

Gender and Ambition among Potential Law Clerks

Alex Badas*

Katelyn E. Stauffer †

Abstract

Law clerks hold immense responsibilities and exert influence over the judges they work with. However, women remain underrepresented in these positions. We argue that one reason for this underrepresentation is that — like potential political candidates — female law students may have lower levels of ambition compared to men. Using a survey of student editors at 33 top law reviews, we find that there is a gender gap in ambition for clerkships with the Supreme Court and Federal Courts of Appeal. Examining potential sources of this difference, we find that while women view themselves to be just as qualified for these positions as men, men are more willing to apply with lower feelings of qualification. Likewise, while women and men report similar levels of encouragement, more encouragement is required before women express ambition to hold these posts. The findings presented here have implications for research on judicial politics, political ambition, and women’s representation.¹

Keywords: Ambition; Gender & Politics; Judicial Politics; Law Clerks

*Corresponding author. Assistant Professor, Department of Political Science, University of Houston.
Address: 3551 Cullen Boulevard Room 447, Houston, Texas, 77204
Email: abadas@uh.edu

†Assistant Professor, Department of Political Science, University of South Carolina
The authors would like to thank Erin Cassese, Mirya Holman, Erin Pullen, Jessica Schoenherr, and participants at the 2020 Southern Political Science Association’s Conference within a Conference on Gender and Political Psychology for their helpful comments and suggestions. They would like to thank Calvin Liao for his assistance with data collection.

¹All data and script needed to replicate the results in this manuscript are available on the Journal of Law and Courts dataverse page.

In 2018, newly confirmed Supreme Court Justice Brett Kavanaugh made history when he hired four women to serve as law clerks, marking the first time a Supreme Court Justice hired an all women slate of clerks in the Four-Clerk Era.^{2,3} The addition of these women also changed the gender balance of the Supreme Court’s clerk network, with women making up half of the Court’s clerks for the first time in history. Prior to 2018, women had always been underrepresented among Supreme Court clerks. Indeed, in the ten years immediately preceding 2018, women comprised between just 32 and 42 percent of clerks, and, with the exception of Ruth Bader Ginsburg and Stephen Breyer, the clerks hired by individual justices also tended to be male dominated groups.⁴ The break from this pattern in 2018 was viewed by many with optimism and hope that women’s underrepresentation in these important positions was a thing of the past. As one commentator noted, 2018 was a milestone that “stir[ed] hope of gender parity.”⁵ However, this hope was short lived. In the 2019 and 2020 terms, women’s representation among law clerks dipped and came much closer to previous terms, with women holding 41 and 43 percent of clerkships respectively.⁶

Though women remain underrepresented among the nations most prestigious courts, for the last several years women have accounted for roughly half – and sometimes more than half – of all incoming law students, a pattern that also holds at the most elite universities which frequently serve as “feeders” into Supreme Court clerkships (Kaye and Gastwirth 2008). Why then do women remain underrepresented in these positions? The answer to this question is important for several reasons. Women’s inclusion as clerks has implications for legal decision making (Kromphardt 2017), as well as women’s access to: legal academia (Redding 2003), the most lucrative jobs in the legal profession, roles as litigators before the court (Black and Owens 2020), and their potential to be appointed to a judgeship in the future (Badas 2020).

²<https://www.nytimes.com/2018/10/09/us/politics/kavanaugh-women-law-clerks.html>

³Prior to 1974, Justices hired between two and three clerks. In 1972 Justice William O’Douglas did hire two women clerks, making him technically the first Justice to hire an all women slate (Woodward and Armstrong 1979).

⁴<https://www.law360.com/articles/1093264/a-high-court-milestone-stirs-hope-of-gender-parity>

⁵<https://www.law360.com/articles/1093264/a-high-court-milestone-stirs-hope-of-gender-parity>

⁶<https://abovethelaw.com/2020/12/supreme-court-clerk-hiring-watch-the-complete-clerk-roster-for-october-term-2020/>

While some research has examined the “demand-side” factors that might influence women’s presence as clerks (i.e. the structural factors, gender biases, etc. of the *institution and its members* that might influence women’s selection as clerks), our understanding of the “supply-side” factors that lead to women’s representation among clerks is lacking. In this article we examine women’s presence in the pool of *potential* clerks and examine the role that ambition plays in subsequent decisions to apply for clerkships. Borrowing from research on ambition and the decision to run for political office, we argue that women’s underrepresentation among elite law clerks is in part due to a gender gap in what we call *clerkship ambition*. To test this argument, we introduce results from the Clerkship Ambition Study, a survey of editorial assistants at top law reviews. For reasons discussed later, we conceptualize these editors as a potential pool of clerks.

Our results indicate that there are important gendered differences in ambition to apply for clerkships, but that these differences are contingent on the level and type of court in question. Men are more likely than women to express interest in applying for clerkships with the Supreme Court and Federal Courts of Appeal. However, these differences are not present when examining lower level federal and state courts (courts where women tend to be the best represented). Thus, gendered differences in the application decision calculus vary with the prestige of the position, with women less willing to incur the costs of applying for the most elite clerkship positions. We then examine some of the underlying causes of the gender gap in clerkship ambition. We find that while men and women view themselves as similarly qualified to hold a clerkship, men are more willing to consider applying even when they perceive themselves to be less qualified. Likewise, we find that while men and women report receiving equal amounts of encouragement to apply for clerkships, men are more willing to consider applying with lower levels of encouragement than women. The research presented here adds to a growing body of research related to descriptive representation and the judiciary (Scherer and Curry 2010; Badas and Stauffer 2018, 2019; Hofer and Casellas 2019; Gleason 2020; Gleason, Jones and McBean 2019), and contributes to the literature on gender and political ambition. We conclude with a discussion of the

implications our findings have for the literatures on judicial decision-making, political ambition, and women’s descriptive representation.

Law Clerks: Selection and Influence

Despite their lack of visibility in the public eye, law clerks play a central role in the judiciary and in shaping case law and jurisprudence. Clerks on the United States Supreme Court help the Justices decide which cases should be granted certiorari, aid the Justice’s in preparation for oral arguments, write bench memos summarizing and framing cases, and even produce the initial drafts of the Court’s opinions. In other judicial institutions, law clerks have similar responsibilities. While clerks are adamant that they “channel” their Justice or judge’s preferences while carrying out their responsibilities (Kenney 2000), existing research demonstrates that law clerks *do* influence judicial decision-making in many ways. On matters of certiorari, Black and Boyd (2012) and Benesh, Armstrong and Wallander (2020) find the justices closely follow the recommendations of clerks. During oral arguments, the justices frequently ask questions recommended to them by their clerks (Johnson, Stras and Black 2014). On merit decisions, Kromphardt (2015) and Bonica et al. (2019) find that the decisions made by justices are influenced by the ideologies of their clerks. In the case of conservative Justices, Kromphardt (2017) finds that hiring two or more female law clerks, makes a Justice more likely to vote liberally in sex discrimination and abortion cases.

Outside the context of the Supreme Court, research on the use of clerks in the lower federal courts and state courts indicate judges rely on their clerks for a wide range of tasks including drafting memoranda and orders that dispose of cases pending before them (Peppers, Giles and Tainer-Parkins 2008; Swanson and Wasby 2008). This body of scholarship indicates that clerks are not neutral actors. Rather, their experiences and identities inform their behaviors, and ultimately shape judicial outcomes across multiple indicators. Thus, understanding who is – and who is not – included in the pool of potential clerks is of critical importance for our understanding of judicial outcomes.

Beyond the influence these positions have on judicial decision-making, clerkships also open up a wide range of opportunities for individuals after their clerkship has concluded. Clerks are heavily recruited by major law firms, able to secure large bonuses (Zaretsky 2018), have more opportunities in legal academia (Redding 2003), and often go on to be litigators before the court (Black and Owens 2020). Moreover, holding a clerkship can signal a potential to be appointed to a judgeship in the future (Badas 2020). Thus, in many ways, clerkships represent a pathway to the legal elite. As a result, diversity among clerks not only influences the decisions made by a court during a particular term, but has downstream ramifications for representation in other elite legal positions.

Considering the responsibilities and influence law clerks have, as well as the opportunities clerkships open for individuals, it is important to understand the dynamics of who applies for such positions. Hiring law clerks is generally a decentralized process in which applicants apply directly to the judge they wish to work with. While the process itself is decentralized, it does tend to follow a common format. Individual judges, along with their current clerks, review applications and decide which applicants to interview. After interviews, the judges will make a decision on who to hire.⁷ Typically, law clerks will serve one year terms and then move on to other opportunities. Some individuals will serve as clerks on one court (i.e., the Federal District Court) and then the next year move on to a different court (i.e., The Circuit Court of Appeals). Student applicants will apply for clerkships with many judges across institution to increase the odds of obtaining a position.

Women’s Underrepresentation in Clerkships

Given the central role that clerks play in the judiciary, questions related to diversity and inclusion are of critical importance. For the past several years, women have achieved parity – and in some cases more than 50% of positions – in incoming law classes (Rowe 2018; Jaschik 2016; Kaye and Gastwirth 2008). This is a trend observed nationally, as well

⁷Unfortunately documentation associated with the clerkship application and selection process is exempt from FOIA requests, making it impossible to examine the actual applicant pool for any one clerkship position.

as among the most elite law programs. Despite these advances, women remain underrepresented in the most prestigious clerkships (Kaye and Gastwirth 2008; Szmer, Kaheny and Christensen 2014).

