

THE STRAW THAT BROKE THE CAMEL'S BACK?  
A SOCIOLOGICAL ANALYSIS OF MARRIAGE AND LAW SCHOOL

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Submitted to the faculty of the University Graduate School  
in partial fulfillment of the requirements  
for the degree  
Master of Arts  
in the Department of Sociology  
Indiana University

June 2007

Accepted by the Faculty of Indiana University, in partial fulfillment of the requirements for the degree of Master of Arts.

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## ACKNOWLEDGMENTS

To Dr. Carrie Foote, chair of my thesis committee, I express sincere gratitude for her patience and thoughtful guidance during the development of this thesis. I am particularly grateful to her for her unwavering support and her encouragement of my academic endeavors.

To Dr. Linda Haas, whose pioneering studies on work and family were the inspiration behind my research topic, I owe a deep debt of gratitude. I am truly thankful to have had her as my mentor these past three years. She has provided generous support, and made our every discussion a delightful experience infused with her warm and generous spirit.

To Dr. Jay Howard, I gratefully acknowledge the insights he provided in the development of this thesis and his continuing beneficial feedback.

To the students who participated in this study and whose comments informed and guided my research, I express my appreciation for their helpful and willing cooperation.

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### CURRICULUM VITAE

## CHAPTER ONE

### INTRODUCTION

When I applied we had student panels where we would come in and listen to people that are already in school and we would ask questions, and I would ask, 'How was it? Was anyone married?' And a couple of them really were married and I asked how was it being married and going to law school and they said, 'ooh it's hell.'

Martin: Married Law Student

Many married law students are introduced to the world of law school with a foreboding message: law school and marriage do not mix. Keynote speakers at law school orientations, like the ones described by Martin, give time tested speeches on how the incoming law students are about to enter a discipline requiring complete and utter devotion. Students are warned of high divorce rates among law students and are cautioned to prepare their spouses for the next three to four years of sacrifice. This concern over the marriages of law students is so pervasive that university administrators often feel compelled to address it. Pepperdine University School of Law even goes so far as to offer a for-credit course on relationship management to help students cope with the stresses law school will put on their marriages (Markoff 1988).

There are over 141,000 students currently enrolled in law school (ABA 2007). Are all of their current or prospective relationships doomed? Are marriage and law school really such an ill-fated combination? Some researchers have tried to address these questions quantitatively and found various areas of strain accompanying graduate student marriages, like time constraints and reduced amounts of marital affection (Brannock, Litten, and Smith 2000; McLaughlin 1985) but very few studies address this issue qualitatively to see how the students felt about their lives as married students. It is also unclear whether or not students believe that being married has been an asset, hindrance,

or a combination of both to their academic careers. Researchers have paid little attention to how law students see school as impacting their married lives, and almost no attention to how students perceive marriage as affecting their school lives.

This thesis uses the data from interviews with 23 married law students to explore how the participants perceived life as married students. The study critically addresses the issue of marriage and law school in a multi-directional way. It explores both how students perceive that their legal education has been impacted by their married status (marriage-to-school spillover) and conversely, how their marital lives have been impacted by law school (school-to-marriage spillover). This paper explores this topic in the following order: examining the existing literature, explaining the methodology of data collection, summarizing the findings in the area of marriage-to-school spillover and school-to-marriage spillover with subsequent analysis, and concluding by synthesizing the sociological significance of the analysis of students' perceptions of their lives as married students.

The following section provides an overview of the work that has been done on the institution of law school and how its rigid structure impacts the success of various student groups. The section also reviews previous research that explored graduate school marriages.

## LITERATURE REVIEW

In order to gain an understanding of the sociological significance of a qualitative study on law student marriages it is critical to explore the background literature at two levels: a) the institutional level of law school and b) the impact of rigid institutions like law school on marriages.

First, an investigation of the history of legal education reveals a process of professionalization which has led to the marginalization of certain groups leaving a number of students outside the normative law paradigm. Second, an exploration of the existing literature on marriage/school conflict will shed light on the ways that the structure of institutions like work or graduate school may act to hinder the articulation of an idealized marital arrangement. Finally the gaps in this body of literature will be addressed to make manifest the importance of the following study on the perceptions of married law students.

### I. The Creation of the Institution of Law School

The history behind the rise of modern legal education in the United States is a story which deals with a gradual process of professionalization. This process brought about the systematic exclusion of certain groups, principally women, minorities, and the working classes, thus creating a model for school designed around the typology of young, white, affluent males.

Historically, entry into the legal profession was far less formalized than it is today. Prior to the late 1800s neither a law degree nor even a college degree was required by states for admission to the bar (Friedman 1985). An individual who desired to practice law could do so in a myriad of ways from apprenticeship, private law office training, or even simple private reading. While law schools did exist in the early 1900s, they were only loosely affiliated with universities and were taught by judges and attorneys with few full-time teachers. However, through a series of social changes, the legal training process became increasingly codified, largely due to the work of Dean of Harvard Law School Christopher Columbus Langdell (Friedman 1985). Under his

tenure, he increased the requirements for admission to and completion of law school. Langdell required incoming law students to either have a degree or pass an entrance test and demonstrate knowledge of Latin. He also extended the curriculum length to three years and was instrumental in the implementation of the Socratic Method and casebook teaching as opposed to the previous textbook method (Friedman 1985). Friedman (1985) describes Langdell's thinking as follows: "Law, he insisted, was a branch of higher learning, and it called for rigorous formal training. There was good reason, then, why only trained lawyers should practice law. They deserved their monopoly of practice (618)." Langdell's term also coincides with the rise of the American Bar Association (ABA), a gatekeeping and accrediting body established in 1878 that worked to set stringent standards for admitting attorneys (Butler 2007; Friedman 1985). The emergence of the ABA and Langdell's new curriculum structure set the framework for a legal education model which would remain largely unchanged for the next century.

Legal education, like any institution, was not immune from market forces. There was a discord between those interested in maintaining rigorous professional standards and a prestigious image, and those interested in supplying hungry consumers with a more affordable and attainable legal education. This debate is most acutely reflected in the issue of "night schools." In the early 1900s "The idea of a nighttime law school was appalling to some, but appealing to customers" (Friedman 1985:619). The availability of night programs meant schools were able to reach a different market, men who worked day jobs but aspired to practice law. Night schools largely emphasized a practical orientation towards law, as opposed to an academic one: a debate that continues today. Night programs' "main vice was to encourage the downward mobility of legal education.



Their main merit was to open the door of legal training to poor, immigrant, or working class students” (Friedman 1985:620).

Historically those seeking to maintain the status of law school not only had to fight against the market demands by the working classes, but also the clamor of women and minorities wishing to gain entrance to legal education. There existed systemized discrimination, such as a California statute that “restricted the practice of law to “any white male citizen” as well as prejudicial attitudes and mistreatment that kept women and minorities from being admitted to law school (Friedman 1985). In regards to law students who were married, the literature has very little to say since during the early history of law school the majority of the students were male. If they were married, the predominant marital construction during the late 1800s and early 1900s would have been the separate spheres breadwinner/homemaker model (Gornick and Meyers 2003) which would predict little overlap for the male students in the area of spousal role and student role. No studies on law school marriages during this time period were located.

### *Law School Today*

Although more than a century has passed since Christopher Columbus Langdell was the Dean of Harvard, the structure of law school does not look markedly different than it did during his term. An entering law student can still expect a rigorous and expensive law school admission process which typically requires an undergraduate degree, taking the LSAT exam with high cost for registration and review courses, and application fees. The student can then expect at least three years of formalized classroom training rooted largely in the Socratic Method.

Women, minorities and the working classes have made considerable strides in their participation in legal education. In 2004 women made up 48% of the law student population; up from 15.7 in 1972 (ABA 2007). Research also shows that female law students' GPAs and bar passage rates are comparable with their male counterparts' (Clydesdale 2004). In spite of these gains, women law students still report discrimination inside of law school, particularly in the area of inner classroom relations (Clydesdale 2004). Guinier, Fine, and Balin (1997) found that women reported lower rates of classroom participation than males throughout their law school education, and described other ways they felt "delegitimated" (p. 28).

While this discrimination does not seem to impact women's academic performance, the same is not true of minorities who reported discrimination inside of law school. Minorities' representation has increased to 22% of students enrolled in the first year of law school in 2004 up from just 7% in 1971 (ABA 2007). The academic success of minorities is not comparable with their White peers. African American students are twice as likely to drop out in the first year as their White and Asian counterparts (Clydesdale 2004; Sander 2004). The percentage of African American students who eventually pass the bar exam is 19% lower than the percentage of White students (Clydesdale 2004). Students who were atypical in other ways, such as age and socioeconomic background, also experienced differential academic success and bar passage rates (Clydesdale 2004). The research of Clydesdale (2004) found that those students who were most likely to have the highest first year grades were in their twenties, not minorities, and from a high socio-economic background. His research also showed that married students of both genders performed better academically than their non-

married counterparts; however, students with children performed worse than those without.

In addition to these social and demographic factors that relate to academic success, situational factors like cost can impact whether or not a student will even be able to attend law school. In 2004 the average amount borrowed for public law school was \$51,056 and the average for private was \$78,763 (ABA 2007). Another central issue is the timing of course offerings, with most law schools following a traditional three year program comprised primarily of day-time classes. This relegates those interested in a law degree, but who are unable to sit outside of the labor force for three years to either evening employment or a law school with an evening program.

The discourse surrounding night programs is not much different than it was in Langdell's day. Night programs are still purported to have a more practical orientation, and are offered by less prestigious universities. Of the top 10 law schools as ranked by US News and World Report (2007) none offer night programs. Of the top 20, only two schools offer night programs, both of which are located in the Washington DC area.

The battle continues for a more inclusive model for legal education with many critics rallying against the oppressive law culture and its "elitist pro-business ethos" (Clydesdale 2004). There are several movements that propose alternatives to this model which still in many ways is best suited for affluent, young, White individuals. To address the barrier of cost and exclusion of marginalized applicants, critics have targeted the ABA's monopolistic accreditation structure. One of the biggest challengers to this structure is The Massachusetts School of Law which does not require the LSAT for admission and caters to underserved populations with its low costs. It is able to reduce

tuition costs by not adhering to the ABA's rather rigid standards for things like library size, faculty qualifications, and even building quality (Butler 2007). Although some students do attend non-accredited law schools like the Massachusetts School of Law, graduates of these programs can experience obstacles to taking the bar exam and practicing law (Butler 2007). Other critics of the traditional model advocate a restructuring of law school, particularly the third year. Gulati, Sander, and Sockloskie (2001) found that students in their third year were disengaged from the law school experience, evidenced by a significant reduction in class attendance, preparedness, and participation in study groups compared to 1<sup>st</sup> year students. 43% of law students surveyed in this study agreed with the statement that the third year is largely superfluous. These types of findings lead to calls restructure the third year and possibly to incorporate more clinical and practical coursework for third year students. Researchers also advocate continued attempts to create a more diverse experience that reflects the heterogeneity of those interested in obtaining a law degree.

The research is clear that the professionalization of this degree has made obtaining a legal education a costly and difficult pursuit for everyone, but particularly those students who sit outside the traditional model of affluence, youth, and privilege. Married students are potential members of all of these groups and are in the unique position of having obligations towards a spouse and possible dependents, yet the literature is relatively bare about how the rigid institution of law school impacts this group directly. What is particularly lacking is how those who sit outside the normative law paradigm view their position. This raises the question: how do married students react when they enter a rigid environment that was not designed with their needs in mind?

While no comprehensive body of research exists addressing the issue of how marriage impacts one's view about law school, some literature has explored a few of the salient issues related to graduate student marriages in general.

## II. Law School's Impact on Marriage

Given that law school is a rigid and demanding institution, as is graduate education in general, it is important to look at the way these types of institutions interact with the institution of marriage. One key issue in an exploration of the intersection between marriage and large institutions like school or work is the relationship between role expectations and actual role performance. There appears to be a persistent disjuncture for many professional men and women between their idealized marital role articulation and that which they are able to actually achieve (Blair-Loy 2003; Townsend 2002). These strains exist for both genders, but research has found strains over marital role expectations to be a particularly acute problem for women (Botkin 2000). This role disjuncture is true for students as well as for those in the labor force. In a recent study, Orrange (2002) found that the majority of female law students preferred a strongly egalitarian relationship, but felt that they would have to settle for a weak or diluted form of egalitarian marriage in which they would have to do a slightly disproportionate amount of house and family care. Studies have shown that certain structural arrangements may act as barriers to the idealized articulation of marital roles both for those in the working world as well as for those marriages within the context of graduate school.

### *Situational and Contextual barriers*

Couples in which one or both partners is a student, particularly a student in a demanding graduate program like law, are likely to experience difficulties in the areas of:

sexual relations, lack of leisure time, child care arrangements, and financial obligations (Brannock et al. 2000; McLaughlin 1985).

Researchers have broken down graduate student marriages into two typologies: symmetrical marriages, in which both members of the couple are students, and asymmetrical in which one partner is a student and the other is not, with the non-student usually engaged in full-time employment (Scheinkman 1988). The asymmetrical organization is often adopted in recognition of the high financial cost of graduate school and other situational barriers like quality childcare. Many couples tend to stagger their educations so that one partner postpones advancement while the other is in graduate school, with the intention of switching later. Many couples fall into this asymmetrical typology, yet some researchers have found that asymmetrical couples tend to experience greater distress (Bergen and Bergen 1978). Brannock et al. (2000) found that couples in which both parties were students had significantly higher levels of marital satisfaction than asymmetrical couples. Scheinkman (1988) described students in asymmetrical marriages as “more volatile, conflictual, and dissatisfied with the marriage” (p. 353)

Scheinkman (1988) based her findings on her many years of clinical experience at a student health center engaged in couples counseling. She recognized that while many of her clients attributed their marital problems to personal failings or incompatibilities; they were, in fact, symptoms of the organizational structure of the graduate school program. Asymmetrical couples are acutely more susceptible since one member of the couple is embedded in this structure while the other sits outside of it.

This differential positioning is critical to the discussion of disjuncture between expectations and reality because as Scheinkman (1988) argues, graduate school often

takes individuals who have egalitarian ideals and puts them in a system which distributes power in unequal ways. Scheinkman (1988) says this is one structural way that graduate school puts asymmetrical couples at risk because couples are dichotomized into the student and the “supportive spouse” which puts the supportive spouse in a greater power position as a result of earning the sole, or greater income. This role of dependency in the financial arena was difficult for both male and female students. Financial dependency was a challenge for men because of gender typical expectations for males to be the breadwinners. This financially subservient position was difficult for women because it seemed to run counter to the autonomy they were trying to obtain by pursuing higher education. Scheinkman was also concerned that this lesser status power position in marriage was hard on the student when coupled with the fact that the student “is indeed in a subordinate and vulnerable position towards professors, advisors, and the whole educational system.” (1988:4).

