

The General Role Played by Specialty Law Journals: Empirical Evidence from Bankruptcy Scholarship

by

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By any account, the growth of specialty¹ law journals has been explosive. As of 1998, George & Guthrie counted 330 specialized law journals published in law schools alone, 137 of which had started in just the previous eight years.² Despite this proliferation of specialized law reviews, very few scholars have asked what contribution these journals make to the legal literature. A few articles have ranked specialty journals, but there are no analyses of what role specialty journals play in legal scholarship.³ As George & Guthrie wrote, “The sudden, rapid, and widespread increase in the number of specialized law reviews has attracted relatively little scholarly attention even though it is the most significant development in legal academic publishing in the second half of the twentieth century.”⁴ Are specialized journals only providing outlets for poor scholarship that otherwise would not see the light of day, or do specialty journals contribute something unavailable from the general law reviews?

In this article, we use one particular field, bankruptcy, to provide some

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¹By “specialty,” we mean journals devoted to a particular subject as opposed to general journals accepting articles on a wide variety of subjects. For example, in our nomenclature, the *American Criminal Law Review* or *Journal of Corporation Law* would be “specialty journals” as opposed to the *Georgetown Law Journal* or *Iowa Law Review*, which are “general law journals.” We will use the terms “law review” and “law journal” interchangeably.

²Tracey E. George & Chris Guthrie, *An Empirical Evaluation of Specialized Law Reviews*, 26 FLA. ST. U. L. REV. 813, 818 (1999).

³In addition to George & Guthrie, *supra* note 2, which ranks all specialty journals using an author prominence index, Crespi has written two articles using surveys to rank specialty journals in particular fields. Gregory Scott Crespi, *Ranking the Environmental Law, Natural Resources, and Land Use Planning Journals: A Survey of Expert Opinion*, 23 WM. & MARY ENVTL. L. & POL'Y REV. 273 (1998); Gregory Scott Crespi, *Ranking International and Comparative Law Journals: A Survey of Expert Opinion*, 31 INT'L LAW. 869 (1997). As this article was in the editing process, an article was published by Al Brophy in which he ranked the secondary journals as part of an article reflecting on the relationship between law school rankings and law review rankings. See Alfred P. Brophy, *Law [Review]'s Empire: The Assessment of Law Reviews and Trends in Legal Scholarship*, 39 CONN. L. REV. 101, 110-17 (2006).

⁴George & Guthrie, *supra* note 2, at 814.

initial empirical evidence of the contributions specialized journals make relative to the general law reviews. Within the field of bankruptcy, we compare the citation patterns for bankruptcy articles placed in general law reviews versus bankruptcy articles placed in the four journals specializing in that field. Interestingly, while general law reviews garner more citations in the academic literature, specialty journals have more citations in court opinions. These effects remain even after controlling for reputational effects of the author and of the general law review of publication. Thus, our findings suggest that specialty journals play a different role than do the general law reviews, perhaps filling some of the lamented disjunction between the academy and the practicing legal community, including judges.⁵

For several reasons, bankruptcy is a particularly apt field in which to compare the general and specialized law journals. First, it is an area with a great amount of interaction between the academy, the bench, and the bar. Bankruptcy is a highly specialized field, and at the most elite levels of practice, participants operate at a national level and have repeat contacts with one another.⁶ If ideas from the academy penetrate the bench and bar, bankruptcy law seems a likely place to observe it. Second, the four specialized bankruptcy journals each present a distinct profile in terms of affiliation with a law school/practitioner group and for-profit/nonprofit status. Thus, we can compare different models for operating a specialized journal. Third, bankruptcy has a manageable number of key terms that allow for easy identification of articles about bankruptcy law.

Our study consciously emphasizes depth at the expense of breadth. We were able to gather a great number of articles in one subject matter, but with the great number of articles, we had to design the data analysis so it was

⁵See Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992).

⁶In bankruptcy, there are several coordinating institutions that not only bring together bench and bar but also bring together specialists from around the country. The National Conference of Bankruptcy Judges ("NCBJ") holds a well-attended annual meeting, with programs of interest to judges, lawyers, and academics. The NCBJ is the parent organization of *The American Bankruptcy Law Journal* and through the ABLJ offers fellowships with financial incentives for academics so as to encourage attendance at its annual meeting. See National Conference of Bankruptcy Judges, available at <http://www.ncbj.org> (last visited Feb. 5, 2007).

The American Bankruptcy Institute ("ABI") presents itself as a nonpartisan organization "dedicated to research and education on matters related to insolvency." Each year, the ABI holds many conferences around the country. See About the American Bankruptcy Institute, available at http://www.abiworld.org/AM/Template.cfm?Section=About_ABI (last visited on Feb. 5, 2007). Also, the National Bankruptcy Conference, although smaller than either the NCBJ or ABI, holds meetings to discuss bankruptcy policy and affect legislation. See National Bankruptcy Conference: Mission, available at <http://www.nationalbankruptcyconference.org/images/NBC%20Fall06%20Fact%20sheet%20Nov7b.pdf> (last visited Feb. 5, 2007).

To a lesser extent, the American Bar Association, acting through its constituent groups such as the Section on Business Law, holds conferences that are attended by both academics and practitioners.

feasible. The resulting database captured 1,177 different articles that had a total of 1,468 authors and generated 20,173 citations. Certainly, articles about bankruptcy law do not produce the same number of citations as articles on public law topics such as constitutional law,⁷ but considering citations just within a particular legal field, we cannot think of a reason why the citation patterns for specialty journals in bankruptcy should be different from specialty journals in most other fields. Bankruptcy law may seem arcane to nonspecialists, but it has a mix of articles with grand theory, with empirical work, with doctrine, and with critical perspectives just like most other fields. Still, caution must be used when interpreting our results and generalizing to other fields of study. This article is a beginning, not an end.

This article continues in Part I by discussing the hypothesized roles that specialty journals play in the academy. We also provide background on the four specialty bankruptcy journals. Part II of the article details our methodology and presents results. In Part II, we present our statistical results, including regression analyses that suggest different roles for specialty journals and general law reviews. We save for Part III our thoughts on what our results mean for legal scholarship generally and specialty journals specifically.

I. SPECIALIZED LAW JOURNALS IN BANKRUPTCY AND BEYOND

A. WHY SPECIALIZED JOURNALS?

Separately, Hibbits and Swygert & Bruce have already ably recounted the history of the law review,⁸ and George & Guthrie have done likewise for the rise of specialty journals.⁹ There is little point to repeating those narratives here. The basic story is well known within the legal academy. As law schools and law students proliferated, law schools added specialty journals at ever-increasing rates. More law students eventually became more lawyers, creating an ever-increasing demand for legal information and pushing outside groups, such as commercial publishers and professional associations, to add their own specialized journals.

