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2020]

LEGAL EDUCATION AS HEGEMONIC MASCULINITY

DARA E. PURVIS\*

WOMEN are underrepresented throughout legal academia from the ranks of professors down to the “blawgosphere” of law professor blogging.<sup>1</sup> Reading past analyses of gender imbalances in legal education is depressing in its consistency: as Morrison Torrey wrote thirteen years ago,

it does provoke the question of exactly when we have enough “evidence” of the gender, race, and heterosexual bias in legal education for legal educators to take this problem seriously. How many more studies do we need?<sup>2</sup>

Similarly, reading past pronouncements of the likelihood of meaningful action triggers a cynical response when comparing the hopeful statement—that “law schools are on the brink of constructive and far reaching change”—with a publication date of 1998.<sup>3</sup> That said, until legal education has solved its gender problem, this Article and the Symposium of which it is a part are a necessary and hard conversation that is still worth having. To that end, this Article makes two contributions: first, it is impossible to talk about gender in legal academia, or indeed in the legal profession writ large, without looking at the journey of women law students.<sup>4</sup> Women law students continue to face unequal experiences of legal education as well as worse results in the tangible markers that lead to professional opportunities after graduation. The gendered inequality of legal education thus reverberates through the rest of the legal profession, including academic leadership. Second, this Article is the first to explicitly use masculinities theories to frame the gendered problems of legal education, in ways that help inform past reform proposals. In the uncertain times prompted by the current coronavirus pandemic, framing gendered

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1. See Jane Murphy & Solangel Maldonado, *Reproducing Gender and Race Inequality in the Blawgosphere*, 41 HARV. J.L. & GENDER 239 (2018).

2. Morrison Torrey, *Yet Another Gender Study? A Critique of the Harvard Study and a Proposal for Change*, 13 WM. & MARY J. WOMEN & L. 795, 797 (2007).

3. Sarah Berger et al., “Hey! There’s Ladies Here!!” *Reflections on: Becoming Gentlemen: Women, Law School, and Institutional Change* by Lani Guinier, Michelle Fine, and Jane Balin, 73 N.Y.U. L. REV. 1022, 1025 (1998).

4. My use of the term women and other feminine terms is not intended to exclude nonbinary law students, who also face all of the challenges discussed in this Article in addition to hurdles caused by societal failure to recognize their gender.

legal education as a problem of hegemonic masculinity helps to indicate why diversifying legal education will benefit all students.

Over the past few decades, a number of surveys and studies have chronicled how women law students have different and inferior experiences of law school. One of the most dramatic aspects of this begins in the classroom and how often students of different genders speak in class. Women law students are less likely to volunteer, less likely to speak in class overall, and less comfortable as a result. As a 1988 discussion of the impressions of Yale Law School women put it, “[t]he classroom was the crucible of our criticisms of ourselves and of the law school. There, many of us, longtime class participants, learned silence.”<sup>5</sup>

How often students of different genders spoke up in class was the subject of some of the earliest research regarding gender in legal education.<sup>6</sup> Initially, the silencing of women students happened as the result of egregiously sexist actions by professors, who avoided calling on women students or called on them only in order to denigrate them.<sup>7</sup> This overt sexism is generally gone from law school classrooms, but surveys and studies throughout the years create a strikingly consistent picture. Over and over, the conclusion is the female students speak less in class: for Stanford students in 1988,<sup>8</sup> Berkeley law students in 1988,<sup>9</sup> students at nine Ohio law schools in 1993,<sup>10</sup> Brooklyn Law School students in 1995,<sup>11</sup> Yale Law School students in 2002,<sup>12</sup> Harvard in 2005,<sup>13</sup> Boston College in 2012,<sup>14</sup> and the University of Chicago in 2017.<sup>15</sup>

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5. Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299, 1332–33 (1988).

6. See Marjorie L. Girth, *UB’s Women in Law: Overcoming Barriers During Their First Hundred Years*, 9 BUFF. WOMEN’S L.J. 51, 61 (2001).

7. See Gwen McNamee, *Alliance for Women Battles Law School Gender Bias*, CHI. B. ASS’N REC., May 1995, at 38.

8. See Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209, 1242 (1988).

9. See Suzanne Homer & Lois Schwartz, *Admitted But Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY WOMEN’S L.J. 1, 29, 50 (1989).