Another arena of potential inequality was that of educational disparity. In asymmetrical relationships spouses may have shifted from an equal educational level, and subsequent status capital, to a disparate one which may lead to confusion, strain, jealousy and resentment. Research has shown that complex marital identity negotiations take place when the balance of power is skewed, particularly when women earn more money than their husbands. Tichenor (2005) found in a qualitative study of couples in this situation that men tried to reassert a power position despite being economically submissive.

Family therapists recognize the function of a stable marriage is one in which “it performs the essential tasks of supporting individuation while providing the partners with

a sense of belonging” (Scheinkman 1988:1). Since the graduate school experience is so rigid in terms of its time tables and demands for the student, it is often the working spouse who is making sacrifices, taking on additional employment, postponing his or her desires for advanced education, or assuming even greater household responsibilities. Pearlin and Turner (1987) described this phenomenon as *role captivity* “where people are bound to one role while preferring another” (p. 150). Scheinkman described instances of couples where the spouse of a graduate student may have dreams that he or she would rather pursue, but are instead relegated to the role of supportive spouse, who must subvert these desires until the student completes graduate school.

The final situational element that can act to drive a wedge in asymmetrical marriages is the creation of vastly different contexts. Since graduate school can require utter devotion, this can lead to a narrow or more selective framework on the mindset of the student. The students may cultivate different goals and trajectories, which can cause a large gulf in “interests, priorities, and goals” (Scheinkman 1988:357). Greater disparity in life philosophies between spouses was negatively correlated with marital happiness in a study of graduate medical students (Brannock et al. 2000).

The danger from the clinical perspective is that the students experiencing the manifestations of situational barriers misinterpret them as innate character failings and fail to engage in a productive discourse. Poor marital patterns of behavior can emerge and are left unchecked because they seem to be immutable personal qualities (Scheinkman 1988).



### *Gaps in the literature*

The structural constraints and subsequent shift in marital dynamics discussed by Scheinkman (1988) provide only a limited account of married students and their perceptions and do not address those immersed in the unique world of law school specifically. This leaves open an area of exploration into how married law students view the ways that their law school has impacted their marriages. This type of exploration is meritorious not only at the educational level, but also because of the implications for these students who will soon enter the labor market as practicing attorneys.

Research suggests that many of the patterns and orientations established during these early phases of marriage will persist into the career phase of life (Orrange 2002). These patterns then get increased importance, given the considerable literature on work/family balance for practicing attorneys (Fortney 2005; Wallace 2002; Williams 2002). Firms have been described as “greedy institutions” (Coser 1974). They can demand utter devotion of those within them (Epstein, Seron, Oglensky, and Saute’ 1999). The long hours and business culture’s demands for “whole-hearted allegiance” (Blair-Loy 2003:22) put significant strains on the family and personal lives of professionals like attorneys (Fortney 2005; Wallace 2002; Williams 2002). In fact, studies have shown that attorneys have higher rates of divorce than other professionals and higher rates of depression, anxiety, and career dissatisfaction than many non-lawyers (Schiltz 1999). The legal community has been slow to remedy these problems at an institutional level. It is therefore important to see how law student perceptions of the relationship between marriage and school may set the stage for the way they will perceive their lives as married attorneys.

### III. Significance of this Study

The significance of my study is two fold. First, this qualitative research gives a voice to a relatively unheard population of married law students and allows them to elaborate on the salient issues regarding the relationship between marriage and law school. Secondly, it situates these findings in a larger social context, specifically how these findings may relate to the marital negotiations of working attorneys in the future.

The theoretical framework that underlies this qualitative research has been successfully used in other studies of families to explore the issue of discrepancies between one's idealized vision of marriage and family and its active reality (Townsend 2002). A technique is to use in-depth interviews in which people tell their stories to understand the way in which people often put structural elements that constrained life choices into a framework in which they were actors who made choices (Townsend 2002). The theoretical treatment of this study followed in the tradition of theorists like Bourdieu (Ritzer and Goodman 2004) who attempt to recognize the importance of both structure and the subjective world view of the agents within those structures. It is with this in mind that I explore the meanings that married law students construct about their lives and how those meanings fit into a larger social context.

Researchers in the area of work and family have often used the spillover model to explore how family life and work spill over into each other (Bowen 1988; Lambert 1990). The work/family spillover perspective posits "that the structure, values, and experiences in the work arena can either facilitate or undermine a person's ability to discharge responsibilities at home, and vice versa" (Bowen 1988:185). While this model is not without its criticisms (Haas 1999), I opted to use it as the framework for this study

because it is a good fit to examine how the structure, values and experiences of law school impact the ability of the students to perform their roles at home and vice versa. Additionally, I use this spillover framework to situate the discussion of the way the students view their positions inside of both institutions: marriage and school. One criticism of those working in the spillover framework is that it tends to place a premium on work to family spillover because of the value system that surrounds paid labor (Haas 1999). This is clearly the case with marriage/school research as well, since the field is practically devoid of literature addressing how marriage impacts the students' relationships with law school. I intend to contribute new knowledge through my study by giving equal treatment to marriage-to-school spillover and school-to-marriage spillover. I divide this analysis into two chapters. The first is an exploration of students' perceptions regarding how marriage has spilled over into their law school experience. The second explores how students articulate the way in which their law student role has interacted with their marriage. This study makes a conscientious effort to focus on both positive and negative spillover aspects. The subsequent analysis and conclusion discusses how both types of spillover are interdependent and explores how these findings are situated in a larger social context.

## CHAPTER TWO

### METHODS

The method I used for this qualitative study was semi-structured in-depth interviews with both male and female law students who were married to non-law students. For this study I only spoke with the law students and did not speak with their spouses since the primary research focus was on the students' perspectives on marriage and law school.

Following an interpretive tradition, a qualitative interview study was the most appropriate for this research since its purpose is to uncover the meanings and social realities that married law students construct around their dual positions. According to the social constructionist approach, reality is created by social actors, yet is still situated in a particular time and place (Blumer 1969). Therefore it is logical that the best way for the researcher to uncover this reality is to discuss the meanings of marriage and school from the perspective of the actors themselves. This approach has been employed successfully by those studying families and work to capture the feelings and perspectives of those involved in managing multiple roles (Johnson 2002; Townsend 2002).

#### I. Researcher Role

As a young married graduate student, juggling the demands of school and family, I was motivated to study others in my position. I am a 25 year old sociology graduate student who has been married for over 3 years. My husband is in his third year of law school and together we are learning to manage the conflicting demands of school and marriage. This means I occupied a similar membership role relative to the group studied (Adler and Adler 1987). This related membership role has several advantages. Since I

shared the same status as those studied, I was able to closely “approximate the emotional stance” (Adler and Alder 1987) of other married graduate students. This research setting is also an opportunistic one on my part because I was already a member of this community before I decided to study it (Riemer 1977). I have the additional advantage of having already gained entrée into the academic community (Adler and Adler 1987). Being familiar with law schools made it easier for me to recruit and facilitate contact with the participants of my study. Occupying an opportunistic research position also meant that I already shared many of the worldviews and common understandings of the participants in my study (Adler and Adler 1987). My academic standing means I am already familiar with many of the terms used by college students in general and graduate students specifically. These commonalities with those investigated allowed me to empathize with them, which facilitated a more open and honest interview with my subjects.

My insider role may also have had some limitations. It is possible that I was not appropriately distanced from the research question to be able to understand all of the elements involved in family/student role conflict (Adler and Adler 1987). I feel that through the pre-testing of the questions, preliminary investigation, and open nature of the interviews I was able to generate an appropriate research perspective for studying my subjects. I also engaged in a process of self-reflection to address any biases or limitations of my perspective. A private journal was kept in which I documented my thoughts, feelings, and observations related to the research process. Other complete membership researchers have complained of stress, role conflict and role detachment created by forging a researcher role on top of a pre-existing membership role (Adler and Adler

1987). I was less susceptible to researcher strain because of the relatively benign nature of my study and the affable group of participants under investigation. Overall I felt that my researcher role did not conflict with my status as a married graduate student, and it did not impede my interactions with my fellow students in the field.

## II. Sample

My research sample was composed of 23 married law students from an urban commuter campus in the Midwest. The location of an urban university is not only a sample of convenience, but important because of higher enrollment of non-traditional students due to the availability of a part-time evening program in addition to the full-time day program. I focused solely on currently married law students. This is related to my research question on the interaction between the institution of law school and that of marriage. I excluded single parents, homosexual couples, cohabitating couples and divorced students because the norms, conventions, and social expectations are less defined and different from those scripted for married couples. This was a targeted research decision and meant in no way to devalue the importance of those in other types of dyadic relationships. Since spousal occupation was not a part of the research question, and spouses were not spoken with directly, their occupational or student status was not a consideration in the recruitment strategy. I was open to the possibility of speaking with couples in which both partners were law students; however, none responded to the study advertisement during the recruitment period. Five of the students who were interviewed did have spouses who were attending school or taking a few classes in other non-law disciplines. The remaining spouses were either employed in various occupations or were stay at home caregivers.

This study used purposeful sampling for maximum variation by gender and parenthood status (Seidman 1991), and additionally law program status. See tables:

<b>GENDER</b>	<b>N</b>	<b>PARENTAL STATUS</b>	<b>N</b>	<b>PROGRAM</b>	<b>N</b>
Males	11	Men With Children	6	Day	16
Females	12	Women With Children	5	Evening	7

As one point of comparison was gender differences, this study included 11 men and 12 women who were currently enrolled in either the first, second, third, or in the case of part-time students, fourth year of law school. The literature also suggests that dual role experiences may vary by parenthood status (Benshoff 1991). Accordingly, 6 of the men and 5 of the women had children. The original recruitment goal was 10 women, half with children and half without, and 10 men, half with children and half without. All study participants were adults (age 18 and older), who were able to give informed consent. The age of my participants ranged from 23 to 48 with a median age of 29.

The students in this study were selected initially on the basis of their marital status; however, during the course of the study an additional level of bifurcation became important for analysis: the type of program in which the student is enrolled. The day program is the more traditional program with students taking classes every week day during normal business hours. The full-time day student is prohibited by the American Bar Association from being employed for more than 20 hours a week (ABA 2007). The first year law students' courses are set by the school and structured in such a way that there are several hours in between classes designed as time for the student to study. A student on the full-time day track is expected to graduate within 3 years. The evening program is typically for students who are employed full-time and wish to obtain their law degree by taking courses offered in the evenings. The evening student program requires

fewer credit hours per semester than the day program and students are expected to finish in approximately 4 years. A typical meeting time for evening courses at the university under study is from 5:30 to 7:30 in the evening depending upon the day and course. While I did not deliberately set out to compare day and evening students, 7 of 23 participants were in the evening program. Although unanticipated, this difference became important in my research findings. This particular sample was able to give me a good idea of some of the different variations in the lives of married law students while still keeping the study size manageable.

My sample did not represent any well defined group as its purpose was not to generate hypothesis driven findings that will be generalizable to a larger population. Rather this sample was purposefully selected to provide a small number of individual cases from which to gather and analyze meaningful data to construct theories about the meanings attributed to marriage and law school and the social processes involved in reconciling the demands of these two competing institutions (Charmaz 1983).

### III. Recruitment Strategy

I initially planned a multi-faceted approach to recruitment, but this ultimately proved unnecessary. I originally intended to ask professors to distribute flyers in classes, make use of internet listservs and then use a method of snowball sampling or chain referral sampling (Biernacki and Waldorf 1981) to ask respondents if they knew of others who met the criteria who might also be interested. As it happened, my first attempt at recruitment was more than sufficient. I placed a study flyer on the law student listserv and within a little over a week I heard from more than 40 students who were interested in participating. A little overwhelmed by the enthusiastic response, I attempted to schedule



the interviews on a first come, first serve basis based on availability and my recruitment criteria. This was very successful and the only reason my sample size is three people over the initial goal of 20 was due to some confusion over participants' gender or parenthood status at the time the interview was scheduled; therefore, three additional participants were recruited to ensure that each of my demographic quotas was adequately represented.

I had also proposed to reimburse the students for their time with a Border's gift card pending funding. I was not able to acquire funding; however, and simply thanked my participants with a token of university memorabilia which was a small foam mascot, provided for free by a professor who had a surplus. I also brought bottles of water and small snacks of pretzels and candy and shared them with the participants.

#### IV. Research Instrument

The main research instrument used was a semi-structured interview with primarily open ended questions (Seidman 1991). Semi-structured interviews were the optimal structure for capturing the information needed to answer my research questions on married law students because it gave them an opportunity to voice their experiences from their own perspectives. At the same time it allowed me to probe areas that were important in the literature (see interview guide in the Appendix).

Upon receiving an email of interest in response to my posting on the list serv, I promptly replied to the student to ask for some available times and a convenient location for the interview. The interviews were conducted one-on-one in person by me, and only one interview was conducted per subject. The interviews were done on campus at a private location in the law building, or occasionally at another quiet campus location

preferable to the student. Typically, the interviews were scheduled to coincide with times during which the participant was already on campus such as before or after class.

After meeting the subject at the specified location and time I began the interview by acquainting my subject with the purpose of my research. They were next informed of their rights as participants and the potential study risks and benefits. They were then asked to sign the informed consent form. These interviews were audio taped pending participant consent. I then began the interview with several demographic questions (see Appendix). This allowed some of the initial interview anxiety to abate as the subject adjusted to the interview process. I then moved into the more unstructured portion of the interview in which we discussed marriage and school issues. The questions were open ended which allowed the conversation to evolve and helped to uncover other issues and topics that were particularly salient. I used relevant probes where appropriate.

I also took notes both during and immediately after the interview on the conversation and any non-verbal aspects of the interview, such as body language, that may have been relevant for analysis. Again, I also kept a log of my own thoughts and feelings during the interview and research process. I tried to allow at least an hour between interviews, so I could take notes and collect my thoughts before proceeding to the next interview.

I initially intended for the data analysis process to occur simultaneously with the collection process, as is advocated as a best practice (Weiss 1994). Because of the substantial response rate and urgency to collect the data prior to a date when the law students' schedules would become even busier, I was unable to do so. I conducted the 23 interviews over the course of approximately a month and a half.

