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FLOATING "FREE" IN CYBERSPACE: LAW REVIEWS IN THE INTERNET ERA

WILLIAM H. MANZ*

INTRODUCTION

The old debate about the future of the student-edited law review¹ has been given a new dimension by the burgeoning number of law related Web sites.² The ease with which information can be posted has led to predictions of the disappearance of the reviews' traditional print version or even their total demise. One such prognosticator is Professor Bernard J. Hibbitts, who looks forward to the replacement of the reviews by Internet self-publishing, thereby liberating law professors from all the alleged evils of student editing.³ At a 1998

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¹ The literature on the value and role of law reviews is too voluminous to summarize here. The debate can be said to have begun with a humorous and poignant criticism by Professor Fred Rodell. See Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38, 38 (1936-37) [hereinafter Rodell I] (attacking the value, content, style and scholarship of law reviews); see also Fred Rodell, *Goodbye to Law Reviews—Revisited*, 48 VA. L. REV. 279, 286 (1962) (updating author's critique of law reviews and noting why law review articles have not changed in content nor style in the past twenty-five years). See James W. Harper, *Why Student-Run Law Reviews*, 82 MINN. L. REV. 1261, 1261-94 (1998), for a recent comprehensive defense of student-edited reviews and a survey of the history, practices, and purposes of student-run law reviews.

² The number of law related sites is evidenced by the size of a recent Nolo Press directory, which runs 692 pages. See JAMES EVANS, *LAW ON THE NET 1* (2d ed. 1996) (providing a directory to sources of legal information available on the "Net").

³ For Professor Hibbitts' original call for Internet self-publishing and his prediction of the inevitable demise of law reviews, in both print and electronic forms, because of the practice of self-publishing legal scholarship on the World Wide Web, see Bernard J. Hibbitts, *Last Writes? Re-Assessing the Law Review in the Age of Cyberspace*, 71 N.Y.U. L. REV. 615, 687-88 (1996), which is itself a revised self-published online document. See (March 10, 1997) <<http://www.law.pitt.edu/hibbitts/lastrev.htm>>. For the response to his critics and a more comprehensive attack on the current review system see Bernard J. Hibbitts, *Yesterday Once More: Skeptics, Scribes and the Demise of Law Reviews*, 30 AKRON L. REV. 267 (1996),

Columbia Law School conference, he told the assembled law review editors that "a new technology—in this case, the Internet—is going to put [them] out of business."⁴

This radically transformed world of legal publication is unlikely to come to full fruition.⁵ By now, law reviews have a long history⁶ and are a thoroughly entrenched feature of law school culture.⁷ They have too many defenders to easily fade

available at (last modified March 6, 1997) <<http://www.law.pitt.edu/hibbitts/akron.htm>> [hereinafter Hibbitts II].

⁴ Cynthia Cotts, *Will Law Reviews' Editors Go The Way of Medieval Scribes?*, NAT'L L.J., May 4, 1998, at A16.

⁵ Rarely, however, do the effects of technological advancements fulfill the predictions of visionary prognosticators. Before World War I, Alfred Nobel hoped dynamite would end armed conflict. See RAGNAR SHOLMAN & HENRIK SCHÜCK, *NOBEL: DYNAMITE AND PEACE* 223 (Brian Lunn & Beatrix Lunn trans., Cosmopolitan Book Corp. 1929) (stating that Nobel was "a pronounced pacifist" and "[his] first great invention, dynamite, was not intended for military purposes"). Later, some social critics actually thought television would elevate American popular taste, a hopeless aspiration most recently refuted with every airing of *The Jerry Springer Show* and *South Park*.

⁶ See generally Michael L. Closen & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15 (1996) (discussing the history and evolution of student-edited law reviews); see also Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HAST. L.J. 739, 740–41 (1985) (commenting on the development and criticism of student-edited law reviews).

⁷ The role of law reviews in a key area of law school culture, the use of publication productivity as a major measure of professorial performance, is likely to grow even more important for the legal academic. One commentator suggests that in the wake of the consent decree enjoining the ABA from maintaining data on faculty salaries, excellence in scholarship, rather than seniority, will play the critical role in determining a law professor's fiscal remuneration. See David L. Gregory, *The Employment Relation of the Law Professor in the Consent Decree Era*, 30 GEORGIA L. REV. 259, 261–62 (1995) (proposing merit-driven compensation for law professors). For that commentator's earlier call for a renewed emphasis on scholarship, and a critique of faculty "free riders," see David L. Gregory, *The Assault on Scholarship*, 32 WILLIAM & MARY L. REV. 993, 1002–04 (1991) (providing reasons why professors should engage in legal research and writing); see also Michael I. Swygert & Nathaniel E. Gozansky, *Senior Law Faculty Production Study: Comparisons of Law School Productivity*, 35 J. LEGAL EDUC. 373, 393 (1985) (finding that nearly fifty percent of tenured law faculty members failed to produce any publication after they were no longer concerned about tenure or promotion). The emphasis on publication has also produced several empirical studies of faculty scholarship. See, e.g., Ira Mark Ellman, *A Comparison of Law Faculty Production in Leading Law Reviews*, 33 J. LEGAL EDUC. 681, 692 (1983) (concluding that most major law reviews publish the work of their own faculty more often than outside faculty, and that only a small number of law schools produce more than their share of legal scholarship); Colleen M. Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT L. REV. 1445, 1445 (1995) (ranking leading law reviews and faculty productivity within them); James

away because of newly available means of communication.⁸ Instead, the Internet is most likely to become just another tool, complementing and enhancing the existing methods of publication. For law reviews, this means publishing an electronic edition and a traditional print version.

Since a major function of the Internet is the unfettered flow of information, the law reviews can best serve this purpose by posting a free online edition containing the full text of their issues. Proposed alternatives to posting the full text of the reviews serve no particular practical purpose. Listing only abstracts or tables of contents has limited usefulness because there are far more efficient ways to find articles than poking through law review Web sites or using relatively crude Web browser search engines. Posting a pay Web site would hardly be worth the effort where there is no meaningful market for law review subscriptions outside the narrow confines of a legal community and no demonstrated willingness by non-legal researchers to pay for individual articles or issues.⁹

Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 CHI.-KENT L. REV. 781, 807 (1996) (finding that in a five-year period of review, the most prolific law faculties were Chicago, Yale, Cornell, Harvard, and Colorado; and the most prolific individuals were Richard Delgado, Honathan Macey, William Eskrige, Cass Sunstein, and Akhil Amar).

