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STETSON LAW REVIEW FORUM

Conversation Starter

A NEW PARLOR IS OPEN: MICROFEMINISMS ARE NEEDED IN LAW SCHOOL TO COMBAT GENDER BIAS¹

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“Real change, enduring change, happens one step at a time.” –Ruth Bader Ginsburg

I. INTRODUCTION

My Gen Z daughter recently sent me a TikTok. It opened with a thirty-something year old woman comfortably resting on her bed. She casually described how when she sends an email to a male supervisor, she will intentionally put the female assistant’s email first. Or if she emails a team of people, she will always start the greeting with the woman’s name. She then said, “That’s my favorite form of microfeminism. What’s yours?” I immediately went to the comments and was hooked. Microfeminisms were not just being shared in the comments—all over social media female attorneys and other professionals shared how they use microfeminisms to amplify women and attempt to reverse assumptions about gendered roles in the workplace. It was enormously popular. The signing “#microfeminisim” garnered over 1 billion views.

Microfeminism encompasses the subtle, everyday actions individuals—regardless of gender—take to promote gender equity and disrupt traditional expectations, both personally and professionally.²

This Article contends that, despite women comprising over half of the national law student population, the integration of microfeminist practices into the law school experience is essential to fostering greater inclusion within the classroom. Such

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¹ While this Article is focused on women, the micro-strategies discussed also can be used to combat bias against any marginalized group.

² Siddharth Chandra, *Breaking the Mold: Embracing Microfeminism for Workplace Equity*, LINKEDIN (May 12, 2024), <https://www.linkedin.com/pulse/breaking-mold-embracing-microfeminism-workplace-equity-chandra-5hp4c>. Throughout this Article, as a microfeminism, this Article intentionally uses the full name of a woman in a citation even if it breaks citation rules.

practices also serve to address systemic gender bias at the institutional level, with the broader aim of advancing transformative change within the legal profession.

II. WHAT IS A MICROFEMINISM?

Microfeminism refers to those actions and practices that individuals, irrespective of gender, undertake to promote gender equality and challenge gender norms in their personal and professional lives. The goal of microfeminisms is to use those actions as a nuanced demand for workplace equality and to shed light on the micro-gender bias and discrimination that occurs in the workplace.³ Unlike traditional feminism, or macrofeminism, which often focuses on large scale systemic changes, microfeminism operates at the individual and interpersonal levels. Microfeminisms recognize the power of small actions to effect meaningful change.⁴

The term microfeminism, originated by Mira Charlotte Krishnan,⁵ made its way into viral pop culture by TV producer and host Ashley Chaney when she captioned a TikTok post “Girls girl, corporate edition” with the hashtag #microfeminism.⁶ This post was made to draw attention to the reality that despite significant strides towards gender equality in the workplace, disparities still persist. Women continue to face barriers such as the gender pay gap, lack of representation in leadership roles, workplace harassment, and lack of respect.⁷ Ms. Chaney’s hashtag exploded, with over a billion views and over five hundred detailed posts by women on how they use microfeminisms in the workplace to amplify women.⁸

The most popular example is from Katie Wood, an attorney and TikTok creator.⁹ She explained, that “she prefers ‘little acts that make men pissed off,’”¹⁰ and this can be as simple as using ‘she’ or ‘her’ instead of ‘he’ or ‘him,’ unless you know it is a man.¹¹ She explained that microfeminisms are “small, almost imperceptible, acts that

³ *Id.*

⁴ *Id.*

⁵ Mira Charlotte Kirshnan, *On Micro- and Macrofeminism* (Oct. 4, 2015), <https://miracharlotte.com/2015/10/04/on-micro-and-macrofeminism/> (unpacking the term microfeminism, it can be traced back to Mira Charlotte Krishnan who adapted it from economics and recontextualized it within a feminist framework).

⁶ Ashley Chaney (iamashleychaney), TIKTOK (Mar. 25, 2024), <https://www.tiktok.com/@iamashleychaney/video/7350480639679925547?lang=en>.

⁷ Chandra, *supra* note 2.

⁸ #microfeminism, TIKTOK, <https://www.tiktok.com/tag/microfeminism?lang=en> (last visited Apr. 2, 2025).

⁹ Jessica Guynn, *Welcome to the ‘Microfeminist’ Revolution: Women Clap Back at Everyday Sexism on TikTok*, USA TODAY, <https://www.usatoday.com/story/money/2024/06/06/microfeminism-tiktok-revolution/73975170007/> (June 7, 2024, 8:16 PM).

¹⁰ *Id.*

¹¹ *Id.*

move the needle just a tiny bit towards the middle again.”¹² They are things “that don’t require a ton of bravery, and likely won’t elicit a lot of pushback for those people that feel like loud, big, far-reaching acts aren’t an option to them.”