I then spent the next three months transcribing these interviews which lasted anywhere from 45 minutes to an hour and 40 minutes. It was only after transcription that I was able to begin the next phase of qualitative data analysis.

## V. Data Analysis

The data analysis portion of my research followed the principles dictated by grounded theory (Glaser and Strauss 1967; Charmaz 1983). The open-ended questions generated a full data set of rich and thick descriptions providing a strong foundation for intensive qualitative analysis. While I initially intended to use a computer software package to assist me with the analysis phase, I ultimately opted to use a hands-on paper and pencil approach.

For the first phase of grounded theory qualitative analysis I engaged in the process of line by line coding, designed to assess each individual line of text to determine all thoughts and social processes that may be occurring. For this, I took my computer documents of the transcribed interviews and separated the pages in such a way that a large margin existed on the right side of the paper to create space to write codes. I then printed out all the interviews formatted in this manner and put them in a binder. Next, I began to go line by line through each interview, coding each item. Some questions that were asked of the data in order to generate codes were: What happened? Who was involved? What were the students trying to accomplish? How did the students feel at this time? How did they understand the situation? What were the key issues? What was important to them? How did they describe what was important (Esterberg 2002)? I used the strategy of having another coder, my thesis chairperson, analyze a small subset of the interviews to verify the reliability of these findings. The codes generated by the second

coder were then discussed and modified, so the final codes reflected the data as accurately as possible.

For the next phase of focused coding, I took the codes generated from the line by line process and went through each interview and wrote down the codes on index cards. I wrote the code on the front of the index card and on the back of the index card I wrote down the interview number and page on which it occurred. After a code-card was created, I wrote the interview and page number on which that code occurred on the back of the code-card. I would repeat this process for subsequent appearances of the same code, so that the code-card listed the code and place in which it location in each interview. I created over 100 code cards in this manner. This method was helpful in report writing when I desired to locate a code or import a quote. For the focused coding I began to group note cards with similar themes together and color coded the corners of matching cards. The focused code groups that emerged from these groupings were: (1) motivations for attending law school, (2) the Other, (3) law school experience, (4) friends, (5) me time, (6) law career negotiation, (7) orientation business world vs. law world, (8) survival advice, (9) strategies, (10) finding a peace, (11) student's feelings, (12) inner-marital conflict, (13) children/family, (14) finances, (15) spousal feelings, (16) household negotiation and (17) marital roles.

I then used these groups of focused coded index cards to move to the next phase of grounded theory analysis of memo writing. I combined related focused codes into more concise categories or themes. These themes included: (1) the idea of the normative marriage, (2) the normative law school experience, (3) positive and negative types of spillover in both marriage and school and (4) related management strategies. Once the

themes were organized, I created a memo for each theme in which I described the thoughts and processes being articulated by the subject. Next, I used the back of the note cards to search for quotes to support these conclusions. Finally, I began the process of assimilating these memos into the cohesive paper that follows, which ultimately reflects the decision to describe the data in terms of marriage-to-school spillover and school-to-marriage spillover, with subsequent analysis.

## VI. Report Writing

In writing this report all names and specific descriptors were changed to protect the identities of the participants. In addition to omitting the names of the participants, the study also was approved by the university's institutional review board and followed all human subject protection protocols. The names that appear in the report are aliases created by me. Conversational spacers such as "ums" and "you knows" were mostly deleted from the quoted passages as a recommended best practice by Weiss (1994). Any other omissions were indicated by ellipses.

Although both partners in a married student relationship are spouses and potentially students, in writing this report I used the term "student" to denote the law school student who was interviewed for this study. I used the term "spouse" to refer to the students' marital partners. In the research report I also included any relevant information about age, parenthood status and type of program. I use an age range to protect anonymity. Parenthood is described by the term parent or non-parent and program by either day or evening. These descriptions can be found either in the text or at the conclusion of quotes within parentheses.

## CHAPTER THREE

### MARRIAGE-TO-SCHOOL SPILLOVER

This study of married law students explored their experiences on two fronts. The first, marriage-to-school spillover, assessed the way students' marital obligations and marital statuses impacted their academic experience in general and their abilities to discharge their academic responsibilities. The second, school-to-marriage spillover, investigated how the participants' obligations as a student were influencing the way they perceived and were subsequently able to perform their roles inside of their marriages. The following section addresses marriage-to-school spillover and uncovers that not only does marital status seem to shape the experience of the law students in this study and impact them academically; it may also have larger implications in terms of institutional power structures.

When asked about their law school experience, the participants described the ways they understood their relationship to the normative law school experience. Normative in this context means the type of engagement to law school in terms of orientation and participation in activities students felt was the experience the academic system expected of them. Students who were having this normative type of experience were those in a counterpoint group of non-married students who the participants often used as a frame of reference. The students also described how marriage spilled over into their school lives in both positive and negative ways, and further articulated some strategies they used to manage negative spillover over as well as ways to handle sitting outside the normative experience.

## I. The Normative Law School Experience

The participants in this study described the experience of law school in penetrating and insightful ways based on their unique perspective as married students. To understand how students perceived the idea of a “normal” law school experience, it is important to explore three areas: (a) how the participants began law school with an idea about the myth of the normal student, (b) the way married students experience difference in relationship to the non-married students, and (c) how married students feel that they are missing out on a normal law school experience.

### *The Normative Law School Experience: The Myth of the Normal Student*

Before the students began their law school career, many had stereotypical ideas about what law school might be like. These ideas were a compellation of pop culture images, such as movies like the *Paper Chase* (or the more recent *Legally Blonde*), popular readings, and hearsay. The stereotypical image of law school had several components. The first was that the “normal” student was younger and straight out of undergraduate school. The students also heard that law school can be a cut-throat, competitive, and an absolutely immersive environment in which students devoted their hearts and souls to their academic studies with little time for non-law school related activities. Further, this stereotype included intimidating classes taught by authoritarian professors who used the Socratic Method as a vehicle to browbeat students for entire class periods. Also part of the stereotypical immersive experience was heavy participation in law school organizations and study groups, with the members of a student’s study group as a student’s only solace in this harsh world. These organizations would then act as résumé builders and the students’ entrée into the legal community when

they graduate. Another element of the immersive law world involved competition for exclusive internships with prestigious firms, publication of law review articles, and participation in mock trial competitions. In addition to the elements of rigorous training, students would learn to think, dress, and act like lawyers. This socialization would be often accomplished via etiquette training classes, legal luncheons, bar association functions, and networking sessions. All of these elements were part of a process by which students would emerge ready to present themselves as attorneys.

Fortunately many of the students in the study were pleasantly surprised that most of these stereotypes were untrue. They found students less competitive and the classroom environment less hostile than they were expecting. Becky tells the story of one of her early classroom episodes:

[In] one of the first two classes we had the professor showed a clip from the *Legally Blonde* movie where the professor almost attacked a poor blonde student and all this. And he kind of said ‘Well do you expect law students/ law school to be like that?’ And because so many books kind of depict that sort of very competitive environment. And there’s the movie *Paper Chase*. You’re like ‘oh my gosh.’ I find that this school definitely is not like that. I think that’s why my first week here I was like ‘oh my gosh I’m in this competitive environment and I have no clue, but really I’ve found that every professor is really nice and even the ones that are maybe sort of strict in the class I think if you go and talk to them if you have [a] question after class they’re very nice. So really I think that’s another reason why I want to be here because I feel it’s actually a friendly environment, and I think that professors they want... yeah competition everyone needs to do well, study, and all that, but they want sort of fairness . . . In many classes you excel in your own work, not on causing problems for someone else, so I think that’s really good (late 30s, parent, day).

The fact that professors even felt the need to initially acknowledge the movie law archetype speaks to its pervasiveness, and, as mentioned in the literature how “closed” the law school world has been for so many years that outsiders have difficulty



envisioning exactly what it might be like. Despite debunking many of the law school myths, the married students in this study still tended to set themselves against a group of more traditional students who seemed to have a law school experience more akin to the stereotypical one described above. I term this group the “unmarried other” and their existence was a prominent and reoccurring theme that emerged during the course of the interviews.

*The Normative Law School Experience: The Unmarried Other*

Although many of the stereotypes of law school have been challenged, the students still described the normative experience as the one had by the “unmarried others.” The law students portrayed the “unmarried others” as their non-married, and often younger, counterparts who seemed to embrace a more traditional orientation toward law school. The married students described their non-married counterparts with a hint of condescension and hostility. Non-married law students were frequently depicted as one-dimensional and as those whose whole world revolves around law school. One young married student said “I have thought at times that I’m sort of envious of those people that have absolutely no responsibilities other than just law school” (mid-20s, non-parent, day). The “unmarried other” were also purported to be younger, and have a simpler world perspective and less experience. Their concerns were often categorized as petty. One student described them as “busy flirting and playing poker” (early 40’s, parent, day), and another described them as “fresh out of undergrad, don’t have a clue in the world” (late 30s, parent, evening).

Lisa told one story that sounded similar to several “unmarried other” stories heard throughout the course of these interviews. Lisa described why she felt that her friends tend to be older and have more outside experience unlike the ‘unmarried others.’

I have a friend who just started law school and she told me some stories last night of some people that she’s met who came here just from undergrad and never have lived on their own or never have worked and she was just astounded. Like one girl received a bill in the mail and didn’t know what to do so she had to call her mom. I mean, yeah these are the people that are here in law school like somehow can do well enough on standardized tests, but we don’t know how to take care of ourselves. The same girl indicated that she put dish soap in the dishwasher and it overflowed the kitchen with bubbles and she started crying and called her mom cause she didn’t know what to do (mid 20’s, non-parent, day).

Some of the married students’ opinions were based on conjecture, whereas others were based on specific interactions with non-married classmates. Regardless, both kinds of statements reinforced the differences married students perceived between themselves and the “unmarried other.”

When the students in the study described the differences between them and the self described “others” they often mentioned perspective and motivation. The married students tended to be older and to have had some work experience prior to law school. Several of the students felt they had a more mature perspective resulting from managing marital and work responsibilities. This was certainly the case as demonstrated in the comments made by one woman, Susan (late 30s, parent, day), who held a high ranking authoritative position at her job prior to entering law school. Susan described her perspective on how after a career of making command design decisions on important projects she was unfazed when she was called on in class as part of the Socratic Method. She said her reaction was unruffled as opposed to the younger students who tended to “freak out” if they were caught unprepared. Another student, Jake, also felt that his

perspective on the relative importance of law school events was more grounded than his non-married counterparts.

I guess it just adds some perspective that..yeah, there's a lot of things, but if something falls through we're still going to be ok, so I guess maybe and that I don't know that might be a contrast with some people that are coming straight from undergraduate where everything is life and death. If you've done some stuff and had some other experiences you might have a different perspective (late 20s, non-parent, day).

The married students also felt that they differed from the non-married in terms of motivation for attending law school. The married students in this study tended to feel their choice to attend law school was far weightier than those who were unmarried and had come straight from undergraduate school. One student, Steve, articulated this by saying,

So there's gonna be a significant amount of people that are younger and just have different trains of thought and it was shock to have people that... I mean the first day I was here we had one of these get to know you groups and then one of the girls asked, "what's the name of this school again?" and I'm thinking like you just signed up for 3 years of hell basically and you're going to pay a ton of money and you're not sure {of the technically correct name of the University} I mean, I know its kind of confusing and people address it differently, take a moment to figure out why you're here and that you really want to be here and so I just thought that reflected the disparity between my reasons for being here and what I thought was well reasoned, well researched, and I visited a lot of schools. I took a lot of time to figure out and see what I wanted to do (late 20s, non-parent, day).

Many of the participants in this study expressed similar sentiments regarding those who came straight out of undergraduate school as being in law school for less well thought out reasons.

These quotes hint at an aspect of resentment that was evident in some of the interviews when the participants discussed the "unmarried other." They felt the unmarried students were often not truly appreciative of what a tremendous opportunity it

was to attend law school and were not giving due consideration to the financial and family sacrifices the married students had to make to obtain a legal education.

In addition to differences in perspective and motivation, the participants also described the “unmarried other” as more susceptible to the law school socialization process. Several participants did not think highly of the lawyer “created” at the end of this process.

A number of respondents echoed the idea that younger unmarried students may be more susceptible to the agents of socialization. Wayne, an older student with a particularly negative view of those who worked as attorneys, said he felt that he saw some of the younger unmarried students buying into the socialization process in a less reflective fashion, and questioned their potential scruples, as individuals who might “whore themselves out to people” (early 40s, day, parent). By this he meant that some attorneys may be the type of morally relativistic person who would put their skills for sale to the highest bidder. This may come as a result of legal training which teaches students to see and defend both sides of an issue.

The majority of the participants, however, explained that they had not been changed by this socialization process that may take a greater hold on non-married students, because the participants had already established their moral character. This is one possible deterrent to the socialization process. Karl describes another.

... I didn't really feel in kind of the law school mindset, up until this point and that's a lot of it is probably that because you've got all this stuff going on outside of law school that it's harder to think about law school. When you've got the single people and the guy straight out of undergrad and it's just their whole world is law school I mean it revolves around it even when they don't need to be at the law school they're hanging out at the law school and its like god, I can't imagine being here when I don't have to be here I want to go away... (late 20s, non-parent, evening).

In this example having a family and going straight home after school has somewhat stifled the legal socialization process for the married students. The “unmarried other” is perceived as spending a greater amount of time on campus to absorb the principles of the law school world.

While the differences between the married and non-married students may largely be a result of age, these ideas of difference were often articulated by the younger married students as well. The single biggest difference mentioned by the married students of all ages and the non-married students was the issue of time. The participants frequently cited that non-married students simply had more time: time to join organizations, socialize at lunch, go to parties, etc. The married students in this sample did not have the luxury of extraneous time and had to be much more meticulous time managers. As a result of a lack of time, the students in this study often articulated how they were missing out on certain aspects of the normative law school experience.

*The Normative Law School Experience: Missing out on the Normal Experience*

The married law students in this study expressed missing out on three main facets of the law school experience: after class socialization opportunities, parties, and organizations. The most formalized of these was law school organizations. Law school sponsored organizations are an integral part of the student experience. At the urban university from which my sample was drawn, there are 30 student organizations. These organizations range from student associations for women and minority students, legal fraternities, student bar organizations, to public interest activist groups. Membership in these organizations provides many opportunities for students, such as making friends, networking for future employment, and advocating for various causes. The latent

function of membership is learning to present and carry oneself as an attorney. As part of this, many organizations have two aspects, some social “fun” events and parties and other more substantive activities, such as lectures by guest speakers, *pro bono* opportunities, and networking events with local attorneys.

