Id.* at 70-73. The manner in which Kelso arrived at his "resource" scale was controversial. At least one commentator observed that Kelso's findings are problematic in light of the questionable assumptions underlying his resource scale, such as the assumption that a large student body was in itself a high-level resource. Fossum, *supra* note 1, at 513-14.

38. JOHN J. SIEGFRIED & CHARLES E. SCOTT, *The Economic Status of Academic Lawyers*, 1 *LEGAL ECON.* 26, 27-29 (1976); *see also*, JOHN J. SIEGFRIED & CHARLES E. SCOTT, *The Determinants of Academic Lawyers' Salaries and Non-Institutional Professional Income*, 28 *J. LEGAL EDUC.* 281 (1971).

teaching profession.³⁹ Her findings were based on *The AALS Directory of Law Teachers 1975-76*. Specifically, Fossum examined the educational and professional credentials of law teachers, the influence those credentials had on teaching careers, the composition of the teaching profession over the years, the effects of geographical factors on teachers' careers, and the subjects professors taught.

The study's major findings related to the dominant role that elite law schools play in legal education and the phenomenon of academic inbreeding. Fossum found that almost 60% of all full-time law professors in 1975-76 had received their degrees from one of twenty top "producer" schools.⁴⁰ The study also revealed that almost 90% of faculty members at the twenty schools held J.D. degrees from those same twenty schools.⁴¹ Fossum concluded that only a few well-established routes of entry into the field of law teaching existed and that they led through a small group of elite law schools.

More recently, Richard Chused published a more limited study of law professors, focusing on the hiring and retention of minority and female law professors.⁴² His data were based on a questionnaire distributed to all United States law schools, of which an impressive 85% responded. Chused found that between the 1980-81 academic year and the 1986-87 academic year, the percentage of black faculty members at "majority-operated" law schools increased from 2.8% to 3.7%.⁴³ During the same period, the proportion of women in tenured or tenure-track positions increased from 10.8% to 15.9%.⁴⁴ He concluded, however, that "racial tokenism" was alive and well in the nation's law schools, pointing to the fact that approximately one-third of all law schools had no black faculty members and another third had just one.⁴⁵ He also characterized the failure of law schools to hire more women as

39. See Fossum, *supra* note 1. We would like to acknowledge our indebtedness to Fossum's article for the descriptive term "gatekeepers" which we have borrowed for the title of this Note.

40. *Id.* at 528.

41. *Id.*

42. Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537 (1988).

43. *Id.* at 538.

44. *Id.* at 548.

45. *Id.* at 539.

“appalling,” and called for new methods for recruiting and retaining women and minority faculty.⁴⁶

No comprehensive empirical study has been published since Fossum published her work in 1980, and her data date from the 1975–76 academic year. Our data derive from the 1988–89 academic year. In the nearly fifteen year interim, the number of professors appearing in the *AALS Directory* has increased by more than a third, from 4,260 to 5,860.⁴⁷ Thus, the time is ripe for a fresh look at the nation’s law school professoriate.

II. GENDER

One of the most dramatic changes over the last decade in the composition of the American legal teaching profession has been the emergence of greater numbers of female law professors. At the time of Ames’s appointment, less than a handful of law schools even admitted women as students,⁴⁸ much less employed them as professors. Indeed, Dean Langdell himself vigorously opposed the admission of women to Harvard Law School at the turn of the century,⁴⁹ and women were not admitted to the school until 1950.⁵⁰ Law schools were also reluctant to admit women to the legal teaching profession. As late as 1970, women comprised only 4% of law school faculty members nationwide.⁵¹ Today, our data indicate that slightly more than 20% of the nation’s law professors are women.

As Table 1 illustrates, our data suggest that women first began entering the legal teaching profession in significant numbers during the 1970s. In our sample, nearly 19% of current law professors hired in the 1970s were women. For professors hired in the 1980s, this percentage increased to over 35%.

46. *Id.* at 555.

47. *AALS DIRECTORY*, *supra* note 14; *see also supra* note 16.

48. Stevens, *supra* note 1, at 82–83. The four law schools admitting women in 1873 were Union College of Law (Northwestern), the University of Iowa, the University of Michigan, and Boston University. *Id.*

49. *Id.* at 83.

50. SUTHERLAND, *supra* note 11, at 319.

51. Shirley R. Bysiewicz, *Women in Legal Education*, 25 *J. LEGAL EDUC.* 503, 507 (1973).

TABLE 1
GENDER BY DECADE OF FIRST
TENURE-TRACK POSITION⁵²

Gender	Decade of First Tenure-Track Position				All Profs
	Pre-1960	1960-69	1970-79	1980-89	
Male	98.2% (54/55)	98.8% (169/171)	81.3% (266/327)	64.6% (206/319)	79.7% (695/872)
Female	1.8% (1/55)	1.2% (2/171)	18.7% (61/327)	35.4% (113/319)	20.3% (177/872)

Chi-square = 95.94, $df = 3$, $p < .001$.⁵³

Though only 10% of full professors in our sample were female, Table 2 reveals that 39% of all associate professors and 45% of all assistant law professors were female.⁵⁴ In part, this reflects the fact that female law professors were significantly younger, on average, than male law professors. We found that the mean age of female law professors was 43 and the mean age of male law professors was 49.⁵⁵ Table 3

52. The AALS *Directory of Law Teachers* includes the date that professors teaching today began their first tenure-track position, i.e., assistant, associate, or full professor. See generally, AALS DIRECTORY, *supra* note 14.

53. Tests of statistical significance were conducted on the data collected for this Note. Statistical significance, typically reported as a "p-value," indicates the probability that the observed data would have occurred if the process that produced the observed pattern were mere chance. For example, a p-value of .01 indicates that the observed deviation from the expected pattern, or a more extreme deviation, would have occurred by chance no more often than one time in one-hundred. Thus, the smaller the p-value the greater the confidence that the results do not reflect mere chance fluctuations. By convention, findings are said to be "statistically significant" if they have a p-value of .05 or smaller. Here, the p-values were computed by conducting the Chi-square test on categorical data (e.g., comparisons of percentages) and Analysis of Variance (ANOVA) on continuous data (e.g., comparisons of means). We present the results of these tests with each table. Nonsignificant findings are indicated by the notation *ns*. Tests of statistical significance were also conducted on those pairwise comparisons (i.e., comparisons between specific cells in a table) reported in the text. Unless otherwise noted, comparisons reported in the text are statistically significant at the conventionally accepted .05 level.

54. In contrast, Kelly Weisberg's study using data from the 1975-76 academic year found that 19.4% of assistant professors, 10.6% of associate professors, and 3.8% of full professors were female. D. Kelly Weisberg, *Women in Law School Teaching: Problems and Progress*, 30 J. LEGAL EDUC. 226, 234 (1979).

55. $F(1, 870) = 69.8$, $p < .001$.

indicates that among our sample approximately one-third of those professors in their thirties and approximately one-quarter of those professors in their forties were women. In contrast, we found that among professors in their fifties only 7% were women, and among those over sixty, just under 7% were women.

TABLE 2
DISTRIBUTION OF GENDER OF PROFESSOR
BY POSITION

Gender	Position		
	Assistant Professor (n=95)	Associate Professor (n=192)	Full Professor (n=585)
Male	54.7%	60.9%	89.9%
Female	45.3%	39.1%	10.1%

Chi-square = 116.10, $df = 2$, $p < .001$.

TABLE 3
DISTRIBUTION OF CURRENT LAW PROFESSORS
BY AGE AND GENDER

Age Group	Gender	
	Male	Female
30-39 (n=164)	65.9%	34.1%
40-49 (n=401)	75.1%	24.9%
50-59 (n=185)	93.0%	7.0%
60+ (n=122)	93.4%	6.6%
All Professors (N=872)	79.7%	20.3%

Chi-square = 59.15, $df = 3$, $p < .001$.

