

## Anti-Discrimination in Law School Research – Bibliography

Prepared by Rachel Ricketts, LL.B. 2010

Summer 2008

### **DISABILITY**

- Susan Johanne Adams, *Leveling the Floor: Classroom Accommodations for Law Students with Disabilities*, 48 J. Legal Educ. 273 (1998).

### **RACE**

- Ian Ayres & Richard Brooks, *Does Affirmative Action Reduce the Number of Black Lawyers?*, 57 Stan. L. Rev. 1807 (2005).

- Devon W. Carbado & Mitu Gulati, *What Exactly is Racial Diversity?*, 91 Cal. L. Rev. 1149 (2003).

- Clark D. Cunningham, Glenn C. Loury & John D. Skrenty, *Passing Strict Scrutiny: Using Social Science to Design Affirmative Action Programs*, 90 Geo. L.J. 835 (2002).

- Okianer Christian Dark, *Just My 'Magination*, 10 Harv. BlackLetter J. 21 (1993)

- Rachel L. Gregory, *Florida's Bar Exam: Ensuring Racial Disparity, Not Competence*, 18 Geo. J. Legal Ethics 771 (2005).

- Cheryl I. Harris, *Critical Race Studies: An Introduction*, 49 UCLA L. Rev. 1215 (2002).

- Cecil J. Hunt, II, *Guests in Another's House: An Analysis of Racially Disparate Bar Performance*, 23 Fla. St. U.L. Rev. 721 (1996).

- William C. Kidder, *Affirmative Action in Higher Education: Recent Developments in Litigation, Admissions and Diversity Research*, 12 Berkeley La Raza L.J. 173 (2001).

- William C. Kidder, *The Bar Examination and the Dream Deferred: A Critical Analysis of the MBE, Social Closure, and Racial and Ethnic Stratification*, 29 Law & Soc. Inquiry 547 (2004).

- William C. Kidder, *Does the LSAT Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving "Elite" College Students*, 89 Calif. L. Rev. 1055 (2001).

- William C. Kidder, *The Struggle for Access from Swett to Grutter: A History of African American, Latino, and American Indian Law School Admissions, 1950-2000*, 19 Harv. Blackletter L.J. 1 (2003).

- Douglass C. Lawrence, *Challenging Affirmative Action: Does Diversity Justify Race-Conscious Admissions Programs?*, 36 Suffolk U. L. Rev. 83 (2002).

- Athena D. Mutua, *Who Gets In? The Quest for Diversity After Grutter*, 52 Buffalo L. Rev. 531 (2004).
- Daria Roithmayr, *Direct Measures: An Alternative Form of Affirmative Action*, 7 Mich. J. Race & L. 1 (2001).
  
- Janice S. Robinson, *Unlocking the Doors to Legal Education: Rutgers-Newark Law School's Minority Student Program*, 149-DEC N.J. Law 16 (1992).
  
- Margaret M. Russell, *What Does It Mean to Practice Law "In the Interests of Justice" in the Twenty-First Century?: McLaurin's Seat: The Need for Racial Inclusion in Legal Education*, 70 Fordham L. Rev. 1825 (2002).
  
- Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 Stan. L. Rev. 367 (2004).
  
- Peter H. Schuck, *Affirmative Action: Past, Present and Future*, 20 Yale L. & Pol'y Rev. 1 (2002).

## **GENDER**

- Margalynne Joan Armstrong and Stephanie M. Wildman, *Teaching Race/Teaching Whiteness: Transforming Colorblindness to Color Insight*. Santa Clara Univ. Legal Studies Research Paper No. 08-51 Available at SSRN: <http://ssrn.com/abstract=1108476>
  
- Ann Bartow, *Still Not Behaving Like Gentleman*, 49 U. Kan. L. Rev. 809 (2001).
  
- Jennifer G. Brown, *"To Give Them Countenance": The Case for a Women's Law School*, 22 Harv. Women's L.J. 1 (1999)
  
- Paula Gaber, *"Just Trying to Be Human in This Place": The Legal Education of Twenty Women*, 10 Yale J.L. & Feminism 165 (1998).
  
- Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. Pa. L. Rev. 1 (1994).
  
- Jennifer Locke, *Untitled*. (1991)
  
- Autumn Mesa, *A Woman's Climb Up the Law School Ladder*, 9 *Cardozo Women's L.J.* 379 (2003).
  