While several participants in this study were members of organizations and attended functions, many were not as active in campus organizations or socializing functions as they would have preferred. They often experienced obstacles to attending functions and organizational meetings. Several students dropped out of organizations all together or reduced participation in organizations in which they had been members. Many of these impediments to participation in organizations and social activities were structural: parking problems, conflicting obligations or inconvenient meeting times. The meeting time issue was particularly acute for the evening students. As the law schedule is still predominantly centered on a normative day student’s schedule, many evening students were unable to attend meetings and functions in which they might have liked to participate.

In addition to situational impediments to attending functions, many married students did not feel they could afford to take the additional time out of their schedule and away from their family either because of demands at home, feelings of guilt, or both. Many were so stretched for time that they needed and wanted to spend any time that was not mandatory for work or school at home with their families. Students also described feeling guilty as a reason for reduced participation in organizations and socializing activities. One student, Becky, said she did not feel right about going to a bar and hanging out unless her husband was around (late 30s, parent, day). Evan, a 35 year old

parent in the evening program, had a different type of guilt regarding extracurricular activities. He felt since he was already gone for a large portion of the day with work and school, he did not want to spend additional time away because it would leave his wife with even more household and childcare responsibilities.

That's another thing I, as a student, I don't feel like a student because I don't do that type of thing be involved and hang out with other people other classmates because I don't see my family as it is so to say 'hey honey I'm going to go hang out or have a beer with such and such' She's going say, 'really?' And I mean, I totally understand so that.., that's one thing that I do miss. If I were a student I would like to be involved in doing the extra, not, do some extra curricular activities, but just can't.

Here Evan articulated his feeling that this lack of participation in outside association activities with classmates makes him feel like less of a student. Kory, a day-time student, felt he too might be less integrated in the law school world by his lack of participation in external activities.

I don't really know anybody here, because I come to school do my stuff go home. The only people I know were in my section from day one and I've had a couple classes with them, so we sat beside each other so now I know them and one was my moot court partner and that's one reason I would have ever known her so that's.., I don't get invited to parties. I know the people who go to the parties and I hear about the parties when they're done, but they never say 'hey you and your wife should come.' I just feel like I'm.., but I don't know maybe I'm too old for that too because there are people here who are like 23 and 24 and they probably see me as the old guy who doesn't.., well I don't know I'm just saying, so law school's a lot like high school really (late 20s, non-parent).

Kory's sentiment echoed that of many of the married respondents. Since they came directly home from school, they had not made as many friends in law school as they had in undergraduate school. These married students also mentioned not feeling like they saw other students like themselves, and when they did see older married students they tended to gravitate toward them. In fact, more than one student talked about wanting

to create a married student club; the problem would be that no one would attend the meetings because they typically go straight home to their families.

In addition to missing out on opportunities to make and spend time with like-minded friends, students also felt they were less connected to the law school. Multiple male students reported that they would like to be on the committees or boards to advocate for changes for the evening students, but they did not have the time. One evening student suspected these feelings of sitting on the fringes of the law school experience were the reason for such a high response rate for my study because these students did not feel like they had a voice in the law school.

## II. Marriage-to-School Spillover

Given the intensive and expansive nature of law school, it is natural for this world to interact with the marriage. This section explores the way marriage spills over into law school on an inner-dynamic level between students and their spouses. This interaction happened in three ways: (a) motivation to perform well in school, (b) positive spillover, and (c) negative spillover.

### *Marriage-to- School Spillover: Motivation*

Having a family acted as a strong motivator to succeed for many of the students in this study. This motivation was not just a result of the spouses providing expressive encouragement, but the fact that the family's well-being could depend on the outcome of the student's legal education. For many students it felt as if the law degree belonged to the whole family and not just to them, which acted as a powerful motivator for the student to succeed. One student, Karl, described how this incentive worked for him:

... [your loved ones] give you strength I hate to say, but that, ok I'm not just doing this for me, I'm doing this for all of us. And if I fail I'm not



just failing myself, I'm failing all of us. And so that's a good motivation (late 20s, non-parent, evening).

Jake felt similarly motivated to do well in law school. He did not want his spouse to be disappointed with his academic performance since she was making sacrifices while he was in school. He described her expectations for him academically.

That's probably another reason why I married her is because she makes me pick up my game so to speak. You know what I'm saying? Like always be on top of it for fear that I don't want to let my wife down. I mean she's sacrificed a lot to be the stupid student's wife. . . So she expects me to take it seriously and give it my best shot, but that's really it. She doesn't expect me to get A's. She doesn't expect me to be a millionaire, but she expects respect and she expects me to not let her down, and if I do, not to have let her down out of laziness. Like I'm sorry I just had a nap cause I really hated that class or 'whatever.' I got an F in the class, but I tried my ass off --that's kind of what she expects (late 20s, non-parent, evening).

Students also described their children as a motivation to do well. They hoped they were setting a good example about the importance of life long education. For those students who had children who were old enough to have homework, the law students were able to articulate how homework for law school was similar to the children's homework.

#### *Marriage-to-School Spillover: Positive Spillover*

A reoccurring phrase in response to the question, "what are the best and worst things about being a married law student?" was "I couldn't do it without 'em."

The vast majority of students in the sample claimed that they would not be surviving law school were it not for their spouses' support. In many cases this was materially true as the spouse was either financially supporting the student or taking over the vast majority of child rearing. This meant that quite tangibly it would be rather difficult to complete the task of law school without the aid of the spouse and/or the spouse's financial resources.

For many others, the statement referred to emotional support. Many participants said that the best thing about being a married student was being able to come home to someone. The emotional support of a spouse and having a loving confidant was very important for the students success. Steve described the expressive emotional support he gets from his wife.

As I was trying to find my place, you know meeting people and my own insecurities about being back in school or being in law school and figuring things out and bouncing things off her. She has her masters and so I mean she can provide that perspective about how to interact with professors and what to seek out and what to challenge and so yeah definitely a lot, at the beginning when I was finding my way she was very helpful and listened (late 20s, non-parent, day).

In addition to emotional support, spouses also provided instrumental support. One way spouses did that was by proofreading papers or listening and giving feedback when the student was preparing an oral argument. This help was sometimes little more than symbolic due to the esoteric knowledge base needed to discuss legal assignments.

Marla described her spouse's help:

Last year all of my legal writing papers he would always read over and a lot of times he had no clue what the law was . . . but he would always make little comments. Like I think he's trying, like it was so cute because he had no clue what the case said or anything and he's like trying to guess and, but yeah he would proofread it for any grammatical problems (early 20s, non-parent, day).

Female students, more frequently than males, described the "instrumental" tasks their spouses performed that helped them make it through the week. Since the students attended an urban and largely commuter campus, one potential area of instrumental spousal support was to provide transportation. For example, the spouses would drop students off at campus and pick them up at the end of the day. Many couples also enjoyed this carpooling since it was often the case that the time spent in the car was one

of the few opportunities they had to talk to each other. Marla described how her husband would be supportive by bringing her books to her when she would need them while studying at the library, walking her home from school, carrying her heavy book bags for her and driving her to interviews so that she did not have to worry about finding a parking space.

...in the car I realized that I hadn't gotten out my resume and didn't have my portfolio ready and he was like I'll fix it. I'll get it ready for you so that when I came home to get changed for my interview it was sitting out ready and with a little note for me. And he's just really good about just helping me out so that I don't stress about stuff (early 20s, non-parent, day).

In this same vein, it was also common to hear women describe their spouses as "policing" or "task managing" spouses. Often these female students found themselves overextended between work, school, and family and requested assistance in prioritizing tasks in order to make the schedule more manageable. The "task managing" spouse would then tell her which organizations to quit or cut back on and suggest other ways that the student might reduce her schedule load. One female student, Judy, recounts a tale of reaching a breaking point of being far too overextended to meet all her tasks and describes how she enlisted her husband for help who delivered both expressive listening assistance as well as the more paternalistic decision making.

This semester's been really stressful been a little too busy I've listed all the different things I'm doing for you and I've bitten off a little bit more than I can chew. . . [My husband] comes home from work about midnight so he gets home late, but a couple times I've been up and he just holds me and listens to me and I told him he's my personal manager so now he's told me I'm resigning from one of my boards and I'm not going to be working at (*my job*) except on the holidays now, and he was the one who advised me to do that. I was like, 'honey tell me what to do. I don't know what to do.' So he's amazing. He's supported me through this whole thing, so it's been awesome (early 30s, parent, day).

Almost all of the participants in this study described spousal support as critical to their success. Many also felt that a combination of support from their spouse as well as the forced scheduling discipline and rigid time management necessary to meet multiple demands actually helped their grades; however, the direction of the relationship between marriage and school was not always positive.

*Marriage-to-School Spillover: Negative Spillover*

In addition to the supportive functions the marital relationship could serve, the spillover from marriage and family could also negatively impact a student's academic performance. One way the spouses and children could act as agents of negative spillover was by inhibiting the students' abilities to study via various distractions. For some students it was difficult to set aside study time during the evenings and weekends because their spouse wanted to spend time together or had already planned other family activities. Even when students were able to carve out time to study at home they also could experience distractions. Some students described how it was difficult to study at home when the spouse was vacuuming or otherwise making noise. These study distractions could also be a particular problem for students with children. Parents sometimes had difficulties fitting study time in with attending their children's activities, like watching track meets or dropping them off at birthday parties. Children's requests for attention could also derail a student's planned study session. Martin explained why trying to study during the weekends presented multiple challenges:

I don't have much time during the week to study so like either on Saturday or Sunday or both I try to fit in a few hours here and there whenever I have a chance to really prepare for class. Weekends are hard because the kids are home and my wife's home and they all want to do stuff. And it's hard to carve out that time to just be by myself studying. And then when I do try and study sometimes it's hard because I'm in another room, but

then my kids, they're real young, so they come in and 'hi, can you come out and play?' And it's hard to tell them 'no' a lot of times. . . . The weekends are hard, but I do have the most time during the weekends to study, but it's hard to study (early 30s, parent, evening).

Another way the marital role could spillover in to the school role was through cognitive distractions. When students' minds were occupied with concerns about the marriage and family, it could be difficult for a student to concentrate on their school work. One female student, Hannah, who was going through a particularly troubling time in her relationship, related this:

So I'm having this whole like relationship/spouse crisis and I gotta go to Contracts. So I'd just sit there, and oh some nights I would just cry in class. I'd just sit there and be like just sitting there crying, just tears running down. I don't even know what we're talking about. Do the reading? Nope (mid 20s, parent, evening).

Students described the relationship between school and marriage as a tradeoff between the positive and negative aspects of marriage-to-school spillover. Many students did feel that if it were not for their spouse they might spend more time at the law school studying, networking, and sampling all that law school had to offer. As a counterpoint, they said the best part of being a married law student was having someone to come home to who provided love and support, which was something presumably the more traditional 'unmarried other' did not have. For many participants the tradeoff between a normative law school life and a law school life that combined family was a worthwhile one.

### III. Strategies

The students in this study articulated a variety of strategies that served to best negotiate the tradeoff between marriage and school, as well as to help mitigate their feelings of sitting outside the normative paradigm. These strategies included making a

new experience through: (a) adopting a 9-5 orientation towards school, (b) only engaging in substantive activities, and (c) creating new groups.

*Strategies: A 9-5 Orientation*

Some students tried to create a better school family balance by adopting a 9-5 orientation to school. This strategy was used by several of the men in this study who had worked prior to law school and wanted this orientation to spillover from the corporate world to the law school world as a way to preserve family balance and time. These students described treating law school like a job. A student would go in and work from 9 to 5, whether or not he has class, and then would return home. This included the idea of solid work time while at school. Schedule restrictions consisted of: no socializing during lunch, no reading the paper, and no other engaging in idle luxuries while on campus.

Kory described his typical week:

This semester I work my 8-10 hours a day on Tuesdays and Thursdays and then I have class three days a week. Just because it's the beginning of the semester I haven't had to come in on the weekends yet but I'm sure I will. I mean that's just how it is so I haven't had to yet. I try to treat it like uh, a job the other days that's what I've done I guess all three years come in at 8 and leave at 5 regardless of whether I have class or not cause I'm always doing...preparing for the next step so because I have a wife I like to get home. Now if I was single I'd probably stay here until 10 and screw around for a couple hours and then get stuff done (late 20s, non-parent, day).

Many other students adopted this restrictive schedule to try to maximize their on-campus time. The idea of the 9-5 orientation was to be able to leave school work at school and not join organizations or engage in extra legal activities that were not utterly necessary. One interesting case study of Steve (late 20s, non-parent, day) who had worked prior to law school and was returning as a full-time student highlights this approach. Steve initially joined law school planning for a more traditional immersive

experience. He joined organizations, spent extra time at school, went to functions and made a point to make friends with his law school classmates. Steve gradually became disillusioned, however, with the immersive experience as he felt that the organizations were more hollow than he had anticipated and acted as a front for some people to use as résumé padding. He also became frustrated with his classmates who he felt were transparent in their friendship as they engaged in a constant assessment of class standing rather than substantive collaboration and friendship. Steve's spouse also felt the same way about some of his classmates and his experience. Steve later moved to a more 9 to 5 school orientation resembling that of some of the other students, but also tried to retain some of the more substantive aspects of law school activities.

*Strategies: Substantive Participation*

For many students it seemed almost impossible to have the “normal” law school experience filled with participation in myriad activities, and attendance at lots of functions, while still making good grades and having time for family. The students tried to find other ways to make the law school experience work for them. One way married students negotiated between the desire for a traditional involved law school experience and their family life, was to only make room for substantive functions, such as the ones that would be an asset to their future legal careers, but no parties or extraneous social events. The aforementioned Steve adopted the substantive strategy as well as the 9-5 strategy after experiencing frustration with the nature of some of the on-campus organizations.

My long term goal is to get a job. What do people look at well they don't, if you look on you know firm's websites they don't list that you were president of business law association, they list if you're on law review they list if you did moot court they list pro bono work that you did and

then so that's kind of where I focused cause I mean the long term goal for me is to get work and I want to do things that fall in line (late 20s, non-parent, day).

Steve recognized that extracurricular activities would make him more marketable when he searched for future employment. After searching he realized certain activities were more appealing to employers than others, so he tried to target the more substantive activities that would look better on a résumé and act to further his legal career. Evan also wanted to engage in substantive activities, but for him those were the ones that would benefit his community. He explained that his wife accepted his time away from home when he did more substantive extracurricular activities; however, she would not accept his absences if he took time away from home for more frivolous things.