Our finding that female law professors were younger, on average, than male law professors reflects the fact that women have only recently entered the profession in significant numbers. Our data indicate that nearly two-thirds (64%) of female law professors teaching today were hired in the 1980s (see Table 4). Indeed, we found that among our sample, one-half of all female law professors were hired after 1982. In comparison, only 30% of the male professors in the sample were hired in the 1980s, with approximately one-half hired after 1973.

TABLE 4
DECADE OF FIRST TENURE-TRACK POSITION
BY GENDER

Decade of First Tenure-Track Position	Gender	
	Male (n=695)	Female (n=177)
Pre-1960	7.8%	0.6%
1960-69	24.3%	1.1%
1970-79	38.3%	34.5%
1980-89	29.6%	63.8%
Total	100%	100%

Chi-square = 95.94, $df = 3$, $p < .001$.

If current hiring trends continue and if male and female law professors are promoted at equal rates, we would expect the percentage of tenured professors who are women to increase. Of the pool of untenured law professors in our sample, 41% were women (see Table 2). Additionally, the vast majority of older professors who will retire and leave the profession will be men. Nonetheless, it may well be overly optimistic to assume that male and female law professors will be promoted at equal rates.⁵⁶ We conclude only that women are increasingly better

56. See Marina Angel, *Women in Legal Education: What It's Like To Be Part of a Perpetual First Wave or the Case of Disappearing Women*, 61 TEMP. L. REV. 799 (1988). Angel's study of five Eastern law schools (Temple, Hofstra, Rutgers-Camden,

positioned to move beyond assistant and associate professor positions to join the ranks of tenured professors.

Although our data suggest that approximately 20% of all law professors today are women, their representation at more highly-ranked law schools⁵⁷ is considerably lower. Table 5 indicates that in our sample, female law professors were not equally distributed among law schools of different rank. Law schools ranked in the lower half of the range employed a disproportionately large number of female law professors, while the law schools that rank in the upper half employed a proportionately smaller number. In fact, we found that only 11% of the faculty of the seven top-ranked law schools were female, approximately half the percentage of women teaching at all law schools.⁵⁸

Columbia, and Pennsylvania) reveals that of those professors hired and eligible for tenure between 1970 and 1987, 60.5% of the male candidates were granted tenure while only 31% of female candidates were granted tenure. *Id.* at 805.

57. We acknowledge that law school rankings are controversial and have been the subject of much valid criticism. *See, e.g.*, Richard O. Lempert, *Of Polls and Prestige: One Faculty Member's Candid Views*, 34 LAW QUADRANGLE NOTES 62, 68 (1990) (critiquing the 1990 *U.S. News & World Report* ranking of law schools and concluding that "it is difficult to come up with a meaningful, reliable ranking of the nation's law schools"). We do not use rankings as the basis for a judgment that one law school is better than another. Our data indicate, however, that when law schools are divided into groups according to rank, interesting differences emerge in the characteristics of the law professors at those institutions.

Accordingly, we classified law schools into the following five groups: schools ranked 1-7, schools ranked 8-20, schools ranked 21-60, schools ranked 61-120, and schools ranked 121-175. Rankings for the present study were taken from the Gourman Report, the only service which ranked all 175 accredited law schools. *See* JACK GOURMAN, *THE GOURMAN REPORT—A RATING OF GRADUATE AND PROFESSIONAL PROGRAMS IN AMERICAN AND INTERNATIONAL UNIVERSITIES* 73-78 (4th ed. rev. 1987). The seven most highly ranked schools—Harvard, Michigan, Yale, Chicago, Berkeley, Stanford, and Columbia—were classified as a distinct group based upon their unique characteristics as compared not only to law schools generally, but to other law schools ranked in the top twenty. This group of seven is generally consistent with other rankings. *See, e.g.*, *Top 25 Law Schools*, U.S. NEWS & WORLD REPORT, Apr. 29, 1991, at 74 (ranking Yale, Harvard, Chicago, Stanford, Columbia, Michigan, and NYU as the top-seven law schools); CYNTHIA L. COOPER, *THE INSIDER'S GUIDE TO THE TOP FIFTEEN LAW SCHOOLS* (1990) (ranking Yale, Harvard, Michigan, Stanford, Columbia, Chicago, and Berkeley as the nation's top-seven law schools).

58. Several earlier studies also have found a lower percentage of women on the faculties of the elite schools. *See, e.g.*, Chused, *supra* note 42, at 549 (observing that while high-prestige schools constituted only about 15% of the surveyed institutions, they made up over 25% of the "laggard schools," defined as schools where less than 12% of the faculty slots are held by women); Weisberg, *supra* note 54, at 229 (commenting that the "top ten" law schools are especially conspicuous in regard to the low percentages of women employed on their faculties").

TABLE 5

DISTRIBUTION OF GENDER OF PROFESSOR
BY RANK OF SCHOOL OF EMPLOYMENT

Gender	Rank of School of Employment					All Profs (N=872)
	1-7 (n=54)	8-20 (n=84)	21-60 (n=236)	61-120 (n=284)	121-175 (n=214)	
Male	88.9%	83.3%	83.5%	77.8%	74.3%	79.7%
Female	11.1%	16.7%	16.5%	22.2%	25.7%	20.3%

Chi-square = 10.06, $df = 4$, $p < .05$.

The lower percentage of female law professors at top-ranked schools might be a consequence of the younger average age of female law professors. As reported in Part IV, we found that the faculties of the "elite" law schools tend to be slightly older than those of other law schools. Perhaps law professors must work their way up to the elite law schools. It is certainly plausible that elite law schools prefer to hire experienced professors with strong reputations as legal scholars, and thus hire professors who are older on average than professors hired by other schools. If this explanation is valid, we would expect to see the percentage of female law professors at the elite law schools increase as more women gain experience and establish reputations as legal scholars.

Another possible explanation for the low number of female professors at elite law schools is that law professors at these law schools continue teaching longer. The higher pay and greater prestige of the position may encourage professors at elite schools to continue teaching while professors at other schools may be more likely to move on to other jobs. Thus, a lower turnover rate at the elite law schools may slow the entry of female law professors into their faculties.⁵⁹

59. One recent study found a 22.3% turnover rate among tenured and tenure-track professors between the years 1981 and 1987. The study does not indicate, however, whether the turnover rate varies between schools of different rank. Chused, *supra* note 42, at 544.

Our data provide some support for these explanations. Though none of the sample's nine professors hired in the 1970s and currently teaching at a top-seven law school were women, six out of nineteen, or nearly 33%, of the professors hired in the 1980s and now teaching at a top-seven school were women. When we cross-tabulated the distribution of all professors as a function of gender and decade of first tenure-track position, as shown in Table 1, we found that 19% of current law teachers hired in the 1970s were women, compared with 35% of those hired in the 1980s. Thus, the percentage of women hired by the elite schools in the 1980s more closely approximates the percentage of women hired by non-elite law schools in the 1980s. This development, however, does not guarantee that the gap will continue to close. The composition of a law school's faculty is a product not only of the school's hiring practices, but also of its retention rate. If the retention rate of female law professors is lower at the elite schools than at others, the gap may persist.⁶⁰

As a consequence of the fact that a majority of female law professors in our sample were hired in the 1980s, the characteristics of this group more strongly reflect recent trends in the legal education profession than do the characteristics of the group of male law professors. For example, law professors hired in recent decades were less likely to have served on law review than professors hired in earlier decades (see Table 7). Table 6 shows the effect of this trend on the characteristics of female law professors, revealing that only 40% of female law professors served on law review, whereas 50% of male law professors served on law review. This difference is largely attributable, however, to the fact that a much higher percentage of female law professors than male professors were hired in the 1980s. Although men hired in the 1970s were more likely to have served on law review than women hired in the 1970s, the percentages of men and women hired in the 1980s who served on law review are nearly equal (see Table 8). In other words, the percentage of female law professors

60. Based on his survey results, Chused hypothesized that some high-prestige schools are hiring women at equal rates but denying them tenure. Chused found that at schools with lower proportions of tenured women, women were granted tenure at lower rates than men, while at schools with higher proportions of tenured women, women were granted tenure at higher rates than men. *Id.* at 551-52.

who served on law review is lower overall than that of men because 68% of the women were hired in the 1980s, a time when both men and women hired as law professors were less likely to have served on law review.

