

# RANKING LAW REVIEWS: AN EMPIRICAL ANALYSIS BASED ON AUTHOR PROMINENCE

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Over the years, a number of attempts have been made to rank the law reviews of American law schools.<sup>1</sup> These efforts have relied on either citation counts<sup>2</sup> or usage surveys.<sup>3</sup>

Unfortunately, both citation counts and usage surveys suffer from a critical flaw: once one gets past the elite journals, the number of "hits" (i.e., the instances in which a periodical is either cited or used) drops off so markedly that it is impossible to obtain meaningful rankings. Moreover, citation counts can be badly skewed by a single article. As a result, studies that rely on either citation counts or usage surveys are useful only in determining the identity of

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1. As has been noted elsewhere, this subject often takes on the air of a Victorian parlor game: "One pastime of American law professors involves speculation about the identity of the country's] 'leading' law reviews.... Ranking academic law reviews is a thoroughly entertaining exercise. It combines the thrill of competition with each reader's deeply held prejudices for his own law school or law review." James Leonard, *Seein' the Cites: A Guided Tour of Citation Patterns in Recent American Law Review Articles*, 34 ST. LOUIS U. L.J. 181, 186-87 (1990). See also Arthur Austin, *The Top Ten Politically Correct Law Reviews*, 1994 UTAH L. REV. 1319; Ronald L. Brown, *Rave Reviews: The Top Ten Journals of the 1990s*, 12 LEGAL REF. SERV. Q. 121 (1992) (humorous rankings).

Nevertheless, law review rankings can and regularly do have very serious career consequences for law professors and would-be law professors. Decisions regarding faculty recruitment, retention, promotion, tenure, pay, and status often are made on the basis of where an individual's written work has appeared. For a further discussion, see Michael I. Swygert & Nathaniel E. Gozansky, *Senior Law Faculty Publication Study: Comparisons of Law School Productivity*, 35 J. LEGAL EDUC. 373 (1985); Ira M. Ellman, *A Comparison of Law Faculty Production in Leading Law Reviews*, 33 J. LEGAL EDUC. 681 (1983); Robert L. Bard, *Scholarship*, 31 J. LEGAL EDUC. 242 (1981).

2. See, e.g., Leonard, *supra* note 1; Richard A. Mann, *The Use of Legal Periodicals by Courts and Journals*, 26 JURIMETRICS J. 400 (1986); Louis J. Sirico, Jr. & Jeffrey B. Margulies, *The Citing of Law Reviews by the Supreme Court: An Empirical Study*, 34 UCLA L. REV. 131 (1986); Fred R. Shapiro, *The Most-Cited Law Review Articles*, 73 CAL. L. REV. 1540 (1985); Olavi Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227.

3. See, e.g., Max Stier et al., *Law Review Usage and Suggestions for Improvement: A Survey of Attorneys, Professors, and Judges*, 44 STAN. L. REV. 1467 (1992); Margaret A. Goldblatt, *Current Legal Periodicals: A Use Study*, 78 L. LIBR. J. 55 (1986); Nancy P. Johnson, *Legal Periodical Usage Survey: Method and Application*, 71 L. LIBR. J. 177 (1978); Cameron Allen, *Duplicate Holding Practices of Approved American Law School Libraries*, 62 L. LIBR. J. 191 (1969); Gerhard O.W. Mueller & Jerome H. Skolnick, *Bar Reactions to Legal Periodicals: The West Virginia Survey*, 11 J. LEGAL EDUC. 197 (1958).

the top journals.<sup>4</sup>

To overcome these problems, we decided to rank law reviews<sup>5</sup> based on the national prominence of the authors of their lead articles.<sup>6</sup> To do so, we first created a 1,000 point contributor scale. The scale, which is reproduced in Table I, divides authors into forty different categories according to their prestige.<sup>7</sup> We then applied our scale to the five most recent volumes of each law review.<sup>8</sup> This allowed us to calculate a "score" for each law review.<sup>9</sup> Our results, which are based on an examination of 7,102 authors, appear in Table II.