⁸ See generally Harper, *supra* note 1. For direct responses to the Hibbitts' challenge see David A. Rier, *The Future of Legal Scholarship and Scholarly Communication: Publication in the Age of Cyberspace*, 30 AKRON L. REV. 183, 210 (1996) (explaining why self-publishing on the Internet may not improve legal scholarship); Howard A. Denemark, *How Valid is the Often-Repeated Accusation That There Are Too Many Legal Articles and Too Many Law Reviews*, 30 AKRON L. REV. 215, 216 (1996) (stating that "ending the reign of student editors by Internet self-publication may not benefit legal scholarship"); Gregory E. Maggs, *Self-Publication on the Internet and the Future of Law Reviews*, 30 AKRON L. REV. 237, 238 (1996) (arguing that, although self-publication on the Internet will make printed journals unnecessary, law schools should encourage the existence of law reviews because they stimulate and enrich students who serve on them); Thomas R. Bruce, *Swift Modest Proposals, Babies and Bathwater: Are Hibbitts's Writes Right?*, 30 AKRON L. REV. 243, 243-44 (1996) (agreeing with Hibbitts that Internet technology would provide a better system of communicating legal scholarship, but questioning whether the culture and the value of law reviews can be replaced); Trotter Hardy, *Review of Hibbitts's Last Writes*, 30 AKRON L. REV. 249, 254 (1996) (concluding that "Web publication will become the publication of the future," with students playing a large role in legal scholarship); Henry H. Perritt, Jr., *Reassessing Professor Hibbitts's Requiem for Law Reviews*, 30 AKRON L. REV. 255, 258 (1996) (concluding that, although Web publishing should be encouraged, "getting rid of student edited law reviews and replacing . . . [them] with self publishing would be a blow to both to legal scholarship and to the Information Superhighway").

⁹ Requests to purchase individual issues of the *St. John's Law Review* or its

The key issue in providing a full-text electronic version of a review is whether it would be financially disadvantageous for a review to make itself available free on the Internet. This presents for the first time the question of who actually pays for law review subscriptions, and whether free access on the Web would have a significant impact on the number of paying subscribers.

This essay maintains that the profile of paying law review subscribers indicates that the average law review will suffer no loss of print subscriptions by posting its articles free on the Web. These subscribers, largely law libraries and alumni, have little incentive to eliminate the hardcopy in favor of a free electronic version. Thus, there is no real risk of financial loss by reviews posting their contents free on the Internet. Additionally, they would have the opportunity to reach a wider audience of researchers, particularly those outside the legal community.

I. LAW REVIEWS ON THE INTERNET—A CURRENT OVERVIEW

At first glance, it might appear that a significant number of law school law reviews and other legal periodicals are offering free access to their articles on the Internet. Already, a number of law school sponsored legal journals can be found on individual institutional Web sites. More significantly for the researcher, it is now possible to find links to large numbers of law review URL's on central sites such as FindLaw,¹⁰ Hieros Gamos Legal Journals,¹¹ and the University of Southern California Law School's Legal Journals on the Web.¹²

A closer examination of these sites, however, indicate that only some of the listed titles are available in full text. A large majority of links lead only to Web pages describing a publication, offering information on how to subscribe, or at most containing tables of contents or article abstracts. A clearer picture emerges from the more selective site maintained by the Library of

companion journal, *The Catholic Lawyer*, while not unknown, are relatively uncommon. Even special symposium issues sell relatively few extra copies.

¹⁰ See *Academic Law Reviews and Journals* (visited Oct. 17, 2000) <<http://stu.findlaw.com/journals/index.html>>.

¹¹ See *Legal and Law Related Journals* (visited Oct. 17, 2000) <<http://www.hg.org/journals.html>>.

¹² See *Legal Journals on the Web* (visited Oct. 17, 2000) <<http://www.usc.edu/dept/law-lib.legal/journals.html>>.

Congress,¹³ where sixty-two titles are listed as available in full text. Significantly, only twenty of the general subject reviews, the type most cited by the courts, are available in full text,¹⁴ and fewer still are among the most prestigious journals. These are still poorly represented on the Internet with only a few offering full text¹⁵ or abstracts.¹⁶

The specialty publications, not general reviews, constitute a majority of legal journals now offered in full text.¹⁷ In addition to traditional reviews, the Web hosts new law school journals appearing only in electronic format. They are relatively few in number and tend to be titles dealing with law and technology.¹⁸

II. THE MARKET FOR LAW REVIEWS

A. Law Review Consumers

If certain statements regarding the lack of readership of law

¹³ See *Law Reviews Online: United States* (visited Sept. 11, 2001) <<http://lcweb2.loc.gov/glin/us-law-r.html>>.

¹⁴ Examples include *Akron Law Review* (visited Oct. 17, 2000) <<http://www.bodi.com/lawrev/LawReview.htm>>; *American University Law Review*, (visited Oct. 17, 2000) <<http://www.wcl.american.edu/pub/journals/lawrev/aulrhome.htm>>; *Emory Law Journal* (visited Oct. 17, 2000) <<http://www.law.emory.edu/ELJ/eljhome.htm>>; *Florida State Law Review* (visited Oct. 17, 2000) <<http://www.law.fsu.edu/journals/lawreview/index.html>>; *Georgia Law Review* (visited Oct. 17, 2000) <<http://www.lawsch.uga.edu/~galawrev/>>; *Mercer Law Review* (visited Oct. 17, 2000) <<http://review.law.mercer.edu>>; *Villanova Law Review* (visited Oct. 17, 2000) <<http://vls.law.vill.edu/students/orgs/lawreview>>. For a list of full-text journals, see *Other Journals, Richmond Journal of Law & Technology* (visited Oct. 17, 2000) <<http://www.urich.edu/~jolt/e-journals/ejournals.html>>.

¹⁵ See, e.g., *Duke Law Journal* (visited Oct. 17, 2000) <<http://www.law.duke.edu/journals/dlj>>; *Cornell Law Review* (visited Oct. 17, 2000) <<http://www.lawschool.cornell.edu/clr/pas.htm>>; *N.Y.U. Law Review* (visited Oct. 17, 2000) <<http://www.nyu.edu/pages/lawreview>>.