TABLE 6

PERCENTAGE OF LAW SCHOOL PROFESSORS
WHO SERVED ON LAW REVIEW BY GENDER

Gender	Percentage Serving on Law Review
Male (<i>n</i> =695)	50.2%
Female (<i>n</i> =177)	40.1%

Chi-square = 5.77, *df* = 1, *p* < .03.

TABLE 7

PERCENTAGE OF LAW SCHOOL PROFESSORS WHO SERVED ON LAW
REVIEW BY DECADE OF FIRST TENURE-TRACK POSITION

Decade of First Tenure-Track Position	Percentage Serving on Law Review
Pre-1960 (<i>n</i> =55)	52.7%
1960-69 (<i>n</i> =171)	59.6%
1970-79 (<i>n</i> =327)	47.7%
1980-89 (<i>n</i> =319)	41.7%
Total (<i>N</i> =872)	48.2%

Chi-square = 14.87, *df* = 3, *p* < .001.

TABLE 8
 PERCENTAGE OF PROFESSORS SERVING ON LAW
 REVIEW BY DECADE OF HIRE AND GENDER

Decade	Gender	
	Male	Female
1970s	50.0% (133/266)	37.7% (23/61)
1980s	41.3% (85/206)	42.5% (48/113)
Total over all Decades	50.2% (349/695)	40.1% (71/177)

Chi-square = 3.01, $df = 1$, $p < .09$ for the 1970s.

Chi-square = 0.04, $df = 1$, ns for the 1980s.⁶¹

The percentages in our sample of male and female law professors with LL.M. degrees followed almost exactly the same pattern. For example, we found that a higher percentage of male law professors (25%) than female law professors (13%) had LL.M. degrees. Just as professors hired in more recent decades were less likely to have been on law review, they were also less likely to have obtained an LL.M. degree. Although 38% of current professors hired in the 1960s had obtained an LL.M. degree, only 13% of the professors hired in the 1980s had obtained an LL.M. degree.⁶² We found no significant gender difference among the sampled professors hired in the 1980s with respect to obtaining an LL.M. degree. Again, the lower percentage of female law professors with an LL.M. degree appears to be attributable to the fact that a large majority of female law professors were hired in the 1980s, when it was less likely for law professors, either male or female, to have an LL.M. degree.

The year of hire also affected the percentages of male and female law professors with experience as judicial clerks. We

61. The notation *ns* (nonsignificant) indicates that the difference between the percentage of male and female professors hired in the 1980s who served on law review is likely to have occurred as the result of chance. Nonetheless, these figures are interesting not because of the difference between them, but because they are so nearly identical.

62. Unlike serving on a law review, however, an LL.M. degree may be obtained only after one has begun teaching. Thus, the higher percentage of teachers hired in the 1960s with LL.M.s may reflect, in part, the fact that those professors simply had more time to obtain the degree.

found that a larger percentage of female law professors (35%) clerked than male law professors (28%) (see Table 9).

TABLE 9

PERCENTAGE OF PROFESSORS COMPLETING
JUDICIAL CLERKSHIPS BY GENDER

Gender	Percentage who Clerked
Male (<i>n</i> =695)	28.1%
Female (<i>n</i> =177)	35.0%

Chi-square = 3.30, *df* = 1, *p* < .08.

We also found that both men and women are increasingly likely to clerk (see Table 15). In particular, the percentage of female professors who had completed judicial clerkships more than doubled to 44% when women hired in the 1970s and 1980s were compared (see Table 10). Thus, the overall finding that more women have clerked than men may reflect the fact that more women in our sample were hired in the 1980s, in contrast to less than a third of the men.

TABLE 10

PROFESSORS COMPLETING CLERKSHIPS BY GENDER
AND DECADE OF HIRE: THE 1970s AND 1980s

Decade of Hire	Gender	
	Male	Female
1970-79	27.4% (73/266)	19.7% (12/61)
1980-89	36.4% (75/206)	44.2% (50/113)
Total	28.1% (195/695)	35.0% (62/177)

Chi-square = 4.37, *df* = 1, *p* < .05, for males.

Chi-square = 10.43, *df* = 1, *p* < .01, for females.

Other differences in the characteristics of male and female law professors, however, do not simply reflect recent overall trends in the teaching profession. For example, Table 11 reveals that although 39% of male law professors in our sample graduated from one of the seven highest-ranked schools, only 25% of the female law professors graduated from one of these schools. The fact that a higher percentage of female law professors were hired in the 1980s does not explain this difference because, as Table 29 demonstrates, the overall percentage of law professors who graduated from a top-seven law school has remained fairly constant over time, with the lowest percentage occurring in the 1970s. This dip in the 1970s should be more strongly reflected in the characteristics of male law professors, however, because a higher percentage of male professors were hired in the 1970s than female law professors (see Table 4).

TABLE 11

RANK OF J.D. SCHOOL BY GENDER

Rank of J.D. School	Gender		All Professors (N=872)
	Male (n=695)	Female (n=177)	
1-7	39.1%	25.4%	36.4%
8-20	18.0%	19.2%	18.2%
21-60	22.0%	23.2%	22.2%
61-120	16.3%	20.9%	17.2%
121-75	4.6%	11.3%	6.0%

Chi-square = 19.87, $df = 4$, $p < .001$.

Table 12 reveals that the percentages of male and female law professors hired in the 1970s who graduated from a top-seven school were essentially equal. The percentage of male professors who graduated from a top-seven school increased measurably when professors hired in the 1970s were compared to those hired in the 1980s. In contrast, we found no statistically significant difference as to the percentages of female

professors hired in the 1970s and 1980s graduating from top-seven schools.⁶³ The result is that, of sampled professors hired in the 1980s, a greater percentage of men than women graduated from a top-seven school. One possible explanation for this is that the demand for female law professors with a J.D. from a top-seven school exceeded the supply in the 1980s and law schools therefore relied more heavily on schools other than those ranked in the top seven for candidates.

TABLE 12

PERCENTAGE OF PROFESSORS GRADUATING
FROM TOP-SEVEN SCHOOLS BY GENDER
AND DECADE OF HIRE

Decade of Hire	Gender	
	Male	Female
1970s	30.8% (82/266)	29.5% (18/61)
1980s	50.0% (103/206)	23.9% (27/113)

Chi-square = 17.91, $df = 1$, $p < .001$, for males.

Chi-square = 0.651, $df = 1$, ns , for females.

In addition to being underrepresented on the faculties of the more elite law schools, women appear to be gaining tenure at a slower rate than their male counterparts at all schools. It

63. Although the difference was not significant, our data indicate that the percentage of female law professors graduating from top-seven schools actually decreased slightly when the statistics on women hired in the 1980s were compared with the statistics on those hired in the 1970s. Elyce Zenoff and Kathryn Lorio observed a similar drop in the percentage of female law professors with degrees from one of the top-twenty producer schools. Elyce H. Zenoff & Kathryn V. Lorio, *What We Know, What We Think We Know, and What We Don't Know About Women Law Professors*, 25 ARIZ. L. REV. 869, 878 (1983). The authors found that in 1976-77, 47% of female tenure-track professors had a degree from a producer school—that is, a school that produces a disproportionate number of law professors—but that this percentage dropped to 43% for the 1982-83 academic year. *Id.* at 878 n.39. Zenoff and Lorio suggest that this drop may be due to increased hiring of female law professors or because a degree from a producer school is becoming a less important credential. *Id.* at 878.

took women in our sample an average of over one-half year longer to become full professors⁶⁴ than it took the men (see Table 13).