I mean to be more involved, especially in like Hispanic law society I'd really like to be more involved, but they're meetings are during the day so I'd have to get off work get over here look for parking it's just... it would be a big production and right now hopefully that the type of activities are changing whereas if it's something like to help the community then that's something I would..., and my wife would totally understand if I said I'm going to go spend a couple hours helping people fill out their taxes or doing something like that but as a social or a bake sale: no (mid 30's, parent, evening).

The students restricted on-campus participation to activities that they believed would benefit their future law careers or would help them make a positive difference in their communities. This strategy helped some of the married students feel that they were able to capture the critical aspects of law school, even if they were not a member of as many organizations as the 'unmarried others.'

#### *Strategies: Making Substantive Groups*

As previously mentioned, many married students had difficulties finding the time to make and cultivate friendships with other married students; however, for those who



were able to do so, this was a strategy to handle school. Some students found like-minded friends at law school and began to group with them. Judy is an example of a student who felt removed from the traditional culture, but was not bothered by this as she learned to develop a new way to look at her law school experience. She joined a non-traditional study group made up of other married law students, some of whom were also mothers. She described what this non-traditional group has meant to her:

I had missed out on the traditional Friday night keg parties. I've gotten those invitations and been like, 'guess not, not really my style.' But I have really just been enriched by sharing those experiences [with the study group]. In fact one of my study group members just had a baby four days ago, we just had a shower for her and everything and so the study group . . . became my social network (early 30s, parent, day).

One male student also described trying to find male students who also had wives. He hoped that their wives would relate well to one another and that they could socialize as a group. The formation of these types of groups, although different from the traditional study groups and keg parties, was a strategy that students used to secure additional support in managing their dual roles.

Almost all of the students in this study reported enjoying law school or at least some aspect of the law school experience in spite of some negative areas. This could be through finding other like minded students, or learning to embrace those aspects of law one feels will be most pertinent to one's future legal career, rather than a catch-all sampling of all of the facets that law school has to offer. It is through the previously discussed processes of eschewing fraternity organizations in favor of only pertinent networking, dropping all but truly meaningful organizations, and forming new groups, that many of these students felt they were able to create a meaningful and workable experience, even if it were not the normative one.

## ANALYSIS

The findings in the area of marriage-to-school spillover shed light into an area rarely covered in the literature: the way in which being a married student colors the educational experience. This research suggests two main areas of findings. The first, at the institutional level, is that marital status relates strongly to the creation of in-groups and out-groups in law school and that these groups play a role in institutional power dynamics. The second, on an inner-dynamic level, is that marriage spills over into the student's school life in both positive and negative ways.

The married students in this study described the aspects of a normal law school experience: intensive coursework and extracurricular activities. Although the married students were all engaged in intensive coursework, they often described missing out on some extracurricular activities, such as parties, socialization opportunities, and organizational participation. In regards to these aspects of law school, the participants in this study often referenced a comparison group of non-married students: "the unmarried other."

The "unmarried other," as stated previously, was a group of students who, at least in the minds of the participants, had the closest thing to a stereotypical or "normal" law school experience. The "unmarried others" were more integrated as students in all areas, like making friends and attending functions. Additionally, these "normal" students were also viewed as one dimensional, naïve, less meritorious in their reasons for attending school, and were more likely to succumb to the pressures of socialization into the legal community.

Theorists in many disciplines have described how an out-group, or “other” group can act as a referent to see who fits in society and who is out of place (Ritzer and Goodman 2004). One function this ‘other’ group performed for the students was to show them that they were outside of the norm. Yet the idea of the ‘other’ also sometimes acted as a warning for students to be careful not to let the socialization process of becoming a “lawyer” consume their lives. Students in this sample describe this socialization process as learning to act, think, and even dress and speak like a lawyer. Many students actively resented the elements of socialization in the legal community, and felt the more traditional students were likely to end up in morally ambiguous positions in their future careers and may have a less well developed sense of personal identity. It is my argument that one function of viewing the “unmarried other” in this way is that it serves to act as a claxon, warning the married students who they might have become if they were unmarried and were to have become immersed in the socialization process. Therefore, since the married students largely do not want to have the mindset of the traditional student, it was easier for them to embrace a non-traditional model.

The limited participation in the full range of activities offered at law school indicates that the status of marriage may act as an inhibitor to married students becoming fully socialized in the legal mindset. Married students are not attending the same functions, meeting the same people, or building their résumés in the same ways as the unmarried students. This limited participation of married students is often the result of deliberate strategies they have adopted to meet the competing demands of family and school. Because of their dual role status, married students did not feel they had the luxury of spending additional time on campus fraternizing. Others adopted strategies like

the 9-5 orientation, meaning that time spent on campus was exclusively devoted to coursework. It may seem contradictory on the part of the students to articulate a dislike for the socialization process while at the same time lamenting exclusion from the groups and functions that act as socialization agents. I have postulated two possibilities for this contradiction: (a) while the students feel they do not wish to end up like the one-dimensional 'other' they simultaneously recognize that the networking opportunities, and organizational functions allow students to meet practicing attorneys and have things on their resume which may put the one-dimensional other in a better position to secure employment, or (b) this may also be a way that students rationalize sitting outside the normative paradigm by telling themselves that the normative paradigm is less than desirable; therefore, they do not wish to be a part of it.

In addition to limiting the ways students are socialized into the legal mindset, the married students reduced on campus presence may have power implications. They are not in the same power positions as those more traditional students, such as being heads of committees and organizations. This was even more so for those in the evening program since their presence on campus is even more limited. Students did recount feelings of marginalization and being hidden in plain sight. Further, students described how they were not able to be in power positions, such as in the leadership of student organizations that work to effect changes on campus.

It is my contention that the normative paradigm of traditional day-time law school acts in ways that create barriers for married students, much the way that this structure has historically posed problems for women, minorities and those of the working class (Clydesdale 2004; Friedman 1985; Guinier et al. 1997). Since these students by virtue of

their reduced campus visibility are in a weaker position to effect meaningful change, they are not able to articulate their own constraints. The people in positions of power like heads of committees, professors, and administrators also may not be as aware of the needs of married students, particularly those in the evening program.

While married students may be structurally marginalized and express this, they often attempted to embrace their non-traditional role and create new meanings and ways to relate. As Bourdeiu (Ritzer and Goodman 2004) would suggest, they placed themselves as more powerful actors in a system, and by setting an out-group of normal law students that they did not aspire to be, this freed them to view themselves as active agents who chose and embraced the non-traditional role, such as creating alternative student groups.

This issue of marriage-to-school spillover has been analyzed at the institutional level, but also some findings were discovered on an inner-dynamic level for the ways students' marital status spilled over into their academic world. The students' academic roles were impacted in many direct ways by their relationship with their spouses. The husband and wife relationship both helped and hindered the student's legal education. Students viewed spousal support as critical to their academic success, and often claimed that the regimented structure they had to adopt to meet both demands has made them perform better academically. This supports the research that shows that married law students do perform better academically (Clydesdale 2004). In contrast, the family could also hinder one's academic performance through various distractions such as attending to children's needs and activities. This might help to explain the research on why students with children perform less well than those without (Clydesdale 2004).

Ultimately, the students understood that, largely as a result of their marital status, they were having a non-traditional academic experience. They shaped the debate in such a way that it was an either or choice, between having a normal fully integrated law school experience and not have a spouse, or between having a different type of non-normative law school experience. The non-normative experience included the perks of spousal support which acted as motivation toward advancement and served as a potential buffer to prevent students from being socialized into a mode of lawyer that many would rather not become. In this way they were active agents who were looking at two dichotomous positions and were able to rationalize their choices. If perhaps the institution of law school were to change, the married law students might be able to have a fully integrated law school experience and a spouse at the same time, giving them the best of both worlds.

This analysis of marriage-to-school spillover among law students sheds new light on a previously unresearched aspect of school-family conflict. This study uncovered important structural implications on how married students can sit on the fringes of the law school normative paradigms and power structures. It has also uncovered the ways in which the spouses' academic roles spillover into the home on an inner-dynamic level through spousal support and distractions. It also recognized the ways that students try to navigate through the structure of these two institutions simultaneously by creating their own paradigms and eschewing the modes created by the established tradition.

## CHAPTER FOUR

### SCHOOL-TO-MARRIAGE SPILLOVER

The previous section addressed marriage-to-school spillover: the ways students' marital statuses and relationships impacted their experiences with law school. This section explores the counterpoint of school-to-marriage spillover: the way that students' academic roles impacted their marital roles. The interview responses suggested three key areas of impact: (a) how students felt they were missing out on a normal married life, (b) how the demands of law school spilled over to impact the couple on an emotional level, and (c) how students used strategies to reduce the strain created by this spillover.

#### I. Missing Out on a Normal Life

Being a married law student meant having to manage competing time demands between school and family life which often left the student feeling stressed and emotionally exhausted. One resounding sentiment I heard from the married law students was that in law school, "your time is not your own" and "I wish I had more time." Attending classes, preparing for classes, studying for exams, writing papers, looking for legal employment, attending networking functions, and working at outside employment, can take up a tremendous block of a student's week. This leaves very little time for the rest of that which constitutes living: eating, relaxing, enjoying hobbies, spending time with family, and, of course, sleeping.

The married life of a law student often is not only sabotaged by time demands; it is also sabotaged by the sheer stress of the school experience. Students explained that law school was incredibly taxing, frequently leaving their mental resources spent and frayed at the end of the day. Students described not being able to stop thinking about law

school, even when they might want to, because there was the haunting feeling that they could always be doing more preparation. Difficulties managing time, increased stress, and feelings of exhaustion often had detrimental effects on the students' relationships with their friends and family and in effect, led them to miss out on what they perceived as a "normal life." Four main areas of missing out on a normal married life discussed by the participants included: (a) lacking a social life, (b) maintaining a satisfactory sex life, (c) postponing and missing out on parenting life, and (d) failing to live up to spousal obligations.

*Missing out on a Normal life: "Social Life"*

One main thing many students described was missing out on a normal social life. For the married students, the idea of what a normal social life would look like was informed in two ways. The first way was through conversations with married friends who sat outside of the law school paradigm. The second way students pictured a normal social life was through the marital patterns they were able to create when they were not in law school, such as the ones they established prior to school or during the summers when the students were not attending classes. A full-time day student, Miranda, described her thoughts on a normal life.

In the past when I worked . . . we could go out to a movie . . . We used to go out and run walk just anything, just sit around, lounge around the house, go out to dinner. [Now] it just felt like by the time I got home I still had all this stuff to do. . . It wasn't the reading cause you have a lot of reading in law school. I did all that, but it's the studying and understanding and especially around finals it was just I felt like I couldn't leave the house. I just felt like I couldn't do anything. You know how sometimes you just get home and you just want to kind of relax and just hang out its just . . . there was no time for that, and when I was there with him [my husband] my last year me spending time with him was us sitting around: him watching tv and me doing homework at the same time. We're in the same room so we're together (mid 20s, non-parent).



By missing out on these aspects of a normal social life, students like Miranda are missing out on some of the everyday ways that couples spend time together. Miranda also describes a strategy used by many couples in this study to reclaim some of this togetherness by engaging in a process of parallel play where the couple would at least share the same space together even if they were engaged in different activities, like where the student was studying while the spouse watched television.

Not only were the students frustrated by missing out on a normal life, but this was also a problem for their spouses. The students also said that their spouses felt certain social limitations caused by the fact that the students were in school. The spouses might have resented the fact that the students were not able to engage in the same enjoyable activities, like going out together, that they used to prior to law school. The spouses frequently expressed a desire to engage in leisure activities; however, the students were too overwhelmed with work or were exhausted from school and unable to participate. Miranda describes how her spouse feels about missing out on some aspects of the “normal life.”

We'll sit down and try to watch TV or relax and watch a movie 'cause he is home before I get home usually, especially last semester. We'll get home and I'll try to watch TV or just spend time with him and I'll fall asleep watching TV. You know he gets frustrated cause I can't stay awake. He doesn't get mad, you know, he understands, but I know it's frustrating for him because I'm just so exhausted and I find it hard because he wants to go out, well we both want to go out and do things, you know just have what I call a normal life, but I've got to study I've got to get my work done (mid 20s, non-parent, day).

Another female student, Becky, (late 30s, parent, day) also expressed a similar sentiment when she described her husband. She felt that what her husband missed most

was the chance to go on vacations. Unfortunately, Becky had to spend vacation time studying and preparing for exams.

For those couples where the spouse was equally busy and had a myriad of independent activities to engage in, this was less of a problem. It seemed to help assuage the feelings of loneliness on the part of the spouse and also reduced the amount of pressure the spouse put on the student to spend time in shared activities.

*Missing out on a Normal Life: "Sex Life"*

Also related to the idea of togetherness, another "normal life" arena where the role of the law school student had the potential to encroach was the romantic and sexual life of the married student couple. A few students reported that they had managed to keep this aspect of the marriage sheltered from the effects of law school, whereas several others felt that perhaps there had been a deleterious effect on their love lives. One way that law school created an adverse effect was by its ubiquitous nature. Not only did students talk about being too tired to engage in romance, but multiple female participants reported that it was not always an easy transition to go from the high pressure legal mindset to an amorous mindset at the blink of an eye. This female participant, Sondra, had an excellent example of how this might transpire:

There are times on a Saturday or something he'll try to be all romantic. He'll come to my office, I'm studying he'll put his arms around me and he'll be like would you come with me lets go to bed. And I have had days where I honestly and this is like kinda sick, but I have had days where I'm just like wondering how fast we can do this because I have reading to do. I have torts to study...., and therefore I don't really get into it because on the one hand you know the first part of whole scenario I'm like, 'oh my god ok, we gotta make this quick because I have this this and this to do' and then I totally like make myself not be in the mood because then I feel guilty about it I'm like, 'hello haven't had sex in a week. My husband is trying to be romantic and I'm thinking about torts'. . . Sometimes he gets annoyed if I'm like, 'honey you know I love you, but I really don't have

time right now.’ Nobody wants to hear that. You know thanks, but maybe later there’s a casebook calling me. He doesn’t get mad...He actually usually ends up guilting me into it. He’ll make his little puppy dog face and be like “ok, nevermind” and he’ll start walking away usually before he’s down the hall I’ve caught up with him and I’m like well, ok, maybe just you know we make it quick, so, and so it works out but yeah, so that’s not been a big problem for us luckily (late 20s, non-parent, day).

One female student Victoria described an increased appreciation for intimate time because the frequency of sexual intimacy was reduced because of time demands and competing schedules.