¹⁶ See, e.g., *Columbia Law Review* (visited Oct. 17, 2000) <<http://www.columbialawreview.org/issues/>>; *Harvard Law Review* (visited Oct. 17, 2000) <<http://www.harvardlawreview.org/issues/index.html>>; *Michigan Law Review* (visited Oct. 17, 2000) <<http://www.law.umich.edu/pubs/journals/mlr/index.htm>>; *Yale Law Journal* (visited Oct. 17, 2000) <<http://www.yale.edu/yalelj>>.

¹⁷ See, e.g., *Pace Environmental Law Review* (visited Oct. 17, 2000) <<http://www.law.pace.edu/pacelaw/pelr/back-issues.html>>; *Berkeley Technology Law Journal* (visited Oct. 17, 2000) <<http://www.law.berkeley.edu/journals/btlj>>; *Cornell Journal of Law and Public Policy* (visited Oct. 17, 2000) <<http://www.cornell.edu/cjlp>>.

¹⁸ See, e.g., *Richmond Journal of Law and Technology* (visited Oct. 17, 2000) <<http://www.richmond.edu/~jolt>>; *Virginia Journal of Law and Technology* (visited Oct. 17, 2000) <<http://www.vjolt.net>>.

reviews were taken at face value, it could be concluded that there would be little loss of revenue involved in posting a free cyberspace edition. It has been said "law reviews are unique among publications since they do not exist because of any large demand on the part of the reading public."¹⁹ One commentator has flatly stated that "there are no consumers of law reviews."²⁰ It has also been suggested that most review volumes "are purchased to decorate law school library shelves,"²¹ and that reviews bought by law firms go unread.²² As long ago as 1937, noted law review critic Professor Fred Rodell averred, "The law offices consider the law reviews much as a plumber might consider a piece of lead pipe."²³

Similarly, the scope of whatever readership the reviews possess has been questioned on the grounds that "[t]he demand for law review articles is dominated, not by consumption by readers or subscribers, but by consumption of student editors."²⁴

It is also claimed that two key groups of potential readers, lawyers and judges, are dissatisfied with the lack of practical information available in the student-edited periodicals.²⁵

¹⁹ Harold C. Havighurst, *Law Reviews and Legal Education*, 51 NW. U. L. REV. 22, 24 (1956); accord Rier, *supra* note 8, at 192 n.39 (citing Jordan H. Leibman & James P. White, *How the Student-Edited Law Journals Make Their Publication Decision*, 39 J. LEGAL EDUC. 387, 397 (1989) (quoting Havighurst's remark)); Mark A. Godsey, *Education Inequalities, The Myth of Meritocracy, and the Silencing of Minority Voices: The Need for Diversity on America's Law Reviews*, 12 HARV. BLACKLETTER J., 59, 64 (1995) (quoting Havighurst).

²⁰ Leo P. Martinez, *Babies, Bathwater and Law Reviews*, 47 STAN. L. REV. 1139, 1143 (1995); accord Rier, *supra* note 8, at 189; John E. Nowak, *Woe Unto You, Law Reviews!*, 27 ARIZ. L. REV. 317, 321 (1985) (stating that "customers of law reviews . . . really do not exist").

²¹ Nowak *supra* note 20, at 321.

²² See *id.* ("The only purchasers of law reviews outside of academe are law firms which gladly pay for the volumes even though no one reads them."). Professor Rodell stated, "the only consumers of law reviews outside the academic circle are the law offices, which never actually read them but stick them away on a shelf for future reference." Rodell I, *supra* note 1, at 45.

²³ Rodell I, *supra* note 1, at 45.

²⁴ George L. Priest, *Triumphs or Failings of Modern Legal Scholarship and the Conditions of its Production*, 63 U. COLO. L. REV. 725, 726 (1992).

²⁵ See Hibbitts II, *supra* note 3, at 275 ("Many lawyers, judges and even some law professors who use law reviews . . . are unhappy because the leading legal journals are providing them with what they regard as inappropriate content: in particular, an excess of theory at the expense of doctrinal or practical information."); see also Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 35 (1992) (stating that "judges, administrators, legislators, and practitioners have little use for much of [the

Various judges have expressed dissatisfaction with the current content of the reviews.²⁶ These criticisms notwithstanding, it can hardly be said that law review articles go unnoticed as a body of legal literature. *Shepard's Law Review Citations*, which tracks references to review articles by the courts and selected legal journals, now consists of four hardcover volumes and an annual softcover supplement, totaling over 3,000 pages. There is also ample empirical documentation of the use of legal periodicals by academia,²⁷ the Supreme Court,²⁸ lower federal

abstract] scholarship that is now produced by members of the academy"); Michael J. Saks, et al., *Is There a Growing Gap Among Law, Law Practice and Legal Scholarship?: A Systematic Comparison of Law Review Articles a Generation Apart*, 30 SUFFOLK U. L. REV. 353, 373 (1994) ("finding that the more recent articles were considerably more likely to criticize the law than to defend it and considerably less likely to be of 'practical character.'").

²⁶ See 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, 871 (1992) (quoting *United States v. Six Hundred and Thirty-Nine Thousand Five Hundred and Fifty-Eight Dollars in U.S. Currency*, 955 F.2d 712, 722 (D.C. Cir.1992) (Silberman, C.J., concurring) (stating that "many of our law reviews are dominated by rather exotic offerings of increasingly out-of-touch faculty members")); Ellen A. Peters, *Reality and Language of the Law*, 90 YALE L.J. 1193, 1193 (1981) (stating that "there is an increasing divergence between the theoretical interests of the aspiring academic lawyer and the pragmatic interests of the successful practitioner"); see also Judith S. Kaye, *One Judge's View of Academic Law Writing*, 39 J. LEGAL EDUC. 313, 320 (1989) (expressing her disappointment "not to find more in the law reviews that is of value and pertinence to our cases" and noticing that "the decrease in judges and practitioners writing for law reviews may evidence a growing distance between academia and the rest of us"); Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 YALE L.J. 1113, 1113 (1981) (pointing out that "doctrinal analysis, which is and should remain the core of legal scholarship, is endangered at leading law schools"). In contrast, legal literature of an earlier era contains judicial praise for the reviews. See BENJAMIN N. CARDOZO, *THE GROWTH OF THE LAW* 14 (1924) (stating that "[j]udges have at least awakened . . . to the treasures buried in the law reviews" and observing "the power of the universities to guide the course of judgment"). For a recent overview of the decline in the citing of law review articles by the courts see Michael D. McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 OKLA. L. REV. 659, 660 (1998) (finding "a 47.35% decline in the use of legal scholarship by courts over past two decades").

