

TEXAS LAWYER

An **ALM** Publication

texaslawyer.com | December 12, 2016

Are the Best, Brightest Women Skipping Law School Altogether?

BY KATHLEEN J. WU

I WRITE A LOT IN THIS column about the need for women to achieve parity in the legal profession. There are many reasons for that. At the highest levels, ours is a well-paid profession, and power follows money. It's also important because the elite ranks of the legal profession are where much of our judicial and political leadership is drawn.

I had hoped that the passage of time would improve the rates at which women succeed in the profession, but if a recent study titled "The Leaky Pipeline for Women Entering the Legal Profession" is any indication, we may actually lose ground in the coming years.

The gist of the study, which was published last month, is that the "leaky pipeline" to

the highest reaches of the profession begins earlier than we thought. Most of the headlines I saw focused on the fact that women attend lower-ranked law schools in greater numbers than higher-ranked law schools, and that most plum legal jobs go to students that graduate from elite law schools—meaning women are missing out on many of those jobs that ultimately lead to the upper echelons of the profession.

Consider these stats taken from the study: The University of Chicago, which placed 91 percent of its 2015 graduates in jobs requiring bar admission, enrolls just 44 percent women. The lower-ranked Whittier Law School, which only placed 21 percent of its most recent graduates in lawyer jobs, is



Kathleen J. Wu, a partner in Andrews Kurth in Dallas

59 percent women. Those odds definitely don't seem to work in women's favor.

Highly ranked law schools do more than just get you jobs. They shape our nation's laws. Of our eight current Supreme Court justices, four graduated

from Harvard Law School; three from Yale; and one from Columbia. A scan of appellate judges, BigLaw partners and high-ranking government lawyers would reveal similar pedigrees.

That more women attend lower-ranked law schools is easily (though unsatisfyingly) explained away by the fact that, according to the authors of the study, women score on average 2 points lower on the LSAT than men do. Higher LSAT scores = admission to more elite schools. On its face, even though it's troubling and shouldn't be ignored, it's not nefarious.

What I didn't see focused on very much was another of the study's findings: only 51 percent of law school applicants are women, but 57 percent of bachelor's degrees go to women. And it's not that women aren't going to graduate school. In fact, women get more masters and PhDs than men do.

So we're missing out on a chunk of women who are perfectly qualified and interested in graduate-level education, but just aren't interested in going into the law. Are

we missing out on the best and brightest women? The study wasn't able to answer that question, but that statistic is a worrisome indicator nonetheless.

There was a time when every smart girl I knew wanted to be a lawyer. It was seen as the ticket to success. In fact, being a lawyer was the definition of success. Granted, in hindsight, that was youthful naiveté, but it was the image I grew up with and aspired to—and I have to admit that I'm a little sad at its apparent passing.

Young girls still aspire to greatness, but they're just as likely to want to go into finance or computers or filmmaking. I don't begrudge those young women—or their future professions—their choices, but I do worry that we're making our talent pool smaller for the women who could be writing, enforcing and interpreting our laws. Laws that affect women, in very practical (even intimate) ways, every day.

Another alarming finding from the study was that the trend of women at low-status law schools isn't a relic from the past. Rather, it's a relatively new phenomenon. The

study's authors didn't see it in 2001, when law schools as a whole first reached gender parity. The pattern began to emerge in 2006 and has gotten much worse in the last 10 years.

The study's authors, Deborah Jones Merritt and Kyle McEntee, wrote in Bloomberg's Big Law Business that what may be driving the change is "law schools' increased focus on gaming their U.S. News rank," which puts more weight on students' LSAT scores than their undergraduate GPAs. Although women score lower on the LSAT, they earn higher GPAs in college, so "as schools chase LSAT scores to polish their U.S. News rank, women get the short end of the stick," they wrote.

I had hoped we were on an upward slope and that the opening to the funnel was getting larger. But it appears that opening—which was already a narrow one—may be getting narrower with each passing year.

Kathleen J. Wu is a partner in Andrews Kurth in Dallas. Her practice areas include real estate, finance and business transactions.