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PROJECT

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> We do not need to worry about the consumers of law reviews because they really do not exist. A few professors who author texts must read some of the articles, but most volumes are purchased to decorate law school library shelves. The only purchasers of law reviews outside of academe are law firms which gladly pay for the volumes even though no one reads them.[1]

It's fashionable to criticize law reviews. In the literature on law reviews, author after author lambastes the journals for their content and their style, and only the rare, obstinate defender attempts to counter the view that the principal medium of legal scholarship does nothing right. The attacks on law reviews are often entertaining, with authors letting loose strings of invectives and snappy prose, elements of style that the critics readily point out are missing from most publications. While this complaint literature may be amusing, and occasionally does ring true, the criticisms inevitably are based on personal views supported solely by anecdotal evidence. No one has systematically asked law review consumers what they think.

This survey project attempts to remedy the lack of empirical data. We asked randomly selected attorneys, judges, and law professors a series of

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1. John E. Nowak, *Woe Unto You, Law Reviews!*, 27 ARIZ. L. REV. 317, 321 (1985).

questions about how they use law reviews, how successful they think law reviews are at accomplishing a variety of missions, and how they think law reviews should change. Although many of our results support the views expressed in the anecdotal literature, we did turn up a few results that differ from the usual observations. Even where consistent with reported criticisms, our findings add valuable information to the debate over the law reviews' utility: Criticisms supported by an aggregation of individual opinions are more powerful than those based on individual anecdote and observation alone.

Among some of our more interesting findings were the following:

- Notwithstanding the frequent criticisms of law reviews, readers give them positive ratings for success at achieving a variety of goals;
- Attorneys, judges, and law professors all overwhelmingly support retention of the current system of student selection and editing of law review articles;
- Most former law review members now highly value their law review experiences, both for improving their skills and for enhancing their employment prospects;
- Law review membership is an important criterion in hiring decisions, and employers value law review membership not only as a certification of "eliteness," but also for the education that law reviews impart;
- Readers find symposia and student-written contributions less useful than standard law review articles;
- Lawyers, judges, and professors would like to see law reviews focus more attention on legal ethics, corporate and commercial law, and tort law.

These results, along with others discussed below, help contribute what has so far been missing from the debate over the value of legal periodicals: a systematic analysis of the views and preferences of those who make up the law review audience. With the conclusions provided by our study, law reviews can make more informed decisions about whether, and how, to change their policies.

Our presentation proceeds in four parts. Part I discusses the scholarship on law reviews. Part II provides an explanation of how this project was conducted and a description of the members of the legal profession who responded to the survey. In Part III, we summarize the survey results and analyze our findings. Finally, Part IV contains some concluding thoughts on the possible application of our results.

I. EVALUATIONS OF LAW REVIEWS IN LEGAL WRITING

Members of the legal community have written about law reviews for more than a half-century. For the most part, these writings have focused on

two distinct aspects of law reviews: the content of the publications and the institutional aspects of reviews within legal academia. In neither case have the published critiques been especially favorable. Critics, both inside and outside the academy, have expressed displeasure with the content of legal journals. Nor have the critics' evaluations of the institutional role of law reviews always been more charitable. While commentators generally acknowledge the educational and practical benefits that accrue to law review members, they point to the shortcomings of a system in which the positive benefits of the review experience are, at most schools, limited to a select number of students.

Missing from these published evaluations is any meaningful attempt to measure the value that law review consumers attach to the journals. Almost all statistical studies involving law reviews fall into the category of "citation-counters"—attempts to tabulate the total number of times a particular article, or individual journal, has been cited by legal academics or by courts in published opinions. Studies such as these, while of some utility, fall far short of the mark for purposes of evaluating the readership's opinions of the law reviews' content and role within the legal education process.

Taken together, the individual assessments of law reviews and the published citation-counts suggest the need for fresh data in the debate over the quality and role of legal publications. The results of this survey project are the first entry in that field.

A. *Criticisms of Law Review Content*

Evaluations of the law reviews' content have been almost universally negative. Most such critiques[2] take as their starting point the words of Fred Rodell, dean of law review critics, who wrote that "[t]here are two things wrong with almost all legal writing. One is its style. The other is its content."[3] The criticisms generally get worse from there. With respect to style, law review articles have been criticized for their "[l]ong sentences, awkward constructions, and fuzzy-wuzzy words that seem to apologize for daring to venture an opinion[;]"[4] for their "bleak and turgid" prose;[5] for their "overweening commitment to noncommittal buzzwords;"[6] and for their "impersonal style."[7] The commentators consider most law review articles to be devoid of passion, and believe that the precious few that do not suffer from this defect are so laden with jargon that they are unintelligible.[8] Professor Rodell referred to this latter technique as the "nonsensical, noxious notion that a piece of work is more scholarly if polysyllabically enunciated than if

2. *See, e.g.*, Kenneth Lasson, Commentary, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926 (1990).

3. Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38, 38 (1936).

4. *Id.* at 39.

5. Lasson, *supra* note 2, at 942; *see also* Rodell, *supra* note 3, at 40 (lamenting the lack of humor in legal writing).

6. Lasson, *supra* note 2, at 943.

7. Nowak, *supra* note 1, at 318.

8. *See* Lasson, *supra* note 2, at 947-48 & 948 n.108.

put in short words."[9]

On the matter of law review content, Professor Rodell referred to law review authors as "among our most adept navel-gazers."[10] He found little that was of value on the pages of law reviews and considered that the labor of pouring it forth "would be a perfectly harmless occupation if it did not consume so much time and energy that might better be spent otherwise."[11] A mere 150 law reviews were published at the time Professor Rodell authored his noted polemic.[12] Writing more than 50 years later (and against the background of a five-fold increase in the number of legal periodicals), Kenneth Lasson commented that "lead articles . . . are often overwhelming collections of minutiae, perhaps substantively relevant at some point in time to an individual practitioner or two way out in the hinterlands—and that almost entirely by chance."[13] Even with respect to matters of a non-trivial nature, Professor Lasson expressed skepticism of the law reviews' ability to provide meaningful information to review readers. He bemoaned the "built-in obsolescence" created by the typical review's editing process, observing that "[m]ost often the lag is so long between the first dull gleam in an author's eye and the finished product that whatever might be timely and relevant is largely lost on whatever few readers may be out there."[14]