In closing, we admit our rankings are somewhat subjective. On the whole, however, we believe our system is as objective as any system can be.

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4. For a further discussion of the problems inherent in such measuring techniques, see Arthur Austin, *The Reliability of Citation Counts in Judgments on Promotion, Tenure, and Status*, 35 ARIZ. L. REV. 829 (1993).

5. In selecting which law reviews to include in our survey, we used the following criteria: 1) the law review had to be produced by students (as opposed to faculty) of a J.D. degree-granting law school that was accredited by the American Bar Association as of June 30, 1996; 2) the law review had to be at least five years old; 3) the law review had to appear at least semi-annually; 4) the law review had to have a general, as opposed to a specific, focus; 5) the law review could not be limited to special, survey, or symposium issues; 6) the law review could not print only student-authored pieces; and, 7) the law review had to be published in English. As a result of these restrictions, the following ABA-approved law schools are not represented in our survey: City University of New York; District of Columbia School of Law; Franklin Pierce Law Center; George Mason University; Golden Gate University; IIT Chicago-Kent College of Law; Inter American University of Puerto Rico; Judge Advocate General's School; Lewis and Clark College; Mercer University; Northeastern University; Pontifical Catholic University; Roger Williams University; Texas Wesleyan University; Thomas Jefferson School of Law; University of Louisville; University of Puerto Rico; University of Wyoming; Widener University.

6. In focusing on lead articles only, we deliberately ignored the following: colloquies, comments, dedications, essays, forewords, memorials, notes, replies, responses, speeches, surveys, symposia, and tributes. We chose this approach because we wanted to rank each law review on the basis of its "typical" contents.

7. In deciding how many points to assign to a particular category we asked ourselves the following three questions: 1) how well known would such a person be?; 2) how likely was it that such a person would write a law review article?; and, 3) how many persons fit within the category? Thus, the President of the United States rates 1,000 points because: 1) he is very well known; 2) he is very unlikely to write a law review article given the other demands on his time; and, 3) there is only one person in the category at any given time. As it turned out, of the more than 7,000 authors in our study, only one (a former United States Cabinet member) qualified for a category worth more than 725 points.

To a certain extent, of course, the exact number of points allotted to a specific category is irrelevant. Because our study compares law reviews to each other, it is not important whether the President is worth 1,000 or 100 points but whether we were consistent in our use of the categories. To ensure that we were, we classified each author twice. Our initial determinations were made during the first phase of our study, which lasted five months. We then went back and, where necessary, changed our initial determinations during a three-week review period. Based on this two-step approach, we are confident that our results are the product of uniform application.

8. Because some law reviews are better at adhering to their production schedules than others, the actual period studied was, depending on the law review, either 1990-94 or 1991-95.

9. Thus, for example, if a law review published five lead articles each year during the five years of our study, and each article was co-authored, the law review would have a total of fifty authors ( $5 \times 5 \times 2 = 50$ ). If half the authors were attorneys who fit our "general lawyer" category (worth 175 points), and half were jurists who fit our "state trial court judge" category (worth 350 points), the law review's final score would be  $262.50 ((175 \times 25) + (350 \times 25)) / 50$ .

## TABLE I

*Contributor Scale*

1. U.S. President	1,000.00
2. Leader – Major Foreign Nation	975.00
3. U.S. Supreme Court Justice	950.00
4. Major Celebrity	925.00
5. U.S. Vice President	900.00
6. U.S. Cabinet Secretary	875.00
7. U.S. Senator	850.00
8. Lawyer Celebrity	825.00
9. Leader – Minor Foreign Nation	800.00
10. Minor Celebrity	775.00
11. State Governor	750.00
12. U.S. Circuit Judge	725.00
13. U.S. District Judge	700.00
14. U.S. Representative	675.00
15. State Supreme Court Justice	650.00
16. Law Professor – First Tier School (per <i>U.S. News &amp; World Report</i> )	625.00
17. CEO – Fortune 500 Company	600.00
18. U.S. Government Official (ambassador, agency head, or equivalent)	575.00
19. Foreign Nation Supreme Court Justice	550.00
20. Partner – National Law Journal Top 250 Firm or General Counsel – Fortune 500 Company	525.00
21. U.S. Bankruptcy, Immigration, or Magistrate Judge (or equivalent)	500.00
22. Law Professor – Second Tier School	475.00
23. Foreign Nation Appellate Court Judge	450.00
24. State Appellate Court Judge or State Legislator	425.00
25. Law Professor – Third Tier School	400.00