TABLE 13
 MEAN NUMBER OF YEARS TO FULL
 PROFESSOR BY GENDER

Gender	Years to Full Professor
Male (n=375)	5.7
Female (n=47)	6.4
Total (N=422)	5.8

$F(1, 420) = 3.052, p < .09.$

The difference may be explained by the fact that a much larger percentage of current female law professors were hired in the 1980s than male law professors. Thus, if professors hired in more recent decades require a longer period of time to obtain tenure, this trend would be reflected more strongly in the characteristics of female law professors than in those of male professors. Unfortunately, our data are unable to support or reject this explanation.⁶⁵

The data, however, support a different explanation. We reported above that a disproportionately large percentage of female law professors taught at law schools that rank in the lower half of all law schools. If professors at these schools require longer to obtain tenure than professors at more highly-ranked schools, this fact would be reflected in an overall longer time to full professorship for female law professors than for male professors. The data presented in Table 34 support

64. Although exceptions exist, a full professorship is generally synonymous with receiving tenure. Though some assistant and associate professors have tenure, the vast majority do not. The time period to full professorship is used as a substitute for tenure here because the *AALS Directory* provides information on a professor's official position, but not her tenure status.

65. Of the 319 professors we sampled who were hired in the 1980s, only 60 had become full professors by the time of publication of the *AALS Directory* used in this study.

this explanation. Table 34 reveals a dramatic increase in the time required to become a full professor at those schools ranked below the top twenty. Because nearly 89% of female law professors taught at schools ranked twenty-one or below, whereas only 83% of male law professors taught at these schools, the longer time required by female law professors to obtain tenure appears to be a function, at least partially, of the schools at which they taught.

To summarize, one of the most important recent trends in American law schools is the emergence of a large corps of female law teachers, though women remain a minority among law professors. Not surprisingly, the most salient difference between male and female law professors in our sample is that, as a group, the women were hired more recently. Many differences between female and male law professors can be traced to this fact because the overall characteristics of female law professors more strongly reflect recent trends in the legal teaching profession. It remains to be seen, however, whether these trends will result in women becoming better represented on the faculties of elite law schools, and whether they will be awarded tenure in significant numbers.

III. EXPERIENCE

Professors in our sample had a wide variety of experiences between graduating from law school and beginning their teaching careers. We found that a significant percentage of professors, 43%, had earned graduate degrees beyond their J.D. degree. The LL.M. degree, held by 23% of the professors sampled, was the most prevalent of the graduate degrees earned. Our data indicate, however, that newer professors were far less likely than their older counterparts to have earned an LL.M. degree. For example, we found that 38% of professors sampled who were hired in the 1960s compared with 13% of professors hired in the 1980s earned LL.M. degrees.

Approximately 4% of the professors sampled had earned a doctorate of law, or J.S.D. degree, a substantial drop from the 7.6% of professors teaching during the 1975-76 academic year who had earned a J.S.D. degree.⁶⁶ We also found that 17% of the professors sampled had earned a master's level degree

66. See Fossum, *supra* note 1, at 509.

in an area outside of the law. A smaller percentage of the sampled professors, 5%, had obtained a Ph.D. in an area outside of the law. Some overlap exists between these groups as some professors listed both masters and doctorate degrees in their entries. Nonetheless, one can conclude that the experience of a substantial percentage of law professors includes interdisciplinary education.

The most widespread postlaw-school experience among our sample of professors was practicing law. We found that 79% of all sampled professors had at least some experience in the practice of law. At the other extreme, 12% of the professors, like James Barr Ames before them, made the transition from student to teacher within a year of receiving their J.D. degree.⁶⁷ Table 14 sets out the various career paths of today's law professors and includes figures from Fossum's 1975-76 data.

TABLE 14
CAREER PATHS TO TEACHING

Paths	Percentage of Professors (N=872)	Fossum's 1975-76 Data (N=3,850)
Began Teaching Immediately	3.6%	5.8%
Grad. Study (LL.M. Degree) Only	2.8%	4.7%
Taught (Nontenure Track) Only	5.0%	9.2%
Clerked Only	5.7%	4.5%
Practiced Law Only	37.0%	42.1%
Clerked and Taught	2.2%	1.5%
Clerked and Practiced	16.3%	8.5%
Taught and Practiced	20.4%	14.6%
Clerked, Taught (Nontenure Track), and Practiced	5.3%	2.0%
Other	1.7%	7.1%
Total	100%	100%

67. Overall, the average length of time between graduating from law school and beginning a tenure-track position for professors in the sample was 6.3 years.

In analyzing professors' preteaching legal experience, we concentrated on judicial clerkships and practice experience, which we looked at both in the aggregate and as broken down into three categories: private practice experience, government practice experience, and public interest experience. Private practice experience consisted overwhelmingly of work for law firms and corporations, but also included a handful of professors who had worked as solo practitioners. Government legal experience included work in prosecutors' offices and employment by other state and federal agencies. Public interest experience was defined broadly, including work in public defenders' offices as well as legal services work. Of the professors in our sample with practical experience, 72% had worked in private practice, 39% in government, and 18% in the public interest.⁶⁸

A. *Judicial Clerkship Experience*

Nearly 30% of the professors in our sample completed judicial clerkships (see Table 15). This figure represents a dramatic increase compared to the figure for professors teaching during the 1975–76 school year when only 16.6% of the nation's law professors had completed a judicial clerkship.⁶⁹ Our data reveal that the percentage of professors teaching today who began teaching in the 1980s and who completed clerkships is more than twice the percentage of professors who clerked and who were hired in the 1960s (see Table 15). Not surprisingly, this trend toward more professors completing judicial clerkships was also reflected when professors were grouped by age (see Table 16). Nearly one-half of the professors sampled aged 30–39 completed judicial clerkships.

68. The percentages total more than 100% because some professors practiced in more than one of these areas.

69. Fossum, *supra* note 1, at 511.

TABLE 15

PERCENTAGE OF PROFESSORS WHO HAVE CLERKED
BY DECADE OF FIRST TENURE-TRACK POSITION

Decade of First Tenure-Track Position	Percentage of Professors who Clerk
Pre-1960 (n=55)	27.3%
1960-69 (n=171)	18.7%
1970-79 (n=327)	26.0%
1980-89 (n=319)	39.0%
All Professors (N=872)	29.5%

Chi-square = 26.03, $df = 3$, $p < .001$.

TABLE 16

PERCENTAGE OF PROFESSORS WHO CLERKED BY AGE

Age Group	Percentage of Professors who Clerk
30-39 (n=164)	47.6%
40-49 (n=401)	29.7%
50-59 (n=185)	20.0%
60+ (N=122)	18.8%

Chi-square = 40.43, $df = 3$, $p < .001$.

The source of this development can be traced at least in part to the increased number of federal judgeships over the last several decades as well as to the increased number of clerks

allowed each judge.⁷⁰ Increased availability notwithstanding, judicial clerkships have emerged as a major way station on the path to a career in the legal teaching profession.

Judicial clerkship experience was not only more prevalent among younger professors in the sample, but also among professors who graduated from the higher-ranked law schools (see Table 17).

TABLE 17
PERCENTAGE OF PROFESSORS WHO CLERKED
BY RANK OF J.D. SCHOOL

Rank of J.D. School	Percentage of Professors who Clerked
1-7 (n=317)	37.2%
8-20 (n=159)	34.0%
21-60 (n=194)	23.7%
61-120 (n=150)	18.7%
121-75 (n=52)	21.2%

Chi-square = 23.96, $df = 4$, $p < .001$.