10. See Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311, 325–26 (1994).

11. See Marsha Garrison et al., *Succeeding in Law School: A Comparison of Women’s Experiences at Brooklyn Law School and the University of Pennsylvania*, 3 MICH. J. GENDER & L. 515, 524–25 (1996).

12. See Sari Bashi & Maryana Iskander, *Why Legal Education Is Failing Women*, 18 YALE J.L. & FEMINISM 389, 403–09 (2006).

13. See Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School*, 13 AM. U. J. GENDER SOC. POL’Y & L. 511, 531 (2005).

14. See Lauren A. Graber, *Are We There Yet? Progress Toward Gender-Neutral Legal Education*, 33 B.C. J.L. & SOC. JUST. 45, 67 (2013).

15. See Mallika Balachandran et al., *Speak Now: Results of a One-Year Study of Women’s Experiences at the University of Chicago Law School*, 2019 U. CHI. LEGAL F. 647, 657.

This is not to say that male students enjoy being cold-called or all volunteer without hesitation—the verbal sparring of a traditional law school classroom is uncomfortable for lots of students of all genders. Women students, however, seem disproportionately intimidated into silence. Even in surveys that ask students who do not voluntarily speak in class why they don't, men are more likely to say they weren't prepared, whereas women are more likely to say they were afraid.<sup>16</sup> Women students are also more likely to say that their fellow students do not respect what they say in class.<sup>17</sup>

Judgment in the classroom flows not only horizontally between students but also vertically between students and professor. Where in the past, male professors judged women students harshly, in present day students also judge women professors more harshly than traditionally credentialed white cisgender male professors. This plays out in ways that reverberate throughout legal academia. Student evaluations, which universally play a role in promotion and tenure decisions, judge women professors more harshly.<sup>18</sup> In the classroom, students are more likely to question a woman professor's knowledge and status.<sup>19</sup> Students who become members of law reviews are then responsible for selecting articles for publication, the “bread and butter” of scholarly achievement.<sup>20</sup> Women professors are underrepresented as authors in law review publications even below their underrepresented levels on law school faculties, even though one study found that articles by women professors are cited more than articles by men.<sup>21</sup>

Women students lag behind in achieving other markers of law school success. For example, women students on average often have lower grades than men, even where their undergraduate GPAs were the same.<sup>22</sup> Other academic achievements are often tied to grades, such law review membership, where women students are underrepresented.<sup>23</sup> Women students also publish fewer notes in law reviews.<sup>24</sup>

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16. See Felice Batlan et al., *Not Our Mother's Law School?: A Third-Wave Feminist Study of Women's Experiences in Law School*, 39 U. BALT. L.F. 124, 139 (2009).

17. See Nancy E. Dowd et al., *Diversity Matters: Race, Gender, and Ethnicity in Legal Education*, 15 U. FLA. J.L. & PUB. POL'Y 11, 31–32 (2003).

18. See Christine Haight Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333, 337 (1996).

19. See *id.* at 341.

20. See Michael J. Higdon, *Beyond the Metatheoretical: Implicit Bias in Law Review Article Selection*, 51 WAKE FOREST L. REV. 339, 347–49 (2016).

21. See Christopher A. Cotropia & Lee Petherbridge, *Gender Disparity in Law Review Citation Rates*, 59 WM. & MARY L. REV. 771, 782–86 (2018).

22. See Allison L. Bowers, *Women at the University of Texas School of Law: A Call for Action*, 9 TEX. J. WOMEN & L. 117, 135 (2000); Neufeld, *supra* note 13, at 540; Richard K. Neumann Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313, 321 (2000).

23. See Balachandran et al., *supra* note 15, at 656.

24. See Jennifer C. Mullins & Nancy Leong, *The Persistent Gender Disparity in Student Note Publication*, 23 YALE J.L. & FEMINISM 385, 397–99 (2011).

In addition to garnering external recognition, women students also face more challenges to their confidence and emotional well-being in law school. Women students feel worse about their own abilities to succeed.<sup>25</sup> One study found that in a negotiation exercise—a skill often identified as an alternative to the stereotypical antagonistic arguments of law school—female students rated themselves as less competent than male students did, even though outcomes were equal across genders.<sup>26</sup> Surveys also consistently find that women students are unhappier during law school,<sup>27</sup> even at schools where their performance is more equal to men.<sup>28</sup> Women students report more feelings of alienation,<sup>29</sup> leading to frustration and disillusionment with the law.