26. Foreign Nation Trial Court Judge	375.00
27. State Trial Court Judge	350.00
28. Foreign Nation Government Official (agency head or equivalent)	325.00
29. State Government Official (agency head or equivalent)	300.00
30. Law Professor – Fourth Tier School	275.00
31. Local Government Official (mayor or equivalent)	250.00
32. Law Professor – Fifth Tier School, Unaccredited School, or Foreign Country School	225.00
33. Non-Law School University Professor	200.00
34. Lawyer (not in any other category)	175.00
35. Non-Lawyer Professional (accountant, doctor, engineer, scientist, or equivalent)	150.00
36. Community College Professor	125.00
37. Ph.D. Student	100.00
38. J.D. Student	75.00
39. Paralegal	50.00
40. All Others	25.00

## TABLE II

*Results*

1. Columbia Law Review	553.74
2. Harvard Law Review	546.57
3. New York University Law Review	530.68
4. Virginia Law Review	530.07
5. UCLA Law Review	527.92
6. Michigan Law Review	520.00
7. California Law Review	510.71
8. University of Chicago Law Review	492.86
9. Yale Law Journal	491.00
10. Georgetown Law Journal	480.15
11. Stanford Law Review	477.78
12. University of Pennsylvania Law Review	476.07
13. Duke Law Journal	468.29
14. Texas Law Review	462.27
15. University of Illinois Law Review	451.00
16. Cornell Law Review	449.00
17. George Washington Law Review	429.41
18. Northwestern University Law Review	428.57
19. Southern California Law Review	427.46
20. Vanderbilt Law Review	425.69
21. Emory Law Journal	420.14
22. Minnesota Law Review	415.00
23. William and Mary Law Review	398.00
24. Washington University Law Quarterly	387.21
25. Brigham Young University Law Review	387.16
26. Boston University Law Review	384.76
27. Boston College Law Review	381.52
28. Iowa Law Review	379.17
29. North Carolina Law Review	378.42
30. Wisconsin Law Review	377.43

31. Notre Dame Law Review	375.89
32. Utah Law Review	375.63
33. Georgia Law Review	366.88
34. Arizona Law Review	366.80
35. Indiana Law Journal	361.70
36. University of Miami Law Review	361.11
37. Hastings Law Journal	351.67
38. Washington Law Review	348.89
39. San Diego Law Review	347.58
40. Washington and Lee Law Review	346.15
41. Tennessee Law Review	341.67
42. Ohio State Law Journal	340.20
43. Florida Law Review	338.24
44. Houston Law Review	337.88
45. Tulane Law Review	337.30
46. Case Western Reserve Law Review	328.23
47. Buffalo Law Review	326.22
48. Fordham Law Review	321.43
49. Temple Law Review	312.25
50. Rutgers Law Review	311.54
51. University of Kansas Law Review	308.70
52. University of Cincinnati Law Review	307.81
53. Hofstra Law Review	306.60
54. Georgia State University Law Review	306.25
55. Maryland Law Review	304.07
56. Connecticut Law Review	302.40
57. Catholic University Law Review	298.72
58. Stetson Law Review	298.00
59. Brooklyn Law Review	297.73
60. Loyola Law Review	297.32