As the numbers of lawyers and law students increased, the costs of pub-

⁷None of the 100 articles counted in Fred Shapiro, *The Most-Cited Law Review Articles Revisited*, 71 CHI-KENT L. REV. 751 (1996), were bankruptcy articles. Many of the articles on the top-100 list discuss constitutional law issues. Similarly, Deborah J. Merritt & Melanie Putnam, *Judges and Scholars: Do Courts and Scholarly Journals Cite the Same Law Review Articles*, 71 CHI-KENT L. REV. 871 (1996), tracks the top-10 law review articles for each year from 1989 - 1991 that were most cited by the courts. Only one of those 30 articles was a bankruptcy article.

⁸Bernard J. Hibbits, *Last Writes? Reassessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 617-28 (1996); Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HASTINGS L.J. 739 (1985).

⁹See George & Guthrie, *supra* note 2, at 814-24.

lishing decreased. Information technology allowed research to occur more rapidly and word-processing software made the writing and editing processes dramatically less time intensive. Guthrie & George observe a surge in specialized journals in the 1990s,¹⁰ the same moment in time when these technological breakthroughs made it easier for potential authors to churn out new work and for specialty journals to edit and publish these new articles. Just as mechanical breakthroughs in the production of paper and in the printing process contributed to the birth of the modern law review,¹¹ digital breakthroughs gave us more and more legal journals, many of which specialized in particular topics.

For their sponsors, specialty journals have obvious benefits. Law schools crave publication outlets for their faculty and educational opportunities for their students.¹² Commercial publishers reap financial profits, and professional organizations gain the reputation and stature that scholarly endeavors bring. In a market crowded with general law reviews, specialty journals make particular sense for professional organizations. One often-repeated criticism of the general law reviews is that their student editors are not sophisticated enough to appreciate high-quality articles in areas beyond first-year subjects and other popular law school courses.¹³ Under this view, the specialty journals provide new outlets for articles that otherwise would not see the light of day or would have to be written in ways that would lose the nuance and insight a specialist would want.

Alternatively, one might contend that the proliferation of specialty journals has had a negative effect on the quality of legal academic literature. By creating a demand for articles that otherwise would not be written (or at least never published), the ever-increasing number of specialty journals just increases the number of marginal articles that must be consulted before finding useful information. Moreover, specialty journals may offer an opportunity which distracts authors from more productive endeavors in the classroom or the courtroom.

With our data, the legal profession can begin to consider whether specialty journals do or do not make positive contributions to legal scholarship. To be sure, our data will not provide final answers. But the first step to assessing the effect of specialty journals is to ask whether they have any effect at all, whether they make contributions that the general law reviews do not. We provide the first evidence that specialty journals make contributions distinct from that of the general law reviews. These data do not tell us

¹⁰See *id.* at 818.

¹¹See Hibbitts, *supra* note 8, at 620-21.

¹²See George & Guthrie, *supra* note 2, at 818-21.

¹³James Lindgren, *An Author's Manifesto*, 61 U. CHI. L. REV. 527, 531-32 (1994); Richard A. Posner, *The Future of the Student-Edited Law Review*, 47 STAN. L. REV. 1131, 1132-33 (1995)

whether these contributions are positive or negative or, if positive, whether the benefits outweigh the costs. Rather, our goal is to provide the first real pieces of empirical evidence about the unexplored phenomenon of specialty journals. Before we present this evidence, we next describe the four specialty bankruptcy journals that are the subject of this study.

B. SPECIALTY BANKRUPTCY JOURNALS

We examined the four law journals specializing in bankruptcy law: *The American Bankruptcy Law Journal*,¹⁴ the *American Bankruptcy Institute Law Review*, the *Bankruptcy Developments Journal*, and the *Journal of Bankruptcy Law & Practice*. Each of these publications offers a distinct model of how a specialty journal might operate and together capture the range of modes in which most specialty journals conduct their business. Although there are other publications with an emphasis on bankruptcy, these other publications are more in the nature of current awareness newsletters rather than academic-style legal journals.

The American Bankruptcy Law Journal or “*ABLJ*” is published by the National Conference of Bankruptcy Judges (“NCBJ”).¹⁵ The masthead of each issue states that the NCBJ is a “voluntary, nongovernmental association of active bankruptcy judges” formed “for the primary purpose of promoting improvements in the practice of law and the administration of justice in the bankruptcy courts of the United States.” The NCBJ publishes the journal in pursuit of its educational mission. The oldest of the four specialized bankruptcy journals, the *ABLJ* traces its roots to the *Journal of the National Association of Referees in Bankruptcy*, first published in 1926.¹⁶ This so-called “*Referees’ Journal*” published short articles, news items of interest to the bankruptcy community, and digests of important cases. In 1971, the NCBJ changed format to resemble other law reviews, began offering a few articles containing in-depth treatment of particular topics, and took on its present name.¹⁷ Today, the *ABLJ* publishes four issues a year, with active bank-

¹⁴This article was written without any expectation it would appear in any particular law review and was finished in substantially the form it appears here, except for editorial suggestions for style and grammar, before submitting it to this journal. The *American Bankruptcy Law Journal* had no input in the structure of this study, the journals to be studied, or any other matters relevant to the data that serve as the source of the information for this article.

¹⁵As this article was being written, one of the two authors (Lawless) was finishing an uncompensated three-year term as a member of the Editorial Advisory Board for the *American Bankruptcy Law Journal*.

¹⁶Volume one of the *Journal of the National Association of Referees in Bankruptcy* contains the proceedings of the organization’s first conference and begins with some reasons for both the organization’s and the journal’s creation. These materials are unpaginated.

¹⁷Judge Conrad K. Cyr, a bankruptcy referee from Maine who later served on the United States Court of Appeals for the First Circuit, served as the editor of the *Referees’ Journal* when it changed to the *ABLJ*. With the change, he wrote the publication “merely alters form, in recognition of the needs and support of Bench and Bar. . . . [I]ts dominant objectives will continue to be the education and inspiration of the

ruptcy judges serving as the journal's editors.¹⁸

Like the *ABLJ*, a private organization is responsible for publication of the *American Bankruptcy Institute Law Review* or "*ABILR*." The American Bankruptcy Institute ("ABI") has affiliated with St. John's University School of Law to publish the *ABILR*.¹⁹ Both institutions are co-sponsors of the law review, and they jointly select an advisory board of judges, lawyers, and academics to advise student editors on which articles to select.²⁰ Students edit submissions as well as write student notes, bibliographies, and similar material.²¹ Thomson-West, a major legal publishing house, handles the printing and mailing but has no editorial control over the journal.²²

The ABI is itself a nonpartisan organization that offers educational programs and conducts research on matters related to insolvency. Founded in

Bankruptcy Bench and Bar toward a deeper appreciate of the importance of the Federal Judiciary of their endeavors to enhance the quality of justice available in their courts." See Conrad K. Cyr, *Dedication*, 45 AM. BANKR. L.J. vi (1971).