Though women now hold a majority of clerkship positions in state courts, representation decreases as the level and prestige of the court increases (NALP N.d.). In their most recent survey of clerks, the National Association for Law Placement found that while women's representation among clerks for District Courts had increased overtime, there was still a 10% gap between men and women, with men holding 55% of these clerkships. Moreover, among Supreme Court Clerkships, women typically hold only between about 30 and 40 percent of these positions (Kaye and Gastwirth 2008; NALP N.d.). That women remain underrepresented as clerks in the upper echelons of the judiciary is problematic, as these positions have the broadest and most significant influence on American jurisprudence. Beyond normative concerns related to justice and fairness, women's underrepresentation among American clerks also has ramifications for women's later legal careers. Thus, women's absence from the most prestigious clerkships has important downstream ramifications for women's descriptive and substantive representation in the judiciary and the broader legal culture and environment.

Some have pointed to gender bias in the application process and selection mechanisms as possible causes behind the dearth of women clerks. Indeed, there is some evidence to support this. Kaye and Gastwirth (2008) demonstrate that Supreme Court Justices hire fewer female clerks than would be expected based on the number of women graduating from elite law schools. Moreover, they engage in a discussion of a system in which women's rate of attrition between rungs on the career ladder is greater than men's. While an understanding of these factors and their influence on women's representation among elite clerks is certainly important, they fail to provide the full explanation for women's underrepresentation in these positions if women are less likely to consider applying for clerkships in the first place. In other words, while there are "demand-side" factors influencing women's representation in clerkships, "supply-side" considerations may also be at play.

A large body of scholarship on women’s political ambition has consistently found that compared to men, women are less likely to report pursuing political candidacies, or even considering these candidacies in the first place (Fox and Lawless 2004; Lawless and Fox 2010; Fox and Lawless 2011, 2014*b,a*; Fulton et al. 2006; Schneider et al. 2016; Crowder-Meyer 2018; Williams 2008). In the analysis that follows, we examine whether a similar ambition gap is at play among the pool of potential law clerks. Discerning whether an ambition gap exists among the individuals best positioned to hold clerkships is essential to understanding women’s representation in these positions. Understanding the interaction of supply and demand side factors on women’s representation as clerks not only provides a better sense of the gender dynamics that shape this representation, but also provides insights into what solutions will be most effective at increasing women’s representation in these positions.

Drawing on the literature on political ambition for elected office, we examine whether similar dynamics are at play with respect to clerkships. While we draw extensively on this literature, we note that there are several important distinctions between law clerks and political candidates. Unlike elected officials, law clerks do not participate in public campaigns in order to obtain their positions. Thus, some explanations for the gender gap in politician ambition – such as electoral aversion (Kanthak and Woon 2015), or a belief that voters will hold women to a higher standard (Fox and Lawless 2004; Lawless and Fox 2010) – are less relevant in our context. Moreover, while scholars have noted that there are many potential paths to elected office – and that the gender dynamics of these pathways has implications for women’s emergence (Carroll and Sanbonmatsu 2013; Crowder-Meyer 2018) – the path to a clerkship is typically much more routinized and well defined. Indeed, some have argued that the more defined path to judicial office diminishes the ambition gap by removing some of the uncertainty in the process (Williams 2008); a similar dynamic may be at play among potential law clerks.

These differences notwithstanding, the logic of the ambition gap literature still offers us a useful starting point into our exploration of some of the factors underpinning women’s

underrepresentation as clerks. Other factors that have been shown to influence the gender gap in political ambition relate to socialization. Socialization early in life presents politics through a masculine lens sending powerful messages about who does and does not belong in politics (Lay et al. 2019; Campbell and Wolbrecht 2006; Wolak and McDevitt 2011). While not elected, clerks do work in the judiciary, which is an inherently more political endeavor than other legal occupations. Thus, the same socialization factors that influence the formation of candidate ambition may also shape ambition for political-legal roles (i.e. judgeships, clerkships, etc.). Moreover, elite clerkships – like elected office – remain male dominated (Kaye and Gastwirth 2008; NALP N.d.). This domination may have deleterious effects on women’s ambition by reinforcing the view that the judiciary represents a masculine space (Gleason 2020; Gleason, Jones and McBean 2019).

Moreover, the lack of women in the most elite clerkship positions may create a belief that gender bias exists in the application process and that women will have a more difficult time obtaining these positions, thus diminishing women’s desire to apply. We expect that like potential candidates, potential law clerks are likely to consider the likelihood of success when they decide whether or not to undergo the application process (Williams 2008; Fulton et al. 2006; Fox and Lawless 2011). While men and women may come to the application process with objectively equal levels of qualification, the decision-making calculus that they employ may vary, and these differences may have important implications for who applies – and thus ultimately obtains – a clerkship. In the section that follows, we introduce results from the Clerkship Ambition Survey, which allows us to test whether an ambition gap exists among the pool of potential law clerks.

The Clerkship Ambition Survey

To determine whether there are gender differences in clerkship ambition, we developed a survey of potential clerk applicants. To conceptualize and define the pool of potential clerks we gathered information on law reviews at the top 75 law schools.⁸ Out of these 75

⁸For universities with multiple law reviews ranked in the top 75, each law review was included.

law reviews, 33 had publicly available university databases with student contact information.^{9,10} Student editors at these thirty-three schools represent our sampling frame. We believe a sample of students from top programs is justified for two reasons. First, most judicial clerkships go to the top students who are from the top ranked law schools (Redding 2003; Ward and Weiden 2006). Further, typically only the best students make law review (Cotton 2005). Thus, our sample represents the best students at the top law programs. Second, when selecting clerks, judges have specifically mentioned that they seek candidates with strong writing skills and often use experience on the law review as a indicator of this (Ward and Weiden 2006). Thus, our sample represents many of the attributes that judge's look for in clerks.

To be sure, there are other potential avenues to clerkships and serving on a law review is not necessarily the *only* path to a clerkship. For example, students on moot court or certain student groups such as the Federalist Society or American Constitution Society may position themselves well for a clerkship. However, based on the two points made prior, we believe law reviews are a good starting point to analyzing clerkship ambition and likely capture a large collection of potential clerks. Future studies should examine how ambition and gendered ambition functions in other potential applicant pools.¹¹

Based on our sampling criteria, our potential pool of respondents were 1,672 students. These students were emailed a recruitment letter stating our intention to survey law students about potential career choices. To encourage participation, we randomly selected 20 respondents to receive a 25 dollar Amazon.com giftcard. Periodic followup emails were sent encouraging individuals to participate over the next three months. In total 234 students completed our survey, producing a response rate of 14%. More information about

⁹Of the law schools that have or do not have public directories, there appear to be no systematic differences. In our sample, we have both private and public law schools. We further have a mixture of top programs and more average programs.

¹⁰For the list of schools associated with our participants, see Table 2 of the online appendix.

¹¹For example, it is possible ambitious women opt into other professionalization opportunities while ambitious men opt into law review. If this was the case, it could potentially bias our results. However, there is no research that demonstrates that women and men law students opt into different professionalization activities. So we believe our sampling choice is justified.

the study and a description of the sample are included in the appendix.¹²

Ambition for Clerkships

Two questions were used to measure clerkship ambition among respondents. The first asked whether respondents had applied to a clerkship. The second asked whether they planned to apply for a clerkship in the future. Respondents were asked each of these two questions for the following institutions: the U.S. Supreme Court, the U.S. Circuit Court of Appeals, the U.S. District Court, a state superior court, and any other state court. We disaggregate ambition by institution because women’s representation among clerks varies considerably by institution type. For each institution, if either question is answered “yes” the indicator for the institution is coded 1 and if both questions are answered “no” then the indicator is coded 0. These questions capture two facets of ambition: nascent and expressed ambition. Nascent ambition refers to an individual’s inclination to *consider* applying for clerkship, regardless of whether or not they go on to actually do so (Fox and Lawless 2005). Expressive ambition in contrast refers to the actual act of applying for a clerkship. Including both forms of our ambition in our measure is important because it allows us to capture how ambition manifests in the short and long-term career goals of our participants. In many cases respondents will not receive the most elite clerkships directly out of law school (i.e. many Supreme Court clerks first clerk on the Circuit Court of Appeals). By including a question about future plans, we are able to capture long-term ambition. Though students may not necessarily become a Supreme Court clerk immediately following graduation, having ambition to hold one of these posts in the long-run may have important ramifications for career decisions and the paths students choose to take. Further, many of the student editors are second year law students, meaning they will not yet have had the opportunity to apply for clerkships.¹³

In the analysis that follows, we examine whether female law students will be less likely

¹²Summary statistics for our sample are available in Tables 1, 3, 4, and 5 of the online appendix.

¹³For more information on baseline levels of expressive and nascent ambition for each institution see Table 1 in the appendix.

than their male colleagues to express ambition for judicial clerkships. However, there are other factors that must be considered when modeling an individual’s decision to apply – or not apply – for a clerkship. To account for these factors, we include measures of embeddedness in the legal community, interest in legal affairs, law school tier, and demographic characteristics.