²⁷ See James Leonard, *Seen' the Cites: A Guided Tour of Citation Patterns in Recent American Law Review Articles*, 34 ST. LOUIS U. L.J. 181, 181 (1990) (stating that "[l]aw review articles are the basic unit of legal scholarship in the United States"); Fred R. Shapiro, *The Most Cited Law Review Articles*, 73 CAL. L. REV. 1540, 1540 (1985) (listing the most-cited law review articles that "deserve to be called classics of legal scholarship"); Fred R. Shapiro, *The Most Cited Law Review Articles Revisited*, 71 CHI.-KENT L. REV. 751, 751 (1996) (listing "one hundred most-cited legal articles of all time . . . [and] top-ten most cited articles published each year for the ten most recent years").

courts,²⁹ and state appellate courts.³⁰ These studies indicate

²⁸ See Chester A. Newland, *Legal Periodicals and the United States Supreme Court*, 7 KAN. L. REV. 477 (1959); Wes Daniels, "Far Beyond the Law Reports:" *Secondary Source Citations in United States Supreme Court Opinions October Terms 1900, 1940 and 1978*, 76 L. LIBR. J. 1, 14-16, app. 2, at 30-32 (1983) (discussing and listing the most frequently cited legal periodicals in the U.S. Supreme Court opinions); Louis J. Sirico, Jr. & Jeffrey B. Margulies, *The Citing of Law Reviews by the Supreme Court: An Empirical Study*, 34 UCLA L. REV. 131, 137 (1986) (finding the U.S. Supreme Court has consistently relied on the publications of the most elite schools); Louis J. Sirico, Jr., *The Citing of Law Review by the Supreme Court: 1971-1999*, 75 IND. L.J. 1009, 1015 (2000) (finding "a continuing decline in judicial reliance on legal periodicals by the U.S. Supreme Court").

²⁹ See Louis J. Sirico, Jr. & Beth A. Drew, *The Citing of Law Reviews by the United States Courts of Appeals: An Empirical Analysis*, 45 U. MIAMI L. REV. 1051, 1052 (1991) (finding that "1200 opinions yielded only 221 citations to legal periodicals."); Bart Sloan, Note, *What Are We Writing For: Student Works as Authority and Their Citation by the Federal Bench, 1986-1990*, 61 GEO. WASH. L. REV. 221, 251 (1992) (concluding that "student works are cited as authority by the federal courts").

³⁰ See John H. Merryman, *The Authority of Authority—What the California Supreme Court Cited in 1950*, 6 STAN. L. REV. 613, 656-63 tbls. 3-10 (1954) (presenting habits of citation of seven judges composing the Supreme Court of California); William L. Turner, Comment, *Legal Periodicals: Their Use in Kansas*, 7 KAN. L. REV. 490, 495-98 (1959) (reviewing the use of legal periodicals by the Kansas Supreme Court); Lawrence W. Friedman *et al.*, *State Supreme Courts: A Century of Style and Citation*, 33 STAN. L. REV. 773, 812-15 tbl. 11 (1981) (observing citation patterns of law reviews in state supreme courts); John H. Merryman, *Toward a Theory of Citations: An Empirical Study of the Citation Practice of the California Supreme Court in 1950, 1960, and 1970*, 50 S. CAL. L. REV. 381, 389-91 tbls. 5A-5C, 405 tbl. 14 (1977) (providing data for authorities cited by the California Supreme Court in 1950, 1960, 1970, and revealing an increase in the rate of citations of law reviews); Richard A. Mann, *The North Carolina Supreme Court 1977: A Statistical Analysis*, 15 WAKE FOREST L. REV. 39, 61 tbl. XI, 63-69 tbls. XV-XXI (1979) (analyzing citation patterns of individual judges on the North Carolina Supreme Court in 1977, and finding a total of 30 citations to law reviews); Mary Bobinski, Comment, *Citation Sources and the New York Court of Appeals*, 34 BUFF. L. REV. 965, 998-1000 (1985) (stating that law review articles have historically been characterized by a low rate of citations in the New York Court of Appeals, but finding that more innovative courts tend to cite law reviews more frequently); James Leonard, *An Analysis of Citations to Authority in Ohio Appellate Decisions Published in 1990*, 86 L. LIBR. J. 129, 146 tbl. 6 (1994) (reviewing citation patterns of the Ohio Supreme Court and Courts of Appeal, finding a total of 13 cites to law reviews in 1990); William H. Manz, *The Citation Practices of the New York Court of Appeals, 1850-1993*, 43 BUFF. L. REV. 121, 139-41, 161-62 tbls. 18-19 (1995) (finding an "increase in [the number of] law review citations"); Fritz Snyder, *The Citation Practices of the Montana Supreme Court*, 57 MONT. L. REV. 453, 470-72 (1996) (finding a "general trend of increased citation to law review articles"); see also Richard G. Kopf, *Do Judges Read the Review? A Citation Counting Study of the Nebraska Law Review and the Nebraska Supreme Court, 1972-1996*, 76 NEB. L. REV. 708, 736 (1997) (finding both the *Nebraska Law Review* and the *Creighton Law Review* had "little apparent quantitative or qualitative influence on the opinions of the Nebraska Supreme Court . . .").

that somebody is consulting the reviews and finding selected articles useful and relevant.

B. *Law Review Subscribers*

Readers of individual law review articles do not necessarily translate into a ready subscription market for the reviews themselves. The incentives that exist to subscribe to other types of publications are just not there. Because of the mix of topics appearing in the general subject reviews, nobody reads an issue of a law review from cover to cover the way one might read *Time* or *Sports Illustrated*. An expert in copyright is unlikely to go from an article on fair use to a detailed exposition on the regulation of electric utilities, and then to a study of labor relations in the European Union.