After Ms. Wood’s post, more and more female attorneys started posting their own microfeminisms. Georgina Cook posted a five minute video detailing all of the microfeminisms she uses in her legal practice.¹³ Some examples share by Ms. Cook and other women include always listing women’s names first when writing a group email, assigning men to do the administrative or scheduling tasks on a team or group project, changing form documents to say “she” or “they” and eliminate the “he,” or when speaking saying “she or he” rather than “he or she.”¹⁴ Other TikTokers also described how in meetings they always take the seat at the head of the table.¹⁵ They will also call out men in meetings who interrupt women, take credit for a woman’s idea, or who “mansplain.”¹⁶ Not stepping aside in the hallway when a man is walking toward a woman was also described as a microfeminism¹⁷ And my personal favorite, intentionally talking over a man who attempts to interrupt a woman while speaking until the man becomes so uncomfortable that he stops.¹⁸

The explosion of this hashtag emphasized the ongoing gender biases in the legal profession. At the same time, this trend became a cry to challenge archaic attitudes and promote inclusivity, equality, and respect in the evolving legal landscape. It has been described as “a call from Gen Z for mindfulness in our interactions, to help us better reflect on how our behaviors can be interpreted—and more importantly—improved.”¹⁹

III. GENDER BIAS IN THE PROFESSION AND IN LAW SCHOOLS

From a narrow lens, one could say that gender equality in the legal profession has made great strides. There are more women in law school than ever, and that number continues to increase. There are more women law professors, more women associates and partners, and more women judges.²⁰ Four women historically now sit on the U.S.

¹² *Id.*

¹³ @AWomanCalledGeorge, TIKTOK (Apr. 28, 2024), <https://www.tiktok.com/@awomancalledgeorge/video/7362867209510669601>.

¹⁴ *Id.*

¹⁵ Honey Wyatt, *What is #Microfeminism?*, HR MAG. (Apr. 25, 2024), <https://www.hrmagazine.co.uk/content/news/what-is-microfeminism/>; see also 17 People Shared How They Put “Microfeminism” Into Practice Daily, and We Should All Take Note, YAHOO!LIFE (May 15, 2024), <https://ca.style.yahoo.com/17-people-shared-put-microfeminism-161602769.html>.

¹⁶ Guynn, *supra* note 9.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Wyatt, *supra* note 15.

²⁰ Tiffany Sams, *Women in the Legal Profession: Successes and Challenges*, ONE LEGAL (Mar. 5, 2024), <https://www.onelegal.com/blog/women-in-the-legal-profession-successes-challenges/>.

Supreme Court—Justices Amy Coney Barrett, Elena Kagan, Sonia Sotomayor, and Ketanji Brown Jackson. From a wider lens, however, gender equality in the legal profession is still in its infancy and the rate of change is slow.

A. Gender Bias Persists in the Legal Profession
Despite Moderate Advancements

Despite the notable progress that has been made, women attorneys, on average, still make only eighty-one cents to each dollar paid to a male attorney. As predicted by the *American Lawyer*, there may not be gender pay equality for equity partners in private law firms until 2181.²¹ To further compound this pay disparity insult, women continue to be subject to gender biases and discrimination in the legal profession. Women regularly report experiencing both macro and microaggressions at work.²² A recent report from the American Bar Association and ALM Intelligence show that seventy-five-percent of women attorneys report experiencing demeaning comments, stories, and jokes.²³ A shocking eighty-two percent of women lawyers have been mistaken for a lower level employee.²⁴ And, sixty-seven percent of women lawyers experienced a lack of access to business development opportunities.²⁵ Furthermore, sixty-three percent of women have been perceived as less committed to their work, and fifty percent of women have received unwanted sexual conduct at work.²⁶ These statistics are alarming to say the least.

In light of these statistics, women are forced to find ways to fit into the male-dominated legal profession. These efforts, however, subject women to a catch-22. In their book, *Breaking Through Bias*, attorneys Andrea Kramer and Al Harris, sum up

²¹ *Is There a Gender Wage Gap in the Legal Profession?*, ENJURIS, https://www.enjuris.com/students/gender-wage-gap/?tc_id=zh8sfquuxdz9ka5hapxkz5p (last visited Apr. 16, 2025); Julie Triedman, *A Few Good Women*, AM. LAW. (May 28, 2015, 10:14 PM), [https://www.law.com/americanlawyer/almID/1202726917646/\[https://advance.lexis.com/api/document/citation?cite=LNSDUID-ALM-AMLAWR-1202726917646\]](https://www.law.com/americanlawyer/almID/1202726917646/[https://advance.lexis.com/api/document/citation?cite=LNSDUID-ALM-AMLAWR-1202726917646]).

²² Jessica Guynn, *We Need to Talk About the Macro Effect of Microaggression on Women at Work*, USA TODAY, <https://www.usatoday.com/story/money/2023/10/05/microaggressions-women-at-work-new-study/71005816007/> (Oct. 11, 2023, 10:46 AM).