When you get a chance you appreciate it and you’re happy with it otherwise you just say, ‘oh, hopefully next time,’ but I mean there’s definitely an appreciation of being able to be physically together at all, but that is like the bonus it’s like, ‘oh, together –together,’ so, yeah it’s kind of, you know frequency wise not good. That’s the difficulty, but then appreciation wise, you appreciate that time so much more (late 20s, non-parent, evening).

Kory expressed that he too thought law school might have put a damper on his love life, although he was not sure if the reduced frequency was the result of law school pressures or if it was simply indicative of the post-honeymoon phase of marriage. Here he described the lack of frequency:

...Not just for time constraints, but because law school has probably made me less romantic and I probably don’t flirt as much as I would have just because I’m tired at the end of the day and maybe not tired to where I want to go to sleep, but that a lot of that stuff takes effort to do or to even think about or, so it’s not that I.., I’m not available, but I probably don’t help it any by just coming home. Like I said I just like to come home and not have to think for a little while. Well then that doesn’t get her talking or it doesn’t turn her on. You know things like that, so yeah it probably affects it, but not directly per se (late 20s, non-parent, day).

*Missing out on a Normal Life: “Family Planning and Children”*

Another way in which law school impeded the normal trajectory of life was in the area of family planning and time with children. Law school takes three or four years of

time to complete. Families in law school are often limited in financial resources as a result of the expense of tuition as well as their potential inability to work. Couples who had not yet had children had to face some strategic decisions on how to plan childbearing around the law school schedule. Students had been stressed because perhaps their spouses were ready to have children and as a couple they were not yet able to. Karl describes this dilemma, and how shocked he felt when he realized that this might be a problem.

Last year (my wife's) OB-GYN was like, 'you know if you're thinking about having kids you might want to think sooner rather than later,' and it was like, 'I didn't need to hear that.' . . . I just had some friends who are also in the law program and they had a kid and so I got to see, you don't really want to have the baby while you're in law school because it was like while he was still in the evening program he didn't see his kid. Basically I mean they were already in bed by the time he got home. He left before they were up, didn't really get to be involved. . . . We're hoping that maybe we'll start trying maybe this point in my last year so that I'll be graduated before the child's actually born which then ok, if it pile the stress of trying to find a job the stress of having a baby that sounds pretty rough, but I know it was kind of something that really weighed on my wife and it was something that obviously kind of bothered me that you didn't want to get to the point where you kept putting it off and putting it off and putting it off and then all the sudden its too late and so we have kinda decided, ok we want to try to do this before 30 (late 20s, non-parent, evening).

He and his wife's plan was to try to get pregnant in the third year and be ready to deliver right after school; however, this meant the birth of a child would coincide with his studying for the bar exam, finding employment and starting a law career. Another student, Miranda, who was planning to start her family right after law school was seeking to minimize some of these problems by establishing strong employment ties prior to completing law school. This way she would be better entrenched in her job before having to take maternity leave (mid-20s, non-parent, day). Karl mentioned that some

couples have children during law school; however, he felt this was a problematic arrangement.

For those couples who already had children, one of the hardest things for parents was missing out on time with their children, especially when the children were younger.

Here Hannah articulates how difficult this is:

Worst thing. . . I feel like I'm almost missing stuff and (my son) misses me so much. I mean he misses both of us and his grandparents haven't moved up to [here] yet so they're still [40 minutes away]. They'll come up and get him once a week and keep him over night and bring him back the next day so he spend, and then when they bring him back the next day it's time to go to bed when I get home from class, so he hasn't seen me at all for like 2 days and that's every week and so two to three days he doesn't see me every week and he's like, 'mommy can I stay home? Or I don't want to go to grandma's. . . I don't want him to say that and that's the worst thing about having so much on my plate, so it really effects him and he's growing up and I feel like I'm almost missing stuff sometimes. I mean that I try to make time, make sure I'm not missing anything, but that's really rough. That's hard (late 20s, parent, evening).

Other parents commented on the difficulties of getting the children to birthday parties and attending important school functions like track meets.

*Missing out on a Normal Life: Failing to Live up to Marital Obligations*

For many women, missing out on a normal life also meant gender related guilt due to lack of traditional role performance: Marla described that she felt her husband was very proud of her as a student and her exceptional performance, but...

...as a wife I, sometimes I feel like personally I don't meet his expectations because I'm not able to help out as much, and I think that's more me personally just feeling that, and the fact that I can't make him dinner every night and, he does not expect it at all, but I just I hate it. I'm like, 'yeah, we're having frozen food,' and personally for me, I feel like a failure as a wife. Even though I know it's taking a stereotypical point of view, I just feel really bad that our situation is how it is right now, but I keep thinking maybe next semester won't be as bad so, but I think it's, as a wife I meet his expectations. I just feel bad about dinner sometimes, and the lack thereof (early 20s, non-parent, day).

While the trend of guilt over household role expectations was felt more acutely by the women in this study, men too felt some guilt over not being able to attend to some household duties. One male student reported feeling guilty when he was watching television or working and would see his wife passing by with load after load of laundry.

## II. School Spilling Over to Married Life

In addition to expressing feelings about missing out on the perceived normal married life, students also described other inner-dynamic ways in which school spilled over into married life. Three ways described by the students were: (a) spouses feeling alone, (b) spouses feeling insecure, and (c) students feeling torn in the middle between the demands of school and family.

### *School Spilling Over to Married Life: Spouses Feeling Alone*

As suggested by the previous examples, the law school schedule can act as a serious impediment to couples getting to spend time together. One evening student, Evan, mentioned only seeing his wife for about 15 minutes in the evenings during the actual week.

I mean during the week it's 15 minutes, 'hi honey,' and I just, while I'm eating she's going on cause she hasn't talked to an adult all day. I feel like, 'uh huh yeah honey ok,' and then we have some little chit chat, but she knows that [when] 8:30 comes around it's like, 'you know honey I gotta study and she goes ok (mid 30's, parent).

Largely as a result of this reduced time together, it was reported that some of the spouses ended up feeling alone. Karl described how his busy law school schedule impacted his wife.

She hates the law school schedule I know, cause like I said basically we used to get home at like 5 and we'd get home together and hang out have a glass of wine we'd make a nice dinner together you know we'd sit on the

couch with the (*dogs*) and watch television and go to bed and it was great and its like now you know we see each other like I said maybe two hours a day and its you know you kind of keep in contact with each other over like emails and maybe call and talk on the phone a couple of times a day and don't really see each other as much which I know she probably kind of thinks of as she's said, you know you just don't feel as close when you're not around . . .she gets home shortly after 5 and then she's home alone for a few hours while I'm in class for three hours after that and I know she doesn't like that very much (late 20s, non-parent, evening).

In this quote Karl described his wife as not feeling as close to him when he was not around, and additionally indicates how she did not like being by herself in the evenings. Other male students in the evening program also said that their wives reported feeling alone. Martin was one of two participants in this study who had actually separated from his spouse during the course of law school. Martin described how law school really tested his marriage. When asked about how his wife had felt during this difficult period he had this to say:

Alone, she would say she felt alone and she didn't, she had more of a roommate than a husband . . . [we] weren't around each other very often and all I cared about was school and that kind of sucked so that's how she felt, we'll she, she [is] very vocal about how she feels, she doesn't hold back so she told me how she felt. That's how she felt and I understood, I mean now I can understand really how she was feeling that way (early 30s, parent, evening).

In Martin's case not only was his wife essentially by herself in the evenings, but she also had the additional task of being a parent. This was a common sentiment among couples who had children in that the students described their spouses as feeling like single parents. Bob, an evening student in his late 30s, gave an example of how his wife felt that she would in effect be a single parent. Her support of her husband's pursuit of a law degree was somewhat conditional.

That's the big one she'll be supportive if this is something I want to do, not just some fly by night idea that I've decided to try and you know put

us in debt and spend all my time away from home. It's tough on her because she's a single parent now in the evenings to be there when the kids get home to fix em dinner to turn around and get em to practice and turn around and get em home. So a lot of things aren't getting done as normally or as often as they used to, like getting the grass cut and floors vacuumed and house cleaned (parent).

These husbands often seemed to recognize what a strain this was going to be on the family and said that to them it really felt like they were not the only ones sacrificing by going to law school. It was really more of a sacrifice on the part of the spouse and the child. In fact, in recognition of how difficult the husbands thought this period might be, two of them had their wives sign contracts promising not to divorce them during law school.

These types of descriptions of single parenthood during this period were mainly from male students, particularly those in the evening program; however, a different theme of spousal feelings emerged from the female student participants.

*School Spilling Over to Married Life: Spouses Feeling Insecure*

As a counterpart to the theme of female spousal loneliness, another theme that reoccurred in the interviews with female participants was that of male insecurity, particularly for those women in educationally disparate relationships.

One evening student, Hannah, who had briefly separated from her husband, mentioned a husband specific problem, that of male spousal insecurity. In Hannah's case her husband felt intimidated by her higher levels of educational attainment, and while she did her best to allay his feelings of insecurity by engaging in some classic male ego boosting behaviors, her attempts were largely unsuccessful. When asked if her spouse was going to have a hard time if she earned a higher income than he did, she replied:



I'm not worried about that. He tells me, 'oh yeah, we're going to be rolling in it.' Cause he looks at it as our money, which is the way he should look at it. I'm really glad he looks at it like that, but the whole manhood thing comes from my strong personality and my taking charge of everything and "I don't feel like a man. I don't have a big truck." I got him the big truck so he would feel like a man. . . I call it his man truck to emphasize that. He didn't say, 'I'm getting a truck to be a man,' but I'm thinking I know that'll make you feel more manly. I know subconsciously. He went to a tractor pull this summer I know that helped. You know, let him do some manly stuff and he watches football, and I don't know even I like control, cause I control the finances and stuff and he wants me to because but he also feels like she's the boss when she does that you know he always talks about well me and the boss is, well men can only take so much of that kind of you know and yeah, that's a lot for him to take so . . . I don't know I just always take charge of everything and he just wants to feel in control of something feel like I need him for something (late 20s, parent).

Another female student, Judy, who felt her marriage was very strong and successful, had also had similar insecurity issues with her husband. While Judy had a very strong relationship with her husband and held him in the utmost esteem, she felt that an outsider might perceive a disjuncture between their educational and attainment levels since her spouse worked in a trade line of work. She also characterized their education levels as "very lopsided".

I mean he fixes anything around the house he can . . . so he's very mechanically inclined but one of the things, that I've been worried about. I try to be really conscious of is there's this perception in society that if you're book smart like I'm kind of the nerd between the two of us. . . that society thinks that would make me smarter than him or better than him or whatever . . . I've noticed a little bit sometimes I think he's, when I started it's like I'm around a lot of people and I think sometimes he feels like he's not, like people are going to look down on him like he noticed when we go to parties with law students the first thing people ask is so what do you do? And he tends to be kind of embarrassed about that 'I'm like don't be embarrassed' you know I mean that's, what you do (early 30s, parent, day).

Certainly not all male spouses had trouble with insecurity issues. One of the other female participants, Becky, described her relationship history. She had been initially

married to a man who was resentful of her achievements and his insecurities acted as an impediment to her self actualization. She described not being able to study while he was at home because he was so needy. The marriage eventually dissolved, and she was now in a much more stable relationship where she felt that her current husband who was also a high achieving academic individual respected what she was trying to accomplish.

I think the fact maybe that my current husband he has [a] masters {degree}, I think that also helps him you know he's proud of his education and so he can understand why I'm doing that, he doesn't feel threatened by that you know cause he feels kind of confident about his knowledge, his skills (late 30s, parent, day).

*School Spilling Over to Married Life: Student's Feeling Overwhelmed*

Given students' limited time and reduced outlets for stress reduction, it was often strenuous for them to try to temper their spouses feelings of loneliness and insecurity. The competing demands of attending to the needs of their spouses and homes as well as to their school work and possible employment often left students exhausted, frustrated, and feeling "torn in the middle." Martin, whose wife had been feeling particularly alone, articulated how he felt during their first year of law school:

I was feeling torn in the middle. I was kind of thinking that I was (sighs) that in order for me to succeed in school I have to put the time in, but then if I put the time in then it's causing problems with my wife so it's like a no-win. I feel like a no-win situation where either I gotta pick my study or if I don't study I'll spend more time at home, but then I'll get bad grades I just felt like a tug of war type thing (early 30s, parent, evening).

Students also described taking stress out on their spouse, as the spouse acted as an outlet for anger. Another described how she simply was not a nice person her first year. Sondra was in the situation where since she went home at the end of the day, she had not made many friends at law school, and had felt isolated saying that her "social life is

limited to my husband.” Here she describes how this exacerbated the potential for marital conflicts:

If we get in a fight like that we don't necessarily want to be around each other like, 'who else do I hang out with?' so I've become sort of isolated. And the other issue with that is that when things get stressful at school and at work and stuff that the fallout from that is that the only person that I have to take it out on is (my husband), and that has been a problem. Although he's said that I've calmed down a lot, but it was especially bad my first year because I was so overwhelmed by school. I mean I really was overwhelmed. It was like law school was nothing I had experienced before . . . I come home at 9:00 or whatever having studied or whatever and there's dirty dishes in the sink like the dishes weren't done from the day before or he said he was going to do the dishes and he didn't you know which I've become a crier I never used to, I was never a crier and now like the littlest thing um, "you said you were going to do the dishes and you didn't" and I'll yell and I'll cry and I'll leave. And for a while he was extremely like sensitive that ok, she's just stressed out. It's ok, cause he's very laid back like extremely easy going . . ., but I guess if I was to step outside of it and look in on the relationship I understand why there would come a point where he'd be like I didn't do anything wrong like why is she being so nasty to me you know and so then he gets irritated and so then I'm upset because he didn't apologize for making me cry even though you now he didn't really, so that was a big thing early on (late 20s, non-parent, day).

The idea of having a lower threshold for anger resulting from the stress and deadlines of law school was also mentioned by other participants. The combination of overtaxed and lonely spouses coupled with a stressed and exhausted student with little available time is a potential recipe for marital disaster. In fact, more than one participant described law school as “the straw that broke the camel's back.” By this they meant law school tests even a strong relationship, but a relationship already under duress might be undone by the rigors of law school. In contrast, many students described relatively few difficulties about being a married law student, which begs the question: How were they managing it all? Here are some of the strategies articulated by the participants as ways

in which they attempted to satisfy the requirements of the multiple demands on their time.

### III. Strategies Used to Manage School Spillover

Students used four primary strategies to manage the needs of both work and family: (a) carving out family time, (b) incorporating spouses, (c) using technology to manage relationships, (d) setting household standards, and (e) looking to the future.