In their commemorative messages for the newly overhauled journal, several persons referred to the needs of the just-created National Bankruptcy Commission as a reason for the change. See Letter of Emanuel Cellar, 45 AM. BANKR. L.J. no. 1, at xi (1971) (letter from chair of the House Judiciary Committee); Letter of Royal E. Jackson, 45 AM. BANKR. L.J. no. 1, at xii (1971) (letter from the chief for the Division of Bankruptcy of the Administrative Office of U.S. Courts); Letter of Rowland F. Kirks, 45 AM. BANKR. L.J. no. 1, at xiii (1971) (letter from the director of the Administrative Office of U.S. Courts).

¹⁸One can glean some sense of the *ABLJ*'s operations from the dedication to its most recent outgoing editor-in-chief, Judge Margaret Mahoney. See *Dedication*, 77 AM. BANKR. L.J. no. 1, at ix, x (2003). As this dedication notes, the *ABLJ* adopted a formal peer-review policy in 2001, an uncommon system in the world of legal publishing. Because our data include articles only through the year 2000, we have not included any articles affected by this peer-review policy.

¹⁹The web site of the ABI explains:

The American Bankruptcy Institute Law Review, published twice a year by Thomson West, is among the most respected scholarly publications in the bankruptcy community. Distributed to all ABI members as a benefit of membership, the ABI Law Review has the largest circulation of any bankruptcy law review. Now in its 12th year, the Law Review is edited by top students at St. John's University School of Law under the direction of Prof. G. Ray Warner, a former member of the ABI Executive Committee and the director of the LL.M. program at St. John's. Most issues of the Law Review deal comprehensively with a single theme. Past issues have focused on international insolvency, high-tech and e-commerce bankruptcies, the revised Article 9 of the Uniform Commercial Code, to name just a few.

See ABI Law Review Description, available at http://www.abiworld.org/Content/NavigationMenu/Publications/ABILawReview/ABI_Law_Review1.htm (last visited on Feb. 5, 2007).

²⁰E-mail from Professor G. Ray Warner, Professor of Law & Director, LL.M. in Bankruptcy, St. John's University to Professor Robert M. Lawless, University of Nevada, Las Vegas (Dec. 30, 2003, on file with the authors) [hereinafter Warner E-mail]. As this article was being drafted and goes to press, one of the authors (Lawless) was serving an uncompensated term as a member of the editorial advisory board for the *American Bankruptcy Institute Law Review*.

²¹See Robert M. Zinman, *Introduction*, 1 AM. BANKR. INST. L. REV. 1, 2 (1993); see also Warner E-mail, *supra* note 20.

²²See Warner E-mail, *supra* note 20.

1982, the ABI now has more than 11,000 members from various bankruptcy-related disciplines.²³ In 1993, the ABI started the *ABILR*, and because of the ABI's multidisciplinary membership, the journal publishes articles it believes will appeal to judges, attorneys, accountants, appraisers, and others involved with the bankruptcy process.²⁴ Initially the ABI intended to publish issues dedicated to a particular theme. That practice has been relaxed in recent years, and single-themed issues have been appearing less frequently.²⁵ The *ABILR* is published twice a year.

The *Emory Bankruptcy Developments Journal* or “*EBDJ*” is one of two specialized law journals published out of the Emory University School of Law.²⁶ Thus, the *EBDJ* operates purely as a law school's secondary law journal. However, no private organization co-sponsors the *EBDJ*. The *EBDJ* follows the classic law journal format, using a board of student editors to select, edit, and publish lead articles from academics and practicing attorneys. In addition to their editing responsibilities, the editorial staff also writes and publishes student commentaries. The *EBDJ* began operations in 1984 and is published twice a year.²⁷ In its inaugural issue, the *EBDJ* noted a specific desire to publish articles written for the bankruptcy practitioner and provide “useful information to the bankruptcy bench and bar.”²⁸

The *Journal of Bankruptcy Law & Practice*, or *JBL&P*, is a purely commercial venture. The publishing house of Warren, Gorham & Lamont began the journal in 1991. Because of various corporate mergers, Thomson-West now publishes the *JBL&P* under the RIA brand.²⁹ Professor Peter Alces has served as the journal's editor-in-chief since its founding until 2005. In his note to the inaugural issue, Alces stated that the journal recognized “the challenge of balancing theory and practice.”³⁰ Alces also noted the commitment to publishing six times each year and stressed timeliness as another quality the

²³See About the American Bankruptcy Institute, available at http://www.abiworld.org/AM/Template.cfm?Section=About_ABI (last visited on Feb. 5, 2007).

²⁴See Zinman, *supra* note 21, at 1.

²⁵See Warner E-mail, *supra* note 20.

²⁶In addition to the *Emory Law Journal* and the *EBDJ*, the Emory School of Law publishes the *Emory International Law Review*. See Emory Law School: Publications, available at <http://www.law.emory.edu/cms/site/index.php?id=328> (last visited on Feb. 5, 2007). During the time covered in our study, the *EBDJ* published under the name *Bankruptcy Developments Journal*, without including the name of its sponsoring school.

²⁷See Foreword, 1 *BANKR. DEV. J.* no. 1, at vi (1984).

²⁸See *id.*

²⁹See West Group - Journal of Bankruptcy Law and Practice, available at <http://west.thomson.com/product/14938157/product.asp> (last visited on Feb. 5, 2007) (offering subscriptions to the *JBL&P*). When Richard Lieb and William L. Norton, Jr., became editors of the journal in 2005, West renamed the journal to the *Norton Journal of Bankruptcy Law and Practice*. This renaming postdates the time period of our study.

³⁰Peter A. Alces, *Editor's Notes*, 1 *J. BANKR. L. & PRAC.* 3, 3 (1991).

JBL&P could offer.³¹

Each of the four specialized bankruptcy journals presents a distinct model for operating a specialized journal. The *ABLJ* comes from a nonprofit organization outside the legal academy; the *EBDJ* is the second law journal at a law school; the *ABILR* represents a hybrid approach with a professional organization teaming with a law school, and the *JBL&P* is a purely commercial venture. A nonprofit organization's imprimatur, such as those given to the *ABLJ* or *ABILR*, gives a journal legitimacy within the community of bankruptcy practitioners and conveys a sense of viewpoint neutrality. In contrast, a law school offers cheap student labor for the *EBDJ* and might offer prestige in the academic community, but a journal housed in a law school might suffer from the perception of being out of touch with practicing judges and lawyers. A commercial venture like the *JBL&P* may offer greater financial resources and even greater access to expert guidance in the technical processes of publication. Still, the taint of the profit motive might suggest to some a reduced commitment to viewpoint neutrality. Also, commercially produced law journals cannot offer potential authors the professional prestige of a nonprofit organization or law school and thus may not attract the best articles.

