The Legal Academy's Ideological Uniformity

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Adam Bonica
Stanford University

Adam Chilton
University of Chicago

Kyle Rozema
Northwestern University

Maya Sen
Harvard Kennedy School

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Adam Bonica, Adam Chilton, Kyle Rozema, & Maya Sen[*]

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We compare the ideological balance of the legal academy to the ideological balance of the legal profession. To do so, we match professors listed in the Association of American Law Schools Directory of Law Teachers and lawyers listed in the Martindale-Hubbell directory to a measure of political ideology based on political donations. We find that 15% of law professors, compared to 35% of lawyers, are conservative. After controlling for individual characteristics, however, this 20 percentage point ideological gap narrows to around 13 percentage points. We argue that this ideological uniformity marginalizes law professors, but that it may not be possible to improve the ideological balance of the legal academy without sacrificing other values.

Keywords: Law Professors, Political Ideologies, Legal Profession

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[*]Bonica: Stanford University, Department of Political Science, e-mail: bonica@stanford.edu. Chilton: University of Chicago Law School, e-mail: adamchilton@uchicago.edu. Rozema: Northwestern Pritzker School of Law, e-mail: kyle.rozema@law.northwestern.edu. Sen: Harvard University, John F. Kennedy School of Government, e-mail: maya_sen@hks.harvard.edu.

1 Introduction

Political ideology affects legal decision-making. For example, political ideology affects the voting of Supreme Court justices (Segal and Spaeth, 2002), influences the voting patterns of heterogeneous circuit court panels (Miles and Sunstein, 2007), and even predicts the conclusions that law professors reach in their research (Chilton and Posner, 2015). In fact, the relationship between ideology and legal decision-making is thought to be so strong and persistent that it is now widely believed to be one of the most influential factors in legal decisions (e.g., Martin et al., 2004; Ruger et al., 2004).

The relationship between ideology and legal decision-making has given rise to concerns over the ideological balance in the legal academy, and, in particular, the implications stemming from an underrepresentation of conservatives. The strong link between ideology and legal decision-making implies that law professors, who are charged with training future generations of lawyers and who exercise substantial influence over politics and policy, should not be overwhelmingly from one side of the political spectrum. Concerns about the ideological imbalance of the legal academy have recently drawn attention from both academics and politicians. For example, a group of law professors have petitioned the Association of American Law Schools (AALS) to promote more ideological diversity in the legal academy (Barnett, 2017), and bills have been introduced into two state legislatures—Iowa and North Carolina—that would require public universities to promote ideological diversity in faculty hiring (Schmidt, 2017).

The belief that law professors are predominantly liberal is not only based on anecdotal evidence, but also has been documented in a number of empirical studies (Merritt, 1998; Cardiff and Klein, 2005; McGinnis et al., 2005; Lindgren, 2016; Phillips, 2016). Although these studies made important contributions, they examined the ideologies of law professors in isolation. However, the assessment of the ideological balance of the legal academy should consider the ideological distribution of the population of potential law professors. Because lawyers—and particularly elite lawyers—are also overwhelmingly liberal (Bonica et al., 2016), it may be the case that law professors simply share the political ideology of the population from which they are drawn.

In this paper, we study the ideological balance of the legal academy relative to the legal profession. To do so, we construct the most comprehensive dataset on the ideologies of law professors by matching 10,040 law professors listed in the 2012 AALS Directory of Law Teachers to the Database on Ideology, Money and Politics,

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and Elections (DIME) (Bonica, 2016), a comprehensive database of political ideology that is based on political donations, and compare the ideologies of law professors to the ideologies of lawyers listed in the Martindale-Hubbell directory. This process reveals that law professors are politically active, with over 60% having made a political donation between 1979 and 2014.

We begin by documenting the ideologies of law professors. We find that approximately 15% of law professors are conservative and that only approximately one out of every twenty law schools have more conservative law professors than liberal ones. In addition, we find that these patterns vary, with higher-ranked schools having an even smaller presence of conservative law professors. We then compare the ideological balance of the legal academy to that of the legal profession. Compared to the 15% of law professors that are conservative, 35% of lawyers overall are conservative. Law professors are more liberal than graduates of top 14 law schools, lawyers working at the largest law firms, former federal law clerks, and federal judges. Although we find that professors are more liberal than the alumni at all but a handful of law schools, there is a strong relationship between the ideologies of professors from a law school and the ideologies of alumni from that school. However, this relationship is weaker for schools with more conservative alumni.

Next, we formally compare the ideological balance of the legal academy to relevant groups of lawyers by estimating a series of regressions that control for differences in ideologies between law professors and lawyers by law school, subject area, and geographic location. We find that the legal academy is more liberal than the legal profession even after controlling for these individual characteristics. However, we find that differences in ideology attributable to individual characteristics explain a meaningful amount of the ideological gap between the legal academy and the legal profession. In particular, the ideological gap between law professors and lawyers is reduced by roughly one third (from 20 percentage points to 13 percentage points).

Nonetheless, the ideological tilt of the legal academy has potentially broad implications. For instance, because law professors are overwhelmingly liberal, groups of law professors advocating for liberal positions can easily be marginalized. For example, after Jeff Sessions was nominated as Attorney General in 2016, over a thousand law professors signed a letter opposing his confirmation. This letter was criticized by some as simply representing the views of the left leaning legal academy (e.g., Huffman, 2017;

Presser, 2017). To assess the these criticisms, we match the signatories of the letter to our sample of law professor ideology, and find that only 4% of the signatories that appear in our data are conservative. This raises the question of whether the reception to the letter would have been different had more conservative law professors signed the letter. Although we have no way to answer this question, the endeavor might have been given more credence had more conservative professors participated in the letter: observers might have been less likely to expect Republican-leaning law professors to oppose Sessions ideologically, thus making such criticisms more powerful and effective. We argue that this example illustrates that the legal academy's ideological uniformity limits its political credibility.

As we will explain, however, reducing the ideological uniformity of the legal academy may have drawbacks. For instance, adopting ideological hiring preferences— like promoting the hiring of conservative faculty—could negatively affect other hiring prerogatives, including the goal of achieving a gender balance and the priority of hiring underrepresented racial groups. We consider the potential tradeoffs between ideological hiring preferences and other hiring prerogatives by using information on the gender of law professors and an AALS list of 1,417 minority law professors. In particular, we assess ideological differences by gender and minority status, and find that non-minority (male) law professors are roughly one and a half times (two times) more likely to be conservative than minority (female) law professors. This provides at least some suggestive evidence that a tradeoff between ideological balance and diversity-oriented hiring prerogatives could potentially exist.

At the outset, it is worth emphasizing that our results are purely descriptive. We do not attempt to study the causes or consequences of the empirical patterns. As a result, we are not able to shed light on why the liberal tilt in the legal academy exists or whether the ideological leanings of the legal academy have any adverse effect on student outcomes, scholarship, or policy making. For example, it could be the case that ideological sorting leads more liberals to pursue a career in the legal academy. Or, as has been noted by several scholars (e.g., Phillips, 2016), it could partly be explained by conservative candidates facing obstacles in the hiring process. These and other narratives could work together to create the observed empirical patterns. We discuss potential explanations in further depth below, but again emphasize here that we are unable to tease out any of the mechanisms.

Our paper proceeds as follows. In Part 2 we introduce the data. In Part 3 we study the ideologies of law professors overall, by expertise, and by law school. In Part 4 we study the ideological balance between the legal academy and the legal profession. In Part 5 we implement some robustness checks. In Part 6 we document one possible consequence of the lack of ideological diversity: limiting the persuasiveness of attempts by law professors to collectively influence public opinion. In Part 7 we explore how an ideological hiring preference might potentially affect the balance of law professor hiring on other diversity margins. In Part 8 we conclude.

2 Data

2.1 Prior Studies

At least five prior studies investigate the political ideologies of law professors.[1] Table 1 summarizes the ideologies of law professors estimated from each study. Although these papers used different samples and methods for identifying political ideology, all five studies found that between 75% and 86% of law professors are liberal.[2]

As we further explain below, the data we use for this study improve upon past work in three ways. First, whereas other studies use relatively small samples of law professors (e.g., from a subset of law schools), our data is based on all law professors listed in the 2012 AALS Directory of Law Teachers. Second, our measure of political ideology—the CFscore—places individuals on an ideological spectrum, which offers richer information on individuals' political leanings than using a discrete measure of ideology as in previous studies (e.g., the political party one donates to). Third, we link data on the ideologies of law professors to data on the ideologies of lawyers, which allows us to compare the ideology of the legal academy to the legal profession.

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[1]In addition to these studies, two other studies have indirectly examined the ideologies of law professors. First, Chilton and Posner (2015) examined the relationship between political ideology and the political leanings of legal scholarship using a sample of 156 law professors from the top-14 law schools. They found that 75 professors were net donors to Democrats, 24 professors were net donors to Republicans, and 57 professors made no donations. Second, Bonica et al. (2016) examined the political ideologies of lawyers in the Martindale-Hubbell directory. They found that lawyers who identified as law professors were more liberal than other lawyers.

[2]See Phillips (2016) for a great summary of these studies.

2.2   AALS

We obtained the names of all law professors recorded in the 2012 AALS Directory of Law Teachers.[3] The AALS contains multiple tables of law professor identities. We utilize the table of "law teachers by subject" for our list of law professors. This means we intentionally exclude anyone who is not listed as teaching at least one subject (e.g., director of alumni relations, head of student services). This yields 10,040 law professors in total. The AALS further identifies the law school where the professor is employed and each subject that he or she teaches. There are a total of 104 subjects,[4] and the average professor teaches 3.9 subjects.

2.3   DIME

We use data on political ideology from the Database on Ideology, Money in Politics, and Elections (DIME) (Bonica, 2016). This database was introduced in Bonica (2014). To give some brief context, the DIME contains information on the universe of political donations disclosed to the Federal Election Commission and state election agencies. This includes donations made from 1979 to 2014 in local, state, and federal elections by individuals, political action committees, and corporations. In total, the DIME contains over 150 million donations made from over 16 million donors.

The DIME provides a measure of ideology known as Campaign Finance scores ("CFscores"). CFscores are calculated by first placing candidates on a unidimensional ideological scale based on their share of common donors. Individual donors are then placed on the same scale based on the weighted share of the donations given to candidates. The scale is normalized such that it has a mean of zero and a standard deviation of one with respect to the population of U.S. donors.[5] For instance, Bernie Sanders has a CFscore of -1.89, Barak Obama has a CFscore of -1.16, Mitt Romney has a CFscore of 0.90, and Donald Trump has a CFscore of 1.29. To offer a slightly simplified illustration of how the donor scores are constructed, consider two examples. First, if an individual's only donation is to Barak Obama, her CFscore would be -1.16.

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[3]Several earlier studies have relied on AALS data (e.g., White, 1994; Olivas, 1994; Eisenberg and Wells, 2000; Harrison, 2006). We relied on the 2012 AALS because this was the most recent version of the directory in PDF form when we began data collection for this project.

[4]We exclude subjects that have fewer than 10 law professors.

[5] This measure has been extensively validated (Bonica, 2014; Bonica and Sen, 2015) and used in political science and legal research (e.g., Thomsen, 2014; Chilton and Posner, 2015; Wood and Spencer, 2016).

Second, if an individual made two thirds of her lifetime donations to Bernie Sanders and one third of her lifetime donations to Barak Obama, her CFscore would be -1.65 $\left((\text{-}1.89 \times \frac{2}{3}) + (\text{-}1.16 \times \frac{1}{3}) \right)$.

2.4 Matching

We use the professor's name, the law school they work at, and the law school's location to match to DIME. In addition to the data on law professor identities, we obtained data on the identities of lawyers from the Martindale-Hubbell directory. To match these data to DIME, we use the lawyer's name, employer, and the state of residence from the Martindale-Hubbell directory of lawyers.[6] Through this process we find that the donation rate for law professors is 64%. (To put this in perspective, Chilton and Posner (2015) hand matched professors from Top 14 law schools to their donations and found donation rates of 63%.) This donations rate is higher than the donation rate for Americans in general (roughly 5%) and for lawyers in the Martindale-Hubbell directory (41%).

3 The Ideology of the Legal Academy

In this section, we assess several potentially important patterns of law professor ideologies, including variation by area of expertise and across law schools. We begin by exploring the overall distribution of law professors' ideologies.

3.1 Ideologies of Law Professors Overall

Figure 1 displays the distribution of the CFscores for all 6,441 law professors who made donations (prominent politicians' CFScores are marked for reference). The distribution is roughly bimodal, following the two-party ideological divide in American politics. The average CFscore of donating professors is -0.86, which is roughly between Bill Clinton (-0.56) and Barack Obama (-1.16).

Using a cutoff for conservative as 0 (which reflects the average ideology of Americans), 15% of law professors are conservative. If we define "moderate conservative" as between 0 and 1, 54% of conservative professors are moderate conservative. If we define "moderate liberal" as between -1 and 0, 27% of liberal professors are

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[6]See Bonica and Sen (2015) for information on the matching process.

moderate liberal. We will use these definitions of moderate conservative and liberal throughout.

3.2 Ideologies of Law Professors by Area of Expertise

Next, we examine whether the ideologies of law professors vary according to their substantive academic interests. One might expect political ideology to stem from, or perhaps serve to motivate, law professors' research and teaching activities. For example, a researcher interested in racial bias could develop an interest in voting rights more broadly, thereby leading her to more strongly affiliate with (and thus contribute to) liberal candidates.

We examine this possible relationship by assessing how the ideologies of law professors vary according to their subject areas, as listed in the AALS directory.[7] Figure 2 plots the mean ("x" symbol) and median ("o" symbol) ideologies of law professors in each of the subject areas (with the bars indicating the 25th and 75th percentile of CFscores). The teaching areas are sorted by the mean CFscore of professors in the subject area from most liberal ("feminist legal theory") to most conservative ("military law"). Some of the subjects that have a reputation for being the most liberal are taught by, on average, the most liberal professors. For example, the eight most liberal subjects in terms of mean CFscore are feminist legal theory, poverty law, women and the law, critical race theory, immigration law, disability law, welfare law, and human rights. By contrast, subjects with the most conservative professors on average are military law, estate planning, oil and gas, securities regulation, admiralty, sports law, and equity.

To investigate the forces driving the differences, Figure 3 plots the distribution of CFscores for subject areas with at least 200 professors who donate (the vertical line represents the median CFscore for the subject area). The figure shows that a key difference between the ideologies of law professors by subject is not a noticeable shift from liberal professors to moderate liberal professors, but the presence, if any, of conservative professors in the field. Figure 3 shows that there are few conservative professors teaching in the subjects that are most liberal on average; by contrast, subjects that are more conservative on average have a majority of liberal professors but *at least*

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[7]Subject area refers to "subject matter taught," which could differ from research and writing areas. For the most part, scholars tend to teach in areas close to or tangential to their research areas. In addition, recall that professors may have multiple teaching areas listed. The means we include each individual professor into each subjects area listed.

some conservative professors. Thus, the mere presence of a number of conservatives is sufficient to differentiate (in terms of averages) ideological differences among law professors between subject areas.

3.3   Ideologies of Law Professors by Law School

We anticipate that some of the greatest variation in the ideologies of law professors will be across law schools. Law schools have different ideological cultures, with differences in the ideologies of alumni comporting with the popular reputations of the programs (Bonica et al., 2016). For instance, alumni of the University of California-Berkeley are some of the most liberal lawyers, while graduates of Brigham Young University and the University of Wyoming are some of the most conservative.