#### *Strategies Used to Manage School Spillover: Carving Out Family Time*

One primary way that students attempted to make more time for their families as well as their school work was to give up time they spent on themselves. Multiple students described going without sleep and giving up exercise time to make sure they had enough hours in the day to accomplish everything else. Others still frantically preserved their 'me' time because they felt they needed it in order to have time to collect themselves enough to meet their multiple demands.

Another way that students literally carved out family time was to utilize their day efficiently so that they would be able to create breaks where they might not need to work. Students also segmented time into succinct periods, such as restricting one day on the weekends just for fun. Several students, both male and female and with or without children, managed to have at least one day for fun (and housework) out of the weekend. However, when the time for final examinations approached or major papers were due the amount of weekend time significantly diminished. Students also articulated the necessity of making appointments for family time because of the way their day would be blocked and scheduled. Becky illustrated how she handled this with her son:

My son, I think that he sometimes feels sort of left out, but now especially since I went full time. I want to make sure that on the weekends [if] he

wants to do something, what I tell him you need to let me know ahead of time if you want to do something. We've gone to like art museums together, we've gone to the movie together, and I kind of schedule the time so I can plan my studies around it and now he has a girlfriend so now of course he wants to go more with her that's ok. I'll take you there but again you just have to schedule. You can't come to me and say "well mom I want to go in an hour can you take me somewhere." So it's about scheduling time that's how we can ensure that it's going to work (late 30s, parent, day).

Still others had reduced spouse time as a couple in order to make sure that they were spending enough time with the children. Ian said this:

We spend time with our children. That's how we spend time. She feels quite strongly that so long as I have time with the children then the children are happy then she's happy and so when the children are not happy she's not happy. So big part of her priorities is that I spend time with the children um, and we spend time usually at night. If I'm not studying until midnight sometimes I'll stop at 11:00 and we'll spend an hour together so but yeah during the week its not much cause were both pretty tired by the end of the day (early 40s, parent, day).

#### *Strategies Used to Manage School Spillover: Incorporation*

Since law school is a new and challenging arena, it was natural that students wanted to share this experience with their spouses, particularly in the first year. This sharing consisted of describing interesting cases, interactions with teachers, and conversations with fellow classmates. Students incorporated their spouses into their legal world; which also served as a way for students to make manifest exactly what law school entailed. This also may have been a way for the students to make their spouses recognize that they will be less able to perform their household and other familial obligations. This acted to offer a general pass as to why they may have to miss out on "normal" life activities. Tabitha stated:

It wasn't too bad because, we'd go hang out like over the weekend and then I'd tell him "look I have to do a paper or I have to do this and I mean at first, he was kind of like pushy about it saying 'hey I want to see you

now,’ but I had to tell him... I actually sat down and showed him. ‘Look at the books I have to read. Look at the stuff I have to do.’ And that kind of showed him the reality of it (mid 20s, non-parent, day).

Almost all of the students described sharing their law school experiences with their spouses in the initial weeks and months of the first year of school. Although after this period, a noticeable gendered shift occurred in the students’ incorporation of their spouses. After becoming settled into law school, the male students tended to create decidedly separate spheres between their law school life and their home life. About half of the male participants described wanting to turn off and shut down. Jake (late 20s, non-parent, day) explained that he needed to shut down at the end of the day and needed more time to mentally relax than he had before he started law school. Kory described how in his downtime he did not even want to think about law school, much less discuss it. “I like to go home and just kind of go brain dead for the rest of the night you know if I don’t have to think about law that’s great” (late 20s, non-parent, day).

Some sharing of law school experiences was reduced because of student fatigue. Another reason that men did not discuss law school activities with their spouses was out of deference to their spouses’ feelings. Karl felt that it might be insensitive to let law school spill over into his home life:

I try not to just come home and be like ‘oh, I want to talk about my day’ and ‘oh, the problems I’m having’ and ‘oh, its so horrible’ and I try to be more concerned about her because I know I’m too busy. I’m doing everything, and she’s the one that’s got all this time, extra time now to think about how I’m not around, and I’m sure that’s no fun at all. So whenever we’re together now we try to do stuff. Make experiences outside of law and work that you can kind of be a part of. Like last weekend we went apple picking, and it was crazy so, stuff like that try to keep our free time fun and free and not which is something else that previous people, previous lawyers had told me about going through this process about trying to you know keep it separate and don’t let you know what’s going on and work and school creep in and take over the rest of your life as well

that its important to have this strong wall and you know keep your personal life personal and enjoy all the things in that cause you know you don't live for your job your job is you know just there to allow you to live. Don't get that backwards I guess (late 20s, non-parent, evening).

This male strategy of compartmentalization of school and family experiences relates closely to the 9/5 orientation discussed in the previous chapter. Many of the men who relegated school activities to the hours of 9:00 to 5:00 also relegated the discussion of law school to that same time period, which meant a natural exclusion of the spouses from law conversations.

Although many of the female students also came straight home from school, none of them analogized it to a job/working orientation. They also tended to incorporate more of their law school experiences in their home lives than the males who would shut down upon returning home. Becky, a full-time day student, described the inclusion of her husband in her musings on what was she was learning in school.

Right now my studies take priority over almost everything else and so I think I'm very lucky that he accepts that and its just kind of setting that expectation I mean I try to talk to him I think even before I went into law school maybe that was kind of how we got to that point. He does not necessarily know how it is to go to law school and not being from here and hasn't watched the movies and all that so actually I watched those movies together with him, and I said well yeah this is how it is this is how it may not be. When we watch *Law and Order* I sometimes comment well this is not realistic or you know they are just making stuff that's not true so kind of maybe try to bring that things that I learn in school to sort of not that I'm lecturing there but just say ok sort of there's this benefit you learn that there's kind of real applications instead of maybe try to expand his understanding of that so definitely communication's [a] part (late 30s, parent).

While the women did seem to articulate more stories of attempts to include their spouses into their law school world than the men did, there were some limitations. One reason that students of both genders gave as reason for not discussing law school with

their spouses was that their spouses found law school material very boring, and any attempts to bring it up as a topic of conversation were quickly rebuffed. In addition to incorporation strategies that may have been used to connect the spouses to the students' lives at school, participants sometimes used technology to allow them to not feel so far away from their lives at home.

*Strategies Used to Manage School Spillover: Technology to Manage Relationships*

Technology played a large role in these contemporary couples' management strategies. Thanks to text messages and cell phones, even spouses who were gone from 7:00 in the morning to late in the evening managed to keep in "functional touch with each other" but also to reinforce love messages "but we also just like we'll leave messages for each other saying hey I love you or whatever" (Judy, early 30s, parent, day). Since students could be away from home for so many hours at a time, cell phone technology was a nice way for them to still feel connected to their spouse. Karl said how much technology has helped he and his wife communicate:

I know a lot of times its not too bad cause I'll get to talk with her electronically while I'm in class and you know so I can email from the cell phone and she'll email me at my cell phone and I'll be taking notes and I'll ok you get a message back real quick and go back to taking notes. . . I can't imagine doing it 15 years ago before you had this ubiquitous technology that kinda kept everybody in touch all the time. I laugh at how many use lap tops in class and then its like as soon as class is over everybody's cell phone's out, and now we're talking and . . . that makes it easier because you don't feel you know when I come home at the end of the day it doesn't feel like oh my god its been 12 hours since I talked to you last. I talk to her four or five times over the course of the day and so its not so hard. It's still hard but its, I can't imagine doing it without that. . . so you don't feel disconnected. You feel like you're still kind of have an idea what's going on during her day and she still has an idea what's going on during my day and so I think that helps a lot (late 20s, non-parent, evening).



Telephones and text messaging helped couples communicate. A few participants also used a joint electronic calendar so that both members of the couple could keep up with their busy schedules.

*Strategies Used to Manage School Spillover: Setting Household Rules*

Another set of strategies adopted by couples involved household management. These strategies included a reduced dietary standard such as more frozen TV dinners and pizza. Another strategy was to have the spouse pick up some of the slack and activities they had previously been performing in order to free some more study time. Several students suggested that their spouses take over paying the bills or various other household tasks. Some of the older returning women who had been home with their children had a harder time with relinquishing control of household chores as they had been accustomed to having them done a certain way. In regard to this issue, students also described reducing the standards they used for household maintenance from immaculately kept to passably clean. Jake stated:

I guess, at risk of like importing legal terms I mean I'd say we have a really good partnership arrangement that uh, you know it we're kind of fortunate in that. I think we have some of the same expectations of that house I mean we want our house to be like you know usably clean but not like neat freak clean if you can't find things you know then its time to clean up but small piles occasionally are ok (laughs) (late 20s, non-parent, day).

Pamela a day student with older children had a hard time letting go of tasks that she had handled when she was at home with her children.

So I pretty much do the folding now even his clothes um, because they still have to fit in the drawer you know so I pretty much do the folding last year I really wanted [my son] to do the laundry and he is pretty good at it but he is not consistent, which he is only 16, last year he was only 15. I don't know that I could have been consistent at that age with that kind of a chore when he puts his mind to it, he's good at it but he's pretty busy too

so I don't ask him to do that anymore so, but yeah, I have issues and its hard to let go but its my problem that I can't let it go I mean I can't do everything and I can't expect that he will care how the laundry is folded that is pretty much my problem so I'm trying to let go of that as much as I can but I do the folding now. Just can't let go (late 40s, parent, day).

*Strategies Used to Manage School Spillover: Looking Towards the Future*

A final way that students managed the competing demands was looking towards the future and promising better things ahead. Evan described the best and worst of law school in terms of his family's sacrifice.

The worst is time, just don't have the time to spend that you want with your family, and the best is the opportunities' that I will have once I'm done I mean that's, again I'm looking forward to the, to that day when I can say we're going on a cruise or we're going to, I mean (already), when I'm done we will be going on a cruise or going to Disney world wherever my kids want because they sacrificed. I mean I don't see the sacrifice. I'm not doing the sacrificing they are in the sense that they're the ones that suffer the detriment. I mean yes, I suffer it too cause I don't spend time with them, but my wife is the one that she's with the kids all day has to deal with the doctor's appointments has to you know if one's sick and get the kids to school one kid to school, stay home with the other one, take care of the other one and then go pick up, she's the one that going through that the hardest so that's how I view it. I mean I got the easy end of the stick, but she's the one who got the hard part so when I'm done with school its like wherever you want to go (mid 30s, parent, evening).

Evan articulated a common theme that many of students mentioned: that of promising something better after law school. In fact, this idea that the student would be able to provide a better life and foundation for the family after graduation was a reason articulated by some of the men in the study as to why they were attending law school. Evan offered his family a vacation and adventure post law school in part as a reward for their sacrifice during this period. He was not the only student to do so.

Another way that students looked to the future was the way in which students planned their post-law school careers. This was showcased in two ways:

Some of the students felt that managing school and family was so taxing that they actively tried to cultivate law careers that allowed more family time and were removed from an 80 hour work week model that was typically practiced by law firms.

I seriously wanted to be, the attorney at a major pharmaceutical [company] and I realized and, I looked at them to see how much time they're gone from the family and I mean they have their blackberries on all the time and get called on at. I said you know I don't need that. I mean for what I want to do, like I said I want to travel. I want give my kids the best that I can. I like wine. I like nice wine, but I'll be happy with that I don't need to be the person, and so that's so that once I've achieved you know if I'm one of the top attorneys somewhere that's good enough for me I don't have to be the top attorney because the benefits vs. the detriment to me won't, the detriments not going to make up the benefits I maybe, I may make more money but if I don't get to spend it on my family or spend it with my family there's no point that took a while to realize (laughs) (mid 30s, parent, evening).

Other students talked about their plans to pursue work in the federal sector or to use their law degree to work in non-legal professions. This was a strategic plan to avoid the more time intensive schedules typically required by private law firms.

For other students the law school experience seemed to have an inuring effect. They framed their future career decisions in a relativistic way by comparing the hours they spent studying and working during law school to the hours they would be willing to work in prospective employment. Many of them had become accustomed to expending 80 hours a week between work, school, and other responsibilities. They concluded that working a full-time 80 hour a week schedule at a demanding law firm "couldn't be any worse than it is now." For the evening students who worked both a full-time job and attended law school, the idea of just working a full-time job exclusively almost seemed like a reprieve.

Looking forward to the future was just one of the ways that students used to manage the competing demands of school and marriage. The hope of a better life, or at least a life no worse than the present one, provided a light at the end of the tunnel for students who were trying to manage marriage and law school.

## ANALYSIS

This study's exploration into the ways in which the family lives of law students were impacted by their school experience reaffirms many of the findings of the literature. More specifically, the fact that the demanding law school schedule and the skewed marital power structures it can create tended to hinder the ability of couples to sustain a viable marriage. This study also adds another dimension to the literature by showcasing this information from the students' own point of view.

The students in this study articulately described missing out on a normal marital experience. The importance of a normal marriage in the minds of the students is one that is composed of time with one's partner and/or children. This time can be spent meeting the constructive demands of running a home and raising children, but is also spent in the more expressive ways of relaxing and playing together. The structure of law school often works to limit the time couples can spend in relationship management activities. Things like talking together, going out to dinner and the movies, taking walks, and even just sitting in front of the television serve as ways for couples to perform the functions of marriage as previously defined by Scheinkman (1988). Other things like sexual activities, family planning, and performance of other marital roles in mutually satisfactory ways can be obstructed by the structure of law school, which can lead students to feel that they are missing out. This supports the existing body of literature

that suggested these arenas presented problems for graduate student couples (Brannock et al. 2000; McLaughlin 1985). Not only do the students feel overtaxed, but the students described their partners as feeling frustrated, alone and insecure. These problems were particularly acute for female spouses of evening students with young children, who were described as feeling like “single parents.” The student can then be torn between needing/wanting to spend more time at home and putting in the requisite amount of work to make good grades.

Students who articulated distressing themes tended to be those in the evening program with young children at home. Additionally, students with spouses who were either working in a field vastly different from law or were staying at home were also likely to report distressing themes.

The students who seldom reported themes involving distress were in childless couples in which both members of the couples were either students or in relationships in which both partners were similarly situated educationally. Students with spouses with several outlets to spend their time outside of the home either through employment or hobbies seldom had distressing themes. When distressing themes were noted, they were the same as those of disparately situated couples, yet they seemed to be less severe in their impact. These findings corroborate the existing research on asymmetrical couples in academia and distress (Brannock et al. Scheinkman 1988).