61. U.C. Davis Law Review	296.57
62. Villanova Law Review	295.37
63. Kentucky Law Journal	294.85
64. Indiana Law Review	294.12
65. University of Colorado Law Review	293.52
66. Wake Forest Law Review	291.67
67. SMU Law Review	290.24
68. Missouri Law Review	289.22
69. Cardozo Law Review	289.00
70. University of Pittsburgh Law Review	288.50
71. Wayne Law Review	288.41
72. Arizona State Law Journal	286.62
73. Rutgers Law Journal	284.82
74. Oregon Law Review	283.90
75. American University Law Review	282.89
76. South Carolina Law Review	281.25
77. Denver University Law Review	281.06
78. Duquesne Law Review	280.47
79. Montana Law Review	276.74
80. University of Toledo Law Review	273.84
81. Seattle University Law Review	272.73
82. Saint Louis University Law Journal	271.95
83. DePaul Law Review	270.93
84. Seton Hall Law Review	270.77
85. New York Law School Law Review	270.00
86. Loyola of Los Angeles Law Review	269.77
87. Syracuse Law Review	268.55
88. Regent University Law Review	265.91
89. Oklahoma Law Review	264.89
90. Arkansas Law Review	261.70

91. Nebraska Law Review	257.37
92. Southwestern University Law Review	257.14
93. Maine Law Review	255.21
94. West Virginia Law Review	254.66
95. Texas Tech Law Review	253.73
96. Creighton Law Review	252.78
97. Willamette Law Review	252.08
98. John Marshall Law Review	251.32
99. Alabama Law Review	251.19
100. Louisiana Law Review	251.12
101. Quinnipiac Law Review	250.00
102. University of Detroit Mercy Law Review	249.56
103. Pace Law Review	247.00
104. Oklahoma City University Law Review	244.23
105. Howard Law Journal	243.75
106. Hamline Law Review	241.43
107. St. John's Law Review	240.83
108. Pepperdine Law Review	240.63
109. Western New England Law Review	239.06
110. Touro Law Review	238.89
111. Albany Law Review	238.75
112. Tulsa Law Journal	237.50
113. Southern Illinois University Law Journal	236.93
114. Florida State University Law Review	236.50
115. University of Richmond Law Review	236.41
116. Marquette Law Review	236.36
117. Valparaiso University Law Review	236.00
118. University of Dayton Law Review	235.00
119. New Mexico Law Review	233.59
120. University of San Francisco Law Review	233.57

121. UMKC Law Review	231.98
122. St. Mary's Law Journal	231.73
123. Drake Law Review	230.97
124. University of Hawai'i Law Review	230.95
125. New England Law Review	230.50
126. Santa Clara Law Review	229.92
127. Whittier Law Review	229.69
128. University of Memphis Law Review	228.92
129. Thomas M. Cooley Law Review	228.13
130. Nova Law Review	226.09
131. Ohio Northern University Law Review	225.45
132. South Texas Law Review	225.00
132. University of Arkansas-L.R. Law Journal	225.00
134. Baylor Law Review	222.69
135. Thurgood Marshall Law Review	222.58
136. Capital University Law Review	222.50
137. William Mitchell Law Review	220.83
138. Dickinson Law Review	220.63
139. Cleveland State Law Review	219.64
140. Loyola University Chicago Law Journal	218.75
141. Akron Law Review	217.21
142. Northern Illinois University Law Review	217.19
143. Vermont Law Review	215.00
144. South Dakota Law Review	214.52
145. Pacific Law Journal	214.47
146. Southern University Law Review	214.00
147. Suffolk University Law Review	211.00
148. North Carolina Central Law Journal	210.00
149. University of Baltimore Law Review	208.33
150. St. Thomas Law Review	207.14

151. Mississippi Law Journal	203.68
152. Gonzaga Law Review	202.22
153. Washburn Law Journal	202.08
154. North Dakota Law Review	201.88
155. Idaho Law Review	200.69
156. Campbell Law Review	196.30
157. Cumberland Law Review	195.97
158. Detroit College of Law Review	194.79
159. Northern Kentucky Law Review	185.87
160. Mississippi College Law Review	178.13
161. California Western Law Review	175.00