70. The following table summarizes the growth in the federal judiciary:

<u>Year</u>	<u>Number of Art. III Judges</u>
1950	287
1960	312
1970	430
1980	585
1990	829

RICHARD A. POSNER, *THE FEDERAL COURTS: CRISIS AND REFORM* 356-57 (1985); see also, Warren S. Grimes, *Hundred-Ton-Gun-Control: Preserving Impeachment as the Exclusive Removal Mechanism for Federal Judges*, 38 UCLA L. REV. 1209, 1216 (1991) (charting the growth of the federal judiciary). The number of judicial clerkships increased even more dramatically as judges were allowed more clerks. In 1965, district judges were permitted a second clerk. Circuit judges were permitted a second clerk and Supreme Court justices a third in 1970. The justices were permitted a fourth clerk in 1978, and two years later, in 1980, circuit judges were permitted a third clerk. *Id.* at 102-03.

These same elite schools obviously valued clerkships, or the type of prospective teachers who are most likely to complete judicial clerkships, when they made their hiring decisions. Though overall 29.5% of professors in our sample clerked, a remarkable 61.1% of professors teaching at the seven highest-ranked law schools completed judicial clerkships (see Table 18).

TABLE 18

PERCENTAGE OF PROFESSORS WHO HAVE CLERKED
BY RANK OF SCHOOL OF EMPLOYMENT

Rank of School of Employment	Percentage of Professors who Clerked
1-7 (n=54)	61.1%
8-20 (n=84)	41.7%
21-60 (n=236)	28.8%
61-120 (n=284)	27.5%
121-75 (n=214)	20.1%

Chi-square = 41.67, $df = 4$, $p < .001$.

A much smaller number of our sample, approximately 5%, clerked for the United States Supreme Court. Of those professors teaching at the seven highest-ranked schools, however, an astounding 37% clerked for the Supreme Court. This figure is consistent with the conventional wisdom that experience as a Supreme Court clerk is one of the most highly valued credentials for a professor.

B. Overall Practice Experience

Nearly 80% of professors in the sample had at least some experience practicing law, with the average professor practicing 4.3 years.⁷¹ Although a nearly identical percentage of

71. When professors without practical experience were excluded, the average number of years spent in practice was 5.4 years.

men and women had practical experience,⁷² the extent of their experience differed. When we excluded professors without any experience from the analysis, we found that male professors had almost a full year more experience than female professors.⁷³

The percentage of professors with some type of practical experience appears to be increasing. For instance, Fossum's study found that 67.2% of the professors teaching in 1975-76 had practical experience,⁷⁴ compared with our current finding of 79%. Indeed, 85% of the professors in our study who were hired in the 1980s had at least some experience in the practice of law, and, as Table 19 illustrates, the mean number of years of experience in this group is significantly greater than the mean number of years of experience of professors hired in earlier decades.

TABLE 19
PERCENTAGE OF PROFESSORS WITH PRACTICE
EXPERIENCE BY DECADE OF FIRST
TENURE-TRACK POSITION

Decade of First Tenure-Track Position	% of Professors with Practical Experience ^a	Mean Years of Experience ^b	Mean Excluding Those with No Experience ^c
Pre-1960 (n=55)	52.7%	2.0	3.7
1960-69 (n=171)	70.8%	3.7	5.2
1970-79 (n=327)	82.0%	4.1	4.9
1980-89 (n=319)	85.0%	5.2	6.1
All Professors (N=872)	79.0%	4.3	5.4

^aChi-square = 38.44, $df = 3$, $p < .001$.

^b $F(3, 868) = 8.64$, $p < .001$.

^c $F(3, 685) = 3.59$, $p < .02$.

72. The figures for male and female professors with experience were 79.0% and 79.1% respectively.

73. The averages were 5.7 years and 4.9 years for male and female professors respectively, $F(1, 689) = 2.21$, $p < .15$. This difference, however, is not statistically significant and may simply be the result of chance.

74. Fossum, *supra* note 1, at 511.

These figures appear to refute the notion that law schools today are hiring professors with less experience in the practice of law than in previous decades. The extent of that experience is by no means substantial, however. Only one-quarter of all professors sampled had more than five years of practice experience. Thus, although more and more professors have had some exposure to the practice of law, the fact remains that the vast majority of professors teaching law have had very little experience in practicing law.

Professors at the nation's highest-ranked schools are even less likely to have practice experience than their peers at lower-ranked schools (see Table 20).

TABLE 20

PERCENTAGE AND EXTENT OF EXPERIENCE OF
PROFESSORS WITH PRACTICAL EXPERIENCE
BY RANK OF CURRENT SCHOOL

Rank of Prof's School of Employment	% of Profs with Practice Experience ^a	Mean Years of Experience ^b	Mean Excluding Profs with No Experience ^c
1-7 (n=54)	63.0%	2.7	4.3
8-20 (n=84)	78.6%	4.2	5.3
21-60 (n=236)	78.0%	4.3	5.6
61-120 (n=284)	80.6%	4.5	5.6
121-75 (n=214)	82.2%	4.4	5.3
All Professors (N=872)	79.0%	4.3	5.4

^aChi-square = 10.35, *df* = 4, *p* < .04.

^b*F*(4, 867) = 1.467, *ns*.

^c*F*(4, 684) = 0.503, *ns*.

For example, 37% of the professors sampled teaching at the seven highest-ranked schools had no practice experience at all. Insofar as higher-ranked schools produce a disproportionate

number of law professors,⁷⁵ the effects or biases, if any, that flow from professors with little practical experience are presumably passed on at a disproportionate rate.

C. Private Practice Experience

Private practice was the most prevalent nonteaching experience among the law professors sampled. Over one-half of those sampled (56.5%) worked in private practice at some point during their careers. The figure was identical for male and female professors. Yet the extent of that experience varied. Male professors with private practice experience worked, on average, a full year more than did their female colleagues with private practice experience.⁷⁶

As with professors' aggregate legal experience⁷⁷ we found that private practice experience has become slightly more prevalent among law professors hired in recent years. Table 21, which presents the percentage of professors with private practice experience as a function of their date of entry into the teaching profession, illustrates this trend.

When we categorized professors by age, however, younger professors were found to have had less extensive private practice experience than older professors. Professors in their thirties and forties each had an average of 2 years of experience, compared with an average of 4 years experience for professors aged fifty and older.⁷⁸ This difference may reflect the fact that older professors have had a longer opportunity to gain such experience.

We found no significant difference between the percentage of professors at elite schools with private practice experience compared with professors at non-elite schools. Among professors at top-twenty schools, 55% had private practice experience whereas among those at schools ranked twenty-one and below, 57% had private practice experience.⁷⁹ In contrast,

75. See *infra* Table 29 and accompanying text.

76. Male professors with private practice experience had an average of 4.7 years of such experience, and female professors with private practice experience had an average of almost 3.7 years, $F(1, 493) = 3.88, p < .06$.

77. See *supra* Table 19 and accompanying text.

78. $F(1, 870) = 0.14, p < .001$.

79. Chi-square = 0.14, $df = 1, ns$.

60% of professors who received their J.D. degrees from top-twenty schools had private practice experience compared with 52% of professors from lower-ranked schools.⁸⁰ Perhaps graduates of top-twenty schools have broader opportunities for private practice than do their counterparts.

TABLE 21
PERCENTAGE OF PROFESSORS WITH
PRIVATE PRACTICE EXPERIENCE
BY DECADE OF FIRST TENURE-TRACK POSITION

Decade of First Tenure-Track Position	% of Profs with Private Practice Experience ^a	Mean Years of Experience ^b	Mean Excluding Those with No Experience ^c
Pre-1960 (n=55)	38.2%	1.2	3.1
1960-69 (n=171)	54.4%	2.6	4.7
1970-79 (n=327)	55.4%	2.4	4.3
1980-89 (n=319)	62.1%	2.9	4.7
All Professors (N=872)	56.5%	2.5	4.5

^aChi-square = 12.02, $df = 3$, $p < .02$.