Such disparities in performance and emotional well-being reverberate throughout their careers.<sup>30</sup> Women lawyers are less likely to become law firm partners or secure other leadership roles.<sup>31</sup> Women lawyers are unhappier than their male counterparts, and the gendered disparity is greater in law than among people with other types of degrees.<sup>32</sup> Women lawyers are underemployed more than men<sup>33</sup> and are more likely to leave the legal profession altogether.<sup>34</sup>

Meera Deo has chronicled in detail the significant differences in rank and treatment of women professors throughout academia.<sup>35</sup> Women are more likely to be in lower status jobs within academia.<sup>36</sup> They are more likely to be legal writing professors, who often are not tenure track and

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25. See Batlan et al., *supra* note 16, at 142–43.

26. See Sandra R. Farber & Monica Rickenberg, *Under-Confident Women and Over-Confident Men: Gender and Sense of Competence in a Simulated Negotiation*, 11 YALE J.L. & FEMINISM 271, 291–92 (1999).

27. See Paula Gaber, “Just Trying to Be Human in This Place”: *The Legal Education of Twenty Women*, 10 YALE J.L. & FEMINISM 165, 166 (1998).

28. See Graber, *supra* note 14, at 64–66.

29. See Celestial S.D. Cassman & Lisa R. Pruitt, *A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall*, 38 U.C. DAVIS L. REV. 1209, 1271 (2005); Garrison et al., *supra* note 11, at 529.

30. See Paola Cecchi-Dimeglio, *Designing Equality in the Legal Profession: A Nudging Approach*, 24 HARV. NEGOT. L. REV. 1, 10 (2018).

31. See Deborah L. Rhode, *Diversity and Gender Equity in Legal Practice*, 82 U. CIN. L. REV. 871, 872 (2014).

32. See Joni Hersch & Erin E. Meyers, *Why Are Seemingly Satisfied Female Lawyers Running for the Exits? Resolving the Paradox Using National Data*, 102 MARQ. L. REV. 915, 936 (2019).

33. See Jane R. Bambauer & Tauhidur Rahman, *The Quiet Resignation: Why Do So Many Female Lawyers Abandon Their Careers?*, 10 U.C. IRVINE L. REV. 799, 807 (2020).

34. See Joyce S. Sterling & Nancy Reichman, *Navigating the Gap: Reflections on 20 Years Researching Gender Disparities in the Legal Profession*, 8 FIU L. REV. 515, 527 (2013).

35. See Meera E. Deo, *The Ugly Truth About Legal Academia*, 80 BROOK. L. REV. 943, 943 (2015); see also MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019).

36. See Ann C. McGinley, *Reproducing Gender on Law School Faculties*, 2009 B.Y.U. L. REV. 99, 99.

lack the job protection, higher salaries, and higher prestige of other academic positions.<sup>37</sup> Even within tenure-track professors, individual topics are coded as masculine or feminine, and the subjects more likely to be taught by women are seen as less prestigious.<sup>38</sup> Even within identical academic ranks, women professors suffer a pay gap.<sup>39</sup> Some schools who are required to report faculty salaries publicly have used secret measures such as forgivable loans to supplement certain professors' salaries without alerting women professors to the pay difference.<sup>40</sup>

Different scholars' explanations for the stubborn longevity of gender disparity in legal education offer a number of ideas, all of which likely contribute simultaneously. One thread of analysis looks at the skills that current legal pedagogy rewards, what one group of scholars called the "gladiator model."<sup>41</sup> Law school emphasizes "individualism and hierarchy," rather than more relational values that women students may be more likely to emphasize.<sup>42</sup> Adversarial modes of argument and learning dominate, exemplified by the Socratic dialogue and class discussion that pits students against one another.<sup>43</sup>

Even the language of legal analysis is in some ways coded as male.<sup>44</sup> Learning to frame facts within the language and arguments of the law, seeking neutral principles that apply across different facts, asks women students to erase key context specific to their gender, reimagining the world as men will understand it.<sup>45</sup> The perspective of judges and legislators of the past—almost all white men—is deemed to be neutral, whereas perspectives informed by the lived experiences of individual modern plaintiffs and students is biased. Judge Dorothy Nelson of the Ninth Circuit Court of Appeals was a member of the first all-female appellate panel in 1981 (alongside Ninth Circuit Judge Betty Binns Fletcher and District Court

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37. See Kathryn M. Stanchi & Jan M. Levine, *Gender and Legal Writing: Law Schools' Dirty Little Secrets*, 16 BERKELEY WOMEN'S L.J. 1, 4 (2001).