To measure student embeddedness in the legal community, we asked about membership in various types of student groups.¹⁴ Accounting for this embeddedness is important because being embedded in the law school environment gives students more information about opportunities such as clerkships. Finally, we asked students how closely they follow legal affairs and the development of law outside the context of law school (captured by a four-point scale ranging from “not closely” to “very closely”), as an interest in the law may also influence willingness or interest in applying for clerkships.

The law school a student attends may also influence whether or not they have ambition for clerkships. Most clerkships go to students at the highest rated law schools (Redding 2003). This may create a recursive process in which students at the highest ranked law schools have ambition and apply for clerkships while those at the lower ranked law schools have less ambition and are less likely to apply. To capture this dynamic, we control for the tier of law school a student is attending. We create a categorical variable that captures the tier of law school by groups of 10. For example, tier 1 is schools ranked 1-10, tier 2 is schools ranked 11-20, and this process follows until tier 5 is defined as any remaining school above a rank of 50.¹⁵

Finally we included controls for whether students reported their school hosting professional development events, such as clerk workshops, students’ year in their program¹⁶,

¹⁴These groups include: The American Constitution Society, the Federalist Society, a gender identity group such as the Women’s Law Student Association or the Feminist Legal Forum, an honor society, a legal aid clinic, moot court or mock trial, a racial or ethnic identity group such as the African American Law Student’s Association or the Latino Law Student’s Association, or student government.

¹⁵We opt to create a categorical variable that captures law school tier, rather than using specific ranking. We do so for a few reasons. First, typically this is how schools are discussed. For example, a law school is often referred to as a top 10, top 20 school without mention of specific ranking. Second, using specific ranking would require an assumption of a linear relationship between ranking and ambition. This is likely not the case.

¹⁶Student editors are either second or third year of law students. In our sample 58% were in their third

student age, race, and political ideology.

Using these variables, we estimate a logistic regression model predicting ambition for judicial clerkships for each type of court. The results are presented in Table 1. Column 1 of Table 1 demonstrates that women have significantly less ambition than men when it comes to ambition for a Supreme Court clerkship. While the probability of a man expressing ambition for a Supreme Court clerkship is .197, the probability of a woman expressing ambition for a Supreme Court clerkship is just .066, creating a .13 ($p < .05$) ambition gap for Supreme Court clerkships. Column 2 of Table 1 reaches a similar conclusion regarding ambition for clerkships in the Circuit Court of Appeals. A male law student has a .627 predicted probability of expressing ambition for a clerkship on the Circuit Courts of Appeals whereas a woman law student has a .495 predicted probability of expressing ambition, producing an ambition gap of .132 ($p < .05$). Columns 3-5 of Table 1¹⁷ demonstrate that the gender gap between men and women in ambition for clerkships for the District Courts, state superior courts, or other state court positions is not statistically distinguishable from zero. We summarize the gender gap in clerkship ambition across institution in Figure 1.

Overall, our results indicate that there are differences between women and men in their ambition for judicial clerkships. However, those differences are not universal across the hierarchy of available clerkships. Instead, the differences are isolated to the most prestigious positions, specifically the Supreme Court and the Court of Appeals.¹⁸

year and 42% in the second year

¹⁷The sample size is smaller in the Other State Court models due to the fixed effect for law school tier being perfect correlated with ambition. No one in a law school ranked 11-20 expressed ambition for a clerkship on any other state court. If we reestimate the models without the fixed effect for tier rank, the substantive meaning of the results do not change.

¹⁸Because we are making multiple comparisons the probability of a type one error is inflated. As a result some level of caution should be used when interpreting our results as well as the results from all subsequent analyses.

Table 1: Regression table

	(1)	(2)	(3)	(4)	(5)
	Supreme Court	Circuit Court	District Court	State Superior	Other State
Female	-1.351** (0.492)	-0.736* (0.353)	-0.145 (0.317)	0.113 (0.340)	0.0326 (0.476)
White	0.375 (0.630)	2.039*** (0.498)	0.471 (0.414)	0.000185 (0.451)	0.645 (0.729)
Law School Year	0.0387 (0.484)	0.295 (0.340)	-0.121 (0.310)	-0.322 (0.326)	-0.304 (0.449)
Clerk Workshop	-0.158 (0.868)	1.125* (0.509)	0.333 (0.468)	-0.126 (0.487)	-2.428* (1.071)
Total Student Groups	0.270 (0.186)	0.414** (0.129)	0.334** (0.122)	0.178 (0.123)	0.00241 (0.158)
Age	-0.0829 (0.0943)	-0.144* (0.0625)	-0.0492 (0.0482)	-0.0234 (0.0524)	0.0417 (0.0570)
Ideology (\uparrow conservative)	0.336* (0.139)	0.0502 (0.110)	-0.237* (0.0971)	-0.184 (0.110)	-0.124 (0.149)
Legal Interest	0.182 (0.258)	0.518** (0.186)	0.409* (0.169)	0.171 (0.184)	-0.195 (0.263)
School Tier Controls?	Yes	Yes	Yes	Yes	Yes
Constant	-1.029 (2.700)	0.950 (1.810)	0.807 (1.515)	-0.531 (1.625)	-2.994 (1.942)
Observations	235	235	235	235	209

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

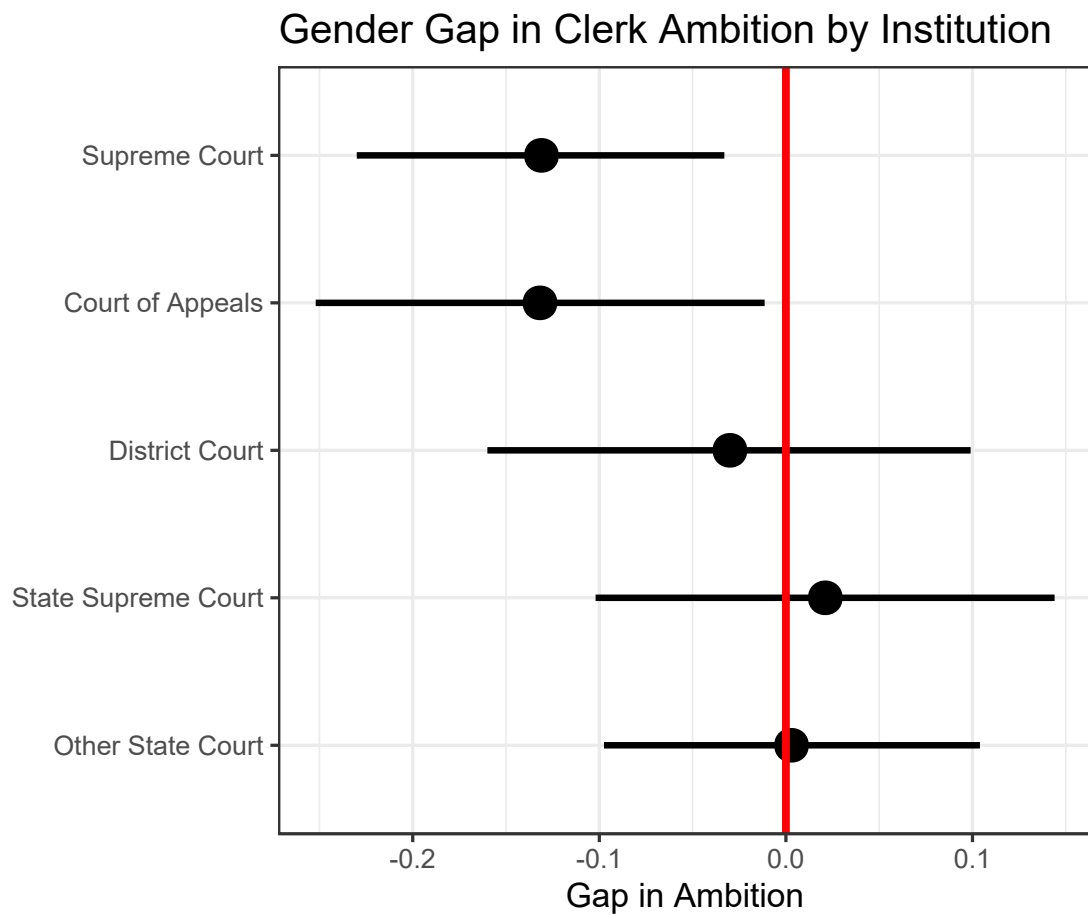


Figure 1: Gender Gap for Ambition Clerkships. The dashed line at 0 represents no effect of ambition on ambition.

Explanations for the Gender Gap in Clerkship Ambition

Having uncovered evidence of a gender gap in clerkship ambition in the previous section, we now turn our attention to understanding some of the mechanisms that shape this gap. Again, drawing on the political ambition literature, we examine whether – and to what degree – men and women in the pool of potential law clerks view their qualifications for the position differently and whether prospective clerks report differences in encouragement to apply. We find that men and women view their qualifications similarly, and report similar levels of encouragement. However, we do find some evidence that qualifications and encouragement have a stronger influence on men’s clerkship ambition compared to women.