²³ Roberta D. Liebenberg & Stephanie A. Scharf, *Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice*, A.B.A. 7 (2019), https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf; *Bullying and Sexual Harassment in the Legal Profession*, INT'L BAR ASS'N, <https://www.ibanet.org/Bullying-and-sexual-harassment> (last visited Apr. 16, 2025).

²⁴ Liebenberg & Scharf, *supra* note 23, at 7.

²⁵ *Id.*

²⁶ *Id.* at 8.

the experience of women in the legal professions as “the Goldilocks dilemma.”²⁷ They write:

When a woman conforms to the most basic communal stereotypes—being warm, caring, and sensitive to others’ feelings—she will probably be viewed as pleasant and likable but not particularly competent or a leader. On the other hand, if she acts contrary to these stereotypes by displaying agentic characteristics—forcefully advocating a point of view, single-mindedly pursuing a competitive objective, or exhibiting a fierce commitment to performance excellence—she is likely to face backlash and be viewed as competent but socially insensitive[.] . . . The Goldilocks Dilemma is often referred to as a double bind, a condition that business and professional women know only too well: appearing too tough or too soft but rarely just right. . . . [E]ither way there can be negative consequences. Women, thus, can feel they are damned if they do and damned if they don’t.²⁸

This unattainable standard is further entrenched by a 2023 ABA publication, which offers gender-biased advice that places the burden of adaptation squarely on female attorneys navigating the legal profession.²⁹ It provides examples on how “a woman should take care to speak clearly, stay on point, and be unambiguous. She needs to avoid filler words (‘you know,’ ‘um,’ and ‘OK’). She should avoid uptalk or self-deprecating statements (‘I may be off base here, but...’).”³⁰ “At the same time, she should welcome others to actively participate in the conversation, listen effectively, graciously acknowledge other’s contributions, and engage with others in an open and respectful manner.”³¹ Even more offensive, the article gives advice about posture and mannerism as if it were coming from a 1950s *Reader’s Digest* article or finishing school curriculum:

She needs to project a powerful impression of competence and comfort and she can do this by standing erect with her arms held loosely at her sides. She should gesture away from her body, maintain a pleasant expression, and keep her eyes focused on the people with whom she is talking. When sitting, she needs to be relaxed but attentive and engaged.³²

²⁷ ANDREA S. KRAMER & ALTON B. HARRIS, *BREAKING THROUGH BIAS: COMMUNICATION TECHNIQUES FOR WOMEN TO SUCCEED AT WORK* 13–15 (Bibliomotion, Inc. 2016).

²⁸ *Id.*

²⁹ Andrea Sue Kramer & Alton Harris, *Getting Beyond Bias in the Legal Profession*, ABA (Nov. 15, 2023), https://www.americanbar.org/groups/law_practice/resources/law-practice-today/2023-november/getting-beyond-bias-in-the-legal-profession/.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

Lastly, women are also faced with their male colleagues not appreciating the discrimination and bias women face in the legal profession. According to the American Bar Association study, “managing partners and senior men have far more positive views than their women colleagues about their firm’s “success” in retaining and advancing experienced women lawyers.”³³ Despite the statistics to the contrary, men report “gender diversity as a priority, and promoting experienced women into the highest levels of the partnership and firm leadership.”³⁴

While it is important for women to adopt an optimistic perspective and celebrate the progress archived, it is equally crucial to recognize that significant work remains to be done. The sobering reality is that gender equality within the legal profession remains in its origin story.

B. Improved Enrollment Statistics Have Not Changed Gender Bias in Law School

As of 2024, women have constituted the majority of students in law school across the country for nine years in a row.³⁵ According to the data, around fifty-six percent of law students are women compared to approximately forty-three percent men, and one percent who prefer not to identify or identify as another gender.³⁶ These numbers, however, do not tell the complete story. This macro-accomplishment does not reflect the micro-reality for women in law school.

Legal education purports to be a professional meritocracy, attempting to be gender-neutral. A robust body of literature, however, establishes quite the opposite. In many ways, law schools embody the woes of the legal profession, featuring many forms of subtle, structural gender discrimination.³⁷ “Study after study confirms female law students’ feelings of alienation, disillusion, and discontent with law schools and concludes that legal education is failing women.”³⁸ Women in law school have historically reported experiencing more stress related mental health issues, receiving lower GPAs, securing fewer leadership roles, and struggling to connect with faculty as compared to male students.³⁹ Women students continue to feel they are not

³³ Roberta D. Liebenberg & Stephanie A. Scharf, *supra* note 23, at 15.

³⁴ *Id.*

³⁵ *Law School Rankings by Female Enrollment (2023)*, ENJURIS, https://www.enjuris.com/students/law-school-women-enrollment-2023/?tc_id=780kzron4u1srtu8nlko5m9b8 (last visited Apr. 16, 2025); *Women in the Legal Profession*, A.B.A. (last visited Apr. 16, 2025).