One might expect the reputations to extend to the professors at the law schools. To investigate differences in ideology by law school, Figure 4 plots the mean ("x" symbol) and median ("o" symbol) professor CFscore for each law school (with bars indicating the 25th and 75th percentile of CFscores). For ease of interpretation, we sort the programs by the mean professor CFscore, from most liberal (Florida A&M University) to the most conservative (George Mason University). We find that universities with liberal reputations, such as the University of California-Berkeley, have on average the most liberal professors and that universities with conservative reputations, such as George Mason University and Brigham Young University, have on average the most conservative professors. The figure also makes clear that the vast majority of law schools have average faculty that leans to the left of center. The average professor is more conservative than the average American at less than ten law schools.[8]

We next consider whether the difference in average professor ideology by law school is driven by the absence of conservative professors or by more moderate liberal professors. Figure 5 plots the ideological distribution of the professors at the most elite law schools—traditionally known as the "T14" (or the Top 14) law schools. Differences in ideology appear to be driven by the presence of conservatives at several programs rather than a shift of liberals in the moderate direction. For example, consider the law schools at the University of Virginia and Northwestern University, which we find to be on average more conservative than similarly ranked programs such as the law

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[8] In the Appendix, Figure A1 provides a figure inspired by McGinnis et al. (2005) that shows the number of liberals and conservatives, as defined by a threshold CFscore of 0, for each of the top 50 ranked law schools.

schools at the University of Michigan or the University of Pennsylvania. Figure 5 shows that the liberal professors at the University of Virginia and Northwestern University ideologically resemble the professors at other institutions; however, these two programs differ in that they have relatively more conservative professors.

3.4 Ideologies of Law Professors by Law School Ranking

Next, we explore the relationship between ideology and law school rank. Figure 6 shows a binscatter of the relationship between the average ideology of professors at a school and law school rank.[9] The figure shows a clear negative relationship between mean professor CFscore and law school prestige; that is, the more prestigious the program (the closer its rank is to "1") the more liberal (negative) the average professor is at the law school. To assess the relationship more formally, we fit onto the scatterplot a linear regression line: the slope of the plotted line indicates that law schools ranked 30 spots higher are associated with a 0.04 shift in CFscore to the left ($p < 0.01$).

The difference in average professor ideology by law school could be driven by two channels. First, polarization could be different at higher-ranked schools (i.e., liberal professors at top schools could be more liberal, or conservatives at top law schools could be more moderate). Second, there could be relatively fewer conservatives at higher-ranked law schools. We explore the extent to which these channels explain the relationship between average ideology and rank in Figure 7. Panel A explores the polarization channel. In particular, we divide law professors at each law school into liberals and conservatives and plot the mean ideology *within* the liberal or conservative professors against law school rank. We find no evidence that differences in polarization is driving the relationship between ideology and law school rank.

Panel B of Figure 7 explores the second channel, the presence of conservative law professors. It plots the relationship between law school rank and the proportion of conservative professors at a law school. The negative relationship suggests that higher-ranked law schools have a lower share of conservative professors. Law schools ranked of 30 spots higher are associated with a 2ppt decrease in the proportion of conservative professors ($p < 0.01$).

In sum, we find evidence that the relationship between professor ideology

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[9]We obtain law school rank in 2012 from the *U.S. News and World Report* ranking.

and law school rank is driven through the presence of fewer conservative professors at higher-ranked schools rather than a shift of liberal law professors in a more liberal direction.

3.5   Ideologies of Law Professors by their Alma Mater Law School

In later sections of this paper, we address the extent that law professors differ from lawyers. For now, we give some context on the importance of this question by presenting descriptive statistics for law professors by which law schools they attended. (We do so for professors whom we were able to identify law school attended in the biography section of the 2012 AALS.) Table 2 presents this information. Column 1 reports the market share for each of the top 14 law schools. Harvard ranks first with 12% of professors having attended its law school. Only Yale Law School has a market share close to Harvard's (9%). Each of the other law schools account for less than half of Yale's market share. In total, roughly a third of legal academic positions are held by graduates of the five top law schools, and roughly half (49%) of academic positions are held by graduates of the top 14 law schools.

Columns (2) and (3) show how the ideologies of law professors vary by law school attended. Eighteen percent of law professors from non-top 14 law schools are conservative, compared to 12% of law professors from top 14 law schools (not shown). Within professors from the top 14 law schools, there are noticeable differences in the average ideology of law professors and the proportion of conservative law professors. Law professors that attended New York University are the most liberal law professors both in terms mean ideology (-1.06) and in terms of the proportion of conservatives (9%), and law professors that attended Duke and the University of Chicago are the most conservative (mean CFscore of -0.64 and -0.72, and 22% and 21% conservative, respectively). These differences highlight the importance of controlling for where law professors went to law school in assessing ideological differences between the legal academy and the legal profession.

4 The Ideology of the Legal Academy Compared to the Legal Profession

The previous section documented a leftward tendency among law professors, one that becomes more pronounced at the most prestigious law schools. However, a key question concerns context. How do law professors compare to other lawyers, including alumni of their law schools or lawyers in the their area of expertise? On the one hand, if the ideologies of law professors correspond closely with the ideologies of other (similar) lawyers, then perhaps little reason exists to think that law professors are ideologically out of step with the profession. On the other hand, a large gap between the ideologies of law professors and the ideologies of similar lawyers would indeed suggest that law professors are ideologically out of step with the profession. In this section, we study whether the legal academy is ideologically out of balance with the legal profession by examining how the ideologies of law professors compare to: (1) lawyers; (2) elite lawyers, including graduates of elite law schools; (3) lawyers in the same practice area; and (4) lawyers who are alumni of the law professors's program.

4.1 Ideologies of Law Professors Compared to Lawyers

First, we assess how the ideologies of law professors compare to the ideologies of lawyers more generally.[10] Figure 8 plots the ideological distribution of law professors (solid line) along with the distribution for lawyers (dash line). Law professors are significantly more liberal on average than lawyers overall (CFscore of -0.84 compared to -0.31).

There are several additional substantive findings. First, there are relatively fewer conservative law professors than conservative lawyers.[11] Second, differences at the tails of the distribution suggest that law professors hold more extreme political views than lawyers. For example, compared to the 61% of liberal lawyers who are

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[10] For an overview of the ideological leanings of the professional bar, see Bonica et al. (2016). We note that law professors tend to donate at higher rates than do lawyers at large—64% compared to 41%. This means that law professors are more likely to be selected into our data than are lawyers. Possible problems associated with selection bias within the bar as a whole are discussed in Bonica et al. (2016); as that paper shows, we have no reason to think that differences in contributions rates would be correlated with ideology in a way that would bias any inferences about these populations.

[11] See Bonica et al. (2016) for a comparison of lawyers to other similarly educated professions, which shows that lawyers are more liberal than accountants, workers in the finance industry, and doctors, but more conservative overall than journalists and high-tech sector workers.

moderate liberal (CFscore of between -1 and 0), 27% of liberal law professors are moderate liberal. Compared to the 76% of conservative lawyers who are moderate conservative (CFscore of between 0 and 1), only 54% of conservative law professors are moderate conservative. Both these differences in means are statistically significant (p<0.01).[12]

4.2 Ideologies of Law Professors Compared to Elite Lawyers and Other Academics

Law professors are among the most elite of lawyers and tend to have prestigious educational and professional backgrounds (Presser, 2016). For example, many law professors are alumni of the top-ranked law schools, have served as Supreme Court or court of appeals law clerks, and/or have doctoral degrees. To provide a better comparison set, we therefore compare law professors to three subsets of lawyers: alumni of top 14 programs and lawyers at the 100 largest law firms by number of attorneys ("Biglaw"); federal law clerks; and federal judges. We also provide a comparison to one other important group: academics in other (non-law) disciplines.

Comparison to Top 14 Alumni and Big Firm Lawyers. We first compare law professors to alumni of the top 14 programs and to lawyers in Biglaw.[13] Panel A of Figure 9 plots the ideologies of top 14 alumni and Biglaw lawyers against the ideologies of law professors. The average CFscore for lawyers from top 14 law schools is -0.55 and -0.42 for lawyers in Biglaw, compared to -0.86 for law professors. Additionally, 25% of alumni from top 14 law schools and 30% of lawyers from Biglaw are conservative (compared to 15% of law professors). In short, top alumni and lawyers in Biglaw are more liberal than lawyers overall, but law professors are more liberal still.

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[12]Throughout the draft, we at times test the differences in means between groups. We note that we have also statistically compared distributions via a two-sample Kolmogorov-Smirnof (KS) test, and the statistical significance of the primary results hold under the KS test as well (meaning that we can rule out the null hypothesis that the two samples come from the same underlying population). Even though the KS test has the advantage of making no assumptions about the underlying distribution of the data (unlike the *t*-test for differences in means), in our setting we view the tests largely as alternatives. We therefore only report the *t*-test results for simplicity's sake.

[13]We determine whether a lawyer worked for a Biglaw firm via his or her entry in the Martindale-Hubbelll directory.

Comparison to Law Clerks. Next, we examine how the ideologies of law professors compare to ideologies of lawyers who have served as judicial law clerks. Legal clerkships are highly prestigious one- to two-year positions in which recent law alumni work closely with judges, serving as research and writing assistants.[14] For our purposes, clerkships—in particular Supreme Court and, to a lesser extent, federal lower-court clerkships—can serve as stepping stones into a career in legal academia.

We disaggregate our analysis by examining (1) federal district clerks and federal court of appeals clerks, and (2) U.S. Supreme Court clerks. We use data on district and court of appeals clerks from 1996 to 2004 from Katz and Stafford (2010) and data on Supreme Court clerks from 1960 to 2009 from the Supreme Court Information Office.[15] To give some context, the mean CFscore for Supreme Court clerks is -0.49, and the mean CFscore for district and court of appeals clerks is -0.63. Panel B of Figure 9 plots the ideologies of law professors against the ideologies of law clerks. Liberal law professors resemble liberal law clerks. However, a key difference between law clerks and law professors is the much larger density of conservative law clerks compared to conservative law professors. Specifically, 24% of district and court of appeals clerks are conservative, and 30% of U.S. Supreme Court clerks are conservative (compared to 15% for law professors).

Comparison to Federal Judges. The third elite peer group we examine are federal judges. Transitioning from a career as a federal judge into a career in the academy is unusual;[16] for that reason, our focus here is to provide a comparison to a parallel career path similar in prestige, job security, and pay to a career in the legal academy (Posner, 2016). In addition, note that a key difference between federal judges and law professors is that judges are, explicitly, political appointments. For that reason, we would expect to see a divergence between the ideologies of law professors and judges, with judges more closely following contemporary ideological cleavages between

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[14]For more information on the ideologies of law clerks, see Bonica et al. (2017).

[15]Note that this means that our analysis compares law clerks from the past to law professors in 2012; this could mean overlap in terms of individuals who were law clerks during this time period but who are now law professors.

[16]We do note there are instances in which law professors have transitioned into appointments on federal courts. Karen Nelson Moore (Sixth Circuit), Richard Posner (Seventh Circuit), and Guido Calabresi (Second Circuit) are just a few examples. There are also instances in which federal judges resign and enter academia—e.g., Michael McConnell (Tenth Circuit), Deanell Reece Tacha (Tenth Circuit), and David Levi (Eastern District of California).

Democrats and Republicans.

For this analysis, we draw on data from Bonica and Sen (2017), who provide CFscores for federal district and court of appeals judges. Note that federal judges cannot donate once they are appointed to bench, so here we observe donations only before the appointment. Panel C of Figure 9 plots the ideologies of law professors against the ideologies of federal district court and court of appeals judges. Judges differ substantially from law professors, with the former being significantly more conservative across all tiers of the judiciary. In particular, the mean CFscore of district court judges is -0.07, and the mean CFscore of court of appeals judges is 0.05 (-0.86 for law professors); 45% of district court judges and 52% of court of appeals judges are conservative (15% of law professors are conservative).

Comparison to Other Academics. The last group that we use as a comparison group are other academics (that is, non-law school professors). We obtain this information from DIME, which contains a contributor's employer and profession for a subset of donors. We use this information to parse out academics, identifying 322,434 academics. Panel D of Figure 9 plots the ideologies of all academics versus the ideologies of law professors. The average CFscore for other academics is -0.92 compared to -0.86 for law professors. The difference in means is statistically significant ($p < 0.01$). Examining the data more closely suggest that there is no difference between the two groups in terms of the presence of conservatives: both non-law and law faculties have very few conservatives. For non-law professors, around 16% are conservative; for law professors, 15% are conservative. However, it does seem to be the case that non-law liberal academics are more extreme than are liberal law professors. Specifically, 19% of liberal non-law professors are moderate liberal, but 27% of liberal law professors are.

4.3 Ideologies of Law Professors Compared to Lawyers by Subject/Practice Area

The above investigations into ideological differences between law professors and lawyers have the potential to obscure possible ideological sorting by area of expertise. Specifically, we would expect that differences between the ideologies of professors and of lawyers to narrow when we condition on area of expertise. To assess the extent that ideological sorting by subject or practice area could explain the differences

in ideologies between law professors and lawyers, we leverage additional information from Martindale-Hubbell, which reports the practice areas of lawyers. We note that the practice areas in the Martindale-Hubbell directory do not perfectly correspond to the teaching areas listed by the AALS; we therefore manually coded the practice areas into coarse areas of expertise. We then coded the AALS teaching fields into these same areas of expertise.[17] A list of all of the coarsened areas of expertise for law professor teaching subjects and lawyer practice areas is provided in Table A1 of the Appendix.

We begin to compare lawyers and law professors by subject area in Figure 10, which plots the mean CFscore of lawyers and law professors in the areas of expertise. Similar to our earlier analysis, subject areas with reputations as more progressive (e.g., consumer protection) have on average more liberal lawyers, and subject areas with more conservative reputations (e.g., tax) have on average more conservative lawyers. In addition, we see a positive relationship between the ideologies of law professors and lawyers between areas. Specifically, a one unit increase in the mean CFscore of law professors in a field is associated with a 0.36 unit increase in the mean CFscore of lawyers in the field ($p < 0.05$). However, in almost every field, the average law professor is to the left of the average lawyer.

Next, we assess the extent that the ideological distributions of law professors and lawyers across areas of expertise are comparable. Figure 11 plots the ideological distributions by area of expertise for law professors (solid line) and lawyers (dashed line). The area of expertise distributions are sorted by the difference between the median ideology of law professors and lawyers in the area (e.g., the median law professor in trade law is more liberal than the median lawyer in trade law compared to other fields). Even though there is a relationship between the ideology of law professors and lawyers across the areas of expertise, there are comparatively fewer conservatives law professors in almost every area of expertise. An extreme example of this is family law. For family law, the majority of law professors lean to the left. For practicing lawyers, however, the ideological distribution of family lawyers is much more bimodal, with a larger proportion of conservative lawyers. In summary, law professors typically lean to the left even compared to lawyers in the same area of expertise. Thus, differences in ideology by subject matter expertise does not explain the entirety of the gap between

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[17]Lawyers listed in Martindale-Hubbell can list multiple practice areas. We operationalized our coding of the area of expertise by including all lawyers listed for each practice area.

lawyers and law professors.

4.4 Ideologies of Law Professors Compared to Law School Alumni

Law schools cultivate different ideological cultures, which may in turn relate to the ideology of both students and professors. For example, it might be possible that a legal education exerts an independent causal effect on ideology, with the teaching and mentoring from more liberal professors leading to a more liberal alumni body (and vice versa for conservative professors). Although we do not attempt to isolate any mechanisms, a number of reasons could explain an ideological relationship between professors at a law school and the law school's alumni.

To assess the overall relationship between the ideologies of professors and alumni at a law school, Figure 12 reports a binned scatterplot of the mean ideology of law professors from a law school and the mean ideology of alumni from that law school. One observes a strong positive correlation between the ideologies of professors and alumni from law schools. A one unit increase in the mean CFscore of a law school's professors is associated with a 0.58 increase in the mean CFscore of a law school's alumni ($p < 0.01$).