Differences in Perceived Qualification

One potential explanation for the differences in ambition for clerkships at the Supreme Court and Court of Appeals could be differences in men’s and women’s self-perceived qualifications for these positions. The pool of male respondents in our sample was similar to the pool of female respondents in terms of background, number of extracurricular activities, and legal interest. Based on these metrics, we have no reason to believe a priori that men and women respondents in our sample significantly differ in terms of their *actual* qualifications for clerkships. Further bolstering this point, Clydesdale (2004) demonstrates that female and male law students performance comparability in terms of grades and class ranking and ultimately pass the bar at similar rates. While we have no evidence that men and women in the sample differ in terms of objective criteria, that does not necessarily mean that there are not meaningful differences in *perceived* qualifications across the two groups. These potential differences may shed light on the gender gap in clerkship ambition.¹⁹

¹⁹Unfortunately, we cannot examine objective criteria such as grade point average (GPA) or class rank in our analysis due to the large variation in how the law schools in our sample calculate GPAs and class rankings. Most law schools require their classes grade on a forced curve (i.e., a mandated average class grade) and this forced curve varies across institution. Further, some schools in our sample do not calculate

Indeed, ample evidence suggests that in professional and political settings men perceive themselves to be more qualified than similarly situated women (Fox and Lawless 2004; Lawless and Fox 2010; Fox and Lawless 2011, 2014*b,a*; Fulton et al. 2006; Williams 2008). Men, for example, tend to rate their academic skills as higher than women, despite no objective gaps in performance (Cooper, Krieg and Brownell 2018; Beyer, Riesselmann and Warren 2002). As Fox and Lawless (2011) note, these tendencies continue later in life as well, particularly in fields that remain male dominated (see also Tsui 2010). Indeed, in numerous studies of professionals, men are shown to be more likely to negotiate increases in salaries, have higher expectations of peak-pay, are more likely to apply for upper-level positions, and less likely to begin their careers in entry level positions than similarly situated women (Pfeifer and Stephan 2018; Babcock and Laschever 2009). Literature on political ambition likewise finds that women tend to view themselves as less qualified to hold political office than similarly situated men (Fox and Lawless 2004; Fulton et al. 2006; Williams 2008).

A similar gap in perceived qualifications may likewise influence the gender gap in clerkship ambition we observe in our sample. Thus, if a gender gap in perceived qualifications does exist, this could contribute to the gender gap in ambition. To test for differences in perceived qualification, we estimate an OLS regression predicting perceived qualifications for each institution as a function of gender and the other variables in Table 1. To measure perceived qualifications, we asked participants how qualified they felt for a clerkship with each institution. This measure was a four-point scale ranging from “not qualified at all” to “very qualified.”²⁰ These results are presented in Table 2. Our results suggest that at the level of the Supreme Court and the Court of Appeals there are no differences between men’s and women’s perceived qualifications for clerkships. In other words, after controlling for other factors, men and women in our sample view themselves to be equally qualified to hold a clerkship.

We also observe no gender differences in perceived qualifications for state courts. The

GPA’s at all and instead grade on a pass fail basis.

²⁰Results from a series of ordered logits produce substantively similar results.

one court where we do observe differences in perceived qualifications is the District Courts. This is somewhat surprising because we observed no gender gap in ambition for clerkships in these courts (see Table 1). However, as we found in Table 1 column 3, perceived qualification were not a significant predictor for these positions.²¹ Further, the overall effect is relatively small. On average men are predicted to have a 3.34 qualification score, while women are predicted to have a 3.13 qualification score. The difference of .215 represents roughly 28% of a standard deviation on perceived qualifications for the District Court.

Overall, our results suggest that men and women view themselves as similarly qualified to hold a clerkship in the context of most courts. To the extent that we do find evidence of differences in perceived qualifications these differences were quite modest. This is a finding that diverges from previous work on political ambition (Fox and Lawless 2004; Lawless and Fox 2010), and may be cause for optimism, as it suggests that women do not underestimate (nor men overestimate) their levels of qualification relative to men (women). One potential explanation for this divergence is that unlike potential candidates, potential law clerks have “objective” indicators of their own qualification, such as LSAT scores, class rank, GPA, the fact that they serve on the law review, etc. The presence of these (relatively) clearer signals, may explain why men and women in our sample express similar subjective views of their own qualifications.

²¹One potential reason for this is District Courts hold the lowest position in the judicial hierarchy. There are 677 District Court judges in the U.S. It is possible students take the opportunity of applying if interested in a clerkship regardless of their perceived qualifications because these applications are perceived as lower-stakes than more prestigious clerkships. Unfortunately, we are unable to test this possibility with our data.

Table 2: OLS Regression: Perceived Qualification

	(1) Supreme Court	(2) Circuit Court	(3) District Court	(4) State Supreme	(5) Other State
Female	-0.00995 (0.103)	-0.160 (0.117)	-0.181 (0.0989)	-0.125 (0.102)	-0.123 (0.101)
White	0.151 (0.135)	0.441** (0.154)	0.312* (0.130)	0.411** (0.134)	0.147 (0.132)
Law School Year	0.102 (0.100)	0.229* (0.114)	0.116 (0.0960)	0.113 (0.0991)	0.0883 (0.0977)
Clerk Workshop	0.151 (0.147)	0.333* (0.168)	0.280* (0.141)	0.181 (0.146)	0.154 (0.144)
Total Groups	-0.00601 (0.0386)	0.0204 (0.0439)	0.0117 (0.0370)	0.0235 (0.0382)	0.00313 (0.0376)
Age	0.0398* (0.0156)	0.0310 (0.0178)	0.00914 (0.0150)	-0.0118 (0.0155)	-0.00615 (0.0153)
Ideology (\uparrow conservative)	0.0813* (0.0318)	0.0806* (0.0362)	0.0753* (0.0305)	0.0807* (0.0315)	0.0811** (0.0310)
Legal Interest	0.102 (0.0552)	0.0648 (0.0628)	0.0110 (0.0530)	-0.0352 (0.0546)	-0.00732 (0.0539)
Encouragement	0.601** (0.222)	0.994*** (0.253)	1.083*** (0.213)	0.964*** (0.220)	0.823*** (0.217)
School Rank Tier Control?	Yes	Yes	Yes	Yes	Yes
Constant	-0.286 (0.489)	0.434 (0.556)	1.838*** (0.469)	2.521*** (0.484)	2.761*** (0.477)
Observations	235	235	235	235	235

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Differences in Encouragement Received

Results from the preceding analysis suggest the gender gap in clerkship ambition is not shaped by differences in men and women's self-perceived qualifications. However, a second potential factor could be at play for the ambition gap for Supreme Court and Court of Appeals clerkships is that men and women may be encouraged to apply for these positions at different rates.

Research on political ambition indicates that being encouraged to run for office is often an important predictor in whether or not individuals will ultimately consider a political run (Fox and Lawless 2004; Lawless and Fox 2010; Williams 2008). Research on the judiciary – more specifically judicial elections – likewise shows that being encouraged to run for judicial vacancies plays a pivotal role in determining which lawyers attempt to make the transition from practicing to the bench (Williams 2008).

We explore potential gender differences in encouragement for a few reasons. First, though men and women may not display differences in their beliefs about their own levels of qualifications, that does not mean they are viewed as equally qualified among their peers, professors, and professional connections. Evidence from business and economics, for example, finds that women are often viewed as less able to perform certain tasks by prospective employers than similarly situated men, despite no objective differences in skills (Coffman, Exley and Niederle 2018). Education research similarly suggests that teachers are more likely to view their male students as possessing math and science skills than female students, despite a lack of objective indicators (Riegle-Crumb and Humphries 2012). Evidence from political campaigns also shows that female candidates must be higher quality than men in order to achieve the same electoral results, indicating that voters similarly under value women's qualifications for political office (Fulton 2012, 2014; Anzia and Berry 2011). Similar phenomena maybe at play among potential clerks; if women are viewed as less qualified – even if objectively they are equally or possibly more qualified – than similarly situated men, we would expect them to report receiving less encouragement to pursue a clerkship.

A second related reason to suspect that a gender gap in encouragement may be at play is that the most elite clerkships remain male dominated spaces (Kaye and Gastwirth 2008; NALP N.d.). This may lead to differences in encouragement as law-school faculty, legal professionals, peers, and others familiar with the profession may be more likely to encourage individuals who are perceived as the best fit for the current institution (i.e. other men). Moreover, the majority of faculty at elite law schools also continue to be men (McGinley 2009). These faculty might be more likely to encourage students who share similar characteristics to pursue elite opportunities. In this manner, the encouragement process may mirror political recruitment, where male dominated party networks are more likely to recruit male candidates (Crowder-Meyer 2013; Fox and Lawless 2011; Sanbonmatsu 2002). Based on this evidence, examining whether an encouragement gap exists in our sample should help us to further understand the underpinnings of clerkship ambition.

To test for differences in encouragement received, we estimate an OLS regression predicting encouragement as a function of gender and the other control variables discussed in Table 1. To capture encouragement, we asked participants whether a set of individuals had ever encouraged them to apply for a clerkship. This set included: A judge, a professor, a faculty adviser, a law school administrator, an internship supervisor, a classmate, family member, or anyone else.²² Participants were able to respond “yes” or “no” for each individual. Responses were then scaled together using a single parameter item response model. The end result is a continuous measure capturing the degree to which respondents were encouraged to consider a clerkship, which we rescale to range from 0-1.²³

The results are presented in Table 3. Our results indicate that there is not a gender gap in level of encouragement reported between men and women in our sample. Women are predicted to have an encouragement score of .51 while men are predicted to have an

²²It is worth noting there is a theoretical difference between casual encouragement and more formal recruitment efforts. While we are unable to differentiate between these two forms of encouragement in our analysis, the format of the question (and the individuals included) should capture both forms of encouragement.