³⁶ *Law School Rankings by Female Enrollment (2023)*, *supra* note 35.

³⁷ Eli Wald, Carrie Golden, Erin Snow, Nicole Van Hook, Heidi Haberman, Elena Vigil, Tamara Henry, Jillian Kysor, Tseada Berhanu & Maureen Weiland, *Looking Beyond Gender: Women’s Experiences at Law School*, 48 TULSA L. REV. 27, 30 (2012).

³⁸ *Id.* at 31.

³⁹ Robin West, *Women in the Legal Academy: A Brief History of Feminist Legal Theory*, 87 Fordham L. Rev. 977, 978 (2018).

taken seriously by their male professors and peers.⁴⁰ Female students have reported that professors were ‘more gentle’ towards women, tried to ‘make questions easier for women,’ or were ‘nicer to women’ because they ‘assume [women] can’t respond to intense questioning.’⁴¹ In contrast, it also was reported that professors were more likely to “probe a male student’s response to a question for a fuller answer requiring a higher level of critical thinking [and] wait longer for a man to answer before going on to another student.”⁴²

Lastly, female students report that male students take credit for their work.⁴³ And female law students feel judged by an impossible standard when working in student organizations and in other law school extracurriculars.⁴⁴

The most studied impact of gender bias in law school relates to academic engagement, showing that women are less likely to raise their hand in class or attend office hours.⁴⁵ A series of studies called Speak Up and Speak Now, conducted by several law schools including Harvard, Yale, Stanford, the University of Chicago, and the University of Pennsylvania, evaluated the differences between the female and male law school experience.⁴⁶ These studies established that women are less likely to speak in class than men, and women regularly report concerns over being judged by their classmates or having another student contradict their response.⁴⁷ These feelings then negatively impact their willingness to participate in class and create

⁴⁰ Sonali Muthukrishnan, *We Must Address Sexism in Law School*, THE DAILY TEXAN (Mar. 7, 2023), <https://thedailytexan.com/2023/03/06/we-must-address-sexism-in-law-school/>.

⁴¹ Dara Purvis, *Female Law Students, Gendered Self-Evaluation, and the Promise of Positive Psychology*, 2012 MICH. ST. L. REV. 1693, 1713 (2012).

⁴² *Id.*

⁴³ Sonali Muthukrishnan, *supra* note 40.

⁴⁴ *Id.*

⁴⁵ Olivia Baginski, *Breaking the Silence: Exploring Gender Differences in Classroom Interactions*, 22 SEATTLE J. FOR SOC. JUST. 189, 190 (2024).

⁴⁶ Molly Bishop Shadel, Sophie Trawalter & J.H. Verkerke, *Gender Differences in Law School Classroom Participation: The Key Role of Social Context*, 108 VA. L. REV. ONLINE 30, 30–31 (2022), <https://virginialawreview.org/articles/gender-differences-in-law-school-classroom-participation-the-key-role-of-social-context/> (citing Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School*, 13 J. GENDER SOC. POL’Y & L. 511, 561–62 (2005) (“The study results show systemic differences between female and male students’ experiences at Harvard Law School in areas ranging from classroom participation and self-confidence to grades and employment.”)); YALE L. WOMEN, YALE LAW SCHOOL FACULTY AND STUDENTS: SPEAK UP ABOUT GENDER: TEN YEARS LATER 13–14 (2012); Daniel E. Ho & Mark G. Kelman, *Does Class Size Affect the Gender Gap? A Natural Experiment in Law*, 43 J. LEGAL STUD. 291, 293 (2014); *Speak Now: Results of a One-Year Study of Women’s Experiences at the University of Chicago Law School*, 2019 U. CHI. LEGAL F. 647, 647–48 (2019); LANI GUINIER, MICHELLE FINE & JANE BALIN, *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* 1–2 (1997).

⁴⁷ Molly Bishop Shadel, Sophie Trawalter et al., *supra* note 46, at 31–32.

feelings of isolation and alienation.⁴⁸ This reluctance for participation is further exacerbated by both imposter syndrome as well as the impossible social norm of remaining likable when demonstrating confidence and analytical prowess.⁴⁹ In sum, these studies show that “men are dominating the conversation[s]” in law school.⁵⁰ This systemic problem is not only impacting women as they enter the profession but it impacts how others see women in the profession. If female voices are unheard in law school, they will remain unheard in the profession.

To add to the evidence produced by these studies, anecdotes of personal experiences further illuminate the impact of gender biases on female law students. In the article “Looking beyond Women’s Gender: Women’s Experiences at Law School,” nine female students share their personal experiences in law school.⁵¹ One student commented on the feedback a female peer received after her first mock oral arguments.⁵² Despite that student having “agonized over legal analysis and substantive arguments” she was told by the judges that she should “wear her hair up and not wear dangly earrings that draw attention to her or distract members of the courtroom from her arguments.”⁵³ She questioned whether female success in law school was measured by actual success or by how successful women are “at compensating for the gender hindrances, intended or unintended discrimination, external or self-imposed expectations, or other gender-related realities.”⁵⁴ The reality is that a woman’s appearance in the practice of law can have either a positive or negative impact. Women are judged more harshly than men for how they present themselves. The question becomes how do we as professors, male or female, help our female students navigate this unpleasant truth?