Thus, each model of operation has its own distinct advantages and disadvantages. Whether any specialty journal makes a marked contribution as compared to other specialty journals or as compared to law reviews generally is an empirical question. In the next section, we present evidence about the results of a citation study, comparing citations to articles in the general law reviews and citations to articles in these four specialty journals.

II. EMPIRICAL ANALYSIS

A. METHODOLOGY

To shed some light on the strength and weaknesses of specialty journals as compared to general law journals, we conducted an empirical survey of the citation patterns for bankruptcy articles published from 1980 through 2000. We excluded any student commentary or notes as well as anonymously authored survey articles on recent developments. The current Bankruptcy Code went into effect on October 1, 1979 and created the federal bankruptcy courts in their current structure, making 1980 a useful line of demarcation to start our study. We stopped in 2000 because it gave us at least three years of citation history for each article and to avoid the complicating factor of articles from the *ABLJ*'s new peer review policy.³²

We first included in our study all nonstudent articles that appeared in any of the four specialized bankruptcy journals. For the general law reviews,

³¹See *id.* at 4.

³²See *supra* note 18.

the article had to appear in the law review of a law school that appeared in the top fifty of the *U.S. News & World Report* law school rankings at any time since the rankings' inception in 1990. Sixty-three general law journals met our criteria and had published articles about bankruptcy law. A list of these journals appears in Appendix A.

After experimentation, we determined that the Westlaw database would provide more extensive coverage of both the journals and citation sources than would the Lexis-Nexis database. Also, the *JBL&P* is available electronically only through Westlaw. For these reasons, we decided to use the Westlaw database both to identify articles about bankruptcy law and to count citations.

From the list of sixty-three general law journals, we found articles on bankruptcy using the Westlaw database by employing search terms which would be relatively unique to bankruptcy law (e.g., bankrupt!, "chapter 7," "chapter 11," "chapter 13," insolven!). We also refined our search techniques by running individual searches on the most prolific and often-cited authors on bankruptcy subjects. These techniques suggested new search terms that we then used to identify other articles. We then examined each article individually to ensure it was about bankruptcy. Where the Westlaw database did not include articles from as far back as 1980, we manually searched the tables of contents for the issues missing from the online database. Using these techniques, we identified 403 bankruptcy articles that appeared in the general law reviews from 1980-2000, and we believe this represents nearly every article published about bankruptcy law in the general law reviews for the time period in which we were interested. During this same period, 774 articles appeared in the four specialized bankruptcy law journals. Table One provides a breakdown by journal.

TABLE 1: BANKRUPTCY ARTICLES PUBLISHED

	<i>Number of Articles, 1980-2000</i>
General law reviews	403
<i>Am. Bankr. L.J.</i>	313
<i>ABI L. Rev.</i> (from 1993)	142
<i>Bankr. Dev. J.</i> (from 1984)	121
<i>J. Bankr. L. & Prac.</i> (from 1991)	198

To capture reputational effects, we also constructed an index based on the peer assessment score from the annual law school rankings in *U.S. News & World Report*. Although academics criticize the *U.S. News & World Report* rankings as being a poor signal about the overall quality of a law school generally, the peer assessment scores capture one characteristic of law schools

specifically—the reputation of a law school among other academics.³³ The peer assessment scores are scaled from 1 to 5, with 5 being the highest. The magazine reports the ratings as an average of all scores submitted, computed to the nearest tenth (i.e., 1.0 to 5.0), meaning there are forty-one possible separate ranking points. The index captures the average relative ranking for each school for the years 1992-2000.³⁴ Our index represents a mathematical transformation of the *U.S. News & World Report* rankings, not the raw rankings themselves, and thus it was possible for any individual index ranking to fall anywhere between zero and one. For ease of reference, we inverted our index so that higher scores implied higher reputations.³⁵

Finally, we used two Westlaw databases as sources for citation data for each article in our study. The “Journals & Law Reviews” or JLR database provided citations from “law reviews, continuing legal education course handbooks, and bar journals.” Additionally, the “All Federal & State Cases” or “AllCases” database provided citation data, unsurprisingly, for all federal and state court cases. So that there would be a uniform cutoff date regardless of when we performed the citation search, we used citations that appeared in the Westlaw system only on or before December 31, 2003. Because we only used articles with a 2000 publication date or before, all articles in our study therefore had at least three years of citation data available. As we collected citation data, we also collected basic information about the authors.

The standard disclaimers about citation counting must be made. In our study, every citation counts the same. The citation from Ivy League Professor saying the article miscomprehends fundamental principles counts the same

³³In earlier releases of its annual rankings, *U.S. News & World Report* even referred to the peer assessment score as “Reputation Rank by Academics” or similar words. See, e.g., *Law*, U.S. NEWS & WORLD REP., Mar. 22, 1993, at 62; *Schools of Law*, U.S. NEWS & WORLD REP., Mar. 2, 1998, at 78.

³⁴The *U.S. News & World Report Rankings* began in 1991, but it was not until the following year that the magazine reported the peer assessment beyond the top twenty-five law schools. We ended the index in 2000 to coincide with the end of the period for which we collected articles. Extending the index to the year 2004 does not produce meaningfully different results. Indeed, the two data series (1992-2000 vs. 1992-2004) are virtually identical ($r = 0.99$). These results are consistent with Richard Schmalbeck, *The Durability of Law School Reputation*, 48 J. LEGAL EDUC. 568 (1998), which found almost no variation in the *U.S. News & World Report* peer assessment rankings from year to year.

³⁵The index scores range from 0.006 to 0.994, with a mean of 0.505 and a standard deviation of 0.289. Mathematically, for each year a school appeared in the *U.S. News & World Report Rankings*, the index was computed as:

$$\left(\sum_{y=1}^n 1-x_{i,y} / (\max\{x_{1,y}, x_{2,y}, \dots, x_{j,y}\} + 1) \right) / n$$

where x is the relative ranking of the school compared to all other schools in the rankings; i is the school being ranked; j is the number of schools in the rankings for that year, y is the year under consideration; and n is the number of years the school appears in the rankings. Because we inverted the index so that higher rankings implied better reputations, it was necessary to add one to the number of schools ranked so that no school received a score of zero.

as praise from Lowly Law Student, and a passing reference in a string citation counts the same as an extended discussion and analysis. A qualitative assessment of each of the 20,173 citations in our study was beyond our resources, time, and patience. Moreover, a qualitative analysis creates its own set of problems. Many citations are neither wholly positive nor wholly negative, and a qualitative analysis would introduce the problem of researcher bias.

Citation studies are not perfect, but they provide reliable information about the perceived relative worth of different pieces of scholarship. Significantly, because of our research goals, this article avoids two objections sometimes raised against citation studies. First, because we are studying only a single specialty, we avoid the problem that some fields are more popular and produce more citations simply because more articles are written within those fields.³⁶ Second, we are looking at overall patterns in citations between different journals, and therefore objections that citation counts do not capture the relative merit of individual articles do not apply.³⁷ To the extent that citation counting may overestimate or underestimate the quality of any particular article, these effects should cancel each other over the hundreds of articles in our study.