38. See Marjorie E. Kornhauser, *Rooms of Their Own: An Empirical Study of Occupational Segregation by Gender Among Law Professors*, 73 UMKC L. REV. 293, 327 (2004).

39. See Melissa Hart, *Missing the Forest for the Trees: Gender Pay Discrimination in Academia*, 91 DENV. U. L. REV. 873, 877–78 (2014).

40. See Paula A. Monopoli, *The Market Myth and Pay Disparity in Legal Academia*, 52 IDAHO L. REV. 867, 876–77 (2016).

41. See Berger et al., *supra* note 3, at 1035.

42. Lee E. Teitelbaum et al., *Gender, Legal Education, and Legal Careers*, 41 J. LEGAL EDUC. 443, 449 (1991).

43. See Mairi N. Morrison, *May It Please Whose Court?: How Moot Court Perpetuates Gender Bias in the "Real World" of Practice*, 6 UCLA WOMEN'S L.J. 49, 55 (1995).

44. See Lucinda M. Finley, *Breaking Women's Silence in Law: The Dilemma of the Gendered Nature of Legal Reasoning*, 64 NOTRE DAME L. REV. 886, 892–95 (1989).

45. See Kathryn M. Stanchi, *Resistance Is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices*, 103 DICK. L. REV. 7, 23–30 (1998).

Judge Judith Keep sitting by designation).<sup>46</sup> Their calendar included an employment discrimination case brought by a female employee, and attorneys representing the employer argued that the judges should recuse themselves, since their gender made them biased.<sup>47</sup>

Although little scholarship about the legal profession has used the term, analysis of how the law, legal education, and the legal profession is coded as male approaches a frame of analysis known as masculinities theories. Masculinities, just as the term sounds, asks how society defines and promotes what is masculine.<sup>48</sup> Although masculinity is intentionally pluralized to emphasize that there are many ways to be a man, hegemonic masculinity is the single idea of manhood seen as better than all other, less manly, alternatives.<sup>49</sup> People of all genders may be judged harshly against the standard of hegemonic masculinity, either because they fail to achieve it or, because of factors including gender, sexual orientation, race, economic class, and so on, they will *never* be able to achieve hegemonic masculinity.<sup>50</sup>

Hegemonic masculinity is deeply encoded within the legal profession. A handful of scholars have written about masculinities in the context of law firms. Richard Collier, for example, has discussed the role masculinities plays in constructing employment in large law firms in a way incompatible with family and caregiving responsibilities.<sup>51</sup> Ann McGinley takes a broader view and argues that masculinities embedded in law firms is one reason that women and underrepresented groups have not been as successful in firms as one would expect given their numbers among law school graduates.<sup>52</sup>

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46. See Judge Betty Binns Fletcher, First All Women's Panel Opening Remarks, Ninth Circuit Court of Appeals (Mar. 20, 1981), [https://cdn.ca9.uscourts.gov/datastore/library/2014/04/07/19810320-First\\_All\\_Women's\\_Panel\\_Opening\\_Remarks\\_By\\_Judge\\_Fletcher.pdf](https://cdn.ca9.uscourts.gov/datastore/library/2014/04/07/19810320-First_All_Women's_Panel_Opening_Remarks_By_Judge_Fletcher.pdf) [<https://perma.cc/X3AX-7S7Y>].

47. The author clerked for Judge Raymond C. Fisher of the Ninth Circuit, and Judge Nelson told this story at a lunch event in chambers for clerks.

48. See Nancy E. Dowd, *Masculinities and Feminist Legal Theory*, 23 WIS. J.L. GENDER & SOC'Y 201, 209 (2008).

49. See Dara E. Purvis, *Trump, Gender Rebels, and Masculinities*, 54 WAKE FOREST L. REV. 423, 430 (2019).

50. See *id.* at 439.

51. See Richard Collier, *Rethinking Men and Masculinities in the Contemporary Legal Profession: The Example of Fatherhood, Transnational Business Masculinities, and Work-Life Balance in Large Law Firms*, 13 NEV. L.J. 410, 427 (2013); see also Kenneth G. Dau-Schmidt et al., *Men and Women of the Bar: The Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49, 128 (2009) ("Although they begin the practice of law with only a small difference in their average income, by fifteen years after law school women on average earn significantly less a year (\$132,170) than men (\$229,529). However, our means and regression analysis suggest that, once again, the impact of lower income is disproportionately borne by women who do childcare, who suffer a disadvantage similar to that of men who do childcare.").