Accordingly, there are no consumers of individual law reviews in the same sense that they exist for the daily newspaper or popular weekly magazines. Instead, it is the practice of legal scholars to read and cite to individual articles, not to a given journal.³¹ Indeed, “[i]t is not a realistic purpose of a modern law review article to be read immediately upon publication.”³² Instead, most articles in scholarly journals “are destined to go directly from the subscriber to the library shelf, there to lie available for future reference as the need arises.”³³ This lack of immediate need for a given article, combined with the large and ever growing number of law school journals,³⁴

³¹ See Leonard, *supra* note 27, at 187 (stating that “[s]cholars do not read or cite to law reviews; rather, they refer to the individual articles”).

³² Closen & Dzielak, *supra* note 6, at 24 (citing Ronald D. Rotunda, *Law Reviews—The Extreme Centrist Position*, 62 IND. L.J. 1, 3 (1986)). Naturally, the reviews of the most prestigious schools will head the lists of citation statistics. See generally Shapiro, *supra* note 27. The reviews from the elite schools, however, no longer dominate in the same manner as in the past. Where the courts once cited these publications almost exclusively, it is now their practice to refer to a wide variety of titles. For example, in 1990, the New York Court of Appeals cited to the *Harvard Law Review* ten times, outciting others used by the court by ten to one. Manz, *supra* note 30, at 161 tbl. 18. Those ten cites, however, represented only 9.6% of the 104 law review citations. *Id.* at 157 tbl. 14. In contrast, in 1930, the thirteen cites to the *Harvard Law Review* accounted for 59% of the twenty-two citations to legal periodicals. *Id.* at 157 tbl. 14, 161 tbl. 18.

³³ Richard A. Posner, *The Future of the Student-Edited Law Review*, 47 STAN. L. REV. 1131, 1137 (1995).

³⁴ There are now over 400 journals with law school addresses listed in the INDEX TO LEGAL PERIODICALS & BOOKS: SEPTEMBER 1997–AUGUST 1998, xvii–xxxii (Richard A. Dorfman ed., 1998). A recent study found 422 reviews and 218

means there is little reason for professors, judges, or law firms to personally subscribe to a given publication.³⁵ Thus, apart from appeals to alumni, the typical general law review is simply not marketable to individuals.³⁶

As a result, the average law review tends to have a very limited subscription list. Even the most prestigious reviews do not claim large numbers of subscribers.³⁷ Typically, the reviews have a circulation of under 2,000 and only some claim, perhaps more accurately, under 1,000 subscribers.³⁸ Law libraries constitute a significant percentage of subscribers, with law offices, individual attorneys, and complimentary recipients—largely judges—comprising the remainder.³⁹

specialty journals. See Harper, *supra* note 1, at 1265 n. 21 (citing CURRENT LAW INDEX, vii–xxii (1995)).

³⁵ As Professor Hibbitts points out, the typical law review is simply not “actively marketed,” and the average author must engage in self-promotion by distributing “reprints to desired readers.” Hibbitts II, *supra* note 3, at 286.

³⁶ All individual subscribers to *St. John's Law Review* are currently alumni, and over 50% can be identified as former members of Law Review. This may not be true of all specialty reviews. *The Catholic Lawyer*, also published by the editors of *St. John's Law Review*, has a broader appeal and a large majority of its subscribers are persons who have no affiliation with St. John's Law School.

³⁷ Circulation statistics in 1999 for several of the top reviews are as follows: *Harvard Law Review* – 4,574. *Statement of Ownership, Management, and Circulation*, 113 HARV. L. REV. iv (1999); *Yale Law Journal* – 3,300. *Statement of Ownership, Management, and Circulation*, 109 YALE L.J. app. (1999) (inserted at the end of the issue); *Columbia Law Review* – 2,227. *Statement of Ownership, Management, and Circulation*, 99 COLUM. L. REV. app. (1999) (inserted at the end of the issue); *Michigan Law Review* – 2,010. *Statement of Ownership, Management, and Circulation*, 98 MICH. L. REV. app. (1999) (inserted at the beginning of the issue).

³⁸ See 2 ULRICH'S INTERNATIONAL PERIODICALS DIRECTORY–2000, 3977–4136 (38th ed. 1999). The totals in *Ulrich's* are questionable because they are almost always given in round numbers and generally do not change from year to year. The statements submitted to the Post Office Department and published annually in the individual journals provide another, presumably more accurate, source of subscription statistics. Examples are as follows: *Temple Law Quarterly* – 733. *Statement of Ownership, Management, and Circulation*, 72 TEMPLE L.Q. app. (1999) (inserted at the back of the issue); *Baylor Law Review* – 714. *Statement of Ownership, Management, and Circulation*, 51 BAYLOR L. REV. app. (1999) (inserted at the back of the issue); *Texas Tech Law Review* – 660. *Statement of Ownership, Management, and Circulation*, 32 TEXAS TECH L. REV. app. (1999) (inserted at the back of the volume); *Villanova Law Review* – 650. *Statement of Ownership, Management, and Circulation*, 44 VILL. L. REV. app. (1999) (inserted at the front of the issue); *Nebraska Law Review* – 637. *Statement of Ownership, Management, and Circulation*, 78 NEB. L. REV. app. (1999) (inserted at the back of the volume).

³⁹ Currently, the approximate subscription profile of *St. John's Law Review*, a general review published since 1926, is as follows: complimentary to judges – 29%;

III. LAW REVIEWS AND THE SURVIVAL OF HARDCOPY IN THE COMPUTER AGE

Institutional reluctance to provide free online law reviews, traditionally sold through hardcopy subscriptions, attributes partly for such a small number of legal journals available on the Internet. Although the reviews use student editors, they are certainly not published without cost. Some student editors may have full or partial scholarships, and the cost of printing and mailing one standard sized quarterly issue can exceed \$4,000.⁴⁰ Thus, since publishing law school law reviews requires the expenditure of money, the suggestion that reviews be posted free on the Internet raises issues regarding the financial impact on the law school budget. In effect, the question arises as to the monetary soundness of offering for free, via the Internet, law reviews for which subscribers may typically be charged twenty-five to forty dollars per year.⁴¹

libraries – 49%; individuals – 16%; miscellaneous – 8%. The breakdown of library subscriptions is approximately: law school – 56%; government and courthouse – 30%; major law firms – 4%; miscellaneous – 10%. The types of subscriptions maintained by academic law libraries are as follows: paid subscription – 77%; exchange – 23%.