^b $F(3, 868) = 3.05$, $p < .04$.

^c $F(3, 489) = .928$, *ns*.

D. Government Experience

In contrast to the relatively high percentage of professors with private practice experience, only 31% of the professors sampled had government legal experience. Professors with government experience worked an average of 3.9 years in government practice.⁸¹ The extent to which professors had

80. Chi-square = 6.72, $df = 1$, $p < .01$.

81. When all professors were included in the analysis, the average number of years in government practice was 1.2 years. No significant gender difference

government experience appeared to vary over time. Professors who began teaching more recently were more likely to have had government experience than their colleagues who began teaching earlier; however, this difference was not statistically significant (see Table 22).

TABLE 22
PERCENTAGE OF PROFESSORS WITH
GOVERNMENT EXPERIENCE BY
DECADE OF FIRST TENURE-TRACK POSITION

Decade of First Tenure-Track Position	% of Profs with Government Experience ^a	Mean Years of Experience ^b	Mean Excluding Those with No Experience ^c
Pre-1960 (n=55)	23.6%	0.8	3.2
1960-69 (n=171)	29.2%	1.0	3.5
1970-79 (n=327)	33.0%	1.2	3.7
1980-89 (n=319)	31.0%	1.4	4.5
All Professors (N=872)	31.0%	1.2	3.9

^aChi-square = 2.27, *df* = 3, *ns*.

^b*F*(3, 868) = 1.235, *ns*.

^c*F*(3, 266) = 1.32, *ns*.

The percentage of professors with government experience teaching at top-twenty schools was not significantly different from the percentage teaching at nontop-twenty schools, 31.9% and 30.8% respectively. Nonetheless, the extent of that experience varied considerably. The professors with government experience employed at top-twenty law schools worked an average of 3.0 years while those employed at nontop-twenty schools had worked an average of 4.1 years.⁸²

emerged. Male professors with government experience worked an average of 4.0 years, and female professors with government experience worked an average of 3.8 years.

82. *F*(1,268) = 3.34, *p* < .08.

Similarly, the extent of government legal experience among professors in our sample varied according to where the professors earned their J.D. degrees. Professors who graduated from the lowest-ranked schools were more likely to have had more government experience than professors generally, as shown in Table 23. For example, 44% of professors graduating from schools ranked 121 or below had government experience compared with just 30% of professors from other schools. The reasons for this difference are unclear. Perhaps graduates of lower-ranked schools find more attractive opportunities available in prosecutors' offices and government agencies than in other areas of the law.

TABLE 23

PERCENTAGE OF PROFESSORS WITH
GOVERNMENT EXPERIENCE
BY RANK OF J.D. SCHOOL

Rank of J.D. School	% of Profs with Government Experience ^a	Mean Years of Experience ^b	Mean Excluding Profs with No Experience ^c
1-7 (n=317)	33.1%	1.2	3.8
8-20 (n=159)	34.6%	1.4	4.1
21-60 (n=194)	23.7%	1.0	4.3
61-120 (n=150)	27.3%	1.1	4.1
121-75 (n=52)	44.2%	1.5	3.3

^aChi-square = 11.65, $df = 4$, $p < .05$.

^b $F(4, 867) = 0.631$, *ns*.

^c $F(4, 265) = 0.298$, *ns*.

E. Public Interest Experience

Of the three areas of practice we examined, professors were least likely to have worked in the public interest area. Only

14.4% of the professors in our sample had any public interest experience. Moreover, only 7.5% of the professors had more than two years of experience in public interest work. Female professors were somewhat more likely than their male counterparts to have had public interest experience.⁸³ In contrast to government experience, public interest experience seems to have become more prevalent since the 1970s, particularly when one looks at mean years of experience (see Table 24). Indeed, among our sample, none of the professors who began their tenure-track teaching before 1960 had any public interest experience.

TABLE 24

PERCENTAGE OF PROFESSORS WITH PUBLIC
INTEREST EXPERIENCE BY DECADE OF
FIRST TENURE-TRACK POSITION

Decade of First Tenure-Track Position	% of Profs with Public Interest Experience ^a	Mean Years of Experience ^b	Mean Excluding Those with No Experience ^c
Pre-1960 (n=55)	0.0%	0.0	0.0
1960-69 (n=171)	6.4%	0.1	1.6
1970-79 (n=327)	17.7%	0.5	2.8
1980-89 (n=319)	17.9%	0.9	5.2
All Professors (N=872)	14.4%	0.5	3.8

^aChi-square = 24.06, $df = 3$, $p < .001$.

^b $F(3, 868) = 9.54$, $p < .001$.

^c $F(3, 123) = 10.67$, $p < .001$.

83. Nineteen percent of the female professors had public interest experience, compared with only 13% of the male professors, Chi-square = 4.07, $df = 1$, $p < .05$.

Public interest experience was most frequently reported by law teachers in their forties (see Table 25). For the most part, these teachers would have been in law school in the late 1960s and early 1970s, a period that saw renewed interest in social issues generally and public interest law particularly.⁸⁴ Of those professors who had public interest experience, well over one-half, 61%, graduated from law school between 1967–76.

TABLE 25

PERCENTAGE OF PROFESSORS WITH PUBLIC
INTEREST EXPERIENCE BY AGE

Age Group	% of Profs with Public Interest Experience ^a	Mean Years of Experience ^b	Mean Excluding Profs with No Experience ^c
30–39 (n=164)	11.0	0.3	2.7
40–49 (n=401)	20.4	0.7	3.6
50–59 (n=185)	12.4	0.7	5.3
60+ (n=122)	2.5	0.6	3.0

^aChi-square = 28.07, *df* = 3, *p* < .001.

^b*F*(3, 867) = 3.91, *p* < .08.

^c*F*(3, 121) = 2.09, *ns*.

We also found that professors teaching at higher-ranked schools did not significantly differ from professors at lower-ranked schools with respect to their public interest experience (see Table 26).

84. See LAWRENCE M. FRIEDMAN, *A HISTORY OF AMERICAN LAW 677–78* (2d ed. 1985).

TABLE 26

PERCENTAGE OF PROFESSORS WITH PUBLIC
INTEREST EXPERIENCE
BY RANK OF CURRENT SCHOOL

Rank of School of Employment	% of Profs with Public Interest Experience ^a	Mean Years of Experience ^b	Mean Excluding Profs with No Experience ^c
1-7 (n=54)	7.4%	0.2	3.0
8-20 (n=84)	10.7%	0.4	3.4
21-60 (n=236)	12.3%	0.5	3.9
61-120 (n=284)	16.9%	0.7	4.1
121-75 (n=214)	16.8%	0.6	3.3

^aChi-square = 6.36, *df* = 4, *ns*.

^b*F*(4, 867) = 1.09, *ns*.

^c*F*(4, 121) = 0.318, *ns*.

IV. INFLUENCE OF ELITE LAW SCHOOLS

Law professors, like the overwhelming majority of attorneys, share the common experience of having attended law school. Unlike their nonteaching counterparts, however, law professors' affiliation with their J.D. school forms a continuing institutional basis throughout their professional careers. Thus, the law schools at which professors have worked and studied deserve special attention.

Our findings are fully consistent with the proposition that a handful of the most established and prestigious law schools dominate the production of the nation's law teachers. Approximately one-third of all professors in our sample (32.7%) received their J.D. degree from one of only five law schools (see Table 27). Together, the nation's twenty top-ranked law schools produced nearly 60% of all sampled professors. Harvard Law School alone produced 13% of all law professors, and 8% received their J.D. from Yale.