52. See Ann C. McGinley, *Masculine Law Firms*, 8 FIU L. REV. 423, 439–40 (2013).

Coding certain traits as masculine and then measuring students by their ability to match those traits is rife within legal education. Christine Haight Farley described the phenomenon without using the term masculinities in 1996: “We think of law as rational, objective, abstract, logical/analytical, and rigorous. These are the characteristics more often attributed to men than to women. Women are often seen as the mirror opposite: as irrational, subjective, contextual, intuitive, flexible, and compassionate.”<sup>53</sup> Similarly, before I had the framing of masculinities to label my analysis, I drew a similar conclusion about what behavior law schools reward:

[L]aw school privileges a certain set of characteristics because they are partly typical of some of the historically successful students in a student body that used to be exclusively male. The circle is then completed when those characteristics are institutionalized as defining what a successful law student looks like. These characteristics include being willing to speak up aggressively in class, voicing half-formed arguments and verbally sparring with other students and the professor. Such a student is eager to explicitly compete with his peers, such as vying for limited spots on the school’s law review either through academic performance or successful execution of a writing competition or other admissions mechanism. He “rushes the podium” to speak with his professors after class, and visits their office hours frequently enough to feel confident asking them for letters of recommendation for his clerkship applications.<sup>54</sup>

Obviously, men in law school may not excel at such activities, nor may many of them enjoy the public competition of classroom dynamics. Masculinities help to explain this: very few men succeed at temporarily proving their hegemonic masculinity.<sup>55</sup> Masculinities explain how gendered expectations hurt people of all genders: men for being insufficiently masculine, and people of other genders for never being capable of being masculine at all. Hegemonic masculinity takes a narrow sliver of possible behavior and achievement, codes that behavior as masculine, and punishes anyone who fails to measure up. Most men in law school will not attain all of the competitive markers of success as a law student, but the gendered coding of competition and verbal performance in the classroom means that women law students are asked to perform masculine behaviors

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53. Farley, *supra* note 18, at 349.

54. Dara E. Purvis, *Female Law Students, Gendered Self-Evaluation, and the Promise of Positive Psychology*, 2012 MICH. ST. L. REV. 1693, 1708.

55. See Ann C. McGinley, *Ricci v. Destefano: A Masculinities Theory Analysis*, 33 HARV. J.L. & GENDER 581, 586 (2010).



that will be interpreted as inappropriately aggressive. As one recent publication put it, “being a good lawyer means being a bad woman.”<sup>56</sup>

Masculinities help to explain ongoing problems of gender throughout legal academia in multiple ways. First, it helps to explain the stubborn persistence of a gender gap in performance and emotional health throughout legal education. Obviously, the most extreme and explicit sexist acts within legal education have been largely removed.<sup>57</sup> As outlined above, however, from the first days of law school, women students have a measurably worse experience. This experience continues for women throughout the legal profession, to the point that some women seeing the poor professional outcomes for women attorneys choose not to go to law school as a result.<sup>58</sup> Legal education is firmly but silently captured by hegemonic masculinity, emphasizing explicit competition and rankings that guarantee the kind of perpetual struggle that hegemonic masculinity requires. This makes legal education unpleasant for many students, but particularly so for women (and other underrepresented groups), who will never truly measure up. But because hegemonic masculinity is an unspoken correlation to the skills law school rewards, and not an explicit preference for male students, the gendered element is buried beneath arguments about professional skills and abstract pedagogy.

Second, masculinities help to underscore why existing reform proposals will help. Many scholars have proposed moving from a narrow scope of educational goals to “qualitative diversity,” in which students are instructed in many skills important to different types of legal practice and thought.<sup>59</sup> Diversity of law school faculty is vitally important to present multiple pictures of success and offer different opportunities for mentorship.<sup>60</sup> Masculinities help to explain why diversifying legal education is important: not only because different legal jobs involve very different skills, and not just because law students will perform better when given opportunities to develop their own individual strengths, but also because the act of diversifying what it means to succeed in law school will begin to break down the gendered connotations of successful gunner.

Finally, masculinities help to resolve a potential fault line within feminist legal scholars. One line of argument in favor of expanding or changing what skills are valued in legal education incorporates assumptions about what kinds of things are feminine strengths. For example, one

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56. Alice Woolley & Elysa Darling, *Nasty Women and the Rule of Law*, 51 U.S.F. L. REV. 507, 536 (2017).

