

# EQUALIZER



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SOCIETY OF AMERICAN LAW TEACHERS

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## SALT Study on Women and Minorities in Legal Education

In an article published in the current issue of the Pennsylvania law review, SALT Governor Richard Chused has completed his update of SALT's 1980-81 survey of faculty composition by adding and analyzing data on the 1986-87 school year. The new study also examines departure rates of women and minority faculty members between 1981 and 1987. Chused received data from 149 schools representing more than 85% of A.A.L.S. member institutions, creating a sufficiently large data base to permit him to make some important observations about racial and gender patterns in the hiring, retention, and firing of faculty by American law schools. A recent draft of Chused's updated study reveals that women and minorities have made some gains in hiring and retention, but that the numbers remain inexcusably low:

'[T]he data demonstrates that minority professors in general and Black professors in particular tend to be tokens if they exist at all, that very few majority run schools have significant numbers of minority teachers, and that

minority teachers leave their schools at higher rates than their white colleagues. . . . Women are entering law school teaching in non-tenure track contract positions to teach legal writing at very high rates, about a fifth of the reporting schools are not moving at an appropriate pace to add women to their regular teaching staffs, slightly under two-fifths of the "high percentage" institutions are significantly behind the national pace in adding women to their faculties, and some schools are denying tenure to women at disproportionate rates.'

Chused's study suggests that women and minorities at many institutions may feel isolated and alienated because they have too few colleagues who share their perspectives to create a critical mass for cultural identification. His description of racial hiring patterns is illustrative:

'Racial tokenism is alive and well at American law schools. About one third of all schools have no Black faculty. Another third have just one. Less than a tenth have more than three. In percentage terms, less than 15%

of law schools have more than 6% of their faculty positions occupied by Black people. . . . Only about one-fourth of law schools have more than 6% of their faculty positions occupied by minority persons generally. For the entire group of 144 majority operated schools in this study, the total number of Black teachers increased at a rate of only ten people per year. The population of minority teachers generally rose by only about sixteen people per year.'

The absence of a critical mass of colleagues who share a minority or female faculty member's perspective may have a direct effect on retention. Racial isolation is one of several explanations that Chused offers for data that shows disproportionately high numbers of black tenure-track faculty shifting schools before their tenure decision and of black tenured faculty leaving teaching altogether. The data also showed a positive correlation between isolation of women faculty and adverse tenure decisions or voluntary departures for those faculty:

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'[U]ntenured men were denied tenure or left their positions at rates which were unrelated to the gender composition of the tenured faculty. Just over half of the men were granted tenure, about 12% were denied tenure, and about 30% left. For untenured women, however, remarkable differences appeared. At schools with higher proportions of tenured women, untenured women were denied tenure much less often, left at lower rates and obtained tenure at higher rates than men. At schools with lower proportions of tenured women, the untenured women were denied tenure much more often, left at higher rates and obtained tenure at lower rates. Though national trends in the hiring and retention of men and women are similar, some schools clearly have moved rapidly to integrate women into all levels of their faculties, while others are creating roadblocks to both the hiring and promotion of women.'

Interestingly, Chused's study revealed that the top 15% "high prestige" schools were disproportionately represented among the schools that showed the least progress in hiring and retaining women. Chused comments that "some leading institutions are not setting a good example":

'Though larger longitudinal studies are clearly necessary to confirm the trends, the over representation of high prestige schools among low progress institutions suggests that tenure may be a significant problem for many women now working on "big name" faculties.'

In calling for increased efforts to hire and retain women and minorities, Chused notes that law school faculties are unlikely to expand significantly in the near

future but that surprisingly high turnover rates for all faculty should create adequate opportunities for affirmative action recruitment:

'Commitments need to be made by American law schools to aggressively recruit, hire and tenure Black, Hispanic, Asian and other minority persons. Commitments need to be made by American law schools to aggressively recruit, hire and tenure women. Excuses are no longer acceptable. Enough schools have now managed to reach a significant level of racial and gender diversity that the "unavailability of qualified applicant" excuse rings totally hollow. Turnover is high enough that the "lack of available slot" excuse rings totally hollow. What is required is commitment, devotion of time, willingness to confess error, conscious devotion to finding and using new methods for recruiting faculty, placement of existing women and minority faculty on hiring and tenure committees in as substantial numbers as possible, the use of significant numbers of open faculty slots as targets for the fulfillment of openly stated hiring goals, and public statements by Deans and University Presidents that faculty diversity is a matter of the highest priority.'

## **SALT CLEARINGHOUSE**

### **Cumberland Law Review Annual Prize for Civil Rights Commentary**

The Cumberland Law Review proudly announces its first annual prize for civil rights commentary. For this year's competition, we seek lead articles and commentary for our volume 19:3, set for publication in May, 1989 and dedicated to the 25th anniversary of the Civil Rights Act.