Members of the bench have also expressed their displeasure with the content of legal publications. According to Judge Laurence Silberman, "many of our law reviews are dominated by rather exotic offerings of increasingly out-of-touch faculty members . . . ."[15] This is a far cry from Judge Stanley Fuld's remark, delivered in 1953, that judges "admire the law review for its scholarship, its accuracy, and above all, for its excruciating fairness."[16] Judge Judith Kaye's optimism harkens back to Judge Fuld's admiration for the law review product. She professes to "look to law review articles . . . for the newest thinking on a subject, for a sense of the direction of the law and how the case before us fits within it, for a more global yet profound perspective on the law and its social context than any individual case presents."[17] At the same time, she acknowledges the widening gap, bemoaned by Judge Silberman, between academic publications and the work of the bench: "The concern that academics are writing for each other is indeed well founded."[18]

Particular law review conventions have also come under attack. Topping the list of most critics is the footnote phenomenon. Professor Rodell divided "the flaunted Phi Beta Kappa keys of legal writing," his disparaging

9. Fred Rodell, Comment, *Goodbye to Law Reviews—Revisited,* 48 VA. L. REV. 279, 287 (1962).
10. Rodell, *supra* note 3, at 43.
11. *Id.*
12. Lasson, *supra* note 2, at 926 (citing INDEX TO LEGAL PERIODICALS, Aug. 1937-July 1940).
13. *Id.* at 930.
14. *Id.* at 933.
15. United States v. $639,558, 955 F.2d 712, 722 (D.C. Cir. 1992) (Silberman, J., concurring).
16. Stanley H. Fuld, *A Judge Looks at the Law Review,* 28 N.Y.U. L. REV. 915, 918 (1953).
17. Judith S. Kaye, *One Judge's View of Academic Law Review Writing,* 39 J. LEGAL EDUC. 313, 319 (1989).
18. *Id.* at 320.

referent for footnotes, into two categories: "There is the explanatory or if-you-didn't-understand-what-I-said-in-the-text-this-may-help-you type. And there is the probative or if-you're-from-Missouri-just-take-a-look-at-all-this type."[19] According to Rodell, "the footnote foible breeds nothing but sloppy thinking, clumsy writing, and bad eyes."[20] Professor Lasson argues that "[t]he core of the problem is the lack of moderation. The notes often take on a life of their own, snuffing out whatever line of logic the writer seeks to impart."[21]

Criticism of footnotes in legal literature, like criticism of the overall law review product, also comes from the bench. Chief Judge Abner Mikva refers to footnotes as "an abomination."[22] Former Supreme Court Justice Arthur Goldberg opined that "[f]ootnotes, in my experience, cause more problems than they solve[,]"[23] and commended Chief Judge Stephen Breyer's move to eliminate the use of footnotes in his judicial opinions.[24]

The footnote is not without its defenders. Professor Arthur Austin argues that authors can use footnotes to distinguish their product from those of competing authors, a process he refers to as "footnote differentiation."[25] According to Professor Austin, "[f]ootnote differentiation, as a manifestation of creativity, contributes significantly to legal scholarship. The quality of the footnotes reveals the author's range and comprehension of the topic. In a notoriously risk averse discipline, footnotes are the accepted forum for risk-taking. Footnotes leave permanent passages and landmarks to obscure information."[26]

Professor Austin's comments suggest that the distaste for footnotes which some critics assume is universally shared may be overstated. The divided sentiments of a handful of scholars and judges may represent opinions in the legal community as a whole, but without empirical data, how can law review authors and editors be sure if they are providing their audience with a welcome stylistic convention?

And footnotes are just one of a number of conventions about which law review readers' opinions are likely to vary. Professor Lawrence Church argues that law reviews ought to readjust their selection policies to make room for articles that are shorter in length, perhaps with a special section in each review reserved for "commentaries" or "essays."[27] His claim that articles

19. Rodell, *supra* note 3, at 40.
20. *Id.* at 41.
21. Lasson, *supra* note 2, at 940-41.
22. Abner J. Mikva, *Goodbye to Footnotes,* 56 U. COLO. L. REV. 647, 647 (1985).
23. Arthur J. Goldberg, *The Rise and Fall (We Hope) of Footnotes,* 69 A.B.A. J. 255, 255 (1983).
24. *Id.*
25. Arthur D. Austin, *Footnotes as Product Differentiation,* 40 VAND. L. REV. 1131, 1136 (1987).
26. *Id.* at 1153 (footnotes omitted!).
27. W. Lawrence Church, *A Plea for Readable Law Review Articles,* 1989 WIS. L. REV. 739, 743; *see also* Commentary, *Of Correspondence and Commentary,* 24 CONN. L. REV. 157 (1991) (*Connecticut Law Review*'s inaugural "Commentary" section, with submissions from Professor Church, Professor Lasson, Professor Austin, and others).

"stripped of what can sometimes be a camouflaging layer of detailed documentation" are likely to be more "profound" as well as more "readable" than most current law review fare makes a good deal of intuitive sense.[28] But the question still remains whether, and to what extent, those who consult law reviews do so precisely to obtain that "detailed documentation." Taking the issue one step further, one might ask whether differences exist among judges, practitioners, and professors in the degree to which they consult law reviews for citations and documentary support. Armed with the answers to those questions, law review publishers might wish to tailor the format of the articles they publish (full-length pieces with extensive citation, essays, or commentaries) to the substance of those articles, all with an eye toward which audience is most likely to be interested in the particular piece.

B. *Criticisms of the Role of Student-Run Publications Within the Legal Education Process*

"Traditional" law reviews—that is, law reviews that are edited and published by law students—are unusual among professional and theoretical journals. Students, all of whom are in their second or third year of law school, maintain complete control over the selection of articles to be published. And student control does not end with the decision to publish a particular piece: Students continue to supervise and perform most of the major editing tasks, ensuring that the form, style, and content of the published selection meets the standards that each law review maintains. These are heady powers to entrust to those who have yet to complete their professional education, particularly when one considers the important role that publication plays in tenure decisions.[29]

Even the staunchest law review critics concede that the experience of serving on law review represents a valuable addition to a student's legal education.[30] The benefits, both in terms of advancing members' substantive knowledge of the law and having the experience of engaging in a joint production effort, have long been recognized.[31] However, at almost every law school, membership on the law review is not open to all students. Most law reviews select their members in one of three ways: by first-year grades; by a writing competition; or by some combination of the two.[32] In recent years, two leading reviews, the *Yale Law Journal* and the *Stanford Law Review*,

28. Church, *supra* note 27, at 744.

29. *See* Lasson, *supra* note 2, at 935-36. The role of law students in selecting and editing articles has come under fire, with one critic claiming that "[s]tudent editors discourage scholarship that assumes an informed reader, presents its contribution to the literature succinctly, and is innovative or unusual." Roger C. Cramton, *"The Most Remarkable Institution": The American Law Review,* 36 J. LEGAL EDUC. 1, 8 (1986). *But see* Phil Nichols, Note, *A Student Defense of Student Edited Journals: In Response to Professor Roger Cramton,* 1987 DUKE L.J. 1122, 1124-32 (arguing for retention of the current system of student selection and editing of law review articles).