- Debra Schlee. (2001) Thinking like a lawyer: Gender differences in the production of professional knowledge. *Gender Issues* 19:2, 69-86
  
- Morrison Torrey et al., *What Every First-Year Female Law Student Should Know*, 7 Colum. J. Gender & L. 267 (1998).

- Catherine Weiss and Louise Melling, *The Legal Education of Twenty Women*, 40 Stan. L. Rev. 1299 (1988).

- Lisa A., Wilson & David H. Taylor, *Surveying Gender Bias at One Midwestern Law School*, 9 Am. U.J. Gender Soc. Pol'y & L. 251 (2001)

## **RACE AND GENDER**

- Natasha Bakht, Kim Brooks, Gillian Calder, Jennifer Koshan, Sonia Lawrence, Carissima Mathenand Debra L. Parks, *Counting Outsiders: A Critical Exploration of Outsider Course Enrollment in Canadian Legal Education*(2007). Osgoode Hall Law Journal, Vol. 45, No. 4, pp. 667-732, 2007  
Available at SSRN: <http://ssrn.com/abstract=1121163>

- Kristina Brittenham, *In Pursuit of the Gold Star: Diary of a Law Student*, "Unbound: Harvard Journal of the Legal Left" (Spring 2005).

- Carole J. Buckner, *Realizing Grutter v. Bollinger's "Compelling Educational Benefits of Diversity" -- Transforming Aspirational Rhetoric Into Experience*, 72 UMKC L. Rev. 877 (2004).

- Leighann Burns and Zara Suleman, *Justicia In Your Face: How to Survive Law as an Anti-Colonial, Anti-Racist, Feminist Activist* in *Calling for Change: Women, Law and the Legal Profession*. Eds. McIntyre, Sheehy, Ottawa: University of Ottawa Press (2006).

- Timothy T. Clydesdale, *A Forked River Runs Through Law School: Toward Understanding Race, Gender, Age, and Related Gaps in Law School Performance and Bar Passage*, 29 Law & Soc. Inquiry 711 (2004).

-Andrea A. Curcio, *A Better Bar: Why and How the Existing Bar Exam Should Change*, 81 Neb. L. Rev. 363 (2002).

- Okianer Christian Dark, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability into Law School Teaching*, 32 Willamette L. Rev. 541 (1996).

- Nancy E. Dowd, Kenneth B. Nunn & Jane E. Pendergast, *Diversity Matters: Race, Gender, and Ethnicity in Legal Education*, 15 U. Fla. J.L. & Pub. Pol'y 11 (2003).

- B. Glesner Fines, *The Impact of Expectations on Teaching and Learning*, 38 Gonz. L. Rev. 89 (2003).

- Angela P. Harris and Marjorie M. Shultz, *"Another Critique of Pure Reason": Toward Civic Virtue in Legal Education*, 45 Stan. L. Rev. 1773 (1993).

- Herma Hill Kay, *Symposium: Law School and the Legal Profession: A Conference in Celebration of Twenty-Five Years of Service By James P. White: The Challenge to Diversity in Legal Education*, 34 Ind. L. Rev. 55 (2000).

- Deborah Jones Merritt and Barbara F. Reskin, *Sex, Race, and Credentials: The Truth About Affirmative Action in Law Faculty Hiring*, 97 Colum. L. Rev. 199 (1997).

- Laurie A. Morin, *Reflections on Teaching Law as Right Livelihood: Cultivating Ethics, Professionalism, and Commitment to Public Service from the Inside Out*, 35 Tulsa L.J. 227 (2000).
- Michael G. Perez, *Fair and Facially Neutral Higher Educational Admissions Through Disparate Impact Analysis*, 9 Mich. J. Race & L. 467 (2004).
- Sherene H. Razack (1998), *Looking white people in the eye: gender, race and culture in courtrooms and classrooms*. Toronto: University of Toronto Press.
- Cruz Reynoso and Cory Amron, *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. Legal Educ. 491 (2002)
- Dorothy E. Roberts, *The Paradox of Silence: Some Questions About Silence as Resistance*, 5 Mich. J. Race & L. 927 (2000).
- Rita Sethi, *Speaking Up! Speaking Out! The Power of Student Speech in Law School Classrooms*, 16 Women's Rts. L. Rep. 61 (1994). 77.
- Adam G. Todd, *Academic Support Programs: Effective Support Through a Systemic Approach*, 38 Gonz. L. Rev. 187 (2002-2003).
- Patricia Tuitt. "The Racist Effects of the 'Reasonable Person,' in *Institutional Racism and the Reasonable Man in Race, Law, Resistance*. Glasshouse Press: London 2004, pp. 38-54.
- Judith White and Chris Manolis, *Individual Differences in Ethical Reasoning Among Law Students*, 25:1 Soc. Behav. & Personality 19-48, 21-30, 33, 39-41 (1997).
- Abiel Wong, "*Boalt-ing*" *Opportunity?: Deconstructing Elite Norms in Law School Admissions*, 6 Geo. J. Poverty L. & Pol'y 199 (1999).