Another woman who shared her story said:

It turns out, in law school, the more you embody male attributes and develop a resume that mirrors that of men, the better off you are ... Essentially, to fit into the law school culture, I have to train myself to see the world through the eyes of a man, putting behind my traditionally ‘female’ characteristics, my emotion, and my empathy.⁵⁵

She further said:

⁴⁸ *Id.* at 32–33.

⁴⁹ *Id.* at 35–36; see also ANDREA S. KRAMER & HARRIS, *supra* note 27.

⁵⁰ Molly Bishop Shadel, Sophie Trawalter et al., *supra* note 46, at 53.

⁵¹ Eli Wald, Carrie Golden, Erin Snow, Nicole V. Hook, Heidi Haberman, Elena Vivil, Tamara Henry, Jillian Kysor, Tseada Berhanu & Maureen Weiland, *Looking Beyond Women’s Gender: Women’s Experiences at Law School*, 48 TULSA L. REV. 27, 27 (2012).

⁵² *Id.* at 35.

⁵³ *Id.*

⁵⁴ *Id.* at 36.

⁵⁵ *Id.* at 50.

[I]mitating a male philosophy is the ultimate affront. To embrace the male model as my own is like saying it is not okay to be a woman. Not only does male thinking disregard my experience as a woman, it perpetuates the idea that I am not good enough and cannot thrive in legal academics or in my profession as a lawyer.⁵⁶

This perspective is consistent with Lani Guinier's ground-breaking study and book, *Becoming Gentlemen: Women, Law School, and Institutional Change*.⁵⁷ Her student found that many female law students felt that "learning to think like a lawyer means learning to think and act like a man."⁵⁸

A more recent article in a law school student publication shared similar experiences, where one female student explained, "there are still professors who refuse to take our comments seriously, male students who gladly take credit for our work, and extracurriculars where women are always judged more harshly based on an unknown impossible-to-meet rubric."⁵⁹ The law student author ends by aptly saying, "these issues bleed out into the real world."⁶⁰

C. Microfeminisms Are Needed to Combat Gender Bias in Law School and Beyond

Numerous articles and essays have been written about the gender bias that persists in law schools, and it goes without saying that this problem must be fixed before our future lawyers enter into the practice of law. If a light is shined on gender bias and the efforts to mitigate its impact during law school, students would be more educated and more empowered to fight against it in the profession.⁶¹ This is true not only for women but equally true for men graduating law school who may otherwise be unaware of the gender bias awaiting their colleagues.⁶² Law schools failing to address gender equality issues or pretending gender bias does not exist is "not an appropriate or ethical approach."⁶³ Most of the articles on gender bias in law school call for larger scale reform, or macrofeminisms, such as hiring more female professors, promoting more women to leadership roles, eliminating the Socratic

⁵⁶ *Id.* at 51.

⁵⁷ LANI GUINIER, MICHELLE FINE & JANE BALIN, *supra* note 46.

⁵⁸ LANI GUINIER, MICHELLE FINE & JANE BALIN, *supra* note 59, at 28–29; *see also* Eli Wald, Carrie Golden, Erin Snow, Nicole V. Hook, Heidi Haberman, Elena Vivil, Tamara Henry, Jillian Kysor, Tseada Berhanu & Maureen Weiland, *supra* note 51, at 50.

⁵⁹ Sonali Muthukrishnan, *supra* note 40.

⁶⁰ *Id.*

⁶¹ Katie Ahern, *Guide for Law Schools in Preparing Law Students for Handling and Addressing Gender Bias in the Practice of Law* 1, 7 <https://ncwba.org/wp-content/uploads/2024/05/Guide-for-Law-Schools-in-Preparing-Law-Students-for-Handling-and-Addressing-Gender-Bias-in-the-Practice-of-Law.pdf> (May 2024).

⁶² *Id.*

⁶³ *Id.* at 9.

Method, diversity training, or teaching feminist legal history.⁶⁴ These are admirable suggestions, but ultimately, they may not be achievable or, at least, immediate. Microfeminisms, however, provide an approach to be used to advance the battle to ultimately win the war. While studies suggest that people tend to penalize others for violating behavioral norms,⁶⁵ other studies show that the social penalties only exist “when the behavior is explicit enough that perceivers are able to recognize and encode it as counter-stereotypic.”⁶⁶ Implicit forms of dominance does not result in negative perceptions of women.⁶⁷ “Dominance that operates below the level of conscious awareness may not be perceived as counterstereotypical and, thus, may not be negatively evaluated in women.”⁶⁸ Thus, microfeminisms, as a subtle way to promote gender equality, should operate below the level of conscious awareness and not be coded as counter-stereotypic.