Above we observed that differences in the average ideology of law professors at a law school was driven mainly by the density of conservative professors at the law school (rather than a shift in the ideology of liberal law professors). To assess whether the same pattern is at play in the relationship of the mean professor and alumni ideology at law schools, Figure 13 presents the ideological distributions of law professors (solid line) and their schools' alumni (dotted line) for each of the top 14 law schools. The law school distributions are sorted by the difference between the median ideology of law professors and alumni, e.g., the median alumni at Yale more closely resemble the median law professor at Yale than the other schools. There are a number of notable features of Figure 13. First, the median law professor is more liberal for each law school than the median alumni. Although we only report the top 14 law schools for space purposes, at seven law schools the median law professor is more conservative than the median alumni.[18] In other words, the median law professor at a law school is only more conservative than the median alumni in roughly one out of every twenty

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[18]In increasing order of differences: Southern University Law Center (0.02), Regent University (0.09), University of Memphis (Humphreys) (0.18), Loyola University New Orleans (0.24), Chapman University (0.56), Pepperdine University (0.70), and George Mason University (1.57).

law schools.

Second, the law schools with the most conservative alumni tend to be the most dissimilar to law professors. For instance, the six law schools where there is the largest professor-alumni gap have some of the most conservative alumni. For law schools with a conservative median alumni, the median law professor is on average 0.98 CFscore points more liberal than the median alumni. Contrast this with the remaining law schools that have a liberal median alumni, where the median law professor is 0.55 CFscore points more liberal than the median alumni. We investigate the relationship between alumni ideologies and the ideological professor-alumni gap more formally in Figure 14, which reports a binned scatterplot of the relationship. In the figure, a larger difference between median alumni ideology and median professor ideology (the y-axis) indicates that law professors are more liberal than alumni, e.g., small negative CFscore for laywers (moderately liberal) minus a larger negative number for professors (very liberal) implies a larger difference on the y-axis. An increasing difference implies that law professors become more and more liberal relative to alumni as the alumni become more conservative. We find a strong positive relationship: as alumni get more conservative, the gap between professors and alumni increases. A one unit increase in the median CFscore of alumni is associated with a 0.46 increase in the ideological gap ($p <0.01$). In sum, the place that law professors are the most out of step with the profession are in law schools that have relatively more conservative alumni.

4.5   Regression Analysis

We have seen that the ideologies of law professors and lawyers vary across a number of dimensions, including law school affiliation and area of expertise. Above we considered the relationship of law professor and lawyer ideology along different dimensions in isolation. In this section, we put it all together and assess the extent that law professors differ from lawyers after holding a number of important dimensions fixed. In particular, we consider a specification in Equation (1).

$$y_i = \alpha + \beta p_i + \gamma_s + \delta_l + \zeta_e + \varepsilon_i \tag{1}$$

where y is either individual i's CFscore or an indicator for whether individual i is a conservative (CFscore >0), p_i denotes whether individual i is a professor, γ_s are state

of residence fixed effects, δ_l are law school fixed effects (where the individual attended law school), and ζ_e are area of expertise fixed effects. The main coefficient of interest is β. When an individual's CFscore is the outcome, β estimates the average difference in ideology between law professors and similar lawyers. When the outcome is whether an individual is conservative, β estimates the percentage point gap between conservative law professors and similar conservative lawyers.

Table 3 shows the results for the individuals CFscore and Table 4 shows the results for whether the individual is a conservative. In each table, Column (1) includes no controls, Column (2) adds area of expertise fixed effects, Column (3) adds state of residence fixed effects, and Column (4) adds law school fixed effects. The point estimate of -0.43 in Column (4) of Table 3 suggests that professors similar to lawyers in terms of state of residence, law school, and area of expertise are on average more liberal than lawyers an amount greater than the difference between Elizabeth Warren (-1.57) and Barack Obama (-1.16). Column (4) of Table 4 suggests that there are 14ppt fewer conservative law professors than similar lawyers. It is worth noting that where one attended law school explains roughly 4ppt of the difference in conservatives between professors and lawyers (comparing the point estimate in Column (3) to Column (4)).

5 Robustness Checks

In this section, we assess two ways in which the measure of ideology that we utilize (the CFscore) might not adequately capture the ideological makeup of the legal academy. First, we assess one concern about using political donations as a measure of ideology for law professors in particular: that law professors donate to individuals who run for office not on the basis of ideology. Second, we assess whether the use of CFscores specifically, as opposed to any measure of ideology that is based on political donations, influences the empirical patterns we observe.

5.1 Alternative Measures of Ideology

Above we have seen that law professors are politically active, with 64% of professors donating to at least one political campaign from 1979 to 2014. One might expect that law professors are friends, colleagues, or acquaintances of individuals who run for office, and therefore could be donating to these individuals not because of

ideology. If law professors donate to political candidates that come from the (liberal leaning) legal profession, to the extent that law professors only make donations without regard to ideology, law professors could be misclassified as liberal when they are in fact conservative.

To assess this concern, we exploit the fact that donations made orthogonal to ideology are more likely to be made to candidates for state or local office. This is because law professors are less likely to know federal and presidential candidates.[19] Insomuch that law professors are less likely to donate to federal candidates other than for ideological reasons, consistent results would begin to alleviate the concern.

Figure 15 provides no evidence that the findings are sensitive to the type of donations used to construct the CFscore. Panel A shows a strong relationship between the CFscore based on all donations and the CFscore based on only federal donations and (seperately) only presidential donations. Panel B plots the ideological distribution of all three sets of CFscores, and provides no evidence that donations to state or local elections bias CFscores to finding a more liberal legal academy.

5.2 Coarser Measure of Ideology

One of the main benefits of using the CFscore as a measure of ideology in our setting is that it provides a continuous measure of ideology that can be used to assess differences in the ideologies of law professors within the subset of liberal and conservative professors. For instance, to the extent that law professors are part of a political party, the continuous aspect of the CFscore allows us to assess differences in the ideology of law professors within the political party. Another benefit is that the CFscore can map donations made to candidates who do not run as part of the Democratic or Republican party.

However, if law professors who are classified as liberal based on their CFscore actually donate to candidates running as a Republican candidate or vice versa, one might be concerned that the results based on CFscores go against more traditional notions of ideology such as party affiliation. There is an appeal to using the simplistic measure of ideology based on the political party as a robustness check. We therefore use a more coarse measure of ideology to document the ideologies of law professors. In

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[19]Exceptions include the University of Chicago (because of Obama) and the University of Arkansas (because of the Clinton's).

particular, the coarser alternative measure of ideology we use is whether a law professor gave solely to candidates running on the republican ticket, solely to candidates running on the democrat ticket, or both.

Figure 16 provides a political party breakdown of the mix of donations. Panel A displays the breakdown for donations to all candidates. Panel B displays the political party breakdown to presidential candidates. We find no evidence that the CFscore overstates the liberal tilt of the legal academy.

6 Uniformity and Credibility

We now turn to examining the implications of having a predominately liberal set of law professors. In particular, we focus on how the liberal slant of law professors influences the political credibility of the legal academy. There are at least two situations in which the liberal tilt of the academy could influence the political credibility of the legal academy (and thus the academy's influence on public opinion). The first is a marginalization concern. Specifically, because law professors are predominately left-leaning, they—and their arguments or recommendations—can be easily marginalized or dismissed by conservatives as partisan or ideologically motivated. Because conservatives frequently occupy positions of political power, this means that the academy's influence could be severely limited. The second is a coalition-building concern. Given the significant scarcity of conservative faculty, building a coalition that includes conservatives in large enough numbers to have credible influence is difficult. Indeed, we found that liberal law professors outnumber conservative law professors nearly 7 to 1. Extrapolating to the entire population of law professors (not just those who donate), we would expect that, in 2012, there were roughly 1,500 conservative law professors *in the entire country*. This suggests that crafting any kind of ideologically diverse coalition would be extremely difficult.

To illustrate how its liberal tilt could stymie the legal academy's influence, we provide an illustration from the nomination of Senator Jeff Sessions (R-AL) by President Donald J. Trump to the post of U.S. Attorney General in 2017. Sessions was, at the time of his nomination, a highly controversial figure. He not only had previously weathered a failed nomination to the federal district court in 1986, scuttled when racially controversial comments came to light, but he also had a reputation for

being extremely conservative. This was in part based on Sessions' opposition to gay rights, the Violence Against Women Act, and hate crimes protection for women and minorities (Zapotosky et al., 2017). In addition, many on the left viewed him as holding deeply troubling, racist views (Nakashima and Horwitz, 2016).

In early January 2017, two months after Sessions was nominated, a group of over one thousand law professors posted an open letter to the Senate Judiciary Committee opposing the nomination and calling on members of the committee to reject him.[20] The letter was widely circulated on social media and specifically cited the letter writers' status as law professors in opposing Sessions. "As law professors who work every day to better understand the law and teach it to our students," the letter stated, "we are convinced that Jeff Sessions will not fairly enforce our nation's laws and promote justice and equality in the United States." The signatories included professors from the most prestigious universities in the country (including Harvard, Yale, and Stanford), as well as professors from law schools perceived as more conservative (including Texas A&M University and Stetson University).

Perhaps contrary to the intent of the letter writers, the Sessions letter was quickly dismissed by conservatives precisely *because it was written by law professors.*[21] A spokeswoman for Jeff Sessions rejected the letter as "just business as usual for the same far-left academics who trot out letters opposing just about any conservative or Republican who's nominated to a key position by a Republican president" (Johnson, 2017). The letter also was dismissed by public observers and conservative journalists. For example, one opinion piece for the *Chicago Tribune* blasted the "pious pontification of the law professoriate," with the author—himself a law professor—stating that "[t]he exaggerated self-importance of the teacher of law is buttressed by immersion in an ideology very different from what most senators and most Americans believe about the law in particular and the world in general."

Reception among Republican lawmakers was equally skeptical. One Republican member of the Senate Judiciary Comittee, Sen. Lindsey Graham (R-SC), rhetorically asked of Sessions during his hearings:

We're about to get an answer to the age-old question: Can you get con-

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[20]A copy of the letter can be found at https://docs.google.com/document/d/167Ci3pVqwzOUe7_e7itlpew1qGcToOZD5dNICIbLQWA/pub (accessed January 17, 2016, 2:58pm ET).

[21]At the time of the Sessions nomination in January 2017, Republicans controlled both chambers of Congress, as well as the White House.

firmed attorney general of the United States over the objection of 1,400 law professors? I don't know what the betting line is in Vegas, but I like your chances.

This statement was met with laughter from the audience. Sessions was ultimately confirmed by a vote of 52 to 47. (Sessions, himself a U.S. Senator at the time of the vote, was present but did not vote.)

Was this swift dismissal of the letter indeed rooted in the ideology of the letter writers? To assess the ideological makeup of the letter's signatories, we matched the names of the signers to their CFscores.[22] We were able to match 754 of them to the law professor names from the 2012 AALS data. (The law professors who we were unable to match could have retired by 2012, switched law schools from 2012 and 2016, or not have been a professor yet in 2012.) Assuming that those matched are representative of those we were unable to match, we find a significant difference between the ideologies of professors who signed the Sessions letter and the ideologies of professors who did not sign the Sessions letter. To illustrate this, Figure 17 plots the ideological distributions for professors who signed the letter and those that did not. For the law professors who signed the letter, the average CFscore is -1.20, compared to -0.82 for professors who did not sign. In addition, whereas 16% of law professors who did not sign the Sessions letter are conservative, only 4% of law professors who signed the letter are conservative. These differences in means are highly significant ($p < 0.001$). Thus, we can conclude that those who signed the anti-Sessions letter were (1) more liberal on average, and (2) not ideologically representative of law professors in our sample overall.[23]

Even though we can provide no empirical evidence about the possible influence of the legal academy under a counterfactual in which conservatives were more strongly represented, the Sessions example suggests that ideological homogeneity might be causing the legal professoriate to have more limited influence than it might otherwise—particularly in an increasingly politically polarized environment. The normative implications are significant. Numerous law professors file briefs before state

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[22]This analysis is in part inspired by McGinnis et al. (2005)'s examination of the ideology of law professors from 21 law schools who signed a letter criticizing the Supreme Court's 2000 decision in *Bush v. Gore*. In Figure A2 in the Appendix, we reexamine the signatories of that letter with our more comprehensive dataset. We were able to match 65% of the *Bush v. Gore* signatories to the AALS data; of the donors, we classify 4% as conservative.

[23]We note that the letter did not include professors from several conservative law schools (by our measures as well as the popular understanding) such as George Mason University, the University of Notre Dame, or Brigham Young University.

and federal courts, and many others weigh in on important policy issues in public fora and on social media. The Sessions example, and our analysis, suggests that the impact of these activities might be undermined by the professoriate's ideological homogeneity. To this extent, the introduction of more ideological diversity could strengthen, rather than undermine, the legal academy's influence. We turn to an investigation of increasing ideological diversity in the next section.

7   Tradeoffs

The above discussion suggests that increasing the ideological diversity within the legal academy could serve to increase its influence among decision makers and members of the public. However, a possible concern with hiring on the basis of ideology more broadly, and of promoting the hiring of conservative law professors specifically, is whether there could exist spillover effects that negatively affect other hiring prerogatives. For example, many law schools have made the hiring of faculty from underrepresented demographic groups a strong priority.

In this section, we begin to explore how recruiting more conservative faculty might relate to hiring prerogatives aimed at increasing the representation of underrepresented minorities and women. To do so, we use information from the 2012 AALS directory that identifies 1,417 minority professors[24] and we obtain the gender of law professors from the biography section of the 2012 AALS directory. Law schools have made significant progress in recent decades towards increasing the number of minority and female law professors. To give some context, we find that minorities (females) account for 15% (35%) of law professors hired post-2002, up from 10% (27%) hired before 2002.

We first compare the ideologies of minority law professors to the ideologies of non-minority law professors. Panel A of Figure 18 plots the ideologies of law professors identified in the AALS minority list against the ideologies of law professors not on the minority list. The mean CFscore for law professors on the AALS minority list is -1.02, compared to -0.83 for law professors not on the AALS minority list. Furthermore,

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[24] To our knowledge, the AALS does not publish the criteria for determining minority status, meaning that we do not know how the list was created or the AALS' definition of "minority." In addition, we have no information on these professors' racial or ethnic identification (for example, African American, Latino/a, etc.). The list is, however, actively used by law schools.

10% of law professors on the AALS minority list are conservative, compared to 16% of law professors not on the AALS minority list. Both comparisons are statistically significant (p <0.01). As a complement comparison, we note that whereas 13% of liberal law professors are on the AALS list of minority law professors, only 8% of conservatives are. This difference is also statistically significant (p <0.01).

We next compare the ideologies of female law professors to the ideologies of male law professors. Roughly 30% of law professors are female in the sample. Panel B of Figure 18 plots the ideologies of law professors that we can identify as female in the AALS against the ideologies of law professors that we can identify as male. The mean CFscore for female law professors is -1.06, compared to -0.78 for male law professors. In addition, 9% of female law professors are conservative, compared to 18% of male law professors. Both comparisons are statistically significant (p <0.01).

The finding that minority and women law professors are, on average, more liberal than their white male counterparts is not surprising. What is perhaps surprising, however, is how few law professors, regardless of background, are conservative. We estimate that just 19% of white male law professors are conservative. To give some national-level context from the same time period, Republican nominee Mitt Romney won 62% of the white male vote in the 2012 U.S. Presidential Election.

Were we to assume that liberal and conservative graduates of elite law schools are of similar quality and apply for academic positions at similar rates during this period, it would suggest that hiring committees could expect to receive on the order of five applications from liberals for every one application from conservatives. This ratio alone could present a logistical challenge to a school looking to recruit more conservative faculty. However, the challenge is compounded by the relationship between traditionally underrepresented groups and a more conservative ideology. For instance, our data suggest that 12 out of every hundred recent graduates of elite law schools are conservative and, of those 12, we estimate that nine are men and three are women. Prioritizing hiring from a group in which men outnumber women three to one without negatively affecting the gender balance of new hires would likely prove challenging. Before concluding, we would like to emphasize that these analyses highlight potential tradeoffs but do not conclusively demonstrate that such tradeoffs would necessarily follow. After all, whom a law school hires is intimately related to its rank, the preferences of its existing faculty, and the available pool of potential applicants.