²³The mean is .50 and the standard deviation is .21. The IRT approach is preferable to a summated scale because it allows the importance of an item to vary. This modeling strategy better approximates the nature of encouragement. For example, it is likely more meaningful to receive encouragement from a judge than a family member.

encouragement score of .49 (diff=.02; $p = .505$). Thus, it does not appear the difference in encouragement shape the contours of the ambition gap. This finding again diverges from the literature on political candidates. One possible explanation for the lack of an “encouragement gap” is schools may have an interest in having statistics on alumni placement that show the institution does not just place white-men in prestigious positions. As diversity and inclusion increasingly become a focus in higher education this interest might become even more heightened. If this is the case, we would expect formal recruitment efforts to be especially interested in encouraging women to apply for clerkships, and these efforts would be captured by our encouragement measure. However, we emphasize this is just one *possible* reason for our findings, and more research would be needed to fully evaluate this hypothesis.

Table 3: OLS Regression: Encouragement

	(1) Encouragement
Female	0.0137 (0.0311)
White	0.0433 (0.0408)
Law School Year	-0.00152 (0.0302)
Clerk Workshop	-0.0122 (0.0445)
Total Groups	0.0338** (0.0114)
Age	0.00915 (0.00469)
Ideology (\uparrow conservative)	0.0109 (0.00957)
Legal Interest	0.0377* (0.0165)
School Rank Tier Control?	Yes
Constant	-0.0188 (0.147)
Observations	236

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

A Higher Standard?

The preceding analyses do not indicate that women perceive themselves to be any more or less qualified for a clerkship than similarly situated men. Nor do they perceive different levels of encouragement to consider applying to these types of positions. On face, these results are somewhat encouraging. However, we cannot dismiss the role of self-perceived qualifications or encouragement play in shaping the ambition gap without examining how these factors interact with respondent sex. In other words, while women and men perceive themselves as equally qualified and receive equal levels of encouragement, they may weigh qualifications and encouragement differently.

Studies of political candidates find that even when holding self-perceived and objective qualifications constant women are less optimistic about the possibility of success than men (Fox and Lawless 2004, 2005). A similar phenomena could be at play among potential law clerks, where women perceive a system that is not open to them and one in which they are less likely to be accepted, which could decrease ambition (Williams 2008). If this is the case, women may be more pessimistic about the competitiveness of their applications, in which case we would expect that women would need to feel they were especially qualified for the position before manifesting ambition. Indeed, Fox and Lawless (2004) find that self-perceived qualifications have a different influence on political ambition among men and women, with women essentially holding themselves to a higher standard of qualification before considering a run for office. Likewise, the perception of a potentially masculine institution – or gender-biased selection process – may mean that women require more encouragement to apply before this encouragement translates to ambition (i.e. Fox and Lawless 2004). In the analyses that follow, we examine whether self-perceived qualifications and encouragement influence the decision-making process of men and women differently, allowing us to have a better sense of how these factors do or do not influence the gender gap in clerkship ambition.

To determine whether women and men weigh qualifications differently, we re-estimate the logistic regression models presented in Table 1 with an interaction between respondent

gender and perceived qualifications. If women and men weigh these considerations differently, such that men require less of themselves before deciding to apply, we would expect perceived qualifications to have a larger impact on men's ambition, thus increasing the size of the ambition gap. The results of these models are presented in Table 4 and Figure 2.

Table 4: Logit Regression: Female Qualification Interaction table

	(1) Supreme Court	(2) Circuit Court	(3) District Court	(4) State Supreme	(5) Other State
Female	-1.032 (1.502)	-1.374 (1.101)	0.267 (1.462)	-0.0420 (1.489)	-2.110 (2.473)
Perceived Qualifications	1.538** (0.470)	0.367 (0.308)	0.134 (0.385)	0.0149 (0.360)	0.0526 (0.505)
Female \times Qualifications	-0.363 (0.672)	0.228 (0.394)	-0.124 (0.438)	0.0512 (0.428)	0.602 (0.676)
White	0.284 (0.714)	2.007*** (0.542)	0.377 (0.430)	-0.00889 (0.465)	0.540 (0.742)
Law School Year	-0.316 (0.563)	0.201 (0.364)	-0.169 (0.321)	-0.335 (0.328)	-0.418 (0.463)
Clerk Workshop	-0.595 (0.974)	1.140* (0.569)	0.381 (0.490)	-0.143 (0.492)	-2.528* (1.079)
Total Groups	0.199 (0.212)	0.352* (0.137)	0.269* (0.126)	0.180 (0.128)	-0.0179 (0.167)
Age	-0.157 (0.108)	-0.214** (0.0716)	-0.0699 (0.0505)	-0.0220 (0.0528)	0.0346 (0.0583)
Ideology (\uparrow conservative)	0.189 (0.164)	-0.00649 (0.120)	-0.270** (0.101)	-0.185 (0.113)	-0.140 (0.153)
Legal Interest	-0.201 (0.296)	0.394* (0.196)	0.344* (0.173)	0.175 (0.186)	-0.201 (0.268)
Encouragement	3.515* (1.438)	2.766** (0.873)	2.007** (0.749)	-0.149 (0.758)	0.192 (1.047)
School Rank Tier Control?	Yes	Yes	Yes	Yes	Yes
Constant	-1.266 (2.979)	1.486 (2.041)	0.618 (1.828)	-0.518 (1.938)	-2.568 (2.616)
Observations	234	234	234	234	208

Standard errors in parentheses

Figure 2 displays the gender gap for each institution across the range of levels of perceived qualifications. Negative values indicate an ambition gap favoring men, while positive values indicate an ambition gap favoring women. Due to our small sample size and the statistical power required to properly estimate interactions, our results comparing men and women across varying levels of qualification should be interpreted with caution and viewed as suggestive (McClelland and Judd 1993). However, even with this in mind, we do find some evidence that women and men weigh qualifications differently at the Supreme Court and Court of Appeals, but not the other courts. At the level of the Supreme Court, women who indicated they were very qualified ($p < .05$), qualified ($p < .005$), and somewhat qualified ($p < .005$) were significantly less likely to report ambition for a clerkship than men with the same level of perceived qualifications. At the level of the Court of Appeals women who indicated that they were somewhat qualified ($p < .05$) and qualified ($p = .08$) were less likely to express ambition for a clerkship. These results are suggestive of the fact that men receive a bigger boost to their ambition as their perceived levels of qualifications increase.²⁴ While women also express higher levels of ambition as their perceived qualifications increase, these increases are not of the same magnitude as men, thus leading to the increased size of the ambition gap.

²⁴For more information see Figure A1 in the appendix.