TABLE 27

TOP PRODUCER SCHOOLS

Law School	% of Professors with J.D. from School (N=872)
Harvard	13.0%
Yale	8.3%
Columbia	4.6%
Chicago	3.6%
Michigan	3.2%
NYU	2.6%
Virginia	2.5%
Berkeley	2.2%
Georgetown	2.2%
Wisconsin	2.2%
Texas	2.1%
Pennsylvania	1.9%
Stanford	1.6%
Tulane	1.6%
Boston College	1.3%
Cornell	1.1%
Illinois	1.1%
Mississippi	1.1%
Ohio State	1.1%
Duke	1.0%
UCLA	1.0%
George Washington	0.9%
Hastings	0.9%
Iowa	0.9%
Northwestern	0.9%

Yale's production of teachers is even more impressive when one considers its small class size, approximately one-third the size of Harvard's.⁸⁵ Table 28 presents "standardized scores" for producer schools which reflect the contribution of these schools to the production of law faculty after adjusting for differences in class size.⁸⁶

TABLE 28

PRODUCER SCHOOLS ADJUSTED BY SIZE
OF ENTERING CLASS

Law School	Production of Teachers (Scaled to Yale=10)
Yale	10.0
Harvard	5.1
Chicago	4.3
Columbia	3.0
Stanford	2.0
Michigan	1.8
Pennsylvania	1.8
Berkeley	1.7
Wisconsin	1.6
NYU	1.4
Virginia	1.4
Georgetown	0.9
Texas	0.8

The dominance of the nation's elite law schools in producing law professors is by no means a new phenomenon. In her

85. See BARRON'S GUIDE TO LAW SCHOOLS 15-21 (8th ed. 1988) (reporting Harvard's entering class size as 540 and Yale's as 174).

86. We derived the standardized scores by dividing the number of professors sampled from a particular school by the total sample size (872) and then divided this quotient by each law school's entering class size. See *id.* (reporting class sizes). This figure was then multiplied by a factor derived from the standard of Yale=10.

study of professors teaching during the 1975–76 academic year, Fossum found nearly identical percentages to those reported here. Specifically, she found that 33.2% of all professors at the time had been awarded J.D. degrees from one of the same five schools which head Table 27, and that 58.9% of all professors had been awarded J.D.s from one of twenty schools.⁸⁷ If anything, what is remarkable is that these elite schools have retained their dominance despite the fact that the number of law professors has increased by more than one-third from the time Fossum's data were collected.⁸⁸

The phenomenon shows no signs of abating. Table 29 presents the percentage of professors graduating from groups of ranked schools. Nearly 41% of professors hired in the 1980s graduated from a top-seven school.

TABLE 29
DECADE OF FIRST TENURE-TRACK POSITION
BY RANK OF J.D. SCHOOL

J.D. School Rank	Decade of Hire				Total (N=872)
	Pre-1960 (n=55)	1960–69 (n=171)	1970–79 (n=327)	1980–89 (n=319)	
1–7	40.0%	38.0%	30.6%	40.8%	36.4%
8–20	16.4%	18.7%	18.3%	18.2%	18.2%
21–60	18.2%	25.1%	25.1%	18.5%	22.2%
61–120	23.6%	15.2%	18.7%	15.7%	17.2%
121–75	1.8%	2.9%	7.3%	6.9%	6.0%
Total	100%	100%	100%	100%	100%

Chi-square = 17.7, *df* = 15, *p* < .13.

This trend is even more pronounced among younger professors. Of the professors aged 30–39 in 1990, 46% earned their J.D. from a top-seven school, compared with 34% of those age

87. Fossum, *supra* note 1, at 507.

88. See *id.* at 505. The number of full-time law teachers has increased from 4,260 in 1975–76 to 5,860 in 1988–89. *Id.*; AALS DIRECTORY, *supra* note 14.

forty and above.⁸⁹ One possible explanation for the substantial proportion of professors who graduated from elite schools is that more teaching opportunities are available to them earlier in their careers than are available to their peers.

The relative rank of one's J.D. school appears to affect not only one's ability to obtain a legal teaching position in the first place but also where such opportunities will arise. In her study, Fossum observed that a strong relationship exists between where a professor earned her J.D. and at what law school she now teaches.⁹⁰

Similarly, we found that graduation from an elite school may be the most important criteria used in law school hiring. One commentator has observed that because such heavy reliance is placed on attendance at an elite law school, as well as high class rank, a law review editorship, a judicial clerkship, and an association with a prestigious law firm, relatively little weight is given to an applicant's performance subsequent to law school.⁹¹ This observation finds anecdotal support in the experience of one former applicant who interviewed for a law school faculty position after eighteen years of successful practice, including private practice, a tenure with the Justice Department, and service as the General Counsel of the United States Civil Rights Commission.⁹² A law school dean, after examining the applicant's resume for several minutes, commented, "Oh, I am glad to see that you were on the Yale Law Journal."⁹³

The data we report in Table 30 reveal further that law professors generally taught at law schools ranked at or below the rank of their J.D. school, and that this phenomena occurred across the spectrum from the highest- to the lowest-ranked law schools. We highlight this fact by shading those cells in which the percentage of faculty coming from schools of lower rank than the school of employment fell below 10%. These findings support the notion that lower-ranked schools often attempt to enhance their prestige by hiring graduates of the same top law schools.⁹⁴

89. Chi-square = 7.68, $df = 1$, $p < .01$.

90. See, e.g., Fossum, *supra* note 1, at 527-28 (finding that "by far the most important credential for law teachers was a J.D. degree" from an elite school).

91. Charles R. Lawrence III, *Minority Hiring in AALS Law Schools: The Need for Voluntary Quotas*, 20 U.S.F. L. REV. 429, 433-34 (1986).

92. See, e.g., Howard A. Glickstein, *Law Schools: Where the Elite Meet to Teach*, 10 NOVA L. REV. 541, 541 (1986).

93. *Id.*

94. See BARRON'S GUIDE TO LAW SCHOOLS, *supra* note 85, at 432.

TABLE 30

RANK OF J.D. SCHOOL BY RANK
OF SCHOOL OF EMPLOYMENT

J.D. Rank	Rank of School of Employment					All Profs (N=872)
	1-7 (n=54)	8-20 (n=84)	21-60 (n=236)	61-120 (n=284)	121-75 (n=214)	
1-7	85.2%	59.5%	41.1%	27.8%	21.0%	36.4%
8-20	5.6%	25.0%	22.9%	17.3%	15.0%	18.2%
21-60	3.7%	8.3%	25.4%	21.8%	29.4%	22.2%
61-120	3.7%	4.8%	8.9%	29.6%	18.2%	17.2%
121-75	1.9%	2.4%	1.7%	3.5%	16.4%	6.0%

Chi-square = 201.9, $df = 16$, $p < .001$.

One factor contributing to the pattern found in Table 30 is that 132 of the 872 professors sampled, approximately 15%, were teaching at the same school from which they received their J.D. degree. The percentage of professors at top-seven schools who received their J.D. from the same school at which they were teaching was 35%. Nonetheless, even when those professors who were teaching at the schools where they received their J.D. degree were excluded from analysis, the pattern of professors teaching at law schools ranked at or below the rank of their J.D. school persisted.⁹⁵

As Table 30 reveals, we found that 85.2% of professors teaching at top-seven schools received their J.D. degree from one of those same seven schools. This figure increased to 87.0% when we examined the percentage of professors teaching at schools ranked in the top twenty who graduated from top-twenty law schools. In other words, the faculties at the nation's most prestigious law schools are overwhelmingly the products of the same group of prestigious schools. This

95. Seventy-seven percent of professors teaching at top-seven schools received their degree from a top-seven school other than the school at which they were teaching. Similarly, 83.3% of the professors at the top-twenty schools received their degrees from a top-twenty school other than the one at which they were currently teaching. At the other end of the spectrum, 73.8% of the professors sampled who graduated from schools ranked sixty-one and lower teach at law schools ranked sixty-one and lower.

lack of diversity in educational background may well mean that established methods of instruction continue to be handed down to successive generations of elite school graduates with little opportunity for graduates of non-elite law schools to bring whatever innovative techniques they may have learned to the classroom. One ABA committee, confronted with this phenomenon of elite schools hiring almost exclusively elite-school graduates, observed:

Were we biologists studying inbreeding, we might predict that successive generations of imbeciles would be produced by such a system. . . .