IV. USING MICROFEMINISMS: EXAMPLES OF HOW TO INCORPORATE MICROFEMINISMS IN LAW SCHOOL

Incorporating microfeminisms can be challenging because they are subtle. Microfeminisms need to be thoughtfully designed so they remain nuanced to have the intended impact. But not so nuanced that they fail to create opportunities for other to recognize and address their conscious or unconscious biases. Below are six examples of how professors of all genders can use microfeminisms in the law school experience.

A. Acknowledge the Ratio of Women & Incorporate the Female Perspective

Women constitute the majority of students in law school. This accomplishment should be acknowledged on a regular basis by both the administration and by professors. During the first-year orientation program, the dean should make a point to announce the female enrollment statistic and even compare it to past statistics to demonstrate this growth. This should then be followed by a celebratory round of

⁶⁴ There are equally concerning macro issues in law schools that also need to be resolved, such as the lack of tenured female professors and the pink ghetto for legal writing and clinical faculty. In 2023, male law professors outnumbered female law professors by 13.62 percent. Essentially, the percentage of female faculty to male faculty is the reverse statistic of female to male student enrollment. Similarly, only forty percent of women serve as law school deans. Law students are sensitive to the messages sent by these hierarchies. Paula A. Monopoli, *Feminist Legal History and Legal Pedagogy*, 108 VA. L. REV. ONLINE 91, 93, 108 (2022) <https://virginialawreview.org/articles/feminist-legal-history-and-legal-pedagogy/>.

⁶⁵ Gerban A. Van Kleef, Astrid C. Homan, Catrin Finkenauer, Seval Gudemir & Eftychia Stamkou, *Breaking the Rules to Rise to Power: How Norm Violators Gain Power in the Eyes of Others*, 2 SOC. PSYCH. & PERSONALITY SCI. 500, 500–05 (2011).

⁶⁶ Melissa J. Williams & Larissa Z. Tiedens, *The Subtle Suspension of Backlash: A Meta-Analysis of Penalties for Women’s Implicit and Explicit Dominance Behavior*, 142 PSYCH. BULL. 165, 179 (2016).

⁶⁷ *Id.*

⁶⁸ *Id.*

applause. Professors also should positively comment on the number of female students in their individual classrooms.

Additionally, professors should feature women and acknowledge their perspective in various ways in their courses. For example, in Legal Research and Writing courses, a professor can design assignments to have the entire cast be women – the attorneys, the judge, and the parties. This will be in contrast to what they see in most of their other courses. Similarly, in a Legal Professions course, a professor can raise issues of gender bias in legal practice. Many of the statistics and students referenced above can be used to support those conversations. A brainstorming session can then follow on how to improve female representation in law school and in legal practice.

For Torts or Criminal Law, in cases where the victim is a female, bring attention to the female perspective. This past year in my Torts class, we were discussing *McCarty v. Pheasant Run, Inc.*⁶⁹ In that case, the plaintiff is a business woman who travelled alone for work. She was attacked in her hotel room by a perpetrator who entered her room through a sliding glass door. The court seemed to place blame on the plaintiff victim. The male judge wrote, “Mrs. McCarty testified that she didn’t know there was a door behind the closed drapes, but the jury wasn’t required to believe this. Most people on checking into a hotel room, especially at a resort, are curious about the view; and it was still light when Mrs. McCarty checked in at 6:00 p.m. on an October evening.”⁷⁰ The sixty percent women in my class expressed shock at the judge’s seemingly ignorant comments. I then shared my own experience of travelling alone and the elaborate steps I take to make sure my hotel room is safe. The female students nodded in agreement. A male student, to his credit, raised his hand and thanked me for sharing my experience. He admitted that he too would have opened the curtain to see the view and would not have considered the female perspective in that case without the conversation in class.

B. Use Inclusive Language That Promotes Gender-Equal or Gender-Neutral Communication

Historical approaches to grammar promote the use of the male pronoun first and the female pronoun second, such as the expressions “he or she” or “male or female.” This approach is also traditionally used in some legal contexts, most notably the “he said, she said,” defense for sexual assault or sexual harassment. This approach to language should be changed or eliminated. Professors can reverse these language options and instead say, “she or he” or “female or male” or “women or men.” The difficulty arises when promoting one group of people. Efforts need to be made to ensure that another group is not indirectly impacted. For example, while it can be better for women to say “she” first in conversation, using gendered options can be

⁶⁹ 826 F.2d 1554 (7th Cir. 1987).

⁷⁰ *Id.* at 1557.

seen as subjugating trans people. For this reason, I rotate between “she” and gender-neutral language, “they/them.”