⁴⁰ Of course, this expense could be eliminated by abolishing print versions, but this would be a disservice to law review consumers. See discussion *infra*.

⁴¹ The prices and frequency of law reviews listed by the *Index to Legal Periodicals* varies widely as follows:

<i>Title</i>	<i>Frequency</i>	<i>Price</i>
University of Hawaii Law Review	semi-annual	\$16.00
University of Miami Law Review	Quarterly	\$18.00
McGeorge Law Journal	Quarterly	\$20.00
Thomas M. Cooley Law Review	3/yr.	\$20.00
Georgia Law Review	quarterly	\$22.50
Boston College Law Review	5/yr.	\$23.00
Montana Law Review	semi-annual	\$25.00
Albany Law Review	5/yr.	\$25.00
Buffalo Law Review	3/yr.	\$27.00
Emory Law Journal	quarterly	\$30.00
Baylor Law Review	quarterly	\$32.00
Iowa Law Review	5/yr.	\$34.00
Chicago-Kent Law Review	quarterly	\$35.00
Fordham Law Review	6/yr.	\$40.00
Virginia Law Review	8/yr.	\$44.00
Michigan Law Review	8/yr.	\$50.00

INDEX TO LEGAL PERIODICALS & BOOKS, *supra* note 42, at xvii, xviii, xix–xxiii, xxvi, xxx, xxxi.

The surest indicator that free Internet access is not likely to have a financial impact on the market for the reviews' print versions has been the effect of the LEXIS and WESTLAW law review databases. Initially rather limited, these online resources have expanded to include the vast majority of material published by the academic journals.⁴² As a result, two major users of these publications, legal academics and law students, have had "free" access to most reviews for years through their law school's LEXIS and WESTLAW subscriptions.⁴³

This development has not led to any meaningful change in library holdings of hardcopy journals. Long after "free" online access to the reviews was provided by LEXIS and WESTLAW, most academic and other major law libraries still retain print subscriptions to each of the law school law reviews.⁴⁴ Any changes have largely entailed only the cancellation of duplicate subscriptions.⁴⁵ The few outright cancellations of review subscriptions have been limited mainly to libraries in space-pressed law firms and small courthouses. Thus, whatever

⁴² LEXIS now includes over 550 periodical titles. See 2000 LEXIS-NEXIS DIRECTORY OF ONLINE SERVICES 176-81 (2000). WESTLAW'S Journals and Law Reviews database now boasts well over 700 periodicals, although many only get selective coverage. WESTLAW DATABASE DIRECTORY 655-691 (2000). The LEXIS and Westlaw databases have recently been joined by Hein-On-Line, provided by William S. Hein & Co. of Buffalo, New York. Hein-On-Line currently lists 107 titles. It includes not only recent articles, but also material pre-dating the LEXIS and Westlaw databases. See *Hein Online* (visited Oct. 17, 2000) <<http://heinonline.org/>>.

⁴³ See Julius J. Marke, *What the Future Holds for Law Librarianship*, N.Y. L.J., May 21, 1996, at 6 (discussing the impact of "unlimited faculty and student access to Lexis and Westlaw" on law libraries).

⁴⁴ The American Bar Association does not require an academic law library to maintain a law review collection in print format. Instead, the standards state, "The format of the core materials depends on the needs of the library and the clientele." AMERICAN BAR ASSOCIATION, STANDARDS OF APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS Interpretation 606-7, available at (visited Sept. 20, 2000) <<http://www.abanet.org/legaled/standards/chapter6.html>>. Libraries with bound volumes on a shelf are also giving the books a visually symbolic function, as was the case outside the chambers of Judge Learned Hand, where "[a] row of bookcases . . . containing briefs filed by the solicitor general's office dating back countless administrations served as a visible reminder of the never ending cycle of justice." KEN GORMLEY & ARCHIBALD COX: CONSCIENCE OF A NATION 157 (1997). It would be hard to imagine a row of computers or a pile of microfiche having the same effect.

⁴⁵ For example, *St. John's Law Review* is still received by almost every American and Canadian academic law library, and the major state and court law libraries. Even recent start-up law school libraries, which might be more willing to forgo traditional print formats in favor of electronic access, have taken print subscriptions.

"damage" online access has inflicted on the numbers of print subscriptions has likely already been done by LEXIS and WESTLAW.⁴⁶

If it can be demonstrated that law libraries have not made significant cuts in print subscriptions because of online access, what about the impact on the attitude of the individual subscriber? The key factor here is that those individuals who still take paid law review subscriptions are largely alumni wishing to support their school's reviews.⁴⁷

Alumni's willingness to "donate" thirty or forty dollars a year to a review would not be affected by the presence of a free Internet version. These subscribers are far more likely to stop getting a publication because it goes unread, rather than because it can be called up free of charge on a Web site.

Another factor favoring the continued viability of print subscriptions, particularly in libraries, is the economy and convenience of print form.⁴⁸ These advantages are especially pronounced with law review articles whose style and content are simply not well suited for use in a paperless format.⁴⁹ The typical

⁴⁶ It is likely that LEXIS, WESTLAW, and the new Hein-On-Line service actually increase revenue derived from law reviews. The royalties paid by these services can amount to thousands of dollars a year. For example, WESTLAW pays a semi-annual royalty using a formula based on the amount of display time, combined with the number of full text documents, cite list documents, and lines viewed. If enough people used the free sites instead of the pay services, these payments would decline. Concerns, however, that the reviews appearing on the Internet would cause a reduction in the use of LEXIS, WESTLAW, and Hein-On-Line seem to be largely unfounded. For persons with access to these services, the availability of law school law reviews in cyberspace is irrelevant. Using links at free sites such as FindLaw cannot begin to compare with the offerings of the established online subscription services. These provide many more titles in full text, include far greater retrospective coverage, and offer more sophisticated search techniques. The cost-conscious might use a free Internet site to retrieve a desired document, but no academic researcher with the option of using LEXIS or WESTLAW who needs to search for relevant articles would forego the convenience of these comprehensive subscription services in favor of disparate and unfamiliar Web sites.