8 Concluding Remarks

We made several contributions to the empirical literature on the ideological balance of the legal academy. First, we have provided the most detailed study to date of the ideological leanings of the legal academy. We matched 10,040 law professors listed in the 2012 AALS Directory of Law Teachers to the Database on Ideology, Money and Politics, and Elections, a comprehensive database of political ideology that is based on political donations. Law professors are quite liberal, especially at top programs and in progressive teaching areas. Using a continuous measure of law professors' ideologies, we found evidence that the liberal tilt of the legal academy is primarily the result of the relative scarcity of conservatives, as opposed to a more leftward shift in liberal faculty. Second, we formally assessed the ideological balance of the legal academy to that of the relevant legal profession. We found that 15% of law professors, compared to 35% of lawyers, are conservative. After controlling for individual characteristics, however, this 20 percentage point ideological gap narrowed to around 13 percentage points.

We note several limitations of our study. First, we are only able to observe the ideology of the 64% of law professors in the 2012 AALS who made political donations. It is possible that conservatives and liberals donate at different rates, and, as a result, using political donations as a measure of ideology understates or overstates the degree to which the legal academy leans left. Second, political donations may not perfectly capture the true ideologies of all law professors. An individual who donates to Democrats, for example, might still have conservative ideological views, while an individual who donates to Republicans might hold liberal views. Third, the motivations for donating might differ between law professors and lawyers, which could bias the inferences stemming from the use of donations as a measure of ideology in assessing the ideological balance of the legal academy to that of the legal profession.

We also note several avenues of future research. As we noted in our introduction, our analysis here was purely descriptive in nature. This was in part due to data limitations (e.g., we do not have data on law professor candidates as in George and Yoon (2014) or on specific outcomes). However, we feel that the question of what causes these patterns is ripe for future examinations. Specifically, we note two possible causal explanations. One is ideological discrimination against conservatives. A handful of papers raised the possibility that hiring committees in law schools implicitly or explicitly discriminate against candidates who are conservative (e.g., Merritt, 1998;

Cardiff and Klein, 2005; McGinnis et al., 2005; Lindgren, 2016; Phillips, 2016). Although discrimination against conservatives, if it exists, might be a sufficient condition to explain the imbalance, it is not a necessary condition.

A second possible explanation is ideological sorting—that is, conservative lawyers might be less likely to pursue an academic career. For instance, Fisman et al. (2015) ran a survey experiment on the distributional preferences of Yale law students and found that law students pursuing academic or nonprofit positions exhibit stronger preferences for redistribution and are less likely to be conservative. This is one piece of evidence suggesting that academic career paths may be less desirable to conservative lawyers. Additionally, given the limited supply of conservative lawyers with elite credentials, it is possible that many who would have otherwise become law professors choose alternative career paths. For example, roughly half of all judicial vacancies are filled by Republicans (Posner, 2016). If elite conservative lawyers consider a career in the judiciary *or* a career in academia, the fact that elite liberal lawyers outnumber elite conservative lawyers on a magnitude of roughly 3:1 implies that Republican-led judicial recruiting could crowd out highly qualified conservatives from academia.

We conclude by considering the broader implications of this analysis. Law professors frequently weigh in on important political, policy, and legal issues—including delivering oral arguments, testifying before lawmakers, writing op-eds, and lobbying. However, although the legal academy is highly varied in its passions, intellectual approaches, and academic and non-academic interests, our analysis here showed that these voices tend toward the more liberal end of the spectrum, with relatively few conservative voices. From the perspective of the academy's influence, this could be problematic. As of this writing in 2017, conservatives control over two-thirds of all state governorships and state legislative assemblies; at the federal level, conservatives control all three branches of government. In terms of public opinion, roughly 35% of Americans in 2014 identified as "conservative" or "very conservative" compared to 24% who identified as liberal (37% as moderate) (Saad, 2016). These realities put the legal academy out of step with both political decision makers (at federal and state governments) and the general public, raising the possibility that the intellectual and public contributions of the legal academy could be dismissed as partisan. One possible path forward includes more ideological diversity in law hiring; as we noted here, however, this might not be straightforward, especially given many school's concerns

about promoting gender and racial diversity. Nonetheless, this analysis gave us reason to think that including more ideologically diverse voices might ultimately increase the legal academy's influence.

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Figures and Tables

Table 1: Previous Studies on the Ideologies of Law Professors

Name of Study	Sample and Measure	Sample Size	Findings
Merritt (1998)	Entry-Level Hires from 1986 to 1991, Survey	832	75% liberal, 10% conservative
Cardiff and Klein (2005)	Non-random set of California Law Schools, Voter registration records	254	80% Democrats, 20% Republicans
McGinnis et al. (2005)	Top 21 law schools, Rank of assistant, associate, or full professor as of the 2001-2002 school year, Political Donations from 1992 to 2002	1,215	81% Democrats, 15% Republicans
Lindgren (2016)	Survey in 1997 of Top 100 law schools, Party Identification	710	80% considered themselves to be Democrats, and 13% considered themselves to be Republicans
Phillips (2016)	Top 16 law schools, Full-time tenure-track faculty for the 2011-2012 school year	1,011	86% Liberal, 14% Conservative or Libertarian

Figure 1: Ideologies of Law Professors

Figure 2: Average Ideology of Law Professors by Subject Area

Feminist Legal Theory (-1.33)	Law And Literature (-0.94)	Law And Religion (-0.81)
Poverty Law (-1.29)	Law And Psychiatry (-0.93)	Financial Institutions (-0.81)
Women And The Law (-1.17)	Law And Medicine (-0.93)	Trial Advocacy (-0.80)
Critical Race Theory (-1.17)	Bioethics (-0.92)	Products Liability (-0.79)
Immigration Law (-1.13)	Administrative Law (-0.92)	Int'l Business Transactions (-0.78)
Disability Law (-1.11)	Criminal Law (-0.91)	Remedies (-0.76)
Welfare Law (-1.09)	Land Use Planning (-0.91)	Taxation, Corporate (-0.75)
Human Rights (-1.09)	Alternative Dispute Resolution (-0.90)	Workers Compensation (-0.75)
Law And Social Science (-1.06)	Local Government (-0.89)	Law Office Management (-0.74)
Natural Resources (-1.06)	Energy Law (-0.89)	Estates And Trusts (-0.73)
Environmental Law (-1.05)	Communications Law (-0.88)	Legal Drafting (-0.73)
Legal Method (-1.04)	Intellectual Property (-0.88)	Estate And Gift Tax (-0.72)
Employment Discrimination (-1.02)	Property (-0.88)	National Security Law (-0.72)
Employee Benefit Plans (-1.01)	Torts (-0.88)	Commercial Law (-0.71)
International Organizations (-1.01)	Jurisprudence (-0.87)	Taxation, Federal (-0.70)
Elder Law (-1.01)	Civil Procedure (-0.86)	Payment Systems (-0.69)
Familylaw (-1.00)	Comparative Law (-0.85)	Appellate Practice (-0.67)
Clinical Teaching (-1.00)	Conflict Of Laws (-0.85)	Trade Regulation (-0.67)
Water Rights (-1.00)	Professional Responsibility (-0.85)	Antitrust (-0.65)
Juvenile Law (-1.00)	Evidence (-0.85)	Business Associations (-0.63)
Civil Rights (-0.99)	Federal Courts (-0.85)	Agency And Partnership (-0.63)
Health Care Law (-0.99)	Legislation (-0.84)	Real Estate Transactions (-0.63)
Entertainment Law (-0.98)	Computers And The Law (-0.84)	Insurance Law (-0.62)
Labor Law (-0.97)	Legal History (-0.84)	Corporate Finance (-0.61)
Education Law (-0.97)	Legal Research And Writing (-0.84)	Creditors and Debtors Rights (-0.60)
Community Property (-0.96)	International Law (-0.84)	Law And Accounting (-0.60)
Criminal Justice (-0.95)	Regulated Industries (-0.84)	Equity (-0.56)
Introduction To Law (-0.95)	Constitutional Law (-0.84)	Sports Law (-0.56)
Native American Law (-0.94)	Tax Policy (-0.83)	Admiralty (-0.53)
Criminal Procedure (-0.94)	Contracts (-0.83)	Securities Regulation (-0.53)
Law And Science (-0.94)	Taxation, State & Local (-0.82)	Oil And Gas (-0.49)
Consumer Law (-0.94)	Law And Economics (-0.82)	Estate Planning (-0.37)
		Military Law (-0.36)

CFscore (-2 to 2)

○ Median   × Mean   ———— P25-P75

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Figure 3: Ideologies of Law Professors by Subject Area

Figure 4: Average Ideology of Law Professors By Law School

Column 1:

- Florida A&M University (-1.35)
- Northern Illinois University (-1.35)
- University of Maine (-1.31)
- University of Wisconsin--Madison (-1.31)
- University of the DC (-1.28)
- University of California--Irvine (-1.26)
- Vermont Law School (-1.26)
- CUNY (-1.24)
- University of Southern California (-1.24)
- University of New Hampshire (-1.22)
- University of Denver (Sturm) (-1.20)
- Northeastern University (-1.20)
- Rutgers, Newark (-1.20)
- Washington and Lee University (-1.17)
- University at Buffalo--SUNY (-1.16)
- Chicago-Kent (-1.16)
- Seattle University (-1.16)
- University of Connecticut (-1.16)
- University of California--Berkeley (-1.15)
- William Mitchell College of Law (-1.14)
- University of Nevada--Las Vegas (-1.14)
- Boston University (-1.14)
- New York Law School (-1.13)
- Santa Clara University (-1.12)
- Western New England University (-1.11)
- Harvard University (-1.10)
- University of New Mexico (-1.09)
- University of Illinois (-1.09)
- University of Colorado--Boulder (-1.09)
- Golden Gate University (-1.09)
- Roger Williams University (-1.09)
- University of San Francisco (-1.08)
- Brooklyn Law School (-1.08)
- Loyola Marymount University (-1.08)
- California Western School of Law (-1.08)
- University of Michigan--Ann Arbor (-1.08)
- Yale University (-1.08)
- University of California (Hastings) (-1.07)
- New England School of Law (-1.06)
- Georgetown University (-1.06)
- Stanford University (-1.05)
- Cornell University (-1.05)
- Loyola University Chicago (-1.05)
- University of Minnesota--Twin Cities (-1.05)
- Willamette University (Collins) (-1.05)
- John Marshall Law School (-1.05)
- Lewis & Clark (-1.04)
- Columbia University (-1.04)
- University of Maryland (Carey) (-1.03)
- Drake University (-1.03)
- Wake Forest University (-1.03)
- Washington University in St. Louis (-1.02)
- University of the Pacific (McGeorge) (-1.02)
- University of Miami (-1.01)
- Northwestern University (-1.01)
- New York University (-1.01)
- Albany Law School (-1.01)
- Boston College (-1.01)
- University of Washington (-1.01)
- Southwestern Law School (-1.00)
- University of North Carolina (-1.00)
- American University (Washington) (-1.00)
- Thomas Jefferson School of Law (-0.99)
- DePaul University (-0.99)

Column 2:

- University of Hawaii--Manoa (-0.98)
- Fordham University (-0.98)
- Pace University (-0.98)
- University of Wyoming (-0.97)
- University of Arizona (Rogers) (-0.97)
- Quinnipiac University (-0.96)
- UCLA (-0.96)
- Southern Illinois University (-0.96)
- Touro College (Fuchsberg) (-0.96)
- University of Pennsylvania (-0.96)
- University of Oregon (-0.95)
- Drexel University (Mack) (-0.95)
- Duke University (-0.95)
- Hamline University (-0.95)
- Yeshiva University (Cardozo) (-0.94)
- University of Toledo (-0.94)
- Cleveland State University (-0.94)
- University of Utah (Quinney) (-0.94)
- Indiana University--Bloomington (-0.94)
- University of California--Davis (-0.93)
- Washburn University (-0.92)
- Florida International University (-0.92)
- Whittier College (-0.92)
- Rutgers, Camden (-0.92)
- Pennsylvania State University (-0.92)
- Duquesne University (-0.91)
- Seton Hall University (-0.91)
- Creighton University (-0.90)
- St. John's University (-0.89)
- Wayne State University (-0.89)
- Suffolk University (-0.89)
- Hofstra University (Deane) (-0.88)
- Widener University (-0.88)
- Villanova University (-0.88)
- University of Pittsburgh (-0.88)
- University of Missouri (-0.87)
- Syracuse University (-0.87)
- Temple University (Beasley) (-0.87)
- Nova Southeastern (-0.86)
- University of Baltimore (-0.84)
- University of Florida (Levin) (-0.84)
- University of San Diego (-0.83)
- Barry University (-0.82)
- Gonzaga University (-0.82)
- University of Chicago (-0.82)
- University of Tulsa (-0.82)
- ASU (-0.81)
- University of Tennessee (-0.80)
- University of Iowa (-0.79)
- George Washington University (-0.79)
- University of Montana (-0.79)
- Ohio State University (Moritz) (-0.77)
- Case Western (-0.77)
- University of Cincinnati (-0.76)
- Catholic University (-0.76)
- Emory University (-0.76)
- Charlotte School of Law (-0.76)
- Texas Wesleyan University (-0.75)
- NC Central (-0.74)
- University of Missouri--KC (-0.74)
- Georgia State University (-0.74)
- Marquette University (-0.72)
- University of Texas--Austin (-0.72)
- University of Idaho (-0.71)

Column 3:

- Phoenix School of Law (-0.71)
- University of Detroit Mercy (-0.71)
- University of Nebraska (-0.70)
- University of Louisville (-0.70)
- West Virginia University (-0.70)
- Mercer University (-0.69)
- Florida State University (-0.69)
- Univ. Arkansas, Fayetteville (-0.68)
- Stetson University (-0.68)
- St. Louis University (-0.68)
- University of Richmond (-0.67)
- Vanderbilt University (-0.66)
- University of Kansas (-0.66)
- Univ. Arkansas, Little Rock (-0.65)
- University of Mississippi (-0.65)
- University of Akron (-0.64)
- University of Virginia (-0.63)
- Tulane University (-0.63)
- College of William and Mary (-0.63)
- Thomas M. Cooley Law School (-0.61)
- Southern Methodist University (-0.58)
- University of Dayton (-0.58)
- University of Georgia (-0.56)
- Atlanta's John Marshall (-0.52)
- Oklahoma City University (-0.51)
- Valparaiso University (-0.51)
- St. Thomas University (-0.51)
- University of Houston (-0.50)
- Michigan State University (-0.50)
- IU, Indianapolis (-0.47)
- No. Kentucky Univ. (-0.46)
- University of Oklahoma (-0.43)
- Samford University (-0.43)
- Capital University (-0.38)
- Western State University (-0.38)
- University of Notre Dame (-0.36)
- Univ. of South Carolina (-0.35)
- Florida Coastal (-0.34)
- University of Kentucky (-0.32)
- So. Univ. Law Center (-0.32)
- Loyola New Orleans (-0.30)
- Charleston (-0.30)
- Texas Southern (-0.30)
- Louisiana State University (-0.27)
- University of Alabama (-0.26)
- Univ. of South Dakota (-0.21)
- University of Memphis (-0.20)
- St. Mary's University (-0.20)
- South Texas (-0.17)
- Texas Tech University (-0.16)
- Univ. of St. Thomas (-0.16)
- Chapman (0.00)
- Faulkner (0.00)
- Baylor University (0.04)
- Pepperdine (0.05)
- BYU (0.09)
- Regent (0.29)
- GMU (0.67)