30. Lasson, *supra* note 2, at 931-32.

31. *See* Howard C. Westwood, *The Law Review Should Become the Law School,* 31 VA. L. REV. 913, 914 (1945).

32. Scott M. Martin, *The Law Review Citadel: Rodell Revisited,* 71 IOWA L. REV. 1093, 1102 (1986).

have greatly expanded the size of their staffs and liberalized admission policies.[33] Other leading journals, such as the *University of Chicago Law Review*, retain their traditional selectivity, awarding some memberships based solely on first-year grades. In general, the vast majority of law reviews continue to rely on the traditional selection criteria—grades and writing competitions.

In most cases, therefore, the law review has the potential to function as a "certification stamp" or exclusive honor society. For students at many law schools, the pressure to succeed academically is enormous—the best jobs usually go to the students with the best grades. Law reviews that limit their membership based on grades or a writing competition are, not surprisingly, widely perceived as giving their members an edge in the job market,[34] as well as in the race for judicial clerkships and academic positions following law school.

Critics have noted the irony inherent in the fact that the law review experience, which can greatly complement a student's legal education, is a benefit that is so strictly limited.[35] Some commentators criticize the law schools themselves for operating such a hierarchical system. One critic has charged that "[b]y subsidizing the reviews, law schools support a pedagogical strategy whereby a minority of their students are given an intensive training in some practical skills while the vast majority are inadequately trained."[36] Still others have pointed with some anxiety to the added pressures that law review membership places on law students whose lives are already dominated by stress.[37]

The consensus, therefore, is that (1) the law review process adds to the quality of a student's legal education, and (2) although the law review membership process exacts important costs both from the fabric of the educational institution and from the participating students, external forces—mainly in the form of employment opportunities—provide benefits that encourage maintaining the status quo. As with the evaluations of the quality of the law review product, these assessments are based largely on the observations and intuitions of the commentators. Statistical data are not provided to back up the validity of these claims.

C. *Current Statistical Approaches to Evaluating Legal Publications*

Noticeably absent from the discussion of the quality and efficacy of legal periodicals is a systematic evaluation of how consumers value and use the law review product. Statistical measures have been applied to legal publica-

33. The *Stanford Law Review* may deviate the most from the traditional selection model. Membership on this journal has been determined on a completely grade-blind basis with no absolute numerical cap. Writing a note is not a prerequisite to membership, although subsequent submission of a possible note is required. In general, membership decisions are based on diligence and thoroughness in editing, citechecking, and proofreading.

34. Martin, *supra* note 32, at 1104.

35. *See id.* at 1102.

36. JOEL SELIGMAN, THE HIGH CITADEL 185 (1978).

37. *See* Martin, *supra* note 32, at 1103.

tions, but only in a limited way. Most frequently, commentators have attempted to measure the frequency with which individual law review submissions are cited—either by courts[38] or by legal academics.[39] Researchers have also compiled statistics on the frequency with which particular law reviews are cited,[40] as well as the quantity of law review articles produced by faculty members from various law schools.[41] The very fact that such surveys are compiled implies that people believe law review publications have some effect on the work of judges and academics.[42] The frequency with which some court, such as the Supreme Court of the United States, cites a particular work may be taken as an indication either of the piece's persuasive authority or its effective summary of a certain body of law; by the same token, an article that legal scholars cite relatively often is likely viewed as an exemplar by members of the academic community.[43]

These systematic studies are not without their shortcomings. In the first place, almost all such citation-counting surveys are dominated by articles appearing in "elite" law reviews (or, in the case of citations of particular journals, by the "elite" journals themselves).[44] This is no doubt due to the fact that publications such as the *Harvard Law Review* and the *Yale Law Journal* garner the lion's share of "seminal" articles, those that continue to influence scholarly writing for many years to come.[45] In the case of citations in judicial opinions, the exceptional number of citations to the "elite" reviews may be due, in part, to the fact that judicial clerks are likely to cite to their own law schools' journals (of which many clerks were members).[46] Citation-counting surveys emphasize the pervasive influence of the most well-known publications at the cost of failing to describe the impact of publications in regional or "specialty" law reviews. These publications, which have increased in number dramatically over the past decade, are often sys-

38. *See, e.g.*, Neil N. Bernstein, *The Supreme Court and Secondary Source Material: 1965 Term*, 57 GEO. L.J. 55 (1968); Wes Daniels, *"Far Beyond the Law Reports": Secondary Source Citations in United States Supreme Court Opinions October Terms 1900, 1940, and 1978*, 76 LAW LIBR. J. 1 (1983); Louis J. Sirico, Jr. & Jeffrey B. Margulies, *The Citing of Law Reviews by the Supreme Court: An Empirical Study*, 34 UCLA L. REV. 131 (1986).

39. *See, e.g.*, Fred R. Shapiro, *The Most-Cited Articles from the* Yale Law Journal, 100 YALE L.J. 1449 (1991) [hereinafter *Yale Law Journal Survey*]; Fred R. Shapiro, *The Most-Cited Law Review Articles*, 73 CAL. L. REV. 1540 (1985) [hereinafter *Most-Cited Articles*].

40. *See, e.g.*, Richard A. Mann, *The Use of Legal Periodicals by Courts and Journals*, 26 JURIMETRICS J. 400 (1986); Olavi Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227; Note, *Chicago-Kent Law Review Faculty Scholarship Survey*, 65 CHI.-KENT L. REV. 195 (1989) [hereinafter *Chicago-Kent Law Review Survey*].