B. RESULTS

The most striking result was the overwhelming preponderance of citations found in the JLR database. The 1,177 articles in our study produced 18,142 citations in the JLR database but only 2,031 citations in the AllCases database. Although many others have commented on the decline in court citations of academic work, this difference is dramatic. There were close to nine times as many citations in the law reviews as in the reported case law. We turn next to an analysis of which authors and journals were the most cited in each database.

1. *Author Type & Co-authorship*

Academics dominate placement in the general law reviews as shown in Table 2. We coded author type based on whether the lead author was a legal academic, practitioner, judge, or other (which included academics from other disciplines), and we excluded all student-authored work from our data sample. Of the 463 authors in general law reviews and counting co-authors individually, 78.4% were academics. In the four specialty journals, however, academics comprise only 31.6% of the authors. The difference is statistically meaningful (chi-square = 282.3, $p < 0.000$).

³⁶See Russell Korobkin, *Ranking Journals: Some Thoughts on Theory and Methodology*, 26 FLA. ST. U. L. REV. 851, 864-70 (1996) (cataloguing the objections to citation studies but noting that a single-subject study avoids the popularity bias).

³⁷See Arthur Austin, *The Reliability of Citation Counts in Judgments on Promotion, Tenure, and Status*, 35 ARIZ. L. REV. 829 (1993); Joseph Goldstein, *Commentary*, 100 YALE L.J. 1485 (1991).

TABLE 2: AUTHOR TYPE BY JOURNAL, 1980-2000

	<i>ABLJ</i>	<i>ABILR</i>	<i>EBDJ</i>	<i>JBL&P</i>	<i>All Specialty Journals</i>	<i>General Law Reviews</i>
Academic	37.9%	28.0%	37.9%	22.3%	31.6%	78.4%
Judge	5.7%	13.2%	5.2%	2.4%	6.1%	3.7%
Practitioners	52.5%	51.1%	54.9%	73.2%	58.5%	16.4%
Others	3.9%	7.7%	2.0%	2.1%	3.8%	1.5%

When looking at author type in just the four specialty journals, academics appear more often in the judges' journal (*ABLJ*) and the secondary law school journal (*EBDJ*). Interestingly, judges appear twice as often in the *ABILR* than in their own journal. The commercial venture (*JBL&P*) is dominated by practitioners. Thus, not only does author type vary between the specialty journals as a group and the general law reviews, but it also varies among the several specialty journals. The journals appear to attract different types of authors, with academics gravitating toward general law reviews, practitioners gravitating toward the commercial venture, and with the other three specialty journals taking more of a middle ground.

Although not reported in Table 2, we also looked at author collaboration. Single authorship certainly remains the norm overall, with only 20.7% of all of the articles having more than one author. There was, however, a meaningful difference in co-authorship rates between the specialty journals and the general law reviews. In the specialty journals, 24.7% of the articles were co-authored as compared to only 13.2% in the general law reviews (chi-square = 21.42, $p < 0.000$). The rate of co-authorship in the general law reviews agreed with that reported by at least one other study,³⁸ suggesting that bankruptcy scholarship may not be dramatically different than that of other fields and buttressing the generalizability of our findings.

2. Citations in *JLR*

Who wrote each article tells only a part of the story. We were primarily interested in whether there were differences in citations to these journals. In this part, we first turn to the area where academics and general law reviews might be expected to have the biggest advantage: citations in other legal scholarship. Table 3 presents a matrix for citations in the *JLR* database by journal and type of author, and it generally confirms those expectations.

To control for the phenomenon that older articles will tend to have more cites simply because they have had an opportunity to garner more citations,

³⁸See Tracey E. George & Chris Guthrie, *Joining Forces: The Role of Collaboration in the Development of Legal Thought*, 52 J. LEGAL EDUC. 559, 562 (2002) (reporting an annual average rate of 15% for co-authorship in the elite and non-elite law journals).

we report the number of citations per year. Averages are reported first with medians reported in parentheses below. Each article is counted only once. In the event of multiple authors, we used only the author type of the lead author to profile the article. There were five articles for which no biographical data were available.

Before turning to the differences among the journals, the overall rate of citation bears comment. Unlike other citation studies which tend to look only at the most-cited articles, our study captures a broad swath of the output of legal scholarship. The average article in our study garners only 1.52 citations per year in JLR, with 55.6% of the articles having less than one citation per year. About one in seven or 14.2% of the articles in our study have never been cited in JLR. Of course, there are extremes at the other end, with the most cited article gathering 12.48 citations per year and 262 citations overall. Our study describes both the winners and losers in the contest for citations and thereby differs from nearly every other published citation study.

TABLE 3: CITATIONS PER YEAR IN JLR DATABASE BY JOURNAL AND TYPE OF AUTHOR (1980-2000)

	<i>ABLJ</i>	<i>ABILR</i>	<i>EBDJ</i>	<i>JBL&P</i>	<i>All Spec. Journals</i>	<i>General Law Reviews</i>	<i>Overall</i>
Academics	1.91 (1.35) N=132	1.97 (1.27) N=48	1.18 (0.76) N=54	0.34 (0.25) N=62	1.46 (0.94) N=296	2.92 (1.95) N=327	2.23 (1.36) N=623
Judges	1.10 (0.65) N=21	1.09 (0.67) N=23	0.65 (0.49) N=8	0.19 (0.00) N=7	0.93 (0.50) N=59	1.13 (0.70) N=16	0.97 (0.63) N=76
Practitioners	1.06 (0.59) N=152	0.93 (0.33) N=61	0.64 (0.50) N=55	0.18 (0.00) N=127	0.70 (0.33) N=395	0.76 (0.38) N=55	0.70 (0.33) N=450
Others	0.67 (0.37) N=6	0.22 (0.23) N=8	0.57 (0.50) N=3	0.13 (0.13) N=2	0.40 (0.25) N=19	0.82 (0.82) N=4	0.47 (0.29) N=23
Totals	1.41 (0.94) N=313	1.26 (0.53) N=142	0.88 (0.60) N=121	0.23 (0.00) N=198	1.00 (0.50) N=769	2.53 (1.50) N=403	1.52 (0.75)

Looking at the differences, Table 3 displays striking variation not only between the general law reviews and the specialty journals as a group but also among the four specialty journals. The last row of Table 3 looks at citation rates in the aggregate for each journal. For the specialty journals only, the judges' journal (*ABLJ*) performs the best, with the professional association's journal next (*ABILR*), followed by the law school's secondary journal

(*EBDJ*). The commercial venture (*JBPL&P*) substantially lags all of the other publications. As a group, however, the specialty journals lag far behind the general law reviews. The mean number of citations for articles published in the general law reviews was two-and-a-half times that of articles published in the specialty journals.