### **OTHER:**

- Duncan Kennedy (1983) *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System*. Afar Cambridge
- William P. Quigley, "*Letter to a Law Student Interested in Social Justice*," 1 DePaul Journal for Social Justice 7 (2007).

### **LEGAL PROFESSION:**

- 1) Diane L. Abraham, *Lip Service and Diversity in the Legal Profession: Time for a Reality Check*, 15 Utah Bar J. 16 (2002).
- 2) Deborah A. Agosti, *My Life and the Law: A Brief Overview*, 36 U. Tol. L. Rev. 863 (2005).

- 3) Dennis W. Archer, *The Value of Diversity: What the Legal Profession Must Do To Stay Ahead of the Curve*, 12 Wash. U. J.L. & Pol'y 25 (2005).
- 4) Carol A. Aylward (1999), *Canadian Critical Race Theory: Racism and the Law*. Halifax: Fernwood Publishing.
- 5) BASF Staff, *The Commitment to Equality: The No Glass Ceiling Task Force Releases its Recommendations*, 2002 San Francisco Att'y 57 (2002).
- 6) Ann Bartow, *Some Dumb Girl Syndrome: Challenging and Subverting Destructive Stereotypes of Female Attorneys*, 11 Wm. & Mary J. Women & L. 221 (2005).
- 7) Theresa M. Beiner, *Female Judging*, 36 U. Tol. L. Rev. 821 (2005).
- 8) Joan Brockman, *An Update on Gender and Diversity in the Legal Profession in Alberta, 1991-2003* in *Calling for Change: Women, Law and the Legal Profession*. Eds. McIntyre, Sheehy, Ottawa: University of Ottawa Press (2006).
- 9) Paul A. Burnett, *Fairness, Ethical, and Historical Reasons for Diversifying the Legal Profession with Longhairs, the Creatively Facial-Haired, the Tattooed, The Well-Pierced, and Other Rock and Roll Refugees*, 71 UMKC L. Rev. 127 (2002).
- 10) Paul D. Carrington, *Diversity*, 1992 Utah L. Rev. 1105 (1992).
- 11) Carl G. Cooper, *Diversity: Denied, Deferred, or Preferred*, 107 W. Va. L. Rev. 685 (2005).
- 12) Amelia C. Cramer, *Homophobia in the Halls of Justice: Sexual Orientation Bias and its Implications within the Legal System*, 11 Am. U.J. Gender Soc. Pol'y & L. 25 (2003).
- 13) Joan Dempsey Klein, *Remarks*, 36 U. Tol. L. Rev. 911 (2005).
- 14) Leah V. Durant, *Gender Bias and the Legal Profession: A Discussion of Why There Are Still So Few Women on the Bench*, 4 Margins 181 (2004).
- 15) Jennifer Durkin, *Queer Studies I: An Examination of the First Eleven Studies of Sexual Orientation Bias by the Legal Profession*, 8 UCLA Women's L.J. 343 (1998).
- 16) Ken Feagins, 'Wanted—Diversity: White Heterosexual Males Need Not Apply,' 4 Widener J. Pub. L. 1 (1994).
- 17) James M. Finberg, *Diversity in the Legal Profession: National Failure, Local Progress*, 2005 San Francisco Att'y 6 (2005).
- 18) Sandra Smith Gangle, *Sharing the Power*, 58-JUN Or. St. B. Bull. 70 (1998)
- 19) Roy S. Ginsburg, *Making the Business Case for Diversity: Improving the Representation of Women and Minority Laws in Your Law Firm May Enhance Your Business as More Clients Factor in Diversity When Choosing a Law Firm*, 78 JUN-Wis. Law. 20 (2005).