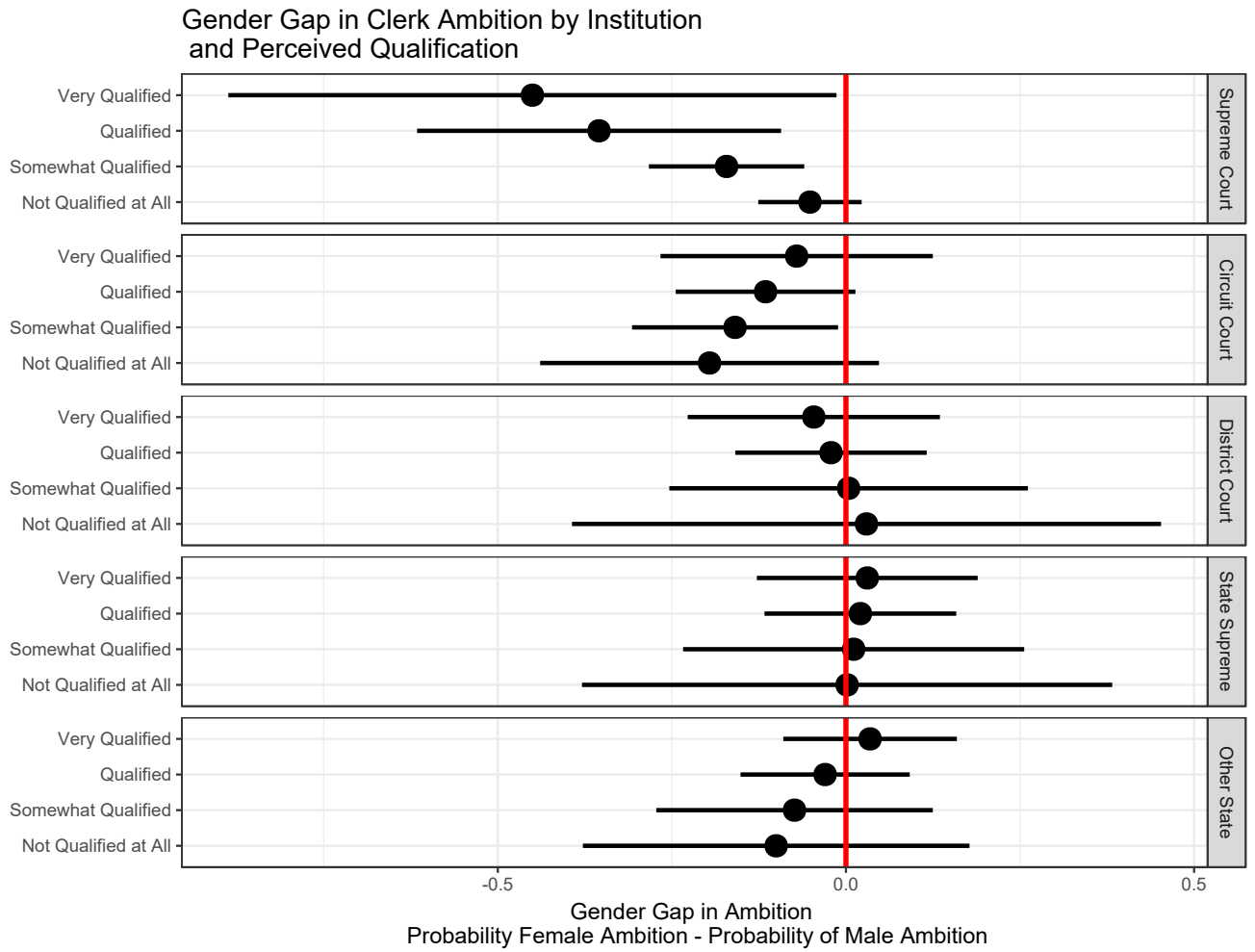


Figure 2: Gender Gap in Clerkship Ambition by Perceived Qualifications. Solid line at 0 indicates no differences in the marginal effect between men and women.

To determine whether women and men weigh encouragement differently, we re-estimate the logistic regression model presented in Table 1 with an interaction between female and levels of encouragement. Similar to the previous analysis, if women and men weigh encouragement differently – such that men require less encouragement to consider applying to a clerkship – we would expect encouragement to have a larger impact on men’s ambition, thus increasing the size of the ambition gap. The results to this logistic model are presented in Table 5 and Figure 3.

Table 5: Logit Regression: Ambition w. Encouragement Interactions

	(1)	(2)	(3)	(4)	(5)
	Supreme Court	Circuit Court	District Court	State Supreme	Other State
Female	-1.153 (1.670)	-1.478 (0.965)	-0.700 (0.777)	-0.0999 (0.817)	-1.569 (1.147)
Encouragement	3.960* (1.865)	1.934 (1.362)	1.306 (1.149)	-0.454 (1.230)	-1.725 (1.617)
Female × Encouragement	-1.078 (2.681)	1.331 (1.683)	1.121 (1.402)	0.455 (1.459)	3.085 (1.979)
Perceived Qualifications	1.387*** (0.349)	0.495* (0.211)	0.0342 (0.221)	0.0490 (0.226)	0.385 (0.352)
White	0.297 (0.718)	2.030*** (0.544)	0.412 (0.432)	-0.000637 (0.466)	0.664 (0.755)
Law School Year	-0.340 (0.565)	0.223 (0.366)	-0.135 (0.320)	-0.322 (0.329)	-0.245 (0.462)
Clerk Workshop	-0.705 (0.977)	1.240* (0.579)	0.413 (0.495)	-0.128 (0.495)	-2.456* (1.081)
Total Groups	0.201 (0.212)	0.347* (0.136)	0.279* (0.126)	0.179 (0.126)	-0.0241 (0.167)
Age	-0.149 (0.105)	-0.221** (0.0732)	-0.0706 (0.0501)	-0.0227 (0.0528)	0.0313 (0.0580)
Ideology (↑ conservative)	0.187 (0.162)	-0.000308 (0.120)	-0.262** (0.101)	-0.185 (0.112)	-0.179 (0.156)
Legal Interest	-0.201 (0.297)	0.404* (0.197)	0.345* (0.173)	0.174 (0.186)	-0.210 (0.271)
School Rank Tier Control?	Yes	Yes	Yes	Yes	Yes
Constant	-1.353 (2.969)	1.648 (2.078)	1.149 (1.665)	-0.505 (1.763)	-3.193 (2.217)
Observations	234	234	234	234	208

Standard errors in parentheses

As before, because we are estimating an interaction with a relatively small sample size, our results should be interpreted as suggestive and we encourage future research on this topic. However, these results do still provide important insights into some of the possible mechanisms underlying the ambition gap. Here we see evidence that suggests women and men do weigh levels of encouragement differently at the level of the Supreme Court and to an extent at the Court of Appeals. Figure 3 shows that at levels of encouragement between .36 and .91 women are significantly less likely to report ambition ($p < .05$) for a Supreme Court clerkship. This would suggest that at the highest levels of encouragement, women are less likely to express ambition for a Supreme Court clerkship. In total, 66.7% of observations fall into this range. Figure 3 also suggest that at levels of encouragement between .26 and .57 women are significantly less likely to expression ambition ($p < .05$) for a Court of Appeals clerkship than men. In total, 42% of observations fall into this range. For the other courts, we do not observe evidence of differences in the relationship between encouragement and ambition. While women and men report receiving equal levels of encouragement, results from this section suggest that in some instances encouragement has stronger implications for men's clerkship ambition than women's. However, given our caveats about sample size, future research is needed to fully verify this finding.

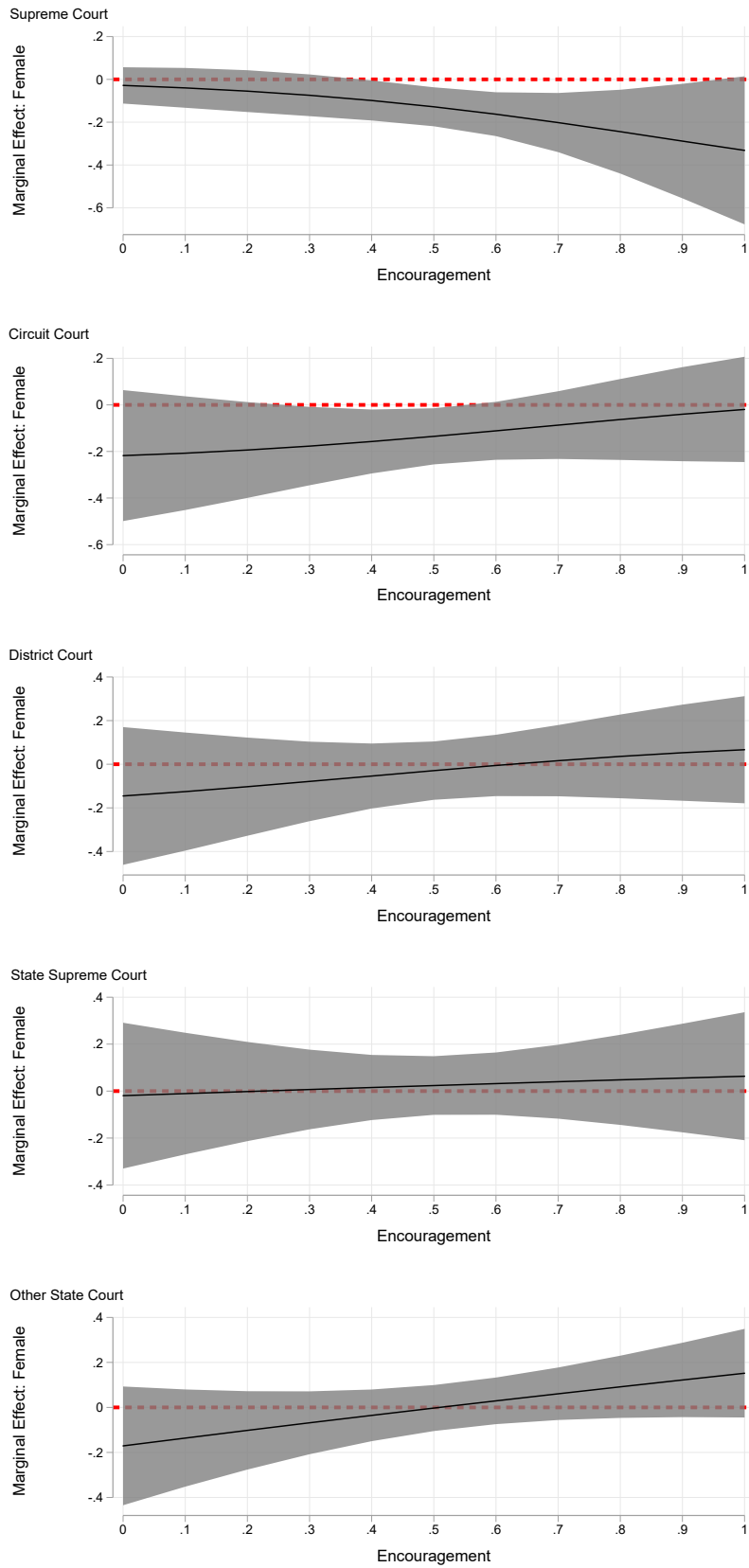


Figure 3: Gender Gap in Clerkship Ambition by Encouragement Received. Dashed line at 0 indicates no difference in marginal effect between men and women.