Two thousand dollars (\$2,000) will

be awarded to the author of the article or commentary that best analyzes a civil rights topic. Second place, third place, and honorable mention will receive five hundred dollars (\$500), three hundred dollars (\$300) and two hundred dollars (\$200) respectively.

Applicants should address some aspect of civil rights--analyzing current law or providing a historical perspective. Manuscripts should be typed double-space on a letter-quality printout. Lead articles should be in traditional law review form; commentary may take a less restrictive essay form with minimal footnoting. Submissions should be postmarked by January 1, 1989 and sent to the Cumberland Law Review, Cumberland School of Law of Samford University, S.U. Box 2268, 800 Lakeshore Drive, Birmingham, Alabama 35229.

The Cumberland Law Review writing competition is open to professors at all accredited law schools, practicing attorneys, and persons otherwise qualified (as, for example, having actually participated in the civil rights movement). The winning articles or commentaries will be selected by the Editorial Board of the Cumberland Law Review, in conjunction with an eminent scholar on the topic.

In its nineteenth year of publication, the Cumberland Law Review publishes articles, commentary, and student materials in all areas of the law, three times annually.

For further information, please contact Richard Eldon Davis, Editor-in-Chief (205) 870-2437 or Alice Durkee, Articles Editor (205) 870-2571.

## **Faculty Vacancy**

The University of Arizona invites applications for permanent faculty positions to be filled effective August 1989 or after. Both beginning and experienced teachers will be considered. Applicants should have distinguished academic credentials and a record or the promise of both teaching excellence and high scholarly achievement. Applications from women and minorities are particularly encouraged. Contact Prof. Robert Jerome Glennon; Chair, faculty personnel committee; University of Arizona College of Law; Tucson, AZ 85721. Deadline for applications: Jan. 2, 1989. The University of Arizona is an EEO/AA employer.

**SALT Activities at  
1989 AALS Conference**

SALT will sponsor the following activities at the AALS conference in New Orleans. Check final official schedules at the AALS conference site for locations of these activities.

Thurs., Jan. 5, 4-6 pm: Open Meeting with SALT Board of Governors. See pp. 3-4 of this newsletter for details.

Thurs., Jan. 5, 8:15 pm: Robert Cover Memorial Study Group. See below for details.

Fri., Jan. 6, 6:30 - 8:30 am: Meeting of SALT Board of Governors, Sheraton, 3rd floor, Poydras Rm. Breakfast: \$13.00, send checks to Stuart Filler.

Sat., Jan. 7, 6:30 pm: SALT cocktail reception, followed by SALT Awards Banquet at 8:00 pm. Use the reservation form below.

**Second Annual Study  
Group  
in Memory of Robert  
Cover**

SALT will present a study group session at the New Orleans A.A.L.S. conference in memory of the late Professor Robert Cover. Leading the study group will be Milner Ball, the Harmon Caldwell Professor of Constitutional Law at the University of Georgia Law School and the author of Lying Down Together. Below is a suggested list of background readings:

1.R. Cover, Nomos and Narrative, 97 Harv. L. Rev. 4 (1982); Folktales of Justice, 14 Cap. U.L. Rev. 179 (1985); Violence and the Word, 95 Yale L.J. (1985).

2.F. Kernode, The Genesis of Secrecy (1974).

3.Mark 4:10-12 (10-41), Isaiah 6:9-10 (1-3), II Kings 22-23. Any modern literary-critical commentary on these biblical texts (and on Deuteronomy); the entries in encyclopedia Judica on Josiah and Deuteronomy.

4.R. Williams, The Algebra of Federal Indian Law, 1986 Wisc. L. Rev. 219, 219-223, 284-299. See also Arden, The Fire That Never Dies, National Geographic, Vol. 172, No. 3, Sept., 1987, p. 375, at 381, 396-87.

**1989 SALT Awards  
Banquet**

SALT will present its 1989 Teaching and Service Award to the University of Wisconsin Law School for its commitment to diversity in faculty recruiting. Use the form below to reserve a seat at the Awards Banquet, Saturday January 7, at the AALS conference. SALT will hold an open reception at the Sheraton, third floor, Pontchartrain Ballroom D, 6:30 - 8:00 pm. The Awards Banquet, which will include dinner and dancing to a local jazz band, will be held in Pontchartrain Ballroom C, 8:00 - midnight. Tickets for the Banquet are \$42 each.

**SOCIETY OF AMERICAN LAW TEACHERS  
AWARDS BANQUET REGISTRATION**

**New Orleans, Saturday, January 7, 1989**  
Sheraton, 3rd floor. Reception- 6:30 pm; Banquet - 8:00 pm

\_\_\_\_\_ Number of Reservations (\$42 each)

Name \_\_\_\_\_

School \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Zip Code \_\_\_\_\_

Make check out to SALT, and  
mail along with this form to:

**Stuart Filler, Treasurer**  
**Society of American Law Teachers**  
**University of Bridgeport School of Law**  
**Room 248**  
**303 University Avenue**  
**Bridgeport, Connecticut 06601**

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