CFscore

Legend: ○ Median × Mean ——— P25-P75

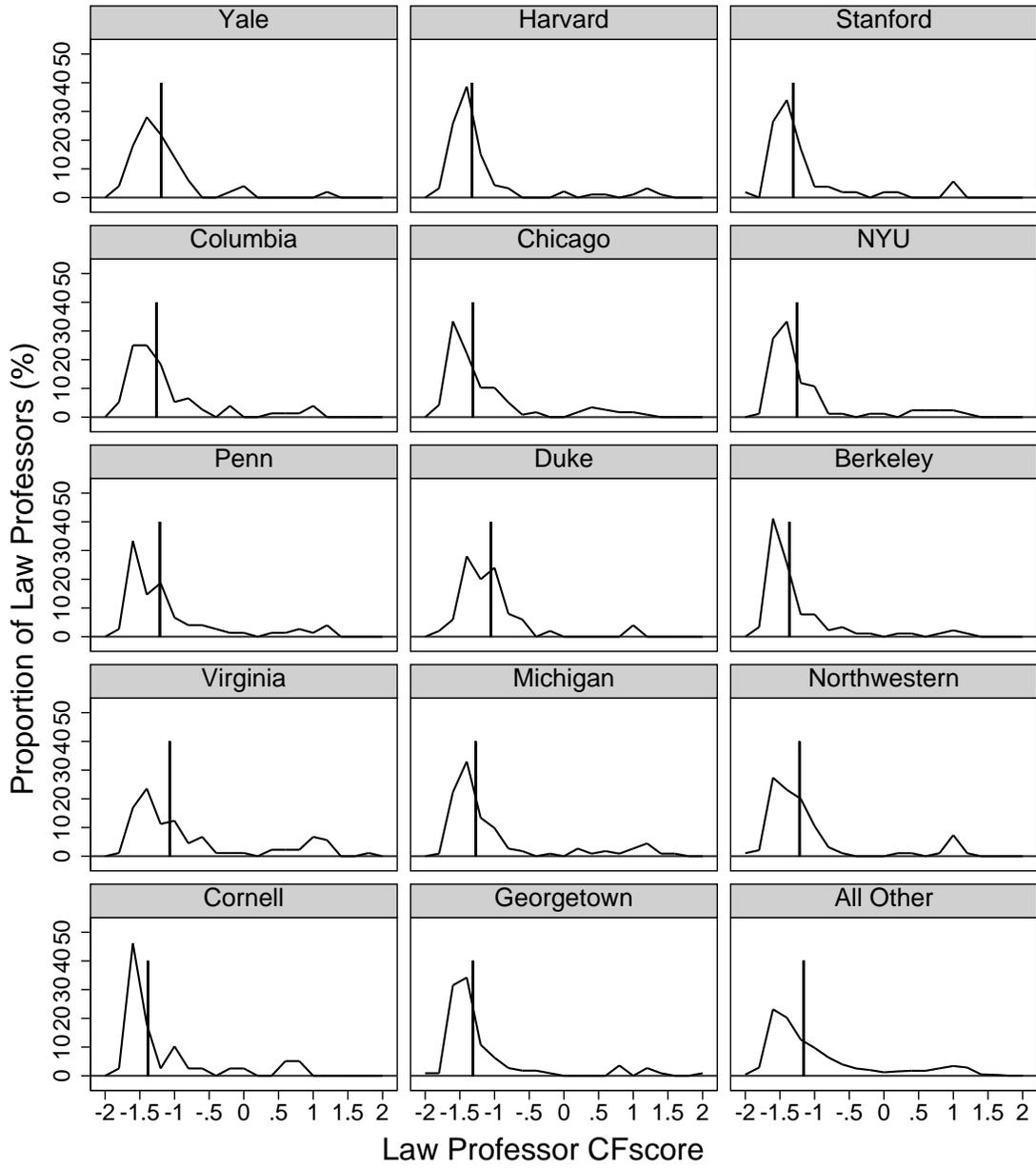Figure 5: Ideologies of Law Professors by Law School

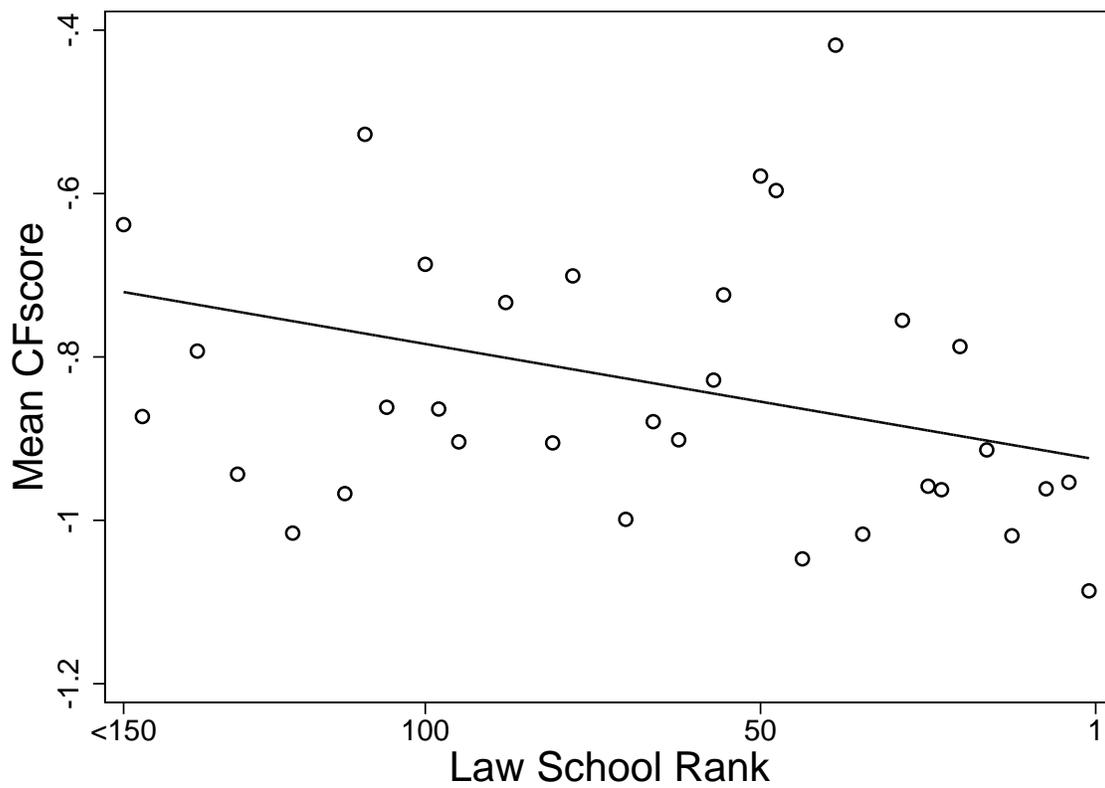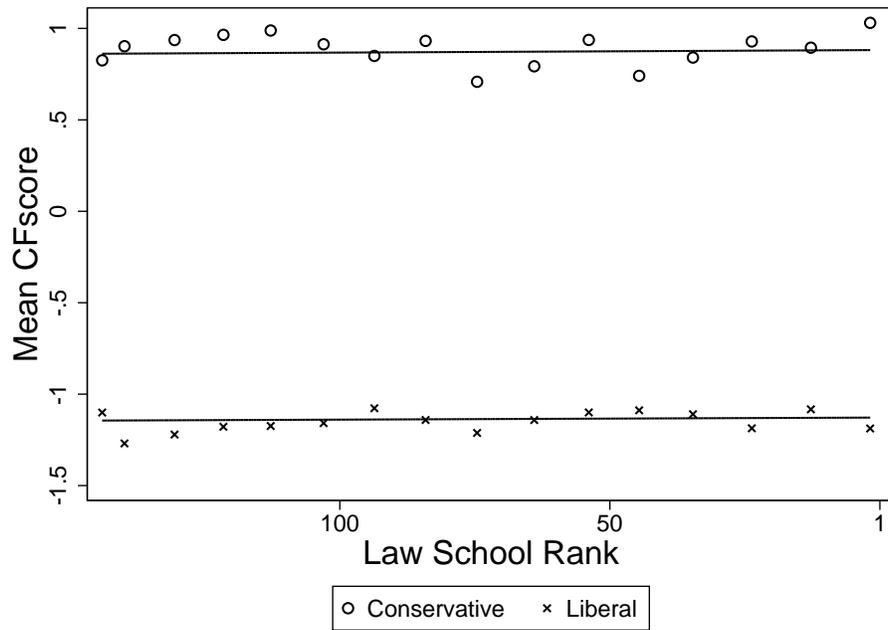Figure 6: Average Ideologies of Law Schools by Rank

Figure 7: Polarization versus Presence of Conservatives by Law School Rank

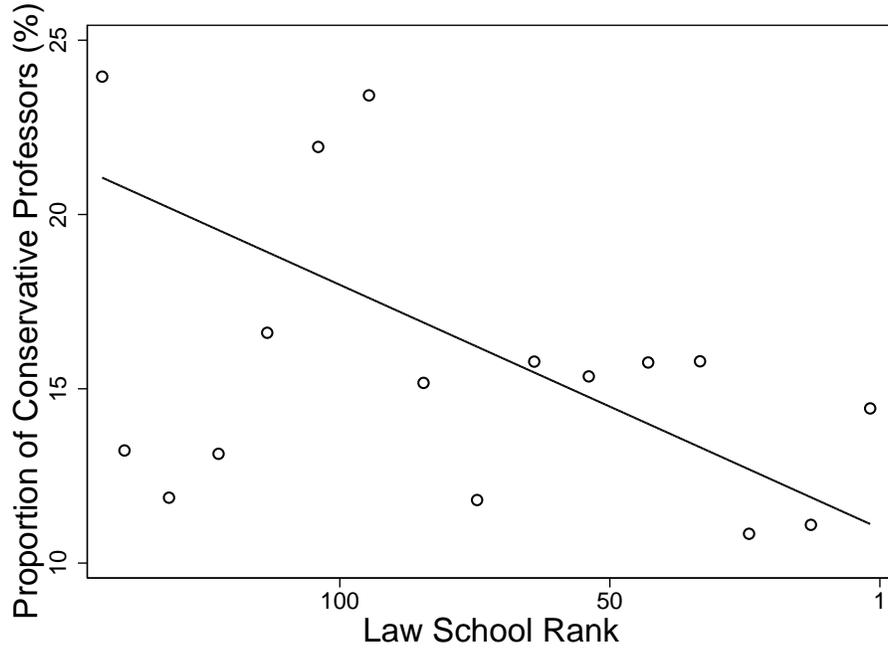**Panel A: Polarization**

Panel B: Presence of Conservatives

Table 2: Law Professors by Law School Attended

Professor Alumni	Market Share (%)	Mean CFscore	Proportion Conservative (%)
Harvard	12	-0.98	10
Yale	9	-0.95	11
Columbia	4	-0.94	11
Michigan	4	-0.88	15
Chicago	3	-0.72	21
NYU	3	-1.06	9
Georgetown	3	-1.01	9
Stanford	3	-0.95	13
Berkeley	2	-1.02	10
Virginia	2	-0.83	15
Pennsylvania	2	-0.87	13
Northwestern	2	-1.04	11
Duke	1	-0.64	22
Cornell	1	-0.84	19
All Other	49	-0.76	18

Figure 8: Ideologies of Law Professors Compared Lawyers
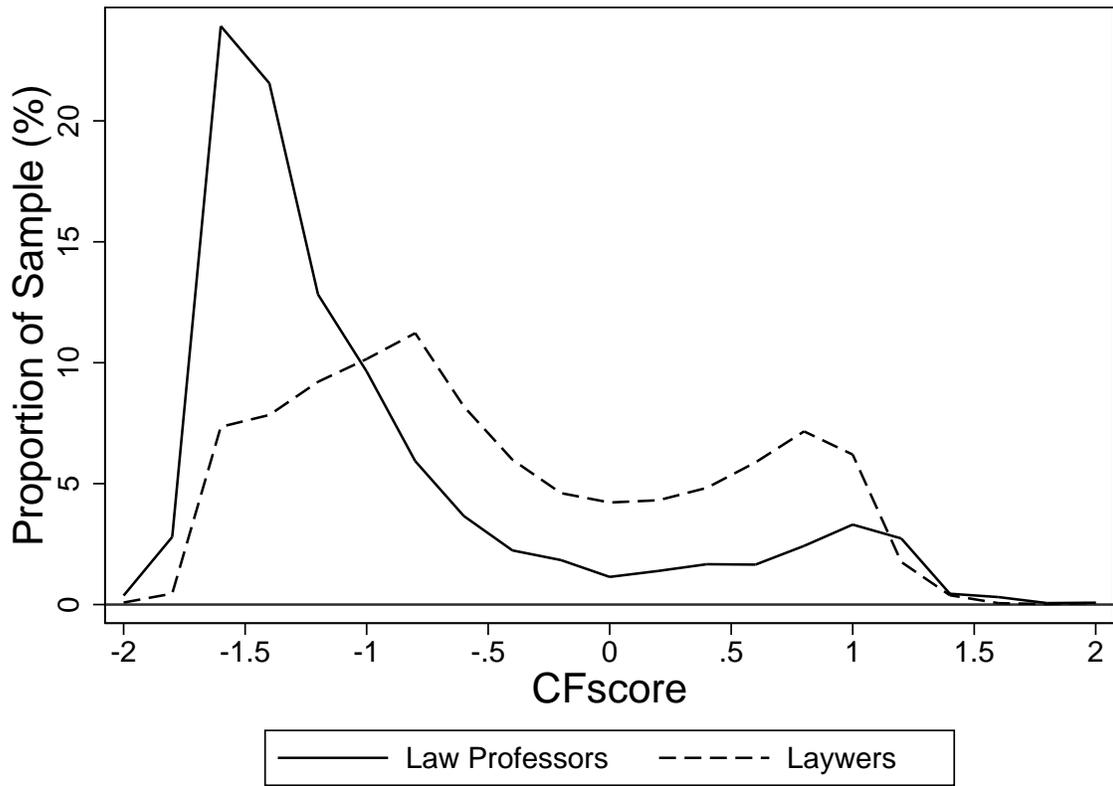
Figure 9: Ideologies of Law Professors Compared to Elite Lawyers and Other Academics