Our primary results uncovered that women were less likely than men to express ambition for clerkships on the Supreme Court and the Court of Appeals. Our secondary analysis has attempted to uncover why women express less ambition for these positions. The results presented in Tables 4 and 5 and Figures 2 and 3 provide two possible explanations. While women and men perceive themselves to be equally qualified for clerkships, our results suggest that women hold themselves to a higher standard and are less likely to express ambition even when they perceive themselves as holding the necessary qualifications for the most elite clerkships. Likewise, while men and women report receiving similar levels of encouragement to apply for these positions, more encouragement is required before women report having ambition.

Family Considerations

A final factor that may influence clerkship ambition is family considerations. While family structure and socialization does not always influence political ambition (see Fox and Lawless 2004), in some contexts these factors do serve to diminish women’s political ambition (Crowder-Meyer 2018; Fox and Oxley 2003; Fulton et al. 2006). While clerks do not campaign for office, the job is time intensive and demanding. Moreover, in the case of the Supreme Court and the Circuit Courts – the institutions for which we find the most consistent results – it is likely candidates would need to relocate to take-up the position. In the case of Supreme Court clerkships, successful applicants will also typically have held other clerkships with lower level courts. Together, this means that those aspiring to the highest caliber clerkships will likely need to relocate multiple times in a relatively short period of time. Given these realities, potential female clerks may weigh family considerations (or future family considerations) into their decision to apply for elite clerkships.

We examine this possibility in supplemental analyses included in the appendix. Unfortunately The Clerkship Ambition Study does not allow us to fully evaluate the role of family considerations on clerkship ambition because it does not ask respondents to report

how important their partner's career options, family planning, issues related to childcare, etc. are to them or the extent to which these factors influence their own career decisions. However, the survey does include a question asking how important it is to respondents that their job be close to family, and information on whether the respondent has a partner. We use these measures as a rough proxy for family considerations, but recognize this is imperfect for the reasons previously stated.

Results from this analysis are available in the supplemental materials. We find that men and women in the clerkship eligibility pool were no more likely to report proximity to family as being important to them. Moreover, when examining how these considerations influence ambition across the various levels of courts included in our analysis, we find no evidence that men and women weight these considerations differently. Thus to the extent these factors influence the likelihood that our respondents will go on to apply for clerkships, it appears to play a similar role for men and women, thus doing little to shape the ambition gap we observe.

Again, we urge readers to interpret these results with caution. The measures we drawn on in the supplemental analysis are imperfect and likely to not capture the range of family considerations that enter into the decision making process of potential clerks. It could well be the case that there is some other element of family considerations not captured by our measures that does influence the ambition gap. Moreover, while we do not find evidence of differences in family considerations among respondents in our sample, it could very well be the case that such differences emerge after respondents graduate from law school and begin their careers. Thus, while findings suggest that family considerations are not a factor in clerkship ambition among law students, that does not mean these considerations do not later influence the decision-making process of applicants.

Conclusions and Implications

Women's continued underrepresentation among the most elite law clerks may have important ramifications for jurisprudence and case law, the substantive representation in-

dividuals receive from the judiciary, and women’s descriptive representation in other elite legal positions. Despite the implications of women’s underrepresentation in elite clerkships, our understanding of why gender inequalities remain in these positions is underdeveloped. While some scholars have pointed to a potentially biased selection process and other structural features as reasons for the lack of women clerks, in this article we argued that understanding women’s—and men’s—ambition to hold these positions in the first place must also be considered. Drawing on the literature on the gender gap in political ambition, we argued that one reason for women’s underrepresentation in elite clerkships is that men are more likely to consider opting into the selection process than similarly situated women.

To address this question, we introduce data from the Clerkship Ambition Study, which was fielded to a sample of potential law clerks – conceptualized as those currently serving as staff on an elite law review. Results from this study provide evidence that an ambition gap does exist between men and women in the clerkship eligibility pool. However, these results are contingent on the type of clerkship being considered. While we find evidence of an ambition gap for clerkships in the U.S. Supreme Court and Circuit Courts of Appeal, we do not find evidence of a gap when considering ambition to hold a clerkship with the U.S. District Courts, state superior courts, or lower level state courts – all courts in which women tend to be better represented as clerks. This finding is cause for both optimism and pessimism. On the one hand, women are no less ambitious than comparable men as it relates to the majority of clerkships in the U.S.; however, that a persistent gender gap does exist at the most elite levels, suggests that something is signaling to women that these positions are not for them.

To further examine the roots of the ambition gap we observe for elite clerkship positions we examine two variables specifically – self-perceived qualifications and encouragement received – to determine how these factors shape the ambition gap. Diverging from the literature on candidates and political ambition, we find no evidence that women view themselves as any less qualified to hold a clerkship than similarly situated men. Moreover, women reported being encouraged to apply for a clerkship to a degree comparable to

men. Again this finding is cause for optimism. At the same time, to further untangle the role that these two factors play in shaping the gender gap in clerkship ambition, we test the degree to which men and women weigh these factors differently when deciding whether or not to apply for a clerkship. We find that while women view themselves as equally qualified compared to men, they must perceive themselves to be especially qualified before considering applying for a clerkship; men meanwhile are willing to consider an application at lower levels of self-perceived qualifications. Likewise, while women report being encouraged to apply for a clerkship at equal rates with men, they require more encouragement before considering an application. Both of these findings point to important gendered dynamics in the formation of clerkship ambition, and provide – at least partial – explanation for the gap we uncover in this research. In a supplemental analysis (available in the appendix), we also examined family considerations and find no evidence that these factors influence men and women differently.

The findings presented in this research offer important contributions to the literatures on political ambition, representation, and judicial politics. Our findings illustrate that gender gaps in ambition are not a phenomena isolated to the realm of electoral politics. Rather, understanding ambition in non-elected political positions offers important insights into when and how women emerge in other competitive, elite government positions. Though the findings presented here focused on clerkships, understanding ambition in other non-elected offices – such as judgeships, the bureaucracy, etc. – may provide fruitful avenues for future research. Moreover, future research should consider the intersections of race and gender in shaping clerkship ambition. Though we are limited in our ability to conduct this type of analysis due to our sample size, and the small number of women of color in the sample, we view a more intersectional approach as an important next step for research on clerkship ambition.

At the same time, there are some limitations to the current research and more work is needed to fully understand the ambition gap we identify. Importantly, we rely on a relatively small sample, drawn at a single point in time, using one definition of the clerk-

ship eligibility pool. As law schools continue to face matters of gender equity, they may implement policies or programs that facilitate greater ambition among female students. Additional research should also further examine the role that family considerations play in shaping clerkship ambition. Though we conducted some supplemental analysis on this point, the measures included in our survey were limited and did not allow for an examination of how considerations related to partner careers, family planning, and childcare shape clerkship ambition. These factors are very likely important to individual decision making and could result in important gendered differences. While we believe our analyses provide an important first step in understanding gendered ambition among law students, we understand that more research is required to further validate the key findings and their potential mechanisms identified presented here. We encourage others to develop alternative conceptualizations of the potential clerk pool, conduct multi-wave surveys, and reach larger samples of students in continued effort to understand the questions presented in this manuscript.

Beyond illustrating the applicability of an ambition gap framework outside of elected office, this research also has important implications for descriptive representation in the judiciary and legal profession more broadly. While scholars have noted the lack of gender diversity among law clerks—and the judiciary more generally (Williams 2008; Kaye and Gastwirth 2008), we are the first to examine the role of supply-side factors in shaping who emerges and who does not in these positions. The findings presented here indicate that (at least some of) the roots of gender disparities in women’s representation in the most elite positions are found in the very early stages of legal careers. In order to better understand the gender gap in clerkship ambition, we need a better understanding of what signals these positions (and the legal culture more generally) are sending to women. Though we examined two possible causes of the ambition gap here, more work is needed to fully ascertain why this gap exists and the potential ways that this gap might be closed. At the same time, documenting the existence of a clerkship ambition gap is an important first step and one that should be of interest practitioners, judges, law school professionals, and

others interested in practical solutions to increase women's representation as clerks.