- 20) Kristin Booth Glen, *When and Where We Enter: Re-thinking Admission to the Legal Profession*, 102 Colum. L. Rev. 1696 (2002).
- 21) J. Cunyon Gordon, *Symposium: The Legal Profession: Looking Backward: Painting By Numbers: "And, Um, Let's Have a Black Lawyer Sit At Our Table"*, 71 Fordham L. Rev. 1257 (2003).
- 22) Susan M. Holden, *Diversity in the Profession: Is It Still an Issue?*, 62-AUG Bench & B. Minn. 5 (2005).
- 23) Eric. H. Holder, *The Importance of Diversity in the Legal Profession*, 23 Cardoza L. Rev. 2241 (2002).
- 24) George R. Jackson, *"Focus on Diversity": Respect, Find Out What It Means to Me*, 90 Law Libr. J. 579 (1998).
- 25) J. Banning Jasiunas, *Is ENDA the Answer? Can a "Separate but Equal" Federal Statute Adequately Protect Gays and Lesbians From Employment Discrimination*, 61 Ohio St. L.J. 1529 (2000).
- 26) Karen A. Jehn, *Managing Workteam Diversity, Conflict, and Productivity: A New Form of Organizing in the Twenty-First Century Workplace*, 1 U. Pa. J. Lab. & Emp. L. 473 (1998).
- 27) Vernon E. Jordan, Jr., *The View From the Podium: Speech to the 1992 Convention of the Washington, D.C. Bar Association*, 34 B.C. L. Rev. 1 (1992).
- 28) Fiona M. Kay, Cristi Masuch, and Paula Curry, *Growing Diversity and Emergent Change: Gender and Ethnicity in the Legal Profession* in *Calling for Change: Women, Law and the Legal Profession*. Eds. McIntyre, Sheehy, Ottawa: University of Ottawa Press (2006).
- 29) Sheila McIntyre and Elizabeth Sheehy, eds. (2006), *Calling for Change: Women, Law and the Legal Profession*. Ottawa: University of Ottawa Press.
- 30) William Malpica and Mauricio A. Espana, *Expanding Latino Participation in the Legal Profession: Strategies for Increasing Latino Law School Enrollments*, 30 Fordham Urb. L.J. 1393 (2003).
- 31) Peter Margulies, *Race, Gender, Power, and the Public Interest: Perspectives on Professionalism*, 8 St. Thomas L. Rev. 3 (1995).
- 32) Carrie Menkel-Meadow, *Culture Clash in the Quality of Life in the Law: Changes in the Economics, Diversification and Organization of Lawyering*, 44 Case W. Res. L. Rev. 621 (1994).
- 33) Scott A. Moss, *Women Choosing Diverse Workplaces: A Rational Preference with Disturbing Implications for Both Occupational Segregation and Economic Analysis of Law*, 27 Harv. Women's L.J. 1 (2004).
- 34) Orange County Bar Association, *Suggestions for Law Firms to Improve Diversity in Orange County's Legal Community*, 47-JUN Orange County Law. 14 (2005).
- 35) James W. Pearce et al., *African Americans in Large Law Firms: The Possible Cost of Exclusion*, 42 How. L.J. 59 (1998).

- 36) Russell G. Pearce, *White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law*, 73 Fordham L. Rev. 2081 (2005).
- 37) Sherene H. Razack (2002), Editor. *Race, Space and the Law: Unmapping a white settler society*. Toronto: Between the Lines.
- 38) Herman J. Russomanno, *President's Page Diversity: Seize the Future and Feel the Power of Inclusion*, 74-OCT Fla. B.J. 8 (2000).
- 39) Susan P. Strum, *From Gladiators to Problem-Solvers: Connecting Conversations About Women, the Academy, and the Legal Profession*, 4 Duke J. Gender L. & Pol'y 119 (1997).
- 40) Dan Subotnik, *The Cult of Hostile Gender Climate: A Male Voice Preaches Diversity to the Choir*, 8 U Chi L Sch Roundtable 37 (2001).
- 41) Akshat Tewary, *Legal Ethics as a Means to Address the Problem of Elite Law Firm Non-Diversity*, 12 Asian L.J. 1 (2005).
- 42) Amy L. Wax, *Family-Friendly Workplace Reform: Prospects for Change*, 596 Annals 36 (2004).
- 43) David B. Wilkins, *Symposium: Brown at Fifty: From "Separate Is Inherently Unequal" to "Diversity is Good for Business": The Rise of Market-Based Diversity Arguments and the Fate of the Black Corporate Bar*, 117 Harv. L. Rev. 1548 (2004).
- 44) R. George Wright, *Cumulative Case Legal Arguments and the Justification of Academic Affirmative Action*, 23 Pace L. Rev. 1 (2002).