Between the types of authors, academics have more citations in JLR than do other types of authors, and articles published in general law reviews have more citations than articles published in specialty journals. Judges have more citations than practitioners. Interestingly, judges and practitioners are cited almost as often if they publish in the specialty journals as if they publish in the general law reviews. Although all types of authors experienced fewer citations for articles published in the specialty journals, the drop-off was most dramatic for academics.

These results might be unremarkable to some, because academics, after all, should be advantaged in the citation counts from the law reviews. Also, the higher regard most academics have for general law reviews would push them to cite articles published there and to prefer publication of their best articles in the general law reviews. The next section turns to the question of whether these patterns hold for citations in the case law.

3. Citations in AllCases

Table 4 presents a matrix by journal and type of author for citations in the AllCases database. The data gathering methods and reporting conventions are the same as the JLR citations in Table 3, but the resulting patterns are substantially different.

As reported earlier,³⁹ the overall citation rates from the JLR database are much higher than from AllCases. Where the average article garners 1.52 citations per year in JLR, the average article in AllCases receives only 0.15 citations per year. Where only 14.2% of all articles have never been cited in JLR (a high number on its own), 56.9% of all articles had never been cited in AllCases.⁴⁰ Thus, our findings are consistent with Merritt & Putnam who found that the most-cited articles in the case law are not cited nearly as often as the most-cited articles in the law journals, a consistency that further suggests our findings for specialty journals in bankruptcy may carry over to other fields.⁴¹

Table 4 reveals that a few of the specialty journals may be playing roles that the general law reviews are not. Looking at citations for all types of authors, the general law reviews had only a slight advantage over the spe-

³⁹See *supra* Part II.B.2.

⁴⁰These numbers are not reported in Table 3 and 4 but come from a computation on the underlying data.

⁴¹Merritt & Putnam, *supra* note 7, at 882.

TABLE 4: CITATIONS PER YEAR IN ALLCASES DATABASE BY JOURNAL AND TYPE OF AUTHOR (1980-2000)

	<i>ABLJ</i>	<i>ABILR</i>	<i>EBDJ</i>	<i>JBL & P</i>	<i>All Spec. Journals</i>	<i>General Law Reviews</i>	<i>Overall</i>
Academics	0.21 (0.10) N=132	0.08 (0.00) N=48	0.13 (0.06) N=54	0.04 (0.00) N=62	0.14 (0.00) N=296	0.21 (0.00) N=327	0.18 (0.00) N=623
Judges	0.26 (0.13) N=21	0.06 (0.00) N=23	0.20 (0.14) N=8	0.00 (0.00) N=7	0.14 (0.00) N=59	0.05 (0.00) N=17	0.12 (0.00) N=76
Practitioners	0.23 (0.13) N=152	0.10 (0.00) N=61	0.11 (0.00) N=55	0.04 (0.00) N=127	0.13 (0.00) N=395	0.12 (0.00) N=55	0.13 (0.00) N=450
Others	0.09 (0.00) N=6	0.06 (0.00) N=8	0.08 (0.00) N=3	0.00 (0.00) N=2	0.07 (0.00) N=19	0.05 (0.02) N=4	0.07 (0.00) N=23
Totals	0.22 (0.11) N=313	0.08 (0.00) N=142	0.13 (0.06) N=121	0.04 (0.00) N=198	0.13 (0.00) N=769	0.19 (0.00) N=403	0.15 (0.00)

cialty law reviews—0.19 cites per year compared to 0.13 cites per year. The differences were not statistically meaningful using either a t-test on the averages ($t = 1.44, p = 0.15$) or a Wilcoxon rank-sum test on the overall distribution ($Z = -1.10, p = 0.27$). When it came to citations in the case law, no meaningful difference was found comparing specialty journals to general law reviews.

Just two of the specialty journals—the *ABLJ* and *EBDJ*—drove the better citation performance for citations in the case law. The *ABLJ* fared better than any other journal, including the general law reviews. Although the average citation rate in *EDBJ* was below that of the general law reviews, the median figures in Table 4 reveal that over half of the articles in the *ABLJ* and *EBDJ* have at least one cite in the AllCases databases, while the same is not true for the median article in the general law reviews. In contrast, the *ABILR* and *JBL & P* underperform across all of the citation counts from the AllCases database. Thus, Table 4 tantalizingly suggests not only that specialty journals may garner more citations in the case law but also that some types of specialty journals do significantly better than others.

Turning from the type of journal to the type of author, judges, practitioners, and “other authors,” (i.e. all but legal academics,) are actually advantaged if they publish in the specialty journals. Conversely, academics get more citations in the case law when they publish in general law reviews. In Table 3, practitioners and judges had only slightly more citations in JLR when they

published in general law reviews. The differences were large for academics, whose citation rates were twice as large in JLR when they were published in a general law review. Thus, when measured by case citations, judges and practitioners are more likely to publish their “better” work in specialty journals whereas academics publish their “better” articles in the general law reviews.

4. *Multivariate Analysis*

Tables 3 and 4 presented matrices for JLR and AllCases citations, but they allow examination of only one variable at a time. Looking at the tables, one can discern the differences in citations between the journals or between author types but not the two simultaneously. A multivariable analysis allows examination of the effect of both variables simultaneously and also a control for other variables. Below we present multivariable regressions that control not only for author type and specialty journal but also for the academic reputation of the school where academic authors are on faculty, the academic reputation of the school publishing each of the general law reviews in our study, the age of the article, the availability of the article on Westlaw, and the existence of co-authors.

Ordinary least-squares or OLS linear regression would be the most straight-forward multivariable analysis. Unfortunately, the data displayed heteroskedasticity or unequal variance. In other words, the difference between each regression’s predicted value and the real-world observed value for a data point depended on the value of the observed value—data points with greater values had a greater difference between predicted and observed values. This unequal variance violated one of the assumptions for OLS linear regression, making it an inappropriate procedure to use. Usually, one simply transforms the data mathematically to eliminate unequal variance, but the large number of articles with zero citations made exponential, logarithmic, and other mathematical transformations an impractical solution. The square of zero is still zero, and the natural logarithm of zero is negative infinity.

Therefore, we turned to a logistic regression where the dependent variable was whether the article’s citation counts were above or below the median number of total citations, and we performed separate regressions for each database. For the JLR database, seven or more citations were required for an article to be above the median. For the AllCases database, having just one citation put an article above the median. Because the dependent variable in a logistic regression is the natural logarithm of the odds ratio for success in the event of interest, one must interpret the coefficients on the independent variables with care. The coefficients depend on the unit of measurement for each independent variable, and within each regression, higher (or lower) coefficient values do not necessarily represent stronger (or weaker) relationships. In Ta-

ble 5, we were primarily concerned with the direction of the relationship (positive or negative) and its statistical significance. Put more plainly, we were concerned primarily with whether the coefficient was positive or negative than the number in the coefficient.