57. See Purvis, *supra* note 54, at 1695.

58. See Hollee Schwartz Temple, *Clogged Pipeline: Lack of Growth at Firms Has Women Skipping Law School*, AM. B. ASS’N J. (Oct. 1, 2012), [https://www.abajournal.com/magazine/article/clogged\\_pipeline\\_lack\\_of\\_growth\\_at\\_firms\\_has\\_women\\_skipping\\_law\\_school](https://www.abajournal.com/magazine/article/clogged_pipeline_lack_of_growth_at_firms_has_women_skipping_law_school) [<https://perma.cc/492Y-WFTU>].

59. See Berger et al., *supra* note 3, at 1028–31.

60. See Judith D. Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA WOMEN’S L.J. 81, 114 (1996).

thought experiment in what women-friendly legal education might look like imagines an all-female school with no established administrative hierarchy beginning day one with an intensive mediation seminar and a pedagogical focus on collaboration and communication.<sup>61</sup> This may be the dream legal education experience of some women, but it risks essentializing all women as preferring collaboration and mediation to appellate advocacy. Promoting changes to legal education as benefiting women students can edge into different voice feminism, which argues that certain perspectives and traits are fundamentally feminine.<sup>62</sup> Masculinities emphasize that the diversity of approaches that would enrich legal education are not for the benefit of women law students, but *all* law students. Education in client counseling and alternative dispute resolutions are not helpful to add because they add a feminine voice or skill set, but because they are useful for all students. Diversifying the curriculum, in other words, will help to break the link between hegemonic masculinity and legal education entirely.

As this Article goes to print, law schools and the rest of the country are just beginning to grapple with the fallout from the coronavirus pandemic, which has forced virtually all law schools into online education with very little notice. It is unclear how long legal education will be kept online, and what the ultimate consequences will be, but it is worth concluding with a few thoughts about the opportunity it presents to rethink aspects of legal education. Multiple administrations of the LSAT have already been cancelled, which may accelerate experimentation in admitting students without an LSAT score. Data already indicate that women students as well as other underrepresented groups are more likely to apply to higher education without standardized tests, so broadening admission criteria to law school may increase the numbers of women law students even more.<sup>63</sup> Online delivery of legal education may be more of a mixed bag: on the one hand it might increase access for people with caregiving responsibilities, who still tend to be disproportionately women.<sup>64</sup> If traditional curriculum is simply moved into a synchronous online format, however, the conflict between caregiving and educational responsibilities may actually make things worse. If law schools are faced with longer periods of online delivery of education, they should take into account the varying resources and demands that students are juggling alongside their studies. Finally, current graduates are facing uncertain employment pros-

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61. See Nancy E. Shurtz, *Lighting the Lantern: Visions of a Virtual All-Women's Law School*, 16 HASTINGS WOMEN'S L.J. 63 (2004).

62. See Dara E. Purvis, *The Origin of Parental Rights: Labor, Intent, and Fathers*, 41 FLA. ST. U. L. REV. 645, 689 (2014); see also Purvis, *supra* note 54, at 1707 n.116.

63. See Andrea A. Curcio et al., *Testing, Diversity, and Merit: A Reply to Dan Subotnik and Others*, 9 U. MASS. L. REV. 206, 256 (2014).

64. See Abigail Cahak, *Beyond Brick-and-Mortar: How (Cautiously) Embracing Internet Law Schools Can Help Bridge the Legal Access Gap*, 2012 U. ILL. J.L. TECH. & POL'Y 495, 499.

pects due to the cancellation of multiple bar exams, which will further reinvigorate older criticisms of the bar exam as a final hurdle into the legal profession.<sup>65</sup>

No matter how long the current crisis extends, it is clear that legal education has a profound gendered problem from the first days of law school. Masculinities helps to explain how deeply rooted the problem is, even as reforms have removed the worst sexism and the numbers of women law students has grown. As law schools respond to social and economic crisis, academic leadership should keep gender equity in mind as a goal of any reforms. Not only will it help women law students, later legal professionals, and academics themselves, but it will improve legal education for all students.

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65. See, e.g., Kristin Booth Glen, *When and Where We Enter: Rethinking Admission to the Legal Profession*, 102 COLUM. L. REV. 1696 (2002).