41. *See, e.g.*, Ira Mark Ellman, *A Comparison of Law Faculty Production in Leading Law Reviews*, 33 J. LEGAL EDUC. 681 (1983).

42. *See Yale Law Journal Survey*, *supra* note 39, at 1450 ("Citation-counting . . . has been shown to correlate highly with peer judgments of scholarly influence.").

43. *See id.*

44. *See* Sirico & Margulies, *supra* note 38, at 132-34. *But see id.* at 136 (noting the increasing frequency with which "specialty" journals are cited by the Supreme Court).

45. *See Most-Cited Articles*, *supra* note 39, at 1547 n.38.

46. Sirico & Margulies, *supra* note 38, at 133-34. Other factors likely include a judicial bias in favor of citing "elite" law reviews as indicia of persuasive authority, and the tendency of lawyers to cater to this bias in their briefs. *See id.* at 133.

tematically discounted in citation-counting surveys, either because they are not included in the citation databases used by researchers,[47] or because their publication criteria will tend to exclude articles of a theoretical or non-regional nature.

A more fundamental problem with citation-counting surveys is that they fail to explain whether, and to what extent, consumers find the law reviews useful. A particular article may be cited for any of a number of reasons: direct quotation; specific support; analogous reasoning; general reference.[48] Citation-counting surveys that give an equal value to each cite fail to make these important distinctions among the articles they rank. Even if those surveys overcame this problem, they would still be inadequate at measuring the usefulness of law reviews in many other contexts. Because they tabulate published citations (either in law reviews or in judicial opinions), citation-counting surveys are incapable of measuring how frequently practicing attorneys refer to law reviews; what is more, such surveys tell us nothing of how law review consumers—academics, judges, and attorneys—would like to reform the law review product.

Existing statistical measures adequately supply information respecting the *quantity* of legal scholarship, but they provide little in the way of evaluating the *quality* of that material. The need for direct, systematic analysis of the law review readership is therefore apparent. If law review publishers wish to be responsive to the opinions and preferences of their readers, then statistical information on those categories, rather than citation frequency, must be compiled. Our survey project aims to provide just that type of analysis.

II. METHODOLOGY

Our survey assessed the opinions of attorneys, judges, and law professors on the usefulness of law reviews and on ways to improve those publications. Participants in the survey answered a questionnaire which first sought biographical information, and then inquired about how each respondent consults and evaluates law reviews.[49]

A. *The Survey*

The survey itself consisted of four pages of questions divided into three separate parts. The first section of the survey requested biographical information, including profession, year of law school graduation, law review experience, and publications. The survey also asked practicing attorneys about the type of practice they engage in (trial litigation, appellate litigation, and/or transactional work) and the size of their firms. In the second section, participants described how often and for what purposes they consult law

47. *See Chicago-Kent Law Review Survey, supra* note 40, at 202 (counting citations to journals recorded by *Shepard's Law Review Citations,* which includes mainly "traditional" law reviews).

48. *See* THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, rule 1.2 (15th ed. 1991).

49. The surveys that we sent are reproduced in the Appendix.

reviews. We also asked participants how the law review status of employment applicants affects their hiring decisions. Those participants who served on law review were asked to evaluate their experiences. The third and final section of the survey focused on evaluation and reform. Participants rated the extent to which law reviews succeed at their various functions and evaluated the usefulness of the different types of pieces that commonly appear in law reviews. We also asked participants to evaluate the amount of attention that they think various practice areas merit in law reviews. Finally, participants evaluated the role of law students in selecting and editing articles.

Some of the biographical questions requested open-ended answers, although most provided participants with a closed set of options. Other questions asked for "yes" or "no" answers, ratings on an absolute scale, or rankings relative to other categories.[50] Our statistical analysis of the survey results took two general forms: comparisons of mean responses and analyses of categorical data (such as yes/no questions). Many of the survey questions requested responses on a five- or six-point scale. We analyzed the mean scores on these questions using standard statistical analysis of mean scores, including *t*-tests[51] and Analysis of Variance procedures.[52] We used the χ^2

50. After collecting data from a preliminary sample, we discovered that participants did not like the format of our question concerning possible uses of law reviews. In the original survey, we listed eight potential uses, and asked participants to tell us what percentage of their own law review consultation was accounted for by each possible use. Dissatisfaction with the question led us to alter its format in the second wave to allow participants to rank order the uses of law review in terms of importance. We converted the percentage scores from the first version of the survey to a rank ordering for each subject; this allowed us to analyze data from both versions together. In comparing the responses to the two versions, however, we found that the two sets differed. *See* note 69 *infra*.

51. A *t*-test is a statistical method of determining whether the arithmetic means of two groups differ. The *t* statistic is a comparison of the observed difference in means against the variation in responses in the sample. If the *t* statistic is sufficiently large, then the result can be said to be statistically significant. The *t* statistic is one of a class of inferential statistics. Inferential statistics allow an observer to draw a probabilistic conclusion about a population based upon a sample of that population. In this survey, we have a sample consisting of a small group of attorneys, professors, and judges, yet we want to make inferences about the entire population of all three groups. Observed differences in arithmetic means between two samples does not necessarily indicate that the population means differ. Thus, if state judges rated the importance of law review membership in hiring decisions at 3.75, on average, while federal judges rated it at 3.68, on average, we probably could not conclude that state judges rate law review membership as more important to their hiring decisions than do federal judges.

All reports of the *t* statistic include the degrees of freedom in parentheses following the *t*. Degrees of freedom reflect the number of observations used to calculate the statistic. For example, if the *t* statistic is based on responses from 37 federal and 92 state judges, then the degrees of freedom are $37+92-1=128$. This is the total number of observations minus one. More degrees of freedom (observations) lead to a more precise test. Statistical conclusions based on a small number of observations are likely not to generate statistically significant results, even when differences in population means exist. When an inferential statistic is significant, however, it is no less precise or accurate when it results from a small number of observations. Assuming valid sampling, all of the imprecision falls on the side of *failing* to conclude that an observed difference is significant, rather than improperly concluding that an observed difference is significant.