⁴⁷ See *supra* note 36 and accompanying text.

⁴⁸ As one observer has noted about the book, "You can leaf through it, annotate it, take it to bed, and store it conveniently on a shelf. To read on a computer, you must squint at a poorly defined image on a cumbersome screen, and scroll through it much as the ancients before the codex replaced the volumen in the fourth or fifth century." Robert Darnton, *A Historian of Books, Lost and Found in Cyberspace*, CHRON. OF HIGHER EDUC., Mar. 12, 1999, at B4, available at <<http://chronicle.com/chronicle/v45/4527guide.htm>>.

⁴⁹ E.g., on its Web site, *Cornell Law Review* notes, "Although the Cornell Law Review recognizes the power of the Internet, we strongly acknowledge the vitality

law review article hardly represents light reading, and over the years various critics have vied with one another in providing colorful descriptions of the alleged deficiencies of law review prose.⁵⁰ Professor Rodell characterized the reviews as "hopelessly dull and unreadable,"⁵¹ resembling "a cross between a nineteenth century sermon and a treatise on higher mathematics."⁵² He also complained of "long sentences," "awkward constructions," "fuzzy words,"⁵³ and a lack of humor.⁵⁴

More contemporary commentators have continued in the same manner. Adjectives applied to review articles include "boring,"⁵⁵ "complex,"⁵⁶ "convoluted,"⁵⁷ and "numbing."⁵⁸ The style of the articles has been described as "impersonal,"⁵⁹ "bureaucratic,"⁶⁰ "abstract, colorless, and long-winded."⁶¹ Another unflattering description is "dull and flat [with] [a]ll the blood . . . drained out of it."⁶² One commentator adds that the articles' "stupefying prolixity also guarantees that in the main, the articles will go unread."⁶³ Yet another has complained that "[l]aw review prose is predominantly bleak and turgid."⁶⁴

and importance of paper-based communication, as well." *Subscription and Individual Issues*, CORNELL L. REV. (visited Oct. 17, 2000) <<http://www.lawschool.cornell.edu/clr/cont.htm>>. The recognition of the continued utility of hardcopy in the law review context is further illustrated by the recent addition of a hardcopy version of the previously all-electronic *Michigan Telecommunications & Technology Law Review*, MICH. TELECOMM. & TECH. L. REV. (visited Oct. 31, 2000) <<http://www.mttl.org/index.html>>.

⁵⁰ See Rodell I, *supra* note 1; Elyce H. Zenoff, *I Have Seen the Enemy and They Are Us*, 36 J. LEGAL EDUC. 21, 22 (1986) (stating that law reviews "make three mistakes: they publish unworthy articles, squeeze all the blood out of those that they do accept, and refuse most of those that would be interesting to read").

⁵¹ Rodell I, *supra* note 1, at 31.

⁵² *Id.* at 41.

⁵³ *Id.* at 39.

⁵⁴ *Id.* at 40.

⁵⁵ Zenoff, *supra* note 50, at 21.

⁵⁶ W. Lawrence Church, *A Plea for Readable Law Review Articles*, 1989 WIS. L. REV. 739, 739.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Nowak, *supra* note 28, at 322.

⁶⁰ Church, *supra* note 56, at 739.

⁶¹ Reinhard Zimmermann, *Law Reviews: A Foray Through a Strange World*, 47 EMORY L.J. 659, 679 (1998).

⁶² Lawrence M. Friedman, *Law Reviews and Legal Scholarship: Some Comments*, 75 DENV. U. L. REV. 661, 664 (1998).

⁶³ Church, *supra* note 56, at 740.

⁶⁴ Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926, 942 (1990).

Although many law review articles cannot be fairly characterized as falling within this described mass of sterile and impenetrable verbiage, the fact remains that trying to seriously absorb their subject matter by squinting at a computer screen makes as much sense as attempting to read in this manner the complex works of science or philosophy. As one law professor has noted, "Unlike articles in physics, math, or epidemiology, much of whose meat is often extracted by perusing a few key tables or equations, law review articles must be read."⁶⁵

The length of so many law review articles is also contributing to a reader preference for a hard copy. As with style, the length of law review articles has drawn its share of criticism. One critic states that "legal scholarship suffers enormously from bloat. Very few articles are tightly written. They might have tight sentences, but the piece itself goes on and on. Many articles have a kind of hopeless obesity."⁶⁶ Another complains that "the author's own contributions to theory and understanding [are] buried under a mass of supplemental dross. The articles present a kernel of valuable thought surrounded by an almost impenetrable cover of supporting material."⁶⁷

As with the unflattering descriptions of law review style, some might regard these statements about length of articles as exaggerations for dramatic effect, but there is undeniable empirical evidence of the growing length of many review articles. In 1985, the average length of a law review article was 41.83 pages.⁶⁸ Articles running ninety or 100 pages are now easy to find.⁶⁹ Even longer articles are not uncommon, with a 491-page *New York Law School Law Review* piece representing the extreme end of the spectrum.⁷⁰ Navigating articles of such length, with their large numbers of footnotes,⁷¹ by using

⁶⁵ Rier, *supra* note 8, at 210 (emphasis omitted).

⁶⁶ Friedman, *supra* note 62, at 663 (emphasis omitted).

⁶⁷ Church, *supra* note 54, at 739-40. For the argument that student editing helps curb professorial stylistic excesses see Harper, *supra* note 1, at 1284-88.

⁶⁸ See Saks, *supra* note 25, at 366 tbl. 3.

⁶⁹ See Friedman, *supra* note 62, at 663 (stating that "very long articles are common in law reviews").

⁷⁰ See Arnold S. Jacobs, *An Analysis of Section 16 of the Securities and Exchange Act of 1934*, 32 N.Y.L. SCH. L. REV. 209 (1987).

⁷¹ The Jacobs article, *id.*, contains 4,824 footnotes. Professor Rodell claimed footnotes resulted in "clumsy writing, and bad eyes." Rodell I, *supra* note 1, at 41. For modern conflicting views of footnotes compare Abner J. Mikva, *Goodbye to Footnotes*, 56 U. COLO. L. REV. 647, 647 (1985) (attacking the use of footnotes in

a mouse or a sliding scroll bar is highly undesirable for the typical researcher.