Panel A: Top 14 Law Schools and Big Law   **Panel B: Federal Clerks**
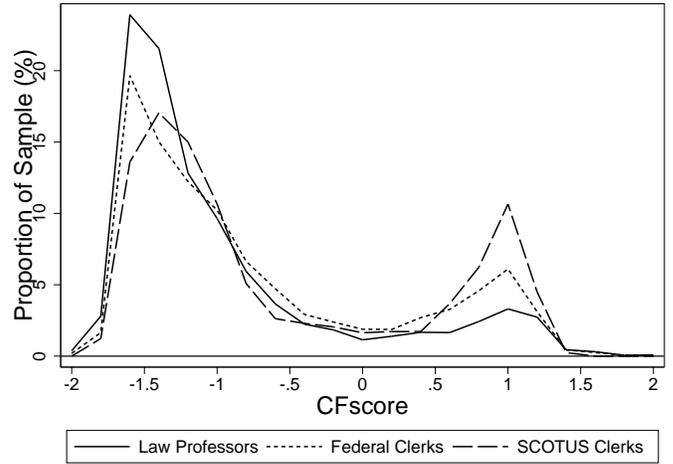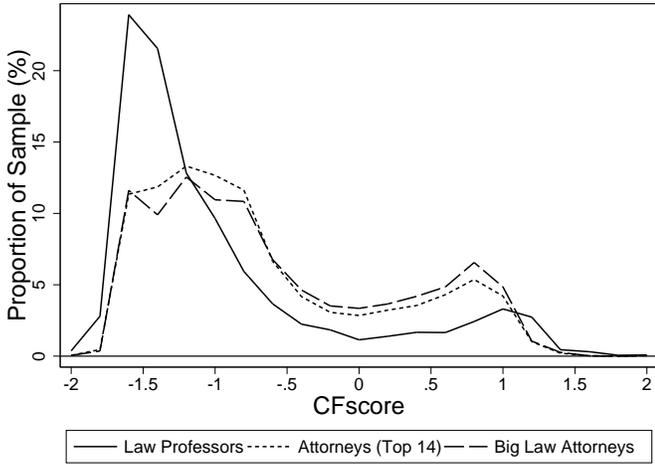
Panel C: Federal Judges   **Panel D: Other Academics**
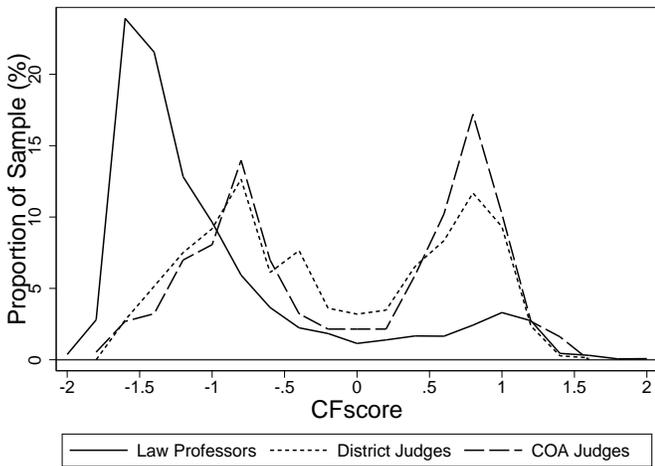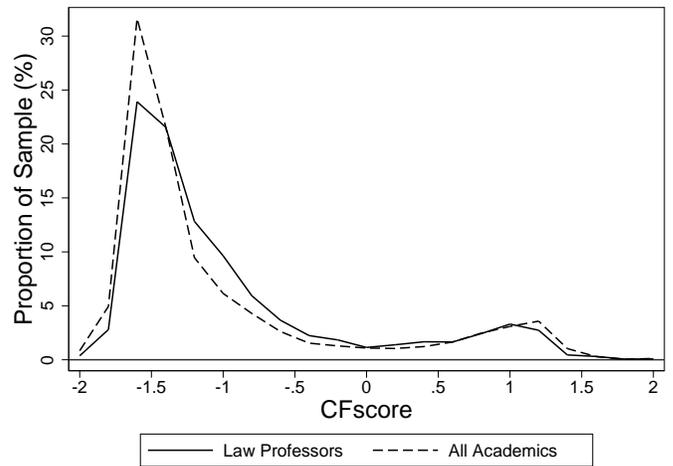
Figure 10: Average Ideology of Law Professors and Lawyers by Subject Area
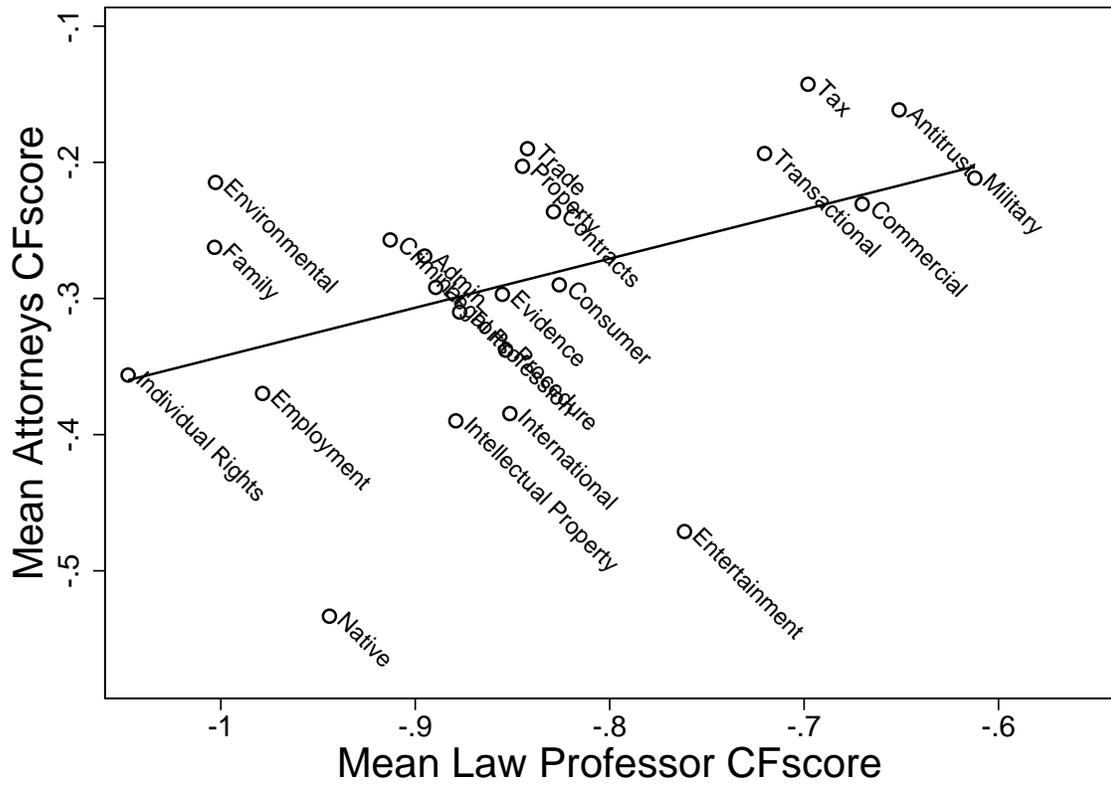
Figure 11: Ideologies of Law Professors and Lawyers by Subject Area
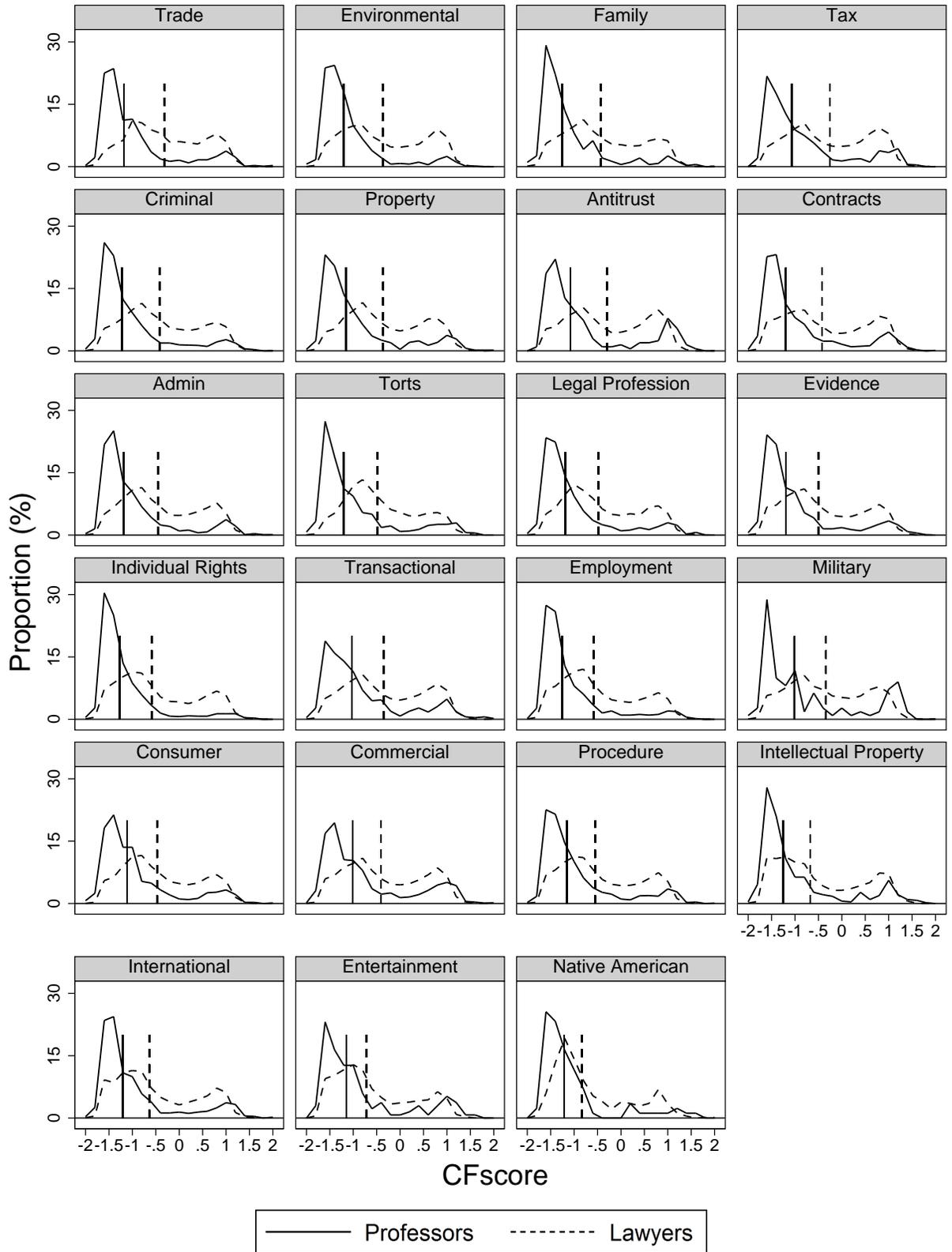
Figure 12: Average Ideology of Law Professors and Alumni
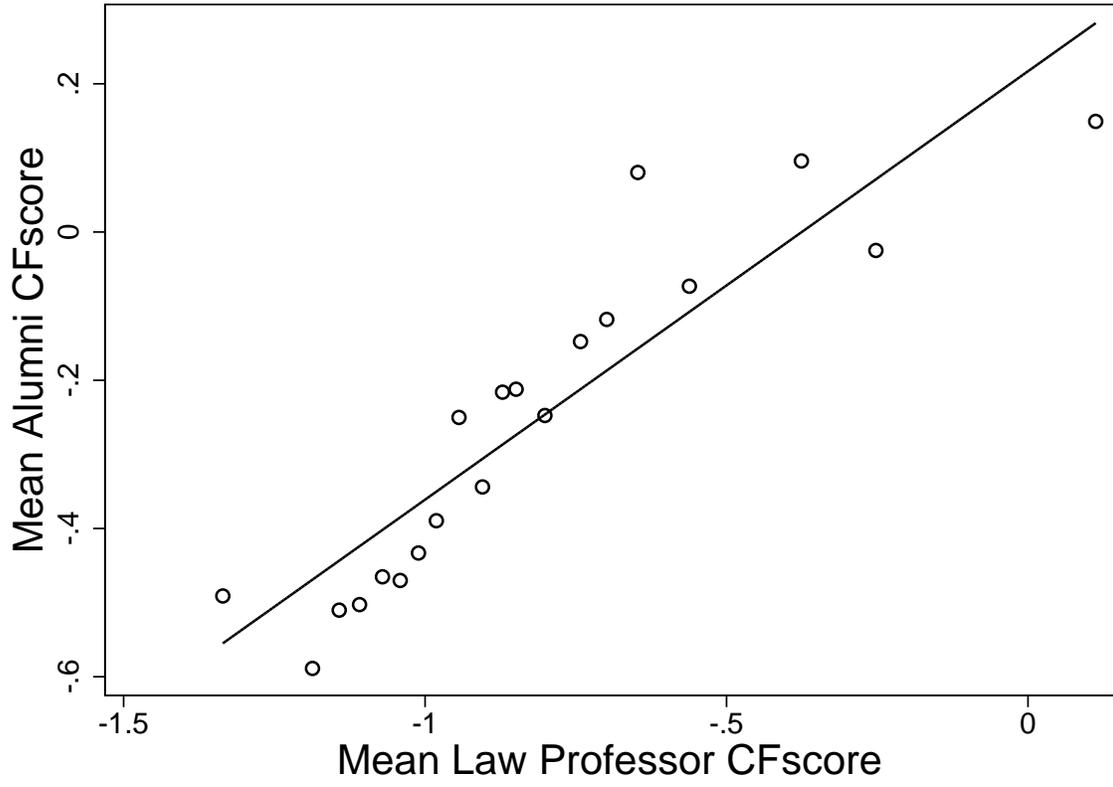
Figure 13: Ideologies of Law Professors and Alumni

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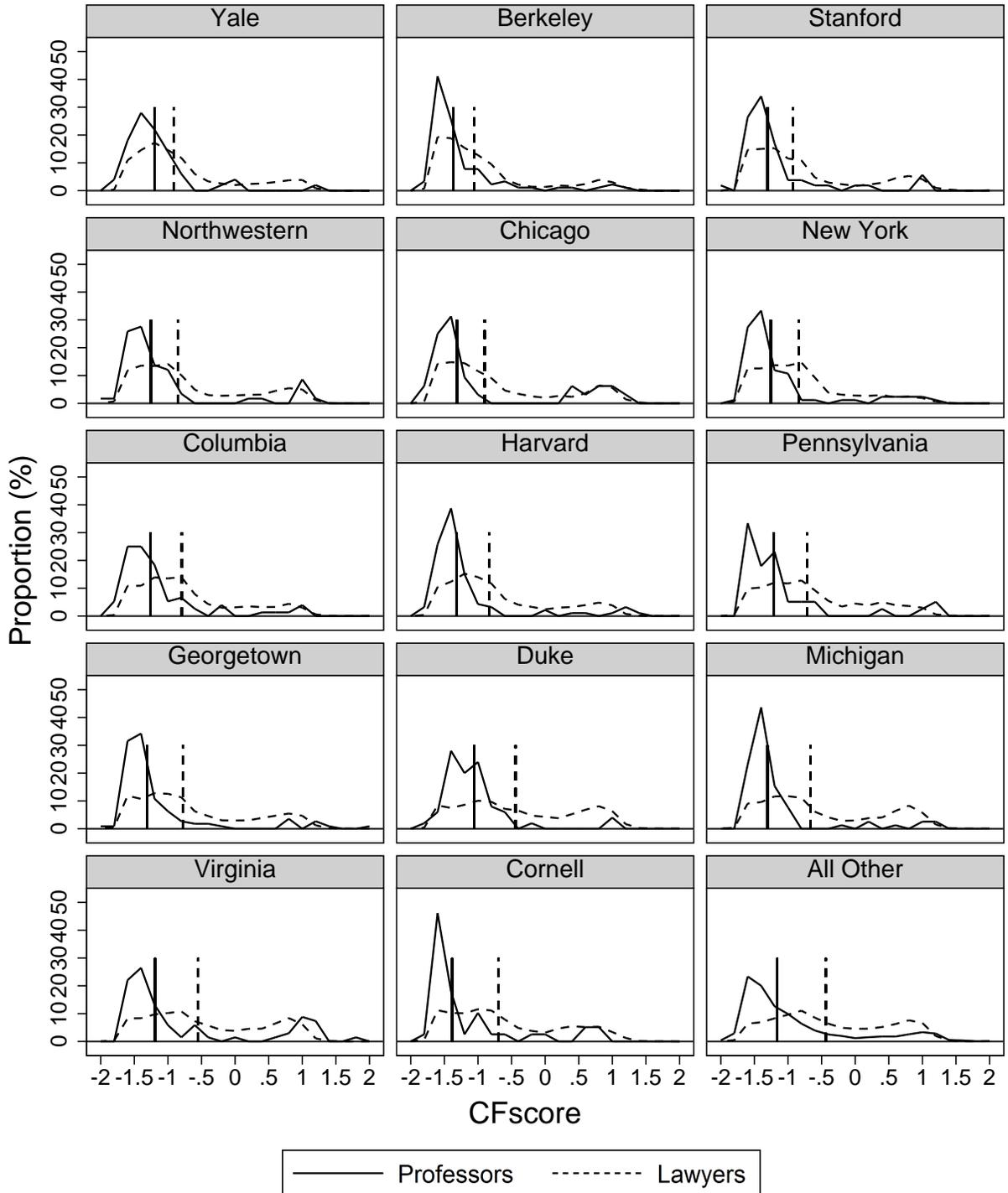
Figure 14: Median Ideology of Alumni and (Median) Professor-Alumni Ideological Gap
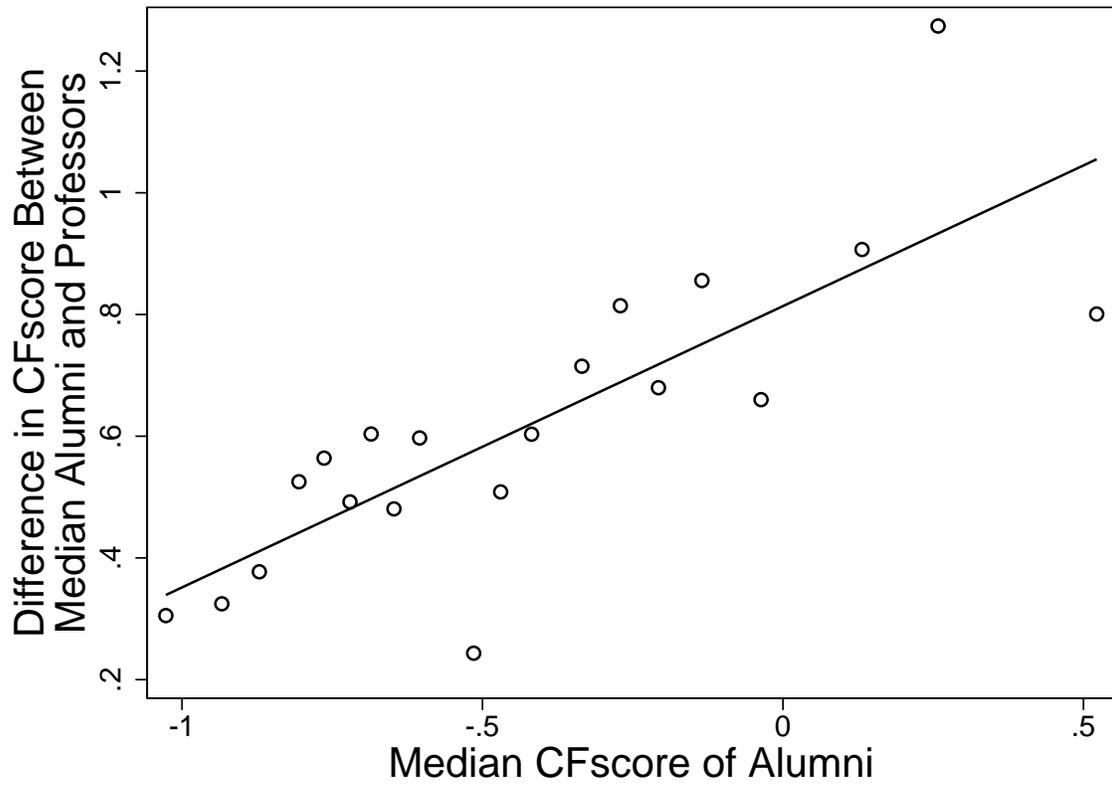
Table 3: Difference in Ideology Between Law Professors and Lawyers