The final numerical value reported in any statistic is the p value. The p value is the probability that the difference in means occurs by random fluctuation. A p value less than .05 ($p<.05$) is considered statistically significant. For each inference we make, we are at least 95% sure that the observed difference between the sample means reflects a real difference between the populations. "Significant" in this sense reflects statistical properties of the data, not the import of the conclusion.

statistic to analyze the categorical data in the survey.[53]

B. *The Participants*

1. *Sampling.*

We selected participants from three distinct groups within the legal profession: attorneys, judges, and professors. Ideally, we would have taken a direct sample of the actual or (better) potential readership of law reviews. Unfortunately, no source list for such a population exists. We therefore decided to pick three of the most important subpopulations—practicing attorneys, judges, and law professors—and randomly sampled enough individuals to generate statistically meaningful results for each group.[54] For practical reasons we had to omit other subpopulations (for example, legislators, administrators, and legislative staffers).

Each group of potential survey participants was drawn from a different source. For our sample of professors, we selected names at random from a list published by the Association of American Law Schools. We included only full-time professors, excluding professors emeriti and part-time lecturers.[55] For our sample of the judiciary, we selected both state and federal

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Throughout the remainder of this analysis, we use "significant" only in the statistical sense. In cases where the observed data allow us to be more than 95% confident, we report p values lower than .05.

For a complete discussion of the *t*-test, see WILLIAM L. HAYS, STATISTICS (3d ed. 1981).

52. Analysis of more than two categories requires Analysis of Variance (ANOVA) or *F* ratios. We use this procedure, a mathematical extension of the *t*-test, to describe the mean responses across the three profession groups (practicing attorneys, professors, and judges) represented in the sample. A significant *F* ratio indicates that the means of the three groups differ from one another. A significant ANOVA can result from a single group differing from the other two. For example, if judges and attorneys gave similar responses to a question concerning the value of law review membership to hiring, and professors rated membership as being more important than did either of the other groups, we would expect a significant *F* ratio. *See id.* at 325-75. To determine exactly which of the means differ from one another, we use post hoc comparisons. Statisticians disagree on the proper approach to post hoc analysis and have developed a number of formal procedures to correct for the bias inherent in that type of analysis. We use one of the more conservative of these methods, the Tukey Honestly Significant Differences Test. *See id.* at 413-43.

We also use ANOVA to determine the interactive effects of each participant's profession and law review background. For example, although judges who served on law review may believe that law review is more important to hiring decisions than judges who did not, law review membership may make no difference to the other professions. This finding would show up in an ANOVA, with two variables (profession and service on law review) in significant interaction. *See id.* at 325-75.

Degrees of freedom for ANOVA are expressed as two numbers: first, the number of categories used in the analysis minus one, and, second, the sample size minus the number of categories minus one.

53. The χ^2 statistic is analogous to the *t* statistic except that it is used on categorical data rather than continuous data, and reflects differences in patterns of responses rather than differences in arithmetic means. As the discrepancy between patterns increases, so does the χ^2 statistic. If the χ^2 is sufficiently large, the result is statistically significant. *See id.* at 305-24. The degrees of freedom associated with a χ^2 depend upon the number of categories rather than the number of observations.

54. We do not report "total" responses across all participants because it is difficult to know how to weigh each subsample properly. For example, there are many more practicing lawyers than law professors, but law professors as a whole consult law reviews more frequently than do attorneys, and some might argue that intensity of law review use should factor into the weights.

55. We also surveyed every professor and lecturer at Stanford Law School for feedback on the format of our questionnaire and for responses about the performance of the *Stanford Law Review*. We excluded the Stanford professors from the sample whose results we report here, however.

judges from published lists and almanacs, including both trial and appellate judges in approximate proportion to their actual numbers. For the federal sample, we surveyed only active Article III judges. We determined the ratio between state and federal judges (331:120 sampled, 86:38 returned) somewhat arbitrarily, more out of a desire to obtain a statistically significant number of responses in each category than to reflect the real numerical ratio.[56] We believed that the responses of state and federal judges might differ because state judges tend to confront common law issues more frequently than do federal judges, and therefore might differ in how germane they find law reviews.

Selection of attorneys proved more problematic. We initially hoped to survey at random from a list of members of the American or California Bar Associations, but we were unable to do so. We were, however, afforded access to the database of Stanford Law School graduates, and, accordingly, attorneys in the sample were drawn at random from a list of Stanford Law alumni. That sample provided advantages of easy access and low cost, as well as a greater probability of responses. On the other hand, the sample is not, obviously, representative of all attorneys. Stanford lawyers may well differ from average lawyers in their types of practice and in their law review use.[57] Although we believe that our results are nonetheless extremely useful, they should be read with the sampled population in mind, as we attempt to do below.

We surveyed all members of the sample by mail. We provided each potential participant with a stamped return envelope and a phone number to call with questions. Those who failed to return their surveys within 30 days were sent a postcard as a reminder. We assured each respondent of the confidentiality of his or her responses, and we promised to report our results to each participant.

We sent two waves of surveys, both during the spring semester of 1991. The first wave consisted of 335 surveys: 235 to attorneys, 50 to professors, 30 to state judges, and 20 to federal judges. The response rates for each of the groups are listed in Table 1. We used these response rates to estimate the number of surveys that we would have to send in order to collect responses from approximately 150 attorneys, 100 professors, 100 state judges, and 30 federal judges. Using these estimates, we sent surveys to a second list of 273 attorneys, 153 professors, 301 state judges, and 100 federal judges. Due to some difficulties with one question of the survey mailed in the first wave, we revised that question for the second wave.[58] A small number of participants in both waves returned surveys with little or no information on them, and

56. Although we report aggregated results for all judges in addition to results for state and federal judges, the "all judges" results should be viewed with the caveat that the aggregation may not be a perfect representation of the population of all judges in the United States.

57. The Stanford Law School alumni who were professors and judges were evaluated as such.

58. *See* note 50 *supra*.

TABLE 1: SURVEY RESPONSE RATES

	Wave 1	Wave 2	Total
Attorneys			
Surveys sent	235	273	507
Surveys returned	74	92	166
Percent returned	31.5	33.7	32.7
Professors			
Surveys sent	50	153	203
Surveys returned	25	65	90
Percent returned	50.0	42.5	44.3
State Judges			
Surveys sent	30	301	331
Surveys returned	9	77	86
Percent returned	30.0	25.6	26.0
Federal Judges			
Surveys sent	20	100	120
Surveys returned	4	34	38
Percent returned	20.0	34.0	31.7
Total			
Surveys sent	335	827	1162
Surveys returned	112	268	380
Percent returned	33.4	32.4	32.7

those surveys could not be analyzed.[59] Ultimately, 380 of the 1162 participants returned surveys, thereby yielding an overall response rate of 32.7%.[60] As shown in Table 1, response rates differed among the professions. Professors were more likely than either attorneys or judges to return their surveys ($\chi^2(2)=25.95$, $p<.001$).