Table 5 presents the results of the logistic regressions. Coefficients are reported with standard errors in parentheses. In the first regression for each database, we used an author index and publication index based on the composite academics rankings from *U.S. News & World Report*.⁴² Higher index numbers imply higher reputation scores from *U.S. News*. For the author index, a score of zero indicates someone who is not a legal academic, and for the publication index, a score of zero indicates a specialty journal. These indices are mathematical constructs and not meant to capture “the truth of the matter asserted.” A high reputation index implies an author who is an academic at a well-regarded law school. An index score of zero does not mean the author lacked a reputation or had an inferior reputation. Rather, an index score of zero means the regression did not use that author’s reputation in doing its calculations.

We then repeated the regressions inserting binary variables in place of the reputation indices, and Table 5 contains these results in columns (2) and (4). Recognizing that there may be limitations to the reputation index, the second set of regressions both checks for the robustness of the index results and individually captures the effect of each author type and specialty journal.

Each set of regressions controls for other variables that could affect citation rates. “Westlaw availability” takes a value of 1 if the article is available on Westlaw. “Years since publication” is the number of years from the article’s stated date of publication to 2003—the year citation data were gathered. Controlling for the date of publication also controls for the changing size of the Westlaw database over time.⁴³ The final variable in Table 5 (“Authors”) represents the number of co-authors on the article. Neither the number of authors nor Westlaw availability had a meaningful relationship to citation count.⁴⁴

Remarkably, the publication index has different and statistically significant signs for the two databases. Publication reputation is positively associated with citations in JLR but negatively associated with citations in AllCases. Not only were courts less likely to cite articles in general law re-

⁴²See *supra* notes 32-34 and accompanying text (describing construction of index based on peer ratings in *U.S. News & World Report*).

⁴³See Robert C. Ellickson, *Trends in Legal Scholarship: A Statistical Study*, 29 J. LEGAL STUD. 517, 541-43 (2000).

⁴⁴Although one of the regressions reported a positive relationship between authors and citations, that result did not carryover to the other regressions. We conclude that this result just as likely to be spurious as it is to represent a meaningful relationship.

TABLE 5: LOGISTIC REGRESSIONS FOR ABOVE/BELOW MEDIAN CITATIONS

	Dependent: JLR Cites Per Year		Dependent: All Cases Cites Per Year	
	(1)	(2)	(1)	(2)
Publication index	0.94*** (0.19)		-0.43* (0.19)	
<i>Am. Bankr. Inst. L. Rev.</i>		-1.07*** (0.24)		-0.20 (0.44)
<i>Am. Bankr. L.J.</i>		0.09 (0.19)		0.78*** (0.18)
<i>Emory Bankr. Dev. J.</i>		-0.94*** (0.24)		0.61*** (0.23)
<i>J. Bankr. L. & Prac.</i>		-3.32*** (0.31)		-0.63** (0.24)
Author index	1.82*** (0.19)		0.60** (0.19)	
Academic		1.92*** (0.55)		1.03 (0.53)
Judge		0.81 (0.59)		0.70 (0.57)
Practitioner		0.59 (0.55)		0.61 (0.52)
Years since publication	-0.03* (0.02)	-0.09*** (0.02)	0.16*** (0.02)	0.13*** (0.02)
Westlaw availability	0.17 (0.26)	0.28 (0.26)	0.17 (0.43)	0.23 (0.26)
Authors	0.05 (0.12)	0.31* (0.14)	0.07 (0.12)	0.18 (0.13)
Constant	-0.81* (0.39)	-0.36 (0.70)	-2.23*** (0.39)	-3.11*** (0.66)
Model Statistics				
Pseudo R-square	0.234	0.183	0.372	0.232
Chi-Square	223.51***	169.27***	383.06***	222.96***

*-significant at the 5% level
 **-significant at the 1% level
 ***-significant at the 0.1% level

views, but court citations actually declined as the publishing school's reputation rose. These results statistically document the anecdotal belief that elite law reviews publish articles with little interest to practitioners and judges.

For case law citations, it was not merely reputation that mattered but whether the article was published in certain specialty journals. The *EBDJ*

most dramatically illustrates this effect. Publication in the *EBDJ* was a significantly negative indicator of citations in JLR but a significantly positive indicator of citations in *AllCases*. Similarly, the *ABLJ* was a statistically significant positive indicator of citations in *AllCases*, although it had no statistically meaningful relationship with citations in JLR.

It was not just publication in a specialty journal that increased citations in *AllCases*, but publication in the right specialty journals. The *JBL&P* was a statistically significant negative indicator for citation in either JLR or *AllCases*. *ABILR* was a statistically significant negative indicator of citation in JLR and had no statistically meaningful relationship with citation in the case law.

Moving from publication reputation to author reputation, the author index had a positive relationship with citations in both JLR and *AllCases*. Academic authors on faculty at schools with higher peer review assessments in *U.S. News & World Report* had more citations. For JLR citations, just being an academic translated to more citations, a result that does not carry over to *AllCases*. Reputation mattered for citations, but it mattered more for citations in the JLR database. Of course, there is a question of causality: are authors on faculty at more highly ranked schools because their articles garner more citations or do the citations result from the reputational effect readers might associate with authorship at a higher-ranked school?

Importantly, years since publication mattered but again mattered differently depending on whether one was looking at citations in JLR or *AllCases*. Older articles have a significant negative relationship with citations in JLR but a significant positive relationship with citations in *AllCases*. We can think of several reasons why older articles might be cited less. First, the size and coverage of the Westlaw database have grown over the years,⁴⁵ and by using the Westlaw database to search for citations, we may have missed some citations to older articles when they were most topical and relevant. Second, our study uses articles beginning in 1980 and through the year 2000, and information technology was not as readily available or as advanced toward the beginning of that period as at the end. As compared to persons who use law reviews today, it was more difficult to identify, locate, and use older articles at the point in time when they were most topical and relevant. Third, there are simply more journals today and more opportunities for citations to occur.⁴⁶

Although we can think of several reasons why older articles would be cited less often in the JLR database, we can think of only one reason why

⁴⁵See Ellickson, *supra* note 43, at 541-43.

⁴⁶See *supra* notes 2-4 and accompanying text (discussing explosive growth in number of law reviews and citing sources).

older articles would actually be cited more often in the AllCases database. The data confirm the anecdotal evidence that, over time, legal scholarship has become decreasingly less important to practitioners and judges.⁴⁷ Older articles seem to have been of more relevance to the courts over their life span. Rather than a decline across generations of legal scholars, our data develop this trend across a relatively short twenty-year time span. Because of the large number of citations, it was impracticable to track when each citation occurred. Future work might track the distribution of citations throughout the life history of an article. These sets of regressions reveal remarkable variation in the data, with the effects of several variables changing direction depending on whether one is considering citations in JLR or AllCases. In the next part, we consider what these results mean for legal scholarship.