Reader preference for print copy also relates to the large number of available law reviews and the resulting likelihood that there will be many articles relevant to a given topic. With LEXIS and WESTLAW offering full text Boolean searches, and the extensive indexes of *Legaltrac* and *Wilsonline*—searchable on both CD-ROM and online—relevant law review articles are easily located even by the less proficient researcher.⁷² Thus, the plethora of reviews and the ease and efficiency of electronic research practically guarantees the need to refer to large numbers of articles. Because it is hardly reasonable to expect the typical person to sort through these copious offerings on a computer screen, or alternatively go through considerable time and expense downloading and printing, any law library concerned with maintaining quality service will continue to maintain its print subscriptions to the reviews.

A final factor explaining the successful co-existence of print subscriptions with LEXIS and WESTLAW access, is their relatively inexpensive cost compared to other legal materials. Meeting this demand in a reasonably funded academic law library is not overly onerous since individual subscriptions to law school sponsored journals are relatively inexpensive.⁷³ In

judicial writings), with Wendy J. Gordon, *Counter-Manifesto: Student-Edited Law Reviews and the Intellectual Properties of Scholarship*, 61 U. CHI. L. REV. 541 (1994) (explaining that footnotes help keep review articles in context, making their text accessible to a wider audience).

⁷² For example, a *Legaltrac* search found thirty-seven articles discussing the controversial case *Kiryas Joel Village School v. Grumet*, 512 U.S. 687 (1994) (holding a school district created for an Orthodox Jewish group unconstitutional). A *WilsonDisc* search located thirty-six such articles. Other well-publicized cases researched on *WilsonDisc* produced the following number of articles: *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992) – 125; *Romer v. Evans*, 517 U.S. 620 (1996) – 97; *Seminole Tribe v. Florida*, 517 U.S. 44 (1996) – 76; *Faragher v. City of Boca Raton*, 524 U.S. 742 (1998) – 43; *Vacco v. Quill*, 521 U.S. 793 (1996) – 40.

⁷³ The comparative annual cost of *Harvard Law Review*, and the annual prices of selected non-academic legal periodicals are as follows:

<i>Title</i>	<i>Publisher</i>	<i>Frequency</i>	<i>Price</i>
United States Law Week	BNA	Weekly	\$989
Pension Fund Litigation Reporter	Andrews Publications	Semi-monthly	\$750
New York Law Journal	American Lawyer Media, Inc.	Daily (mon-fri)	\$530
International Legal Materials	American Society of International Law	Bi-monthly	\$190

contrast to the medical publication *Brain Research*, which reportedly costs \$15,428,⁷⁴ annual subscriptions to the prestigious *Harvard Law Review* and *Yale Law Journal*, each sell for a mere forty dollars. Even with the proliferation of available journal titles, such low prices mean that it costs far less to maintain a good print law review collection than to acquire the publishers' annual outpouring of new books, or to keep current case reporters, *Shepard's*, codes, digests, and loose-leaf titles.⁷⁵

Medical Trial Technique Quarterly	West Group	Quarterly	\$235
The Elder Law Report	Aspen Law and Business	11/yr.	\$139
Harvard Law Review	Harvard Law Review Association	8/yr.	\$45

1 URULICH'S INTERNATIONAL PERIODICALS DIRECTORY-2000, 4123, 4178, 4219, 4151, 4022, 4038 (38th ed. 1999).

⁷⁴ Other examples of the high annual cost of scientific journals for institutions are as follows:

Title	Price
Journal of Chemical Physics	\$3,480
Journal of Cellular Biochemistry	\$4,155
Epilepsy Research	\$1,959
Journal of Applied Physics	\$2,400
Annals of Physics	\$2,860
Journal of Biological Chemistry	\$1,600
Biological Psychology	\$1,009
Journal of Neuroendocrinology	\$1,175
Journal of Clinical Anesthesia	\$395
JAMA	\$245
New England Journal of Medicine	\$122

Id. at 5937, 678, 5173, 5937, 5924, 577, 6235, 5186, 4902, 4792, 4824.

⁷⁵ Comparative costs of selected publications are as follows:

Title	Publisher	Frequency	Price
American Jurisprudence 2d (updates)	West Group	Annual	\$2266.75
Collier on Bankruptcy (updates)	Matthew Bender & Co.	Irregular	\$2,490
Federal Tax Coordinator (updates)	RIA	Irregular	\$1,375
Atlantic Digest 2d (update)	West Group	Annual	\$1,479
U.S.C.A. (updates)	West Group	Annual	\$1445
Shepard's U.S. Citations (updates)	Shepard's/Bender	Annual	\$1,030
Federal Reporter 3d	West Group	Irregular	\$840.
Supreme Court Reporter	West Group	Irregular	\$260
Yale Law Journal	Yale Journal Co. Inc.	8/yr	\$40

CONCLUSION

It is highly unlikely that providing free access to the contents of law reviews will have a significant adverse financial impact. The print versions of the reviews, like books and newspapers, have demonstrated the ability to survive alongside their electronic counterparts. It is also unlikely that Internet access to these publications by the legal community will result in a significant increase in the use of law reviews within the legal community. The chief consumers of law review articles, judges and their law clerks, large firm attorneys preparing briefs, law professors, and law students, already have easy access to law review articles through law libraries, LEXIS, and WESTLAW. The only possible beneficiaries are solo practitioners and members of small firms that cannot afford the online services.

This is not to say that the Internet access to the reviews will not facilitate the dissemination of the articles and increase readership. There has always been a small but steady demand for selected law review articles by researchers from outside the legal community, including university professors, undergraduates, graduate students, the general public, and even prison inmates.⁷⁶ Many of these persons do not have easy access to a law library, and are unaware of the print legal periodical indexes or their CD and online alternatives, and cannot take advantage of LEXIS or WESTLAW. For these potential users, the presence of the reviews on the Internet will open up a largely unfamiliar and almost impenetrable body of literature.

For thorough coverage of the cost of legal materials, see generally KENDALL F. SVENGALIS, *THE LEGAL INFORMATION BUYER'S GUIDE AND REFERENCE MANUAL* (2001).

⁷⁶ For anecdotal evidence of use of reviews by persons outside the legal community, see Harper, *supra* note 1, at 1295 n.111.