2. *Biographical information.*

The survey requested a range of biographical and descriptive information from the participants.[61] When asked, almost all of the participants listed the year in which they graduated from law school. The results, shown in Table 2, reveal that the samples differed significantly ($F(2,331)=25.2$, $p<.001$).[62]

59. Some of the responding attorneys reported that they had retired or were otherwise not engaged in the practice of law; these participants were dropped from the analysis.

60. We were unable to use 40 of the returned surveys because the respondents were no longer active attorneys or had failed to provide any biographical information.

61. We did not ask respondents' races or genders.

62. Post-hoc analysis reveals that this difference results from the judges being older than the attorneys and professors (these latter groups did not differ in age). The average year of graduation for federal judges in the sample was significantly earlier (mean year, 1959) than that of state judges (mean year, 1964) ($t(131)=2.92$, $p<.01$).

The differences in mean year of graduation make interpretation of some data difficult. Different evaluations among the three profession groups might have resulted from the participants' age or profession. For example, when professors reported using law reviews more frequently than did

TABLE 2: YEAR OF GRADUATION FROM LAW SCHOOL

Profession (sample size)	Mean Year
Attorneys (n=116)	1972
Professors (n=85)	1968
Judges	
Total (n=133)	1963
State (n=95)	1964
Federal (n=38)	1959

We asked the attorneys in the sample to report the type of practice they conduct and the size of their firm. On the latter question, 50.4% of the attorneys reported working in firms of fifty-one or more attorneys, 36.1% in firms ranging from two to fifty attorneys, and 13.4% reported themselves as solo practitioners. We also asked the attorneys to report whether one of their last five matters involved actual or potential litigation, appellate litigation, or transactional work. All but one of the attorneys in the sample responded to this question. Overall, 61.3% of the attorneys reported having recently done trial litigation, 28.6% reported engaging in appellate litigation, and 59.7% reported doing transactional work. Comparing the types of work by firm size resulted in no significant differences ($\chi^2(4)=5.76$, $p>.2$).

When asked about their law review experience, nearly half (47.9%) of the sample reported that they participated in one of their schools' law reviews. Once again, most of the participants (98.8%) responded to this question. The three profession groups differed significantly in their rates of participation ($\chi^2(2)=21.3$, $p<.001$), with 47.9% of the attorneys,[63] 66.7% of the professors, and 34.8% percent of the judges reporting that they served on a law review at their schools. Among the judges, federal judges were more likely to have worked on a law review (47.3%) than were state judges (29.8%) ($\chi^2(1)=3.7$, $p<.05$). Of those respondents who had served on law reviews, 79.1% reported having published a student note or comment. Comparing the three professions, 63% of the attorneys, 82.8% of the professors, and 93.5% of the judges who served on law reviews reported having published a note or comment, a significant difference ($\chi^2(2)=14.7$,

judges, the difference could have resulted from the differing perspectives of the professions or the differing ages of the participants. To untangle these effects, we analyzed the correlations between year of graduation across all participants for every question on the survey. In most cases, these correlations were not statistically significant. With the few variables that did correlate with year of graduation, we conducted further analyses to determine the unique effects of year of graduation and of profession. We report the results of analyses for each of these variables in notes 78, 89, 94, and 106 *infra*.

63. This number is no doubt higher than it would be for a randomly-selected group of attorneys, and may be due in part to the fact that the attorneys were selected from a list of Stanford Law School alumni, and the *Stanford Law Review* has, on and off since the early 1970s, maintained a membership policy that is less restrictive than those of most other law reviews. *See* note 33 *supra*. The mean year of graduation for the attorneys (Stanford Law School graduates) was 1972. *See* table 2 *supra*. It is also possible that former law review members took a greater interest in the survey.

$p<.001$).[64]

When participants were asked whether they had published articles other

TABLE 3: PUBLICATION EXPERIENCE

	Attorneys	Professors	Judges
Number of Respondents Who Have Published Since Law School	27	82	29
Percentage of Those Who Have Published in:			
Student-Edited Journals	59.3	92.7	86.2
Professionally-Edited Journals	70.4	65.9	41.4
General Interest Journals	37.0	36.6	34.5
Specialty Journals	74.1	57.3	27.6

than a student note or comment, the response rates varied dramatically: Almost all of the professors answered this question, while only about half of the attorneys and judges did so. Of those who did respond, 35.8% of the attorneys, 95.2% of the professors, and 42.2% of the judges reported having published at least once. We asked the participants who reported having published at least one article whether they had published in student-edited journals, professionally-edited journals, general-interest journals, or specialty journals.[65] As seen in Table 3, professors and judges published more fre-

64. Participants also reported the amount and type of publishing they had done in law reviews since graduating. Unfortunately these data are probably not especially meaningful: When asked about the percentage of their time spent on scholarly writing, only about half of the participants responded. We cannot tell if the nonrespondents spent zero time publishing, or whether they simply found the question confusing. Furthermore, even though almost all of the professors answered the question (92%), only 39.2% of the attorneys, and 35.3% of the judges did so. Even among the attorneys who did respond, the mean percentage of time spent on scholarly writing was 4.6%, in contrast to 32.0% for both professors and judges. These rates differ significantly ($F(2,171)=30.74$, $p<.001$). Among the judges, federal judges reported spending 18.2% of their time on scholarly writing, which is significantly lower than the state judges' mean of 40.8% ($t(45)=2.54$, $p<.05$). It is possible that some of the judges interpreted "scholarly writing" to include writing judicial opinions and memoranda. This would not, however, account for the difference in time spent on scholarly writing between state and federal judges unless the two groups systematically differed in their interpretation of the term. From the responses and the response rates, we can infer that all professors dedicate a large percentage of their time to scholarly writing, whereas few attorneys do; we also can infer that a small contingent of judges spend almost as much of their time writing as do law professors.

65. Participants were asked to check as many categories as may have applied. When we designed the question, we assumed that a participant might check more than one category for a single publication. For example, *The Supreme Court Review,* which is not edited by students, is both a professionally-edited and a general interest journal; likewise, the *Harvard Environmental Law Review* is both a student-edited and a specialty journal.