C. Encourage Female Student Class Participation

Despite the changing ratio of women to men in law school, men still are more likely to raise their hand in class and speak.⁷¹ Professors should be aware of who they are calling on and in what order. This is true both for cold calling and for selecting volunteers. Try to match the ratio of speakers with the ratio of female and male students. For example, if the class is approximately sixty percent women, then the professor should call on two female students for every one male student. To help ensure participation is equally distributed, tracking should be used. The more the women speak in the classroom, the more their confidence will increase and their fear of being judged will dissipate. If you have a teaching assistant who attends your class sessions, you can assign them the task of recording who has raised their hand, been called on (voluntarily or involuntarily), how long they spoke, the difficulty of the questions asked, and the amount of follow-up questions. This data can provide valuable information for the professor, especially in large classes.

D. Praise participation and Engagement by Female Students

A 2024 study established that “women are more sensitive to praise ... and more likely to change their behavior, particularly in a positive direction.”⁷² The study also showed that praise “not only affects the praised individuals... but also positively influences other group members.”⁷³ Thus, the theory is that if women are praised in the law school classroom, then not only will it have a positive impact on the individual who was praised, but also on all students in the classroom as well.⁷⁴ During class discussion, professors should aim to affirm a female students’ responses to questions. If a female student answers a question in class correctly, even partially, praise it, using the students name – “That was a great answer Adia.” Taking it one step further, professors can make a conscious effort to refer back to a female student’s response later in the class period for a second praising opportunity of that student by name.

When providing praise, however, be mindful what is being praised. “Many female law students feel they are being forced to change into people they are not in order to fit into a system they feel ambivalent about joining.”⁷⁵ If the praise is given for what is deemed the ideal law student, who is male, women will unfavorably compare themselves to that model.⁷⁶ By institutionalizing a pre-determined image of success, praise for male-coded responses risks undermining the confidence of female law

⁷¹ Molly Bishop Shadel, Sophie Trawalter et al., *supra* note 47.

⁷² Jieyu Lv and Yingjun Zhang, *The Impact of Praise on Cooperative Behavior in Three-Player Public Goods Games and Its Gender Differences*, BEHAV. SCIS. 1, 10 (2024).

⁷³ *Id.* at 11.

⁷⁴ *Id.*

⁷⁵ Dara Purvis, *supra* note 41, at 1702.

⁷⁶ *Id.* at 1708.

students, ultimately causing them to self-select out of participation and professional opportunities.⁷⁷

Praise also can be used outside of the classroom to encourage greater participation during class. For example, after a female student attends office hours, send them an email later that day thanking them for coming to office hours and give them praise for their efforts and/or questions. This works best when only one or two students attended office hours as it allows for a more personalized email. It may not work as well if there were many students in office hours at the same time. The exception to this, however, is if a female student was the only female.

Praise outside of the classroom can also be used to encourage in-class participation. Every year I have at least one very bright female student who does not participate in class. I try to start a casual rapport with her in the moments before and after class. Eventually, I ask her to stop by my office hours. We talk about law school generally and her experience. I tell her that I am impressed by her efforts and believe she has much to contribute based on her critical thinking skills and lived experiences. I encourage her to speak in class. Sometimes this one-on-one mentoring conversation is enough for her to voluntarily engage in the classroom dialog. Other times, we develop a strategy for her to participate in class. After she participates in my class, I challenge her again to speak in all of her classes, at least once a week.

E. Use Examples of Female Attorneys or Female Changemakers

When talking about current events, highlight the accomplishments of female attorneys or changemakers, and not just the well-known ones usually mentioned. For example, Alinor Sterling represented nine families of victims of the 2012 Sandy Hook Elementary School shooting against Remington Arms.⁷⁸ Her representation led to a historic \$73 million settlement and the right to publicly share Remington's internal documents.⁷⁹ In Criminal Law, Anna Gotfryd, the trial attorney in the Justice Department's Civil Rights Division, can be mentioned for her work in prosecuting the federal criminal cases related to the death of Breonna Taylor.⁸⁰ Or Elizabeth Fegan for her acclaimed work representing victims in sexual assault, abuse, harassment, and trafficking cases, including those against Harvey Weinstein.⁸¹ Representation

⁷⁷ *Id.* at 1710.

⁷⁸ Alinor Sterling, *Lawyers & Staff*, KOSKOFF KOSKOFF & BIEDER PC, <https://www.koskoff.com/attorney/alinor-sterling/> (last visited May 10, 2025).

⁷⁹ *Id.*

⁸⁰ Taylor Six, *Prosecutors: Officers Will Speak on Ex-LMPD Cop's 'Unthinkable' Actions in Breonna Taylor Case*, LEXINGTON HERALD LEADER (Nov. 2, 2023, 4:12 PM) <https://www.kentucky.com/news/local/crime/article281340183.html>.