III. CONCLUSIONS

Our data confirm much of what scholars have long suspected. All things being equal, to get cited in the law reviews one should publish in general law reviews and join the faculty of a highly ranked school. Highly ranked general law reviews get cited more than lower ranked general law reviews. In turn, general law reviews as a group get cited more frequently than specialty journals as a group. Legal academics get cited more than nonacademics. Academics at highly ranked schools get cited more than academics at lower ranked schools.

When it comes to citations in the case law, the situation is dramatically different. Academics are not generally favored, but academic reputation is favored. More interestingly, not only do specialty journals outperform general law reviews overall, but lower-ranked general law reviews outperform law reviews from more highly ranked law schools. Older articles have more citations in the case law than do newer articles, whereas the converse is true for citations in the law reviews.

Our data indicate that specialty journals may be filling a gap created by the most elite general law reviews. As general law reviews have become increasingly dominated by law professors writing for the attention of each other, the specialty journals have been publishing articles that provide information more likely to be of use to the bench and the bar. It could be said that the general law reviews specialize in the academy just as the specialty journals could be seen as specializing in the bench and the bar. Practitioners tend to publish in the specialty journals where academics tend to publish in the

⁴⁷See, e.g., *United States v. Six Hundred and Thirty Nine Thousand Five Hundred and Fifty-Dollars in U.S. Currency*, 955 F.2d 712, 722 (D.C. Cir. 1992) (Silberman, J., concurring) (“[M]any of our law reviews are dominated by rather exotic offerings of increasingly out-of-touch faculty members.”); Edwards, *supra* note 5; Judith S. Kaye, *One Judge’s View of Academic Law Writing*, 39 J. LEGAL EDUC. 313 (1989).

general law reviews. Specialty journals also carry more co-authored articles, which may be more likely to be empirical or doctrinal in nature.⁴⁸

Even in the case law however, academic prominence relates to citations. Our data suggest that prominent academics may consciously choose to send articles to specialty journals when trying to reach a practitioner audience. Thus, legal academics may not have abandoned the sorts of doctrinal analyses that garner citations in the case law. Rather, these sorts of endeavors are appearing in specialty journals, which do not get the attention of those who study citation and publication patterns in the nation's most elite law journals. These sorts of endeavors also may not get the attention of those who complain about the state of the nation's most elite law journals.

Our findings also have implications for the evaluation of academics in hiring, tenure, and promotion. We do not intend to get into the debate of whether academics should publish for other academics or for practitioners. Rather, our data show that specialty journals and general law reviews reach different audiences. When academics evaluate faculty publication records for hiring and tenure, the question is often phrased as to whether a given publication in a specialty journal is "as good as" a given general law review, but our data suggest this question assumes a false premise. The different types of journals reach different audiences. The data suggest that law faculty at highly ranked schools may recognize this fact. Author reputation matters for citations both in the law reviews and in the case law. A faculty member who publishes in a specialty journal should be intending to reach a different audience rather than intending to publish in a journal "as good as" a given general law review.

It also is apparent that not all specialty journals are created equal. The commercial specialty journal (*JBL&P*) uniformly underperforms the other three specialty journals, suggesting that what is old might be new again. The first American legal journals were commercial ventures and failed to attract significant readership because they did not distinguish themselves from other forms of legal materials.⁴⁹ This story may be repeating itself. The *JBL&P*, however, is publishing its sixteenth volume. It may be providing useful information to practitioners in ways that do not end up in published citations and then in citation count studies.

Looking at the other specialty journals, our data suggest they may be playing a unique role in the scholarly literature. For case law citations, the judges' journal (*ABLJ*) and the law school specialty journal (*EBDJ*) actually had an advantage over general law reviews. Older articles also tended to be

⁴⁸See George & Guthrie, *supra* note 38, at 560-61 (suggesting that collaboration occurs more often in legal scholarship on "practically oriented works").

⁴⁹See Swygert & Bruce, *supra* note 8, at 751-53.

cited more frequently in the case law, and this dynamic captures the frequent complaint about the general law reviews' growing irrelevance. Put together, these two facts suggest that specialty law journals are serving as a bridge between the legal academy and the practitioners. As general law reviews became less relevant to practitioners, specialty journals stepped up to fill the gap. Indeed, the *EBDJ* did not even begin operations until 1984. But, if the specialty journals are filling a gap, our data also suggest they are doing it with varying degrees of success.

The first step in assessing the effect of the proliferation in specialty journals is to identify whether they are just pale imitations of the general law reviews or whether they make different contributions to legal scholarship. In this article, we have provided evidence that specialty journals may be specializing in a practitioner audience that most observers believe the general law reviews have abandoned. Although our article focuses on bankruptcy scholarship, our findings fit widely held beliefs about the state of legal scholarship and tantalizingly suggest broader applicability to other fields.⁵⁰ These findings should challenge others to consider what the "most significant development in legal academic publishing" of the last fifty years,⁵¹ namely the growth in specialty journals, means for legal scholarship.

⁵⁰For example, our findings are consistent with the one study that focused upon citation patterns in the case law and found that the most-cited articles by the courts came from less elite law journals while authors from less elite schools did not fare as well in law journals. See Merritt & Putnam, *supra* note 7.

⁵¹See George & Guthrie, *supra* note 2, at 818.

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APPENDIX

A GENERAL LAW REVIEWS REPRESENTED IN STUDY

Alabama Law Review	North Carolina Law Review
American University Law Review	Northwestern University Law Review
Arizona Law Review	Notre Dame Law Review
Arizona State Law Journal	Ohio State Law Journal
Baylor Law Review	Oregon Law Review
Boston College Law Review	Rutgers Law Review
Boston University Law Review	Southern California Law Review
Brigham Young University Law Review	Southern Methodist University Law Review
California Law Review	Stanford Law Review
Case Western Reserve Law Review	Tennessee Law Review
Columbia Law Review	Texas Law Review
Connecticut Law Review	Tulane Law Review
Cornell Law Review	UC-Davis Law Review
Duke Law Journal	University of Chicago Law Review
Emory Law Journal	University of Cincinnati Law Review
Florida Law Review	UCLA Law Review
Fordham Law Review	University of Colorado Law Review
Georgia Law Review	University of Hawai'i Law Review
George Mason Law Review	University of Illinois Law Review
George Washington Law Review	University of Pennsylvania Law Review
Georgetown Law Journal	Utah Law Review
Harvard Law Review	Vanderbilt Law Review
Hastings Law Journal	Villanova Law Review
Houston Law Review	Virginia Law Review
Indiana Law Journal	Wake Forest Law Review
Iowa Law Review	Washington Law Review
Kentucky Law Journal	Washington & Lee Law Review
Maryland Law Review	Washington University Law Quarterly
Michigan Law Review	William & Mary Law Review
Minnesota Law Review	Wisconsin Law Review
New Mexico Law Review	Yale Law Journal
New York University Law Review	

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