The question was somewhat ambiguous in another respect. Law professors may conceive of "professionally-edited journals" differently than do attorneys and judges. A law professor is likely to consider a journal such as the *Journal of Legal Education* to be a professionally-edited journal, whereas an attorney or a judge is likely to consider a publication such as the *Journal of Corporate*

quently in student-edited journals, while attorneys were more likely to have published in the more specialized journals ($\chi^2(6)=28.7$, $p<.001$). The state and federal judges did not differ significantly in terms of the types of journals in which they had published ($\chi^2(3)=1.5$, $p>.25$).

III. RESULTS

We report our results in roughly the same order that we sought answers to our questions. The first section explores the uses, both quantitative and qualitative, that readers make of law reviews. The second section discusses the respondents' evaluations of the current law review product and their suggestions for reform.

A. *Law Review Usage*

The critics of the current law review system suggest that while many law reviews are published, few are read.[66] Part II of the survey was designed to ascertain just who does consult law reviews, how frequently, and for what purposes. But we also recognized that law reviews are "used" by people other than their readers. In particular, we wanted to know whether and why employers use law review membership in their hiring decisions. Law review members, of course, also "use" their law review status. Although we did not survey current law students about how they use law reviews, we did survey the professors, judges, and attorneys who served on law reviews when they were law students about how helpful that experience proved. Specifically, we asked them whether serving on law review enhanced their writing and editing skills, improved their capacity for teamwork, taught them substantive law, or broadened their employment opportunities. We delay reporting these last results until later in this report,[67] however, because they are more in the nature of an evaluation than a survey of current law review use.

1. *Who reads law reviews and why.*

We asked participants how often they had consulted law reviews in the last six months. The response rate to this question was high (92.3%), and did not differ significantly across profession groups ($\chi^2(2)=2.4$, $p>.25$). Many respondents used very rough approximations, which made calculating a precise mean impossible: Several professors, for example, responded that they had consulted law reviews "hundreds of times."

We also asked participants to rank their purposes for reading law reviews from the following list (which was roughly in order of greater to lesser

Taxation to fit into that same generic category. For our purposes—distinguishing between publications edited by students and those which are not—this ambiguity is not important. A response based on an understanding of the type discussed above would be sufficient to answer the question as we had intended it to be answered.

66. *See* texts accompanying notes 1 & 13-15 *supra*.

67. *See* notes 83-88 *infra* and accompanying text.

generality):[68]

- For Academic Interest;
- To Read Articles by Acquaintances;
- To Provide a Theoretical Framework for Analysis;
- To Evaluate the Effectiveness of Existing Law or Alternatives;
- For a General Overview of Existing Law;
- To Identify New Approaches Toward or Developments in Specific Legal Topics (e.g., Rule 11, Piercing the Corporate Veil);
- To Track Current Developments and Trends in a General Area of Interest or Practice (e.g., Criminal Law, Bankruptcy);
- To Find Cases or Other Citations to Support Specific Positions in Briefs, Memoranda or Decisions.

The form of the question was awkward. Perhaps this accounts for the fact that the response rate was somewhat lower than that for the question regarding how many times participants had consulted law reviews in the last six months; nevertheless, the response rate was sufficient for meaningful statistical analysis. Overall, 86.3% responded to at least part of the question, even though most participants did not provide a complete ranking, which complicated analysis.[69]

Breakdown by profession. We found that the different profession groups showed different patterns of law review use. Not surprisingly, professors were heavier readers of law reviews than were judges ($\chi^2(5)=104.9$, $p<.001$), who in turn used law reviews more than did attorneys ($\chi^2(2)=10.5$, $p<.05$).[70] As Table 4 shows, approximately 54% of professors said that they had consulted law reviews more than 25 times in the last six

68. We provided a "miscellaneous" write-in category, but very few participants made use of it, and we have not analyzed the write-in responses.

69. Many participants ranked only a few of the purposes; we scored the remainder as "not ranked." Some participants gave redundant rankings; in these cases, we scored both of the "tied" categories with the same rank and adjusted the other choices accordingly. For example, when a participant placed a "1" next to two of the choices, the next lower choice was rescored as "3" even if the participant used "2."

Dissatisfaction with the form of this question as it appeared on the survey in the first wave led us to rewrite the question for the second wave. *See* note 50 *supra*. We found significant differences between the responses to the two formats of the question for three of the categories: To Provide a Theoretical Framework for Analysis, To Identify New Approaches Toward or Developments in Specific Legal Topics, and To Find Cases or Other Citations to Support Specific Positions ($\chi^2(1)$'s>3.8, p's$<.05$). These differences were found across all three professions, and therefore do not affect the analysis.

70. The methodology of our survey enables us to tell how often each group reads law reviews and for what purpose, but we cannot estimate the actual number of readers of any particular type of law review article. To determine, for example, that professors constitute $x\%$ of the readers of articles about jurisprudence would require a much more detailed survey.

In this era of electronic databases, many lawyers are able to access law reviews via computer research services. According to a WESTLAW representative, law review files are among the most frequently used databases. This is true for both law firm and law school users, with somewhat greater law review use by the latter group. WESTLAW includes both professors and students as law school users, and does not keep records that distinguish between the two. Telephone Interview with

TABLE 4: NUMBER OF USES OF LAW REVIEWS IN THE PAST SIX MONTHS

(all figures in percent)
(sample sizes in parentheses)

Number of Uses	Attorneys (n=113)	Professors (n=78)	Judges (n=126)
101+	0.0	29.5	3.2
26-100	2.7	24.4	3.2
11-25	7.1	25.6	13.5
6-10	21.2	11.5	19.0
1-5	35.4	9.0	42.9
0	33.6	0.0	18.3
Total	100.0	100.0	100.0

months, compared to less than 3% of attorneys and 6.4% of judges. Just over 20% of professors reported fewer than 10 uses, whereas over 90% of attorneys and over 80% of judges reported fewer than 10 uses. State and federal judges did not differ in the extent to which they used law reviews ($\chi^2(4)=6.98$, $p>.10$).

Table 5 compares the use among attorneys in different types of practices.