⁸¹ *Elizabeth Fegan*, FEGANSCOTT, <https://www.feganscott.com/elizabeth-fegan/> (last visited May 10, 2025).

matters. The more female law students see successful female attorneys, the more they feel they belong and the more confidence they gain.⁸²

F. Assign Cases Authored by Women Judges & Use Re-Written Cases from the United States Feminist Judgments Project

In the traditional casebook classroom, students primarily read cases for homework. In those cases, the judge is only identified by last name. As a result, the identity of the judge is rarely, if ever, mentioned. As a microfeminism, research the judges who authored the opinions in the casebook. Determine which are female and which are male. When you get to an opinion written by a female judge, identify her as a female judge. However, if after you research the judges for the cases you assign you realize your casebook does not have any or very few cases authored by women, make a point to call out this omission. Or consider changing casebooks.

A similar approach can be used in the legal research and writing classroom. When designing research assignments, include a question that asks student to research the judge behind a key opinion. Plan the assignment so the key opinion they are to find is written by a woman.

Another idea is to incorporate cases from the United States Feminist Judgments Project.⁸³ The United States Feminist Judgments Project is a collaboration of hundreds of feminist law professors who rewrite key judicial decisions from a feminist perspective.⁸⁴ They have reimagined opinions in corporations, criminal law, employment discrimination, family law, health law, immigration law, property, reproductive justice, tax, torts, and trusts and estates.⁸⁵

V. USING MICROFEMINISMS: QUESTIONS TO EXPLORE

Microfeminisms can be successful because of their subtle nature and minimal disruption of behavioral norms. However, is the use of microfeminisms itself gender-biased? Does the use of these nuanced challenges play into the stereotype of women adhering to the rules that subjugate women? Or, could microfeminisms have an unintended negative impact on male or other gendered law students? It also should be noted that the microfeminism examples presented in this article primarily are focused on what law schools and law professors should do to promote female law students. The hope is that if professors use microfeminisms it will inspire students to use them as well. But, like most articles on gender bias in law school, this one too

⁸² Cf. *Representation Matters: Women Political Leaders*, OLIVER WYMAN FORUM, <https://www.oliverwymanforum.com/global-consumer-sentiment/2023/sep/representation-matters-women-political-leaders.html> (last visited Apr. 28, 2025).

⁸³ See Linda L. Berger, Kathryn M. Stanchi & Bridget J. Crawford, *Learning from Feminist Judgments: Lessons in Language and Advocacy*, 98 TEX. L. REV. ONLINE 40, 44 (2019), for ideas on how to incorporate these feminist legal opinions into the classroom.

⁸⁴ *The U.S. Feminist Judgments Project*, US FEMINIST JUDGMENTS, <https://law.unlv.edu/us-feminist-judgments> (last visited May 10, 2025).

⁸⁵ *Id.*

primarily is focused on what law schools and law professors should do. Very few articles and studies offer advice to female law students. And the ones that do, merely provide lackluster suggestions to female law students, such as “take on leadership roles,” “find a mentor,” or “pay it forward.”⁸⁶ More evaluation and research needs to be done on the effective ways that female law students themselves can engage in changing the narrative. Could microfeminisms be that strategy?

VI. CONCLUSION

The rising enrollment of women in law schools is both notable and inspiring. However, a growing body of research consistently demonstrates that women continue to face differential treatment, often resulting in feelings of alienation, isolation, and diminished confidence in the academic environment. This engagement and participation disparity, arguably, also contributes to the continued bias in the profession. If men are the ones speaking in law school, they will be the ones speaking in practice. If men are not fully aware of the obstacles faced by women in law school, they will not be aware of them in practice. If both men and women are not hearing female voices in the classroom, they will not hear them in practice.

Something needs to change. But not all change needs to be big change. Sometimes the smallest efforts make the biggest impact with the least amount of resistance. As a legal academic community, it is imperative that we identify and implement strategies to address the persistent gender bias experienced by our female students. Justice Ginsburg once said, “Fight for the things that you care about. But do it in a way that will lead others to join you.”⁸⁷ Microfeminisms are a way to effectuate change in a subtle and more approachable manner that could lead others to join in the fight.

⁸⁶ Bernard Grant, *Empowering Women in Law: Overcoming Gender Bias and Shaping the Future*, BEST COLLEGES (Aug. 25, 2023), <https://www.bestcolleges.com/blog/empowering-women-in-law-breaking-gender-barriers/>; Megan Canty, *Gender Bias: What Female Law Students Should Know*, THE GIRL’S GUIDE TO L. SCH. (June 6, 2017), <https://thegirlsguidetolawschool.com/06/gender-bias-what-female-law-students-should-know/>.

⁸⁷ Alanna Vagianos, *Ruth Bader Ginsburg Tells Young Women: ‘Fight for the Things you Care About’*, HARV. RADCLIFFE INST. (June 02, 2015), <https://www.radcliffe.harvard.edu/news-and-ideas/ruth-bader-ginsburg-tells-young-women-fight-for-the-things-you-care-about>.