	CFscore			
	(1)	(2)	(3)	(4)
Professor	-0.55***	-0.50***	-0.50***	-0.40***
	(0.02)	(0.02)	(0.01)	(0.02)
Covariates				
Subject Area FE	No	Yes	Yes	Yes
State FE	No	No	Yes	Yes
Law School FE	No	No	No	Yes
Obs	366,519	366,519	366,519	366,519
R-squared	0.007	0.021	0.134	0.159
Dep Var Mean	-0.32	-0.32	-0.32	-0.32

Note: Clustered standard errors in parentheses (by law school attended). * $p<0.1$, ** $p<0.05$, *** $p<0.01$.

Table 4: Difference in Presence of Conservative Law Professors and Lawyers

	Conservative			
	(1)	(2)	(3)	(4)
Professor	-0.20***	-0.18***	-0.17***	-0.13***
	(0.01)	(0.01)	(0.01)	(0.01)
Covariates				
Subject Area FE	No	Yes	Yes	Yes
State FE	No	No	Yes	Yes
Law School FE	No	No	No	Yes
Obs	366,519	366,519	366,519	366,519
R-squared	0.003	0.014	0.091	0.111
Dep Var Mean	0.35	0.35	0.35	0.35

Note: Clustered standard errors in parentheses (by law school attended). * p<0.1, ** p<0.05, *** p<0.01.

Figure 15: Alternative Measures of Ideology

A. Comparing Measures of Ideology
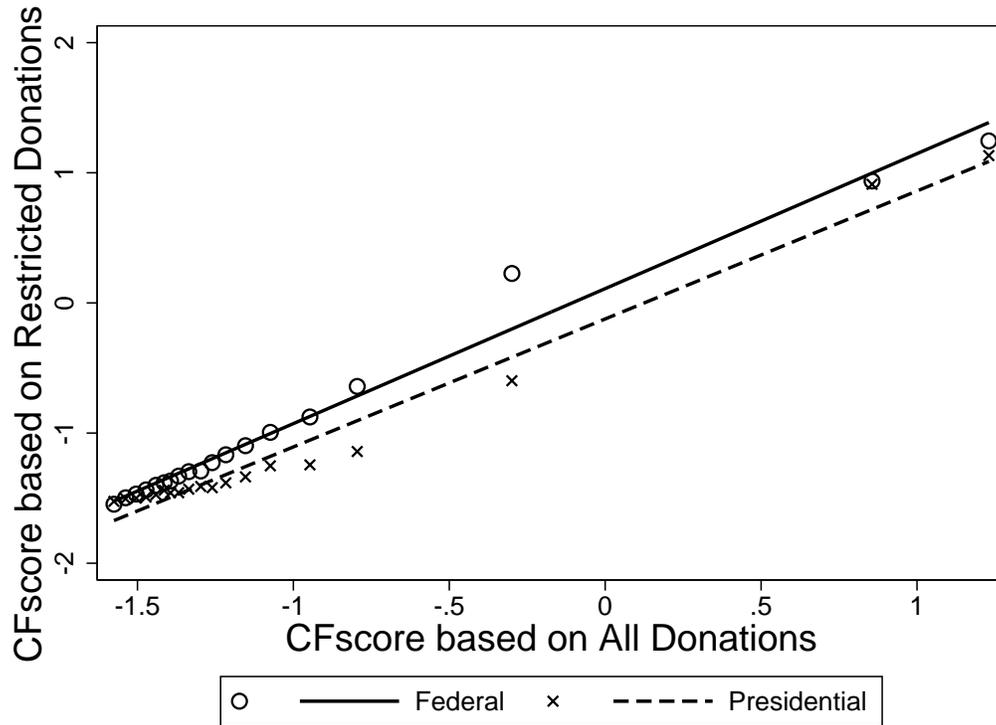
B. Ideologies of Law Professors using Alternative Measures of Ideology
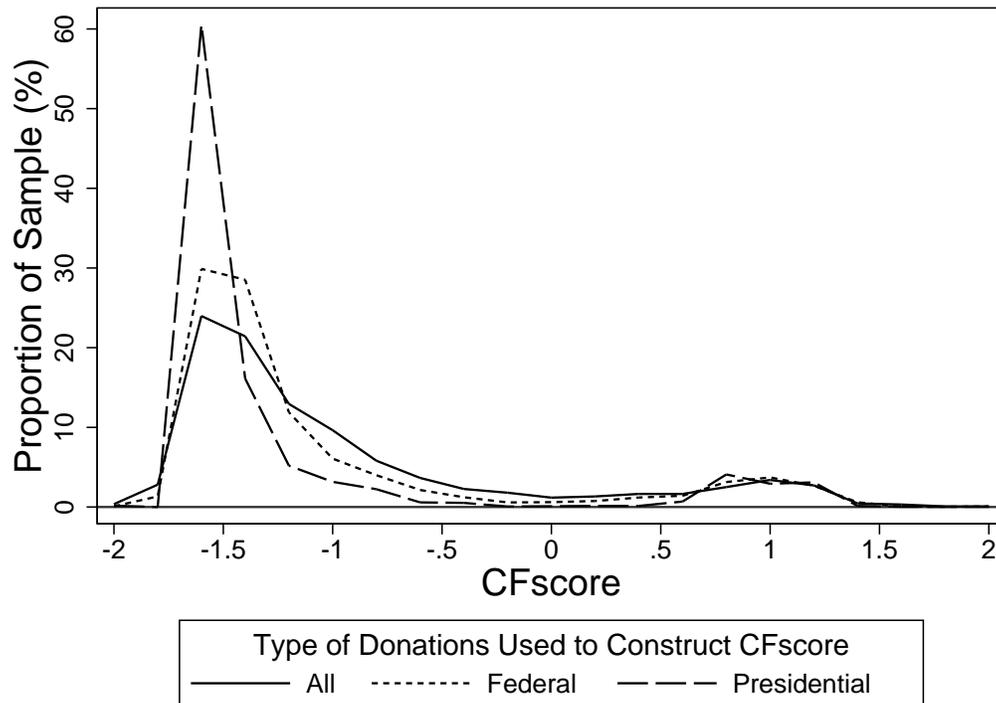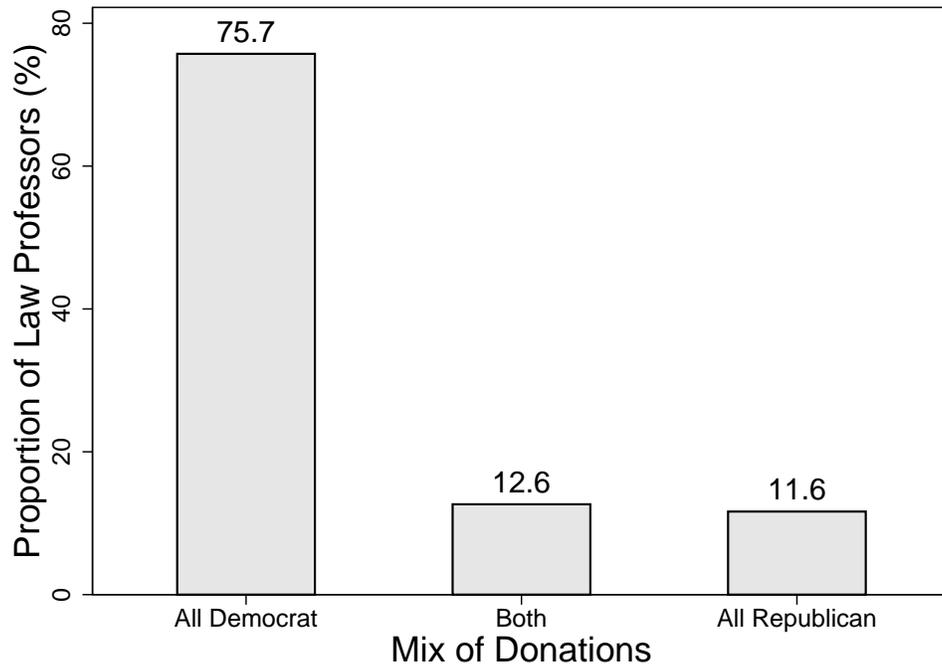
Figure 16: Donations to Presidential Candidates by Political Party

A. Mix of Donations to All Candidates

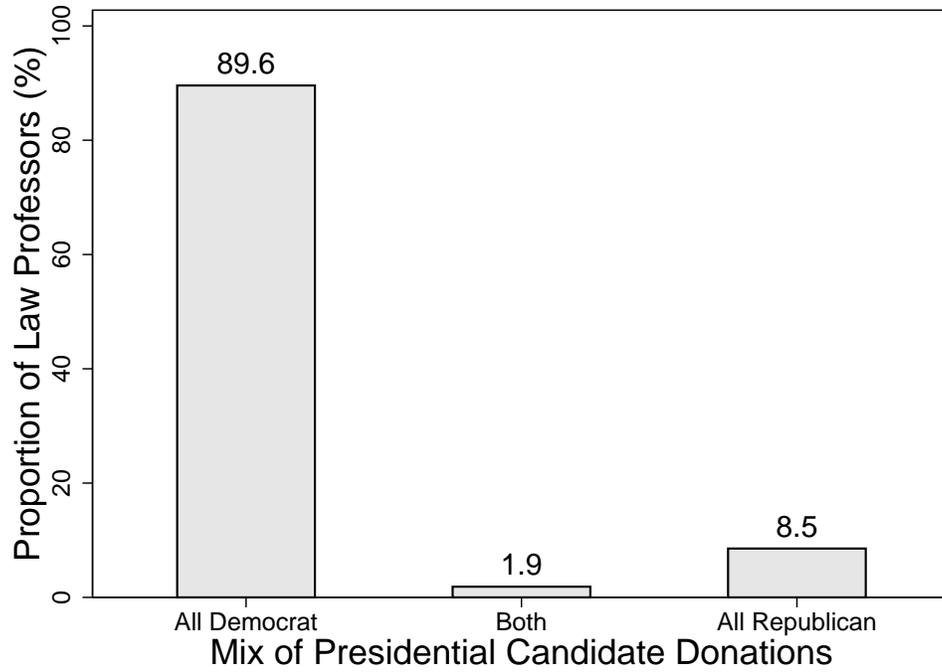

B. Mix of Donations to Presidential Candidates

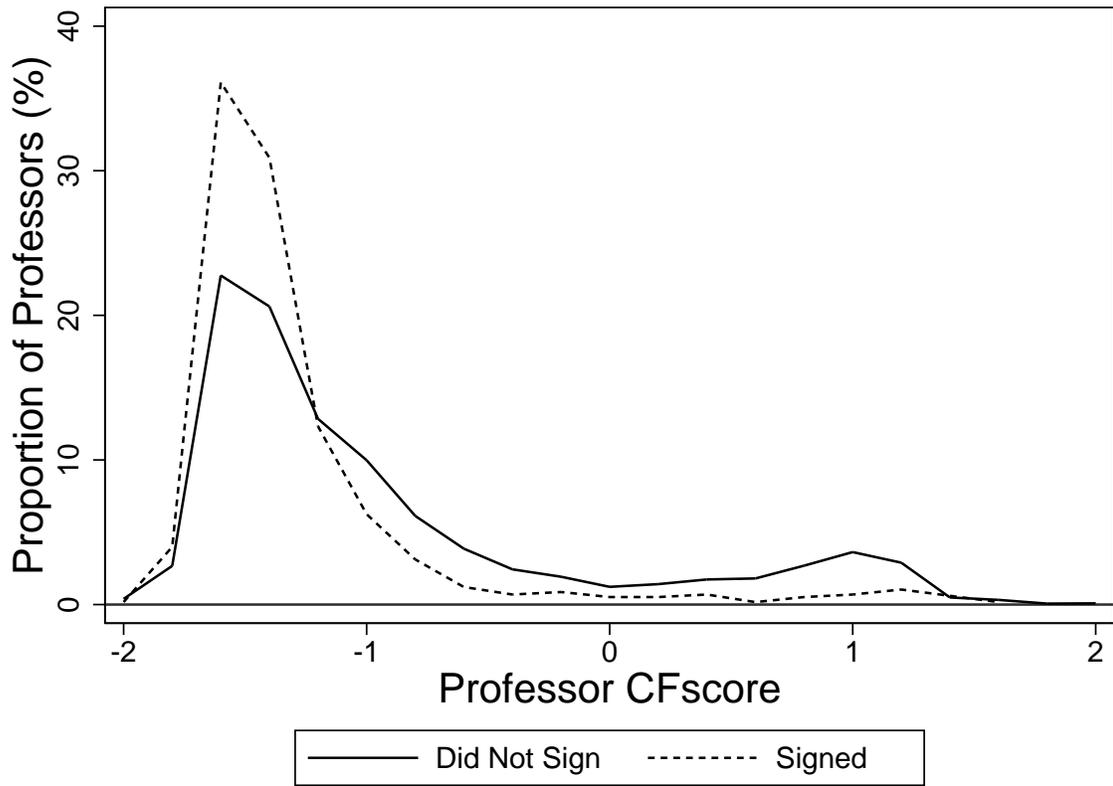Figure 17: Ideologies of Law Professors Opposing Jeff Sessions Confirmation