References

- Anzia, Sarah F and Christopher R Berry. 2011. "The Jackie (and Jill) Robinson effect: why do congresswomen outperform congressmen?" *American Journal of Political Science* 55(3):478–493.
- Babcock, Linda and Sara Laschever. 2009. *Women don't ask: Negotiation and the gender divide*. Princeton University Press.
- Badas, Alex. 2020. "Elevation potential among circuit court nominees and its effect on the senate's confirmation behavior." *Political Research Quarterly* 73(1):96–110.
- Badas, Alex and Katelyn E. Stauffer. 2018. "Someone Like Me: Descriptive Representation and Support for Supreme Court Nominees." *Political Research Quarterly* 70(1):127–142.
- Badas, Alex and Katelyn E Stauffer. 2019. "Voting for women in nonpartisan and partisan elections." *Electoral Studies* 57:245–255.
- Benesh, Sara C, David A Armstrong and Zachary Wallander. 2020. "Advisors to Elites: Untangling Their Effect." *Journal of Law and Courts* 8(1):51–73.
- Beyer, Sylvia, Monica Riesselmann and Tiffany Warren. 2002. "Gender Differences in the Accuracy of Self-Evaluations on Chemistry, English, and Art Questions." .
- Black, Ryan C and Christina L Boyd. 2012. "The Role of Law Clerks in the US Supreme Court's Agenda-Setting Process." *American Politics Research* 40(1):147–173.
- Black, Ryan C and Ryan J Owens. 2020. "The Influence of Personalized Knowledge at the Supreme Court: How (Some) Former Law Clerks Have the Inside Track." *Political Research Quarterly* p. 1065912920948138.
- Bonica, Adam, Adam Chilton, Jacob Goldin, Kyle Rozema and Maya Sen. 2019. "Legal Rasputins? Law Clerk Influence on Voting at the US Supreme Court." *The Journal of Law, Economics, and Organization* 35(1):1–36.
- Campbell, David E and Christina Wolbrecht. 2006. "See Jane Run: Women Politicians as Role Models for Adolescents." *Journal of Politics* 68(2):233–247.
- Carroll, Susan J and Kira Sanbonmatsu. 2013. *More women can run: Gender and pathways to the state legislatures*. Oxford University Press.
- Clydesdale, Timothy T. 2004. "A forked river runs through law school: Toward understanding race, gender, age, and related gaps in law school performance and bar passage." *Law & Social Inquiry* 29(4):711–769.
- Coffman, Katherine B, Christine L Exley and Muriel Niederle. 2018. *When gender discrimination is not about gender*. Harvard Business School.
- Cooper, Katelyn M, Anna Krieg and Sara E Brownell. 2018. "Who perceives they are smarter? Exploring the influence of student characteristics on student academic self-concept in physiology." *Advances in physiology education* 42(2):200–208.

- Cotton, Natalie C. 2005. "The competence of students as editors of law reviews: a response to Judge Posner." *U. Pa. L. Rev.* 154:951.
- Crowder-Meyer, Melody. 2018. "Baker, Bus Driver, Babysitter, Candidate? Revealing the Gendered Development of Political Ambition Among Ordinary Americans." *Political Behavior* pp. 1–26.
- Crowder-Meyer, Melody Ara. 2013. *Gendered Recruitment without Trying: How Local Party Recruiters Affect Women's Representation*. Cambridge Univ Press.
- Fox, Richard L and Jennifer L Lawless. 2004. "Entering the Arena? Gender and the Decision to Run for Office." *American Journal of Political Science* 48(2):264–280.
- Fox, Richard L and Jennifer L Lawless. 2005. "To run or not to run for office: Explaining nascent political ambition." *American Journal of Political Science* 49(3):642–659.
- Fox, Richard L and Jennifer L Lawless. 2011. "Gendered perceptions and political candidacies: A central barrier to women's equality in electoral politics." *American Journal of Political Science* 55(1):59–73.
- Fox, Richard L and Jennifer L Lawless. 2014a. "Reconciling family roles with political ambition: The new normal for women in twenty-first century US politics." *The Journal of Politics* 76(2):398–414.
- Fox, Richard L and Jennifer L Lawless. 2014b. "Uncovering the origins of the gender gap in political ambition." *American Political Science Review* 108(3):499–519.
- Fox, Richard L and Zoe M Oxley. 2003. "Gender stereotyping in state executive elections: Candidate selection and success." *Journal of Politics* 65(3):833–850.
- Fulton, Sarah A. 2012. "Running backwards and in high heels: The gendered quality gap and incumbent electoral success." *Political Research Quarterly* 65(2):303–314.
- Fulton, Sarah A. 2014. "When gender matters: macro-dynamics and micro-mechanisms." *Political Behavior* 36(3):605–630.
- Fulton, Sarah A, Cherie D Maestas, L Sandy Maisel and Walter J Stone. 2006. "The sense of a woman: Gender, ambition, and the decision to run for congress." *Political Research Quarterly* 59(2):235–248.
- Gleason, Shane A. 2020. "Beyond Mere presence: Gender norms in oral arguments at the US supreme court." *Political Research Quarterly* 73(3):596–608.
- Gleason, Shane A, Jennifer J Jones and Jessica Rae McBean. 2019. "The role of gender norms in judicial decision-making at the US Supreme Court: the case of male and female justices." *American Politics Research* 47(3):494–529.
- Hofer, Scott and Jason Casellas. 2019. "Latino Judges on the Federal District Court: ¿Cómo Deciden?" *American Politics Research* p. 1532673X19867052.
- Jaschik, Scott. 2016. "Law School Gender Gaps." *Inside Higher Ed* .
URL: <https://www.insidehighered.com/quicktakes/2016/11/30/law-school-gender-gaps>

- Johnson, Timothy R, David R Stras and Ryan C Black. 2014. "Advice from the Bench (Memo): Clerk Influence on Supreme Court Oral Arguments." *Marq. L. Rev.* 98:21.
- Kanthak, Kristin and Jonathan Woon. 2015. "Women don't run? Election aversion and candidate entry." *American Journal of Political Science* 59(3):595–612.
- Kaye, David H and Joseph L Gastwirth. 2008. "Where Have All The Women Gone The Gender Gap in Supreme Court Clerkships." *Jurimetrics* 49:411.
- Kenney, Sally J. 2000. "Puppeteers or agents? What Lazarus's Closed Chambers adds to our understanding of law clerks at the US Supreme Court." *Law & Social Inquiry* 25(1):185–226.
- Kromphardt, Christopher. 2017. "Evaluating the effect of law clerk gender on voting at the United States Supreme Court." *Justice System Journal* 38(2):183–201.
- Kromphardt, Christopher D. 2015. "US Supreme Court law clerks as information sources." *Journal of Law and Courts* 3(2):277–304.
- Lawless, Jennifer L. and Richard L. Fox. 2010. *it Still Takes A Candidate*. Cambridge.
- Lay, J Celeste, Mirya R Holman, Angela L Bos, Jill S Greenlee, Zoe M Oxley and Allison Buffett. 2019. "TIME for Kids to Learn Gender Stereotypes: Analysis of Gender and Political Leadership in a Common Social Studies Resource for Children." *Politics & Gender* pp. 1–22.
- McClelland, Gary H and Charles M Judd. 1993. "Statistical difficulties of detecting interactions and moderator effects." *Psychological bulletin* 114(2):376.
- McGinley, Ann C. 2009. "Reproducing Gender on Law School Faculties." *BYU L. Rev.* p. 99.
- NALP. N.d. "Clerkship Study Alumni Clerk Findings." *National Association of Law Placement*. Forthcoming.
- Peppers, Todd C, Michael W Giles and Bridget Tainer-Parkins. 2008. "Inside Judicial Chambers: How Federal District Court Judges Select and Use Their Law Clerks." *Alb. L. Rev.* 71:623.
- Pfeifer, Christian and Gesine Stephan. 2018. "Why women do not ask: gender differences in fairness perceptions of own wages and subsequent wage growth." *Cambridge Journal of Economics* 43(2):295–310.
- Redding, Richard E. 2003. "'Where Did You Go to Law School?' Gatekeeping for the Professoriate and Its Implications for Legal Education." *Journal of Legal Education* 53(4):594–614.
- Riegle-Crumb, Catherine and Melissa Humphries. 2012. "Exploring Bias in Math Teachers' Perception of Students' Ability by Gender and Race/Ethnicity." *Gender & Society* (2):290–322.

- Rowe, Abigail. 2018. "The Parity Paradox." *Best Lawyers: Legal Insights* .
URL: <https://www.bestlawyers.com/article/women-now-outnumber-men-in-law-school/2029>
- Sanbonmatsu, Kira. 2002. "Gender Stereotypes and Vote Choice." *American Journal of Political Science* pp. 20–34.
- Scherer, Nancy and Brett Curry. 2010. "Does Descriptive Race Representation Enhance Institutional Legitimacy? The Case of the U.S. Courts." *The Journal of Politics* 72(1):90–104.
- Schneider, Monica C, Mirya R Holman, Amanda B Diekman and Thomas McAndrew. 2016. "Power, conflict, and community: How gendered views of political power influence women's political ambition." *Political Psychology* 37(4):515–531.
- Swanson, Rick A and Stephen L Wasby. 2008. "Good stewards: law clerk influence in state high courts." *Justice System Journal* 29(1):24–46.
- Szmer, John J, Erin B Kaheny and Robert K Christensen. 2014. "Taking a Dip in the Supreme Court Clerk Pool: Gender-Based Discrepancies in Clerk Selection." *Marq. L. Rev.* 98:261.
- Tsui, Lisa. 2010. "Overcoming barriers: Engineering program environments that support women." *Journal of Women and Minorities in Science and Engineering* 16(2).
- Ward, Artemus and David L. Weiden. 2006. *Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court*. New York University Press.
- Williams, Margaret S. 2008. "Ambition, gender, and the judiciary." *Political Research Quarterly* 61(1):68–78.
- Wolak, Jennifer and Michael McDevitt. 2011. "The Toots of the Gender Gap in Political Knowledge in Adolescence." *Political Behavior* 33(3):505–533.
- Woodward, Bob and Scott Armstrong. 1979. "The Brethren: Inside the Supreme Court."
- Zaretsky, Staci. 2018. "Which Biglaw Firm Is Now Offering \$105K Clerkship Bonuses?".
URL: <https://abovethelaw.com/2018/01/which-biglaw-firm-is-now-offering-105k-clerkship-bonuses/>