. . . It seems clear that the inbreeding here is likely to contribute to a form of legal education that serves large firms and their corporate clients better than it does the lawyers who handle the personal legal problems of average people.⁹⁶

This problem is compounded when one considers that the products of the elite schools go on to take so many teaching positions not only in elite schools but in non-elite schools as well.

The bias towards graduates of elite schools appears to affect tenure decisions as well. Professors graduating from elite schools in our sample were more likely to become full professors⁹⁷ sooner than their colleagues who graduated from less prestigious schools (see Table 31). The proposition that professors from elite schools are more likely to become full professors sooner than their colleagues from lower-ranked schools is also supported by the fact that 11% of the professors in our sample who graduated from the seven highest-ranked schools became full professors immediately upon hire, almost twice the 5.9% figure for those professors not graduating from a top-seven school.⁹⁸

Elite schools were also more likely to have older professors than other schools (see Table 32). The average age among those professors in our sample teaching at top-twenty schools was just over 50, whereas the average age of all professors sampled was just under 48. Nearly 30% of the sampled professors at the top-seven schools were over sixty years of age, compared to only 14% overall.

96. LAW SCHOOLS AND PROFESSIONAL EDUCATION, *supra* note 22, at 82 (1980).

97. See *supra* note 64 for a discussion of the relationship between tenure and full professor status.

98. Chi-square = 7.28, *df* = 1, *p* < .001.

TABLE 31

MEAN YEARS TO FULL PROFESSOR
BY RANK OF J.D. SCHOOL

Rank of J.D. School	Mean Years to Full Professor
1-7 (n=149)	5.4
8-20 (n=84)	5.6
21-60 (n=102)	6.4
61-120 (n=68)	5.6
121-75 (n=19)	6.6
All Professors (N=422)	5.8

$F(4, 417) = 3.288, p < .02.$

TABLE 32

MEAN AGE OF PROFESSORS BY RANK OF
SCHOOL OF EMPLOYMENT

Rank of School of Employment	Mean Age
1-7 (n=54)	50.1
8-20 (n=84)	50.5
21-60 (n=236)	48.6
61-120 (n=284)	48.0
121-75 (n=214)	45.5
All Professors (N=872)	47.9

$F(4, 867) = 6.13, p < .001.$

Although professors at top-ranked schools were only slightly older on average than their colleagues (see Table 32), teachers at top-ranked schools began their teaching careers considerably earlier on average than their colleagues (see Table 33).

TABLE 33

YEAR OF FIRST TENURE-TRACK POSITION
BY RANK OF CURRENT SCHOOL

Rank of Professor's School of Employment	Mean Year of First Tenure-Track Position
1-7 (n=54)	1971
8-20 (n=84)	1972
21-60 (n=236)	1974
61-120 (n=284)	1975
121-75 (n=214)	1977
All Professors (N=872)	1975

$F(4, 867) = 10.38, p < .01.$

Tenured professors at top-ranked schools appear to have been awarded tenure slightly faster than their peers. Professors at the top-seven schools became full professors after an average of 4.1 years, while professors at schools ranked 8-20 became full professors after an average of 4.3 years. The average professor sampled overall attained full professor status after 5.8 years (see Table 34).⁹⁹

99. These figures exclude both tenured professors who became full professors immediately and those tenured professors whose tenure path was interrupted for any reason.

TABLE 34

YEARS TO FULL PROFESSOR BY
RANK OF CURRENT SCHOOL

Rank of Professor's School of Employment	Mean Years to Full Professor
1-7 (n=27)	4.1
8-20 (n=52)	4.3
21-60 (n=124)	6.1
61-120 (n=144)	6.0
121-75 (n=75)	6.5
All Professors (N=422)	5.8

$F(4, 417) = 10.68, p < .01.$

In addition, elite schools were more likely to award full professor status immediately. Of the professors sampled at top-seven schools, 16.7% became full professors immediately upon hire, compared to the overall average of 8%. On the other end of the spectrum, only 4.2% of professors at schools ranked between 121 and 175 became full professors immediately upon hire.

As we previously noted, teachers at elite schools were more likely to have completed a judicial clerkship prior to teaching.¹⁰⁰ In addition, a high percentage of teachers at the highest-ranked schools also served on law review, as illustrated in Table 35.

100. See *supra* Table 17 and accompanying text.

TABLE 35

LAW REVIEW MEMBERSHIP BY
RANK OF SCHOOL OF EMPLOYMENT

Rank of Professor's School of Employment	Percentage of Professors on Law Review
1-7 (n=54)	83.3%
8-20 (n=84)	60.7%
21-60 (n=236)	49.6%
61-120 (n=284)	45.4%
121-75 (n=214)	36.4%
All Professors (N=872)	48.2%

Chi-square = 44.86, $df = 4$, $p < .001$.

One may conclude, then, that elite schools continue to dominate the composition of the professoriate. Although it is not impossible for a professor to teach at a school ranked higher than the one from which the professor has received his J.D., the odds are daunting. Perhaps the most remarkable finding is that the expansion of the legal teaching profession has not weakened the dominance of elite schools in the production of law professors. The path to legal academia continues to be a narrow one.

CONCLUSION

The 1980s were a period of both dynamic change and surprising stability in the law teaching profession. These phenomena occurred against a backdrop of rapid expansion in the number of law schools and law professors. Thirty-five percent of today's law teachers were hired in the 1980s.

The expansion in the number of law professors has created more opportunities for women. Between the 1975–76 school year and the 1988–89 school year, the percentage of female law professors increased from 7% to 20%. Barring a vast discrepancy in retention rates, this percentage can be expected to continue to grow in light of the fact that 35% of the professors hired in the 1980s were women. Indeed, many of the gender differences revealed by our study, such as the difference between the percentages of men and women who were on law review, or who completed a judicial clerkship, resulted from this influx of female law professors in the 1980s. The characteristics of female law professors more strongly reflect recent trends in the law teaching profession than do those of men because a larger percentage of today's female law professors were hired in the 1980s. Nonetheless, the influx of female law professors in the 1980s largely failed to reach the nation's top-ranked law schools, where women are far less represented than at law schools generally.

The extent of legal experience prior to teaching has also been an area of significant change over the decades. Perhaps counterintuitively, professors hired in the 1980s were more likely to have had legal experience before joining academia than their peers who were hired earlier. Moreover, the extent of that experience was greater. In particular, the prevalence of private and public interest experience has increased. More dramatic, however, was the increase in the percentage of professors completing judicial clerkships. Nearly 40% of the professors hired in the 1980s completed judicial clerkships.

The one area where little, if any, change has occurred is in the dominance of a small number of law schools in the production of law teachers. Despite a substantial increase in the number of law teachers, five law schools produced nearly one-third of the nation's law professors, a percentage nearly unchanged from the mid-1970s. When the top-twenty law schools are considered as a group, they produced nearly 60% of all law professors in our sample. Moreover, we found that professors generally teach at law schools ranked at or below the rank of their own J.D. school.

Although increasingly open to women, the passageway to a career as a law professor remains quite narrow. With few exceptions, that passageway leads through one of the nation's top-ranked schools. Though this proposition may seem self-evident to members of the legal professoriate, it may surprise

many who wish to become law teachers, as well as law school applicants generally. One wonders what impact this “inbreeding” has not only on legal education but on the development of the law itself.