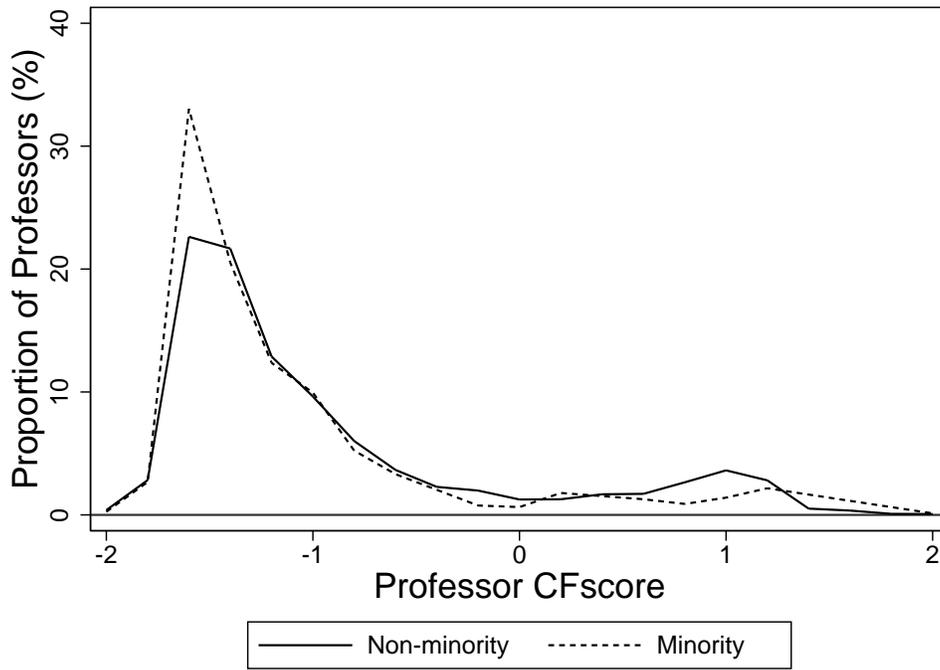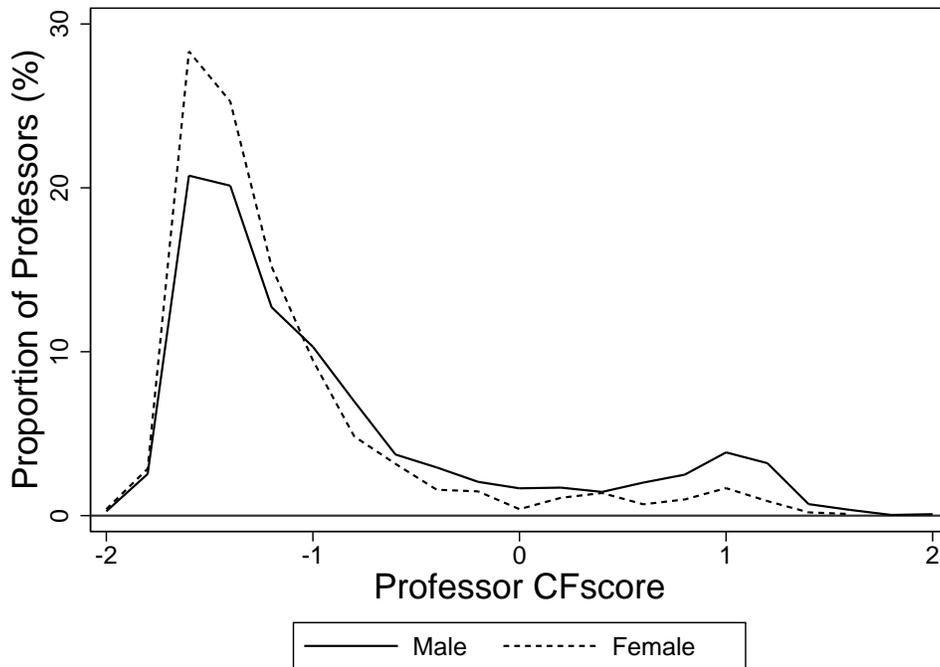Figure 18: Ideologies of Minority Law Professors

A. Minority

B. Gender

Appendix

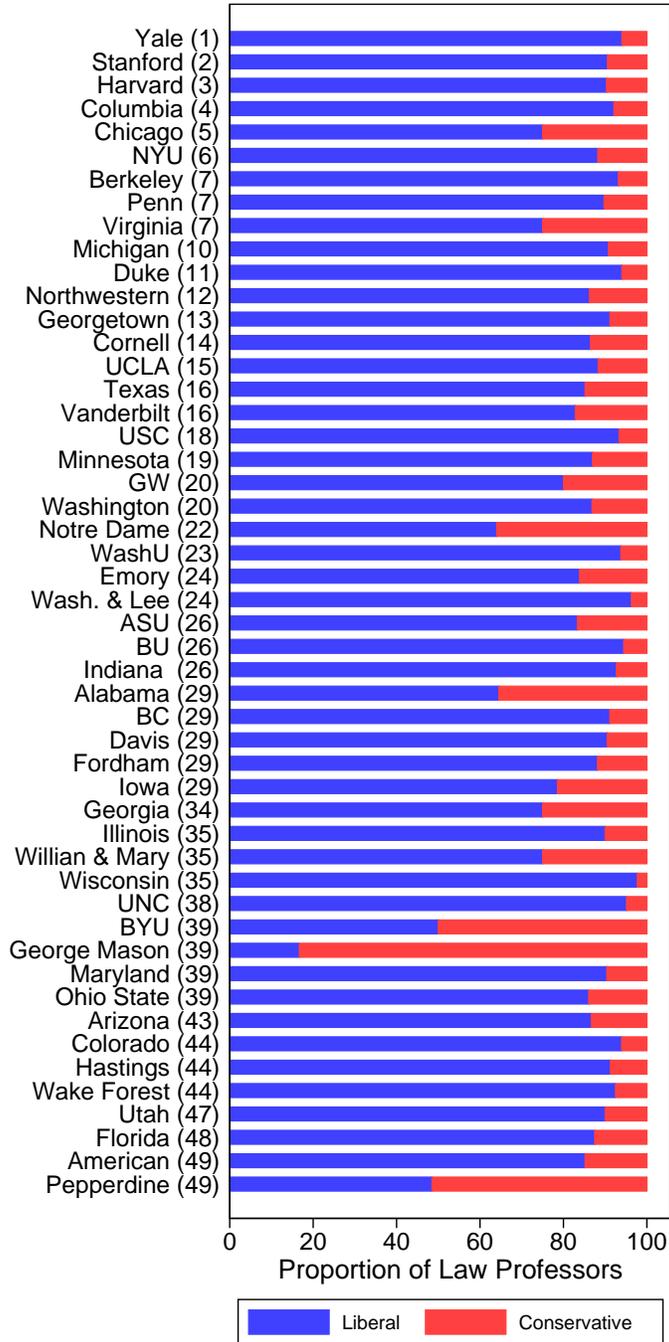Figure A1: Ideologies of Law Professors by Law School Rank (Rank in Parentheses)

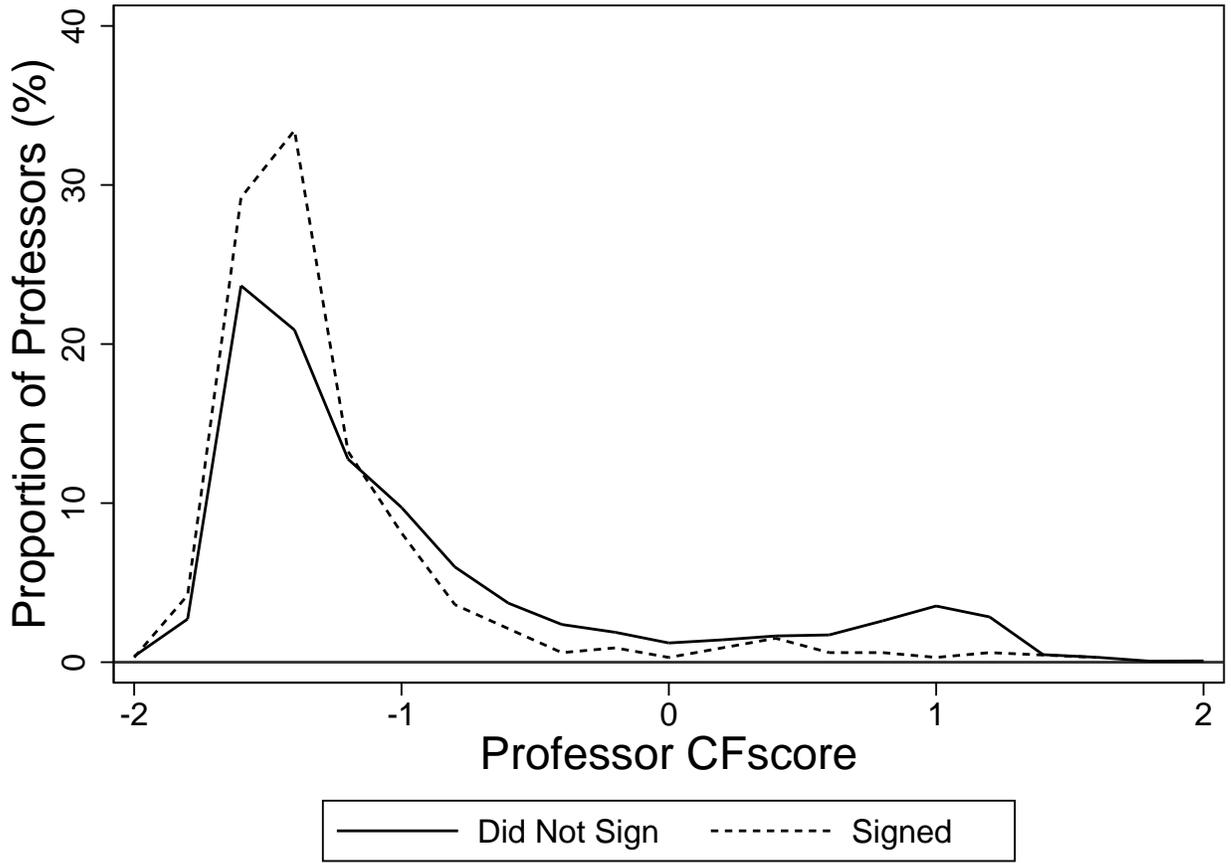Figure A2: Ideology of Professors who Signed the *Bush v. Gore* Letter

Field	*Attorney* *Practice Area*	*Law Professor* *Teaching Area*
Administrative Law	Election Law	Administrative Law
	Government Law	Government Contracts
	Legislative Practice	Legislation
	Nonprofits	Local Government
	Public Law	
	Public Utility Law	
	Utility Law	
Antitrust	Antitrust	Antitrust
	Covenants not to Compete	
	Mergers and Acquisitions	
	Unfair Competition	
Bankruptcy	Bankruptcy	Bankruptcy
Commercial	Banking Finance	Agency and Partnership
	Business Corporate	Business Associations
	Closely held Corporations	Commercial Law
	Corporation Law	Commercial Paper
	Corporations	Corporate Finance
	Franchise Law	Financial Institutions
	Hospital Law	Law and Accounting
	Joint Ventures	Payment Systems
	Limited Liability Company	Securities Regulation
	Partnerships	
	Secured Transactions	
Constitutional Law		Constitutional Law
Consumer	Americans with Disabilities	Consumer Law
	Birth Trauma	Health Care Law
	Collections	Insurance Law
	Consumer Law	Products Liability
	Health	Remedies
	Insurance Law	
Contracts	Breach of Contract	Contracts
	Contract Law	
	Contracts	
Criminal	Capital Offenses	Criminal Justice
	Criminal	Criminal Law
	Drivers License Suspension	Criminal Procedure

Table A1: Grouping of Practice Areas and Teaching Areas

Field	Attorney Practice Area	Law Professor Teaching Area
	DUI	
	Expungements	
	Extortion	
	Forgery	
	Fraud	
	Harassment	
	Hit and Run	
	Money Laundering	
	Parole and Probation	
	Sexual Abuse	
	Stalking	
	White Collar	
	Wire Fraud	
Employment	Labor Employment	Disability Law
		Employee Benefit Plans
		Employment Discrimination
		Labor Law
		Workers Compensation
Entertainment	Entertainment	Entertainment Law
		Sports Law
Environmental	Agricultural Law	Agricultural Law
	Energy	Energy Law
	Environmental	Environmental Law
	Transportation	Natural Resources
		Ocean Resources
		Oil and Gas
		Water Rights
Evidence	Appeals	Evidence
	Civil Practice	Jurisprudence
	Civil Trial	
	Federal Practice	
	Litigation	
	Postconviction Remedies	
	Trial Practice	
	Trials	
Family	Annulment	Family Law
	Cohabitation Agreements	
	Conservatorship	

Table A1: Grouping of Practice Areas and Teaching Areas

Field	Attorney Practice Area	Law Professor Teaching Area
	Custody	
	Equitable Distribution	
	Family Law	
	Grandparents Custody	
	Grandparents Visitation Rights	
	Parental Rights	
	Post-nuptial Agreements	
	Visitation Rights	
Individual Rights	Civil Rights	Civil Rights
	Collective Bargaining	Critical Legal Studies
	Disabilities	Critical Race Theory
	Education Law	Education Law
	Elder Law	Elder Law
	Habeas Corpus	Feminist Legal Theory
	Search and Seizure	Human Rights
		Juvenile Law
		Poverty Law
		Welfare Law
		Women and the Law
Intellectual Property	Computer Law	Computers and the Law
	Intellectual Property	Intellectual Property
	Trade Secrets	
International	Immigration	Aviation and Space Law
	International	Comparative Law
		International Law
Legal Profession	Professional Liability	Clinical Teaching
	Professional Negligence	Federal Courts
		Judicial Administration
		Law Office Management
		Legal Research and Writing
		Professional Responsibility
Military	Defense Law	Military Law
	Military	National Security Law
Native	Indian Law	Native American Law
Procedure	Mediation	Alternative Dispute Resolution
		Appellate Practice

Table A1: Grouping of Practice Areas and Teaching Areas

Field	Attorney Practice Area	Law Professor Teaching Area
		Civil Procedure
		Legal Drafting
		Legal Method
		Trial Advocacy
Property	Boundary Disputes	Community Property
	Community Association Law	Estate Planning
	Community Property Law	Estates and Trusts
	Condemnation	Property
	Condominium Association Law	
	Condominium Law	
	Easements	
	Estate Settlements	
	Leases and Leasing	
	Leasing	
	Premises Liability	
	Property Law	
	Restraining Orders	
	Successions	
	Wealth Preservation	
Tax	Tax	Estate and Gift Tax
		Tax Policy
		Taxation Corporate
		Taxation Federal
		Taxation State Local
Torts	Animal Attacks	Torts
	Automobile Liability	
	Automobile Negligence	
	Civil Liability	
	Cumulative Trauma	
	Medical Malpractice	
	Medical Malpractice Defense	
	Negligence	
	Negligence Law	
	Nursing Home Negligence	
	Personal Injury	
	Product Defects	
	Property Damage	
	Tort Liability	
	Torts	
	Toxic Tort	

Table A1: Grouping of Practice Areas and Teaching Areas

Field	Attorney Practice Area	Law Professor Teaching Area
	Whiplash	
Trade	Admiralty Maritime	Admiralty
	Aviation	Communications Law
	Aviation Law	Conflict of Laws
	Interstate Support	Immigration Law
		International Organizations
		Intl Business Transactions
		Regulated Industries
		Trade Regulation
Transactional	Appellate Practice	Creditors and Debtors Rights
	Buysell Agreements	Land Use Planning
	Construction Law	Real Estate Transactions
	Estate Planning	
	Land Use	
	Mechanics Liens	
	Name Changes	
	Powers of Attorney	
	Real Estate	
	Subrogation	
	Surety Law	
	Transactions	