Students used a variety of strategies to ameliorate the competition between the demands of marriage and school. One noteworthy finding was that the strategy of incorporation seemed to vary along gendered lines. Although almost all students tended to share their school experiences with their spouses initially, this spousal incorporation

seemed to persist throughout law school for women, but it declined for men. Many men articulated the desire for separate spheres in which their school lives and home lives would have little intersection; whereas the women described continuing efforts to incorporate their spouses into their academic world. While this is a small scale qualitative observation, it might be fruitful to see whether or not this finding holds true on a larger scale.

Other strategies were used by the students to either increase the amount of time or quality of time with their spouses. Students also tried to replace some of the lost marital closeness and perform relationship management through loving phone messages enabled by pervasive technology.

A potentially illuminating area of exploration is that of the relationship between the strategies developed in law school and those planned for the future as practicing attorneys. The students referenced the ways in which law school acts as a transition period to set the stage for their roles as practicing attorneys. Many students were so disenchanted by the lack of family time in law school that they were planning to eschew careers that would have similarly demanding structures, such as work at large firms. Other students, in contrast, had become inured to the 80 hour a week schedule, and felt that since they worked such a demanding schedule now no future employment could possibly be as taxing.

The students that were prescient enough to think that law career and family patterns would mimic those of law school and family were correct. Of full-time working attorneys over half report working 50 or more hours a week (Bureau of Labor Statistics 2007). The ability to successfully meet the demands of both work and family and

personal time seems to be particularly difficult for practicing attorneys with more than 70% experiencing moderate to serious problems finding time for family and personal responsibilities (Fortney 2005). Many lawyers describe being dissatisfied with the amount of time they get to spend with their family, but also “feel they are too tired to enjoy the time they are able to spend together” (Wallace 2002: 1). One study said 46% of attorneys said they would be willing to take a pay cut in exchange for a reduced workload (Fortney 2005).

The strategies adopted on an inter-personal level to reduce the conflict of work and family by those already in the legal profession strongly mirror the ones described by the students in this study. Female attorneys who tried to reclaim time by trying reduced workload schedules like part-time work or job sharing often experienced barriers (Epstein et al. 1999; Wallace 2002; Williams 2002). One barrier was that of “schedule creep” (Williams 2002) where they find their hours worked gradually creeping back up to that of a full-time schedule. Other barriers included obstacles in career advancement and stigmatization over their reduced visible presence in the office (Epstein et al. 1999; Wallace 2002). Women in these reduced hour arrangements also reported no increase in the amount of time for leisure activities and time alone with their spouse (Wallace 2002). Greedy institutions like law firms set the expectation for a model of a perpetually available attorney who will be a constant advocate for the workplace by attending functions in the community at large and putting in a lot of “face time” with clients. Those who do not conform to this model are labeled “time deviants” and face the previously mentioned consequences (Epstein et al. 1999). The contention in the work/family literature is that solutions on an inner-personal level are insufficient to

address these types of structural problems for those trying to balance work and family (Epstein et al. 1999; Haas 1999).

I posit a similar problem for married law students. The inter-personal solutions of text messages and preserving weekend time are often not adequate to reduce many of the strains put on married students by the institution of law school. Schools that have addressed the issue of school/marriage balance often suggest couples counseling or communication classes (Markoff 1988), but the research findings in my study show that for married students the problems stem from missing out on the trappings of a normal married life. This is a direct result of the rigid structure of law school, which educational critics have advocated is long overdue for an overhaul.



## CHAPTER FIVE

### CONCLUSION

#### I. Summary of the Findings and Analysis

This qualitative study explored the relationship between the institutions of law school and marriage by looking at the ways in which law students perceived and negotiated their demands. The spillover model was used to address the relationship between marriage and school in a multidirectional way. The first analysis chapter addressed how students' marital statuses shaped their law school experiences. The second chapter explored the direction of school-to-marriage spillover and examined the way school impacted the inner-dynamic relationships of husbands and wives. By giving the students the opportunity to express their own points of view, I discovered that students perceived they were missing out on normal law school and marital experiences. The idea of sitting outside the norm raised questions about the structure of the institution of law school.

The literature suggested a complex history of exclusion and subsequent marginalization of certain groups from obtaining a law degree. Women, minorities and the working class, who have since made significant strides, most acutely experienced barriers to entrance and success in law school because of factors such as prejudicial attitudes, high costs, and traditional law school class scheduling and curriculum design. Almost no research looks to see, however, if the factors serving as barriers to the aforementioned groups have any effect on married students. This study suggests that they do. The married students in this study described feeling like they sat outside the

normal school paradigm, partly as a result of not being able to be as engaged in the law school world as their counterparts, ‘the unmarried other’.

This study posits that while the married students viewed themselves sitting outside of the normal experience, they actively tried to make their own experience a positive and rewarding one by creating new types of law school experiences. One way they did this was by forming groups that acknowledged their dual roles, like study groups made up solely of mothers who shared their parenthood stories as well as their law school experiences. This study also argues that marriage acts as a barrier to many normal socializing agents of law school by reducing students’ abilities to network and participate in extracurricular activities. The analysis of marriage-to-school spillover also addressed how marriage impacts academic performance in addition to law school perceptions, and found that both positive and negative spillover occurred with spouses serving as great providers of both instrumental and expressive types of support. Further, this spillover, can serve as a distraction by limiting study time and the students abilities to concentrate on law school if they happened to be heavily preoccupied with thoughts or concerns about their families.

The second analysis chapter explored how the school experience spilled over to married life in mainly negative ways. The literature suggested that skewed power structures for graduate student couples in asymmetrical relationships created marital disharmony which students tended to perpetuate by engaging in patterns that served to reinforce the problems created by the structural inequities of the graduate school system. This study reinforced many of these findings in law student couples. Much like other graduate students, law students experienced obstacles to having what they perceived as a

“normal marriage.” By virtue of missing out on the experience of a normal marriage, several participants in this study reported that their spouses often felt alone, insecure, and attention starved. This sometimes left the students torn in the middle between satisfying their marital obligations and maintaining a competitive academic standing. The students in this study, adopted many strategies to mediate these demands: carving out family time, incorporating their spouses into their law school experience, keeping in touch through technology, and reducing time spent on household chores. Another strategy used by the students was looking toward their future law career. Research shows, however, that the same school/family balance issues distressing the students now will likely persist into their legal careers.

Researchers in the area of work/family frequently advocate for more family friendly institutional policies (Blair-Loy 2003; Gornick and Meyers 2003; Haas 1999). I too advocate for a more school/family friendly law school model which relies less on individual coping strategies and more on structural changes at the institutional level.

One key change advocated by those who criticize the rigid institution of law is that of reducing the cost barriers and the length of school time (Butler 2007; Gulati et al. 2001). This could be done by shifting from the standardized three years to a mixture of two years of coursework combined with outside clinical work. I believe many of these structural changes would serve to benefit married students as well. Because of the cost of law school, many students, who wished to obtain a law degree but could not afford to take out loans and sit outside of the labor market for three years, opted for a part-time legal education. The part-time model may place a disproportionate amount of stress on families, particularly those with young children. If tuition costs were not as artificially

inflated and set at the rigid three year structure, the full-time option might be more appealing to students. Conversely, a restructured part-time model could also be created that allowed students more time with their families.

## II. Limitations of this Study and Directions for Future Research

The non-random small sample size of my study means that my findings are not generalizable to the population at large. A larger quantitative study is required to examine whether my findings hold true for other law school students. This study has provided some groundwork for such an exploration into new areas of school/family balance. One gendered finding that would be interesting to explore on a larger level is the idea of women and men treating spousal incorporation differently. It would also be interesting to quantitatively assess stress and marital happiness comparing students in the evening program and during the day, and also by parent status to see what significant differences may emerge. I was also limited by the inability to speak with the spouses directly and any information on their thoughts, feelings, and emotions comes strictly from the students' interpretation. It is possible that discussions with the spouses as well as the students would reveal an ever greater level of complexity of the relationship between school and family. Another area that I initially wanted to explore but this data set was insufficient to address was whether or not the Socratic mindset impaired one's ability to relate as a couple. Things like not asking questions that you do not know the answers to, and shifting the framework between compromise to right and wrong, might make students less effective mediators in their family conflicts. Another targeted study that could look at the conversations and conflict resolution styles of attorney and law student couples might prove worthwhile.

### III. Conclusion

This exploration into school/family balance sheds some new insights into an under-researched area. It illuminated the issue of marginalization in marriage-to-school spillover and reaffirmed findings on school-to-marriage spillover as well as found strong parallels to the work/family literature. It also showed the unique role that spouse and children play in a student's education and the toll that such education could take on them in both their roles as students and as spouses. Ultimately these findings set the stage for wide scale exploration of these issues and provide additional support for those who rally for modified law school structures to better accommodate marginalized groups such as married law students.

## **APPENDICES**

The appendices contain the following materials

1. The email posted on the list serv used to recruit participants
2. The interview guide used during the in person interviews

## RECRUITMENT EMAIL

Dear student,

You are cordially invited to participate in a study of married law students at [university]. Research is currently being done across the country to find ways to promote success among law students, and one of these ways is by understanding how students' marriages and families affect their school performance, and conversely how school affects their home lives.

I am a graduate student researcher with the IUPUI Department of Sociology who is currently conducting a Master's thesis study on how these interactions affect the law students at [university]! My husband is currently a law student at [university], so I have personal experience with this situation. I am interested in how other students manage the demands of a competitive legal program while also fulfilling marriage and family obligations.

Participation is Easy, Convenient, and A Nice Break From Classes

Participation in the study consists of taking part in a single interview, lasting approximately 45 minutes. All levels (1L, 2L, 3L, 4L) are encouraged to participate. If you would be interested in sharing your experiences, please email me at [dmcquill@iupui.edu](mailto:dmcquill@iupui.edu). I will be happy to meet you at the law school or another on-campus location at any time that is convenient for you.

I will provide snacks and beverages as well.

Thank you, I am eager for your input!

Sincerely,

Deanna McQuillan

Email: [dmcquill@iupui.edu](mailto:dmcquill@iupui.edu)

\*\* All responses will be kept confidential

IUPUI Student Research Protocol Department of Sociology IRB # 0506-71B

## INTERVIEW GUIDE

(This Interview guide will be used to provide broad areas of conversation, further probes will be included depending upon respondent's answers which will in part determine the direction of conversation. These broad questions may also be slightly modified based on pre-testing of the questions through practice interviews.)

### **In Person Interview Guide: This is the guide for the face to face interview**

1. Begin with brief introduction of the topic
2. Briefly casually discuss their school situation, such as area of interest in law school, what courses are they taking, etc.
3. Introduce myself and the purpose of my study. Explain my role as a researcher (shared status as a married graduate student), how I plan to use their information, thank them for their participation.
4. Inform participant of risks and benefits of the study and their rights as a participant.
5. Explain informed consent form and obtain informed consent.
6. Ask Demographic questions
  - a. What ethnicity would you describe yourself as?
  - b. Are you currently employed outside of school? If so what is your occupation? How many hours a week do you spend in paid employment?
  - c. Is your spouse in school? If so what are they studying, school status, etc?
  - d. Is your spouse employed? What is his/her occupation? How many hours a week do they work?
  - e. Is this your first marriage?
  - f. What was the highest level of education your parents received? What were their occupations?
  - g. If you have children, how many do you have? What are their ages?
7. Move to open ended main questions (to be followed by probes and follow up questions depending upon responses)

#### *Questions about Student Role:*

1. What is important to you about obtaining a law degree?
2. Could you describe what a typical week is like for you during the semester?
3. Overall, what has been your experience with school as a law student?
4. Has law school changed you as a person, do you expect it to?

#### *Questions about the Spousal Role:*

4. Could you describe your relationship with your spouse?
5. What is important to you about being married (or having children)?



6. What kinds of expectations does your spouse have of you? You of your spouse? Are these expectations met for you/your spouse? If no/yes, how so, explain.
7. (If kids) how do your children feel about you being in law school?
8. any negative outcomes?

*Questions about the Dual Roles:*

8. How do you go about doing your school work and meeting the expectations that your spouse has of you?
9. How is your relationship with your spouse the same or different from when you were not a student ( or how have your attitudes towards school changed since you married—if they were a student who married while still in school)
10. What has been the worst/best experience related to your dual role of husband/wife and student? What made these experiences fall into one category or the other?
11. Is there anything else that you think is important for me to know about your experience as a law student who is also married?

Thank you for your time.

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## CURRICULUM VITAE

**Deanna Boyd McQuillan**

### EDUCATION

- June 2007           **Master of Arts**  
Indiana University-Purdue University at Indianapolis  
  
Thesis: *The Straw That Broke the Camel's Back? A Sociological Analysis of Marriage and Law School*
- May 2003           **Bachelor of Arts**  
Texas State University  
Major: Anthropology Minor: Sociology  
Graduated *Summa Cum Laude*

### HONORS, AWARDS, FELLOWSHIPS

- 2004-2005           University Fellowship
- 2005-2006           Research Assistantship Department of Sociology

### ACADEMIC SERVICE

- 2005-2006           Graduate Student Representative for the Department of Sociology
- 2005-2006           Member of the Graduate Student Organization of IUPUI
- Spring 2006         Organized Graduate Student Forums for the Sociology Department

### RESEARCH AND TRAINING EXPERIENCE

- 2005-2006           **Needs Assessment Study, IUPUI**  
**Faculty Supervisor: Linda Haas, Ph.D.**  
*The Retention and Adjustment of Returning Adult Students*

Completed preliminary background research and wrote subsequent literature review. Conducted two focus groups and assisted with a third composed of new and returning adult students. Transcribed focus group sessions and qualitatively analyzed the findings. Wrote report based on themes found in the responses.

2005-2006 Graduate Student Research Assistant at IUPUI  
The Sociology Department

Conducted background research for various literature reviews.  
Performed data entry in both Excel and SPSS.

### **PROFESSIONAL EXPERIENCE**

January 2007-  
May 2007 **School of Nursing, Indiana University**  
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*Adaptation of Families to Bone Marrow Transplant*

Research Assistant: Duties included recruiting participants, conducting qualitative interviews over the telephone with the caregivers of patients undergoing a bone marrow transplant, and assuring that all survey instruments are sent out at the appropriate intervals. Transcribed and qualitatively analyzed the caregiver interviews and wrote the subsequent report summarizing the findings.

### **TEACHING ASSIGNMENTS**

March 8, 2007 Guest Lecturer on Qualitative Methods  
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### **PROFESSIONAL ORGANIZATIONS**

2004-Present Member, American Sociological Association

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