TABLE 5: LAW REVIEW USE AMONG SUBCLASSES OF ATTORNEYS

(all figures in percent)
(sample sizes in parentheses)

Number of Uses	Trial Litigators (n=71)	Non-Trial Litigators (n=42)	Appellate Litigators (n=78)	Non-Appellate Litigators (n=34)	Transactional Attorneys (n=66)	Non-Transactional Attorneys (n=46)
101+	0.0	0.0	0.0	0.0	0.0	0.0
26-100	2.8	2.4	5.9	1.3	1.5	4.3
11-25	8.5	4.9	14.7	3.8	6.1	8.7
6-10	22.5	19.5	29.4	17.9	27.3	13.0
1-5	38.0	31.7	35.3	35.9	31.8	41.3
0	28.2	41.5	14.7	41.0	33.3	32.6
Total	100.0	100.0	100.0	100.0	100.0	100.0

Although attorneys' use did not differ depending upon whether they had recently engaged in trial litigation ($\chi^2(3)=2.3$, $p>.5$), or depending upon whether they had engaged in transactional work ($\chi^2(4)=4.3$, $p>.3$), those attorneys who had recently done appellate litigation tended to use law reviews more frequently than those who had not ($\chi^2(4)=12.2$, $p<.05$). These results were the same regardless of firm size.

Ron Anderson, Academic Advisor, West Academic Program (Apr. 30, 1992). WESTLAW chose not to provide us with specific data for these categories.

As shown in Table 6, professors ranked academic interest as their most frequent purpose for consulting law reviews, and virtually all of them mentioned it as a motive for use. Among professors, other frequent purposes were tracking current developments in general areas of interest, identifying new approaches to particular topics, and providing a theoretical framework for analysis. Professors rarely used law reviews to find supporting citations for positions in briefs or other nonacademic writings, and only about a quarter of them ranked evaluation of existing law or alternatives in their top four choices, results in keeping with professors' academic (as opposed to practical) bent.

More interesting is the contrast across professions. Attorneys also ranked identification of new approaches and tracking of current developments highly. In fact, more than 60% of attorneys, judges, and professors placed tracking current developments among their top four purposes in consulting law reviews. This suggests that law review consumers place a high premium on the reviews' ability to turn around articles quickly, and underscores Professor Lasson's concern about the potential "built-in obsolescence" created by the typical publication schedule.[71]

But whereas professors rarely used law reviews to gain a general overview of existing law, attorneys valued law reviews in large part for exactly that purpose: Evidently practitioners (and perhaps judges and their clerks as well) treat law reviews as an alternative to treatises for summarizing the law in a particular area. Attorneys were comparatively uninterested in reading law reviews for academic enlightenment or for theoretical frameworks, but they did rank citation-finding rather highly. These results are, of course, consistent with attorneys' more practical bent. Despite the common authorial practice of sending offprints of articles to acquaintances, no class of law review users ranked reading articles by acquaintances highly.

In sum, professors read law reviews frequently and use them primarily for academic purposes, while attorneys and judges read law reviews less frequently and use them primarily for more practical purposes. Although these results should surprise no one, they do suggest that only the exceptional law review article will achieve a great real-world effect in the near term. Whatever important effect a law review article is likely to have will be over the longer term, as professors inculcate the next generation of lawyers with the new learning, or as treatise-writers incorporate the learning into their more widely read works.

Breakdown by law review background. We suspected that those who worked on law review while in law school might read law reviews more often than those who did not. We also expected to find that those who had published articles in law reviews would be more inclined to read them. Surpris-

71. *See* text accompanying note 14 *supra*. On the other hand, this finding might mean that law reviews are doing an adequate job of putting forth current trends in a timely manner. Such an interpretation of the response, of course, undercuts Professor Lasson's assertion that law review publications lag behind current trends.

TABLE 6: WHY LAW REVIEWS ARE USED

(all figures in percent)

Purpose	Ranking 1	2-4	5-8	Not Ranked
For Academic Interest				
Attorneys	9.5	15.8	22.1	52.6
Professors	35.4	30.5	19.5	14.6
Judges	9.9	18.2	23.1	48.8
To Read Articles by Acquaintances				
Attorneys	2.1	6.3	17.9	73.7
Professors	2.4	24.4	37.8	35.4
Judges	1.7	5.8	24.0	68.6
To Provide a Theoretical Framework for Analysis				
Attorneys	10.5	21.1	13.7	54.7
Professors	19.5	42.7	15.9	22.0
Judges	20.7	18.2	19.8	41.3
To Evaluate the Effectiveness of Existing Law or Alternatives				
Attorneys	3.2	8.4	23.2	65.3
Professors	2.4	24.4	31.7	41.5
Judges	5.8	22.3	17.4	54.5
For a General Overview of Existing Law				
Attorneys	28.4	41.1	4.2	26.3
Professors	11.0	34.1	29.3	25.6
Judges	36.4	36.4	12.4	14.9
To Track Current Developements in a General Area of Interest or Practice				
Attorneys	30.5	35.8	6.3	27.4
Professors	30.5	39.0	11.0	19.5
Judges	20.7	39.7	12.4	27.3
To Identify New Approaches Toward or Developments in Specific Legal Topics				
Attorneys	13.7	43.2	6.3	36.8
Professors	13.4	53.7	8.5	24.4
Judges	15.7	40.5	14.0	29.8
To Find Cases or Other Citations to Support Specific Positions in Briefs, Memoranda, or Decisions				
Attorneys	31.6	28.4	8.4	31.6
Professors	4.9	17.1	34.1	43.9
Judges	28.9	29.8	14.9	26.4

ingly, however, dividing the participants into those who served on law reviews and those who did not revealed only one significant effect, which was probably a statistical anomaly.[72] Likewise, past law review publication did not significantly affect usage.[73] Contrary to our expectations, neither a background of law review membership nor a history of law review publication correlated with a greater frequency of law review use.

2. *Law review membership as a hiring criterion.*

Even those who do not read law reviews frequently "use" them by considering law review membership in their hiring decisions. Based on anecdotal evidence, we knew that judges and law firms, for example, frequently inquire whether applicants served on law review or published a note. But such evidence could not tell us how important these factors actually are in hiring decisions, and why. We particularly wanted to know whether employers value law review membership for the training it provides (an educational function), or whether a law review background primarily serves as a semi-official honor society or as an endorsement by the law school, and hence as an index of "eliteness" (a certification function). That is, we were curious whether employers care more about the fact of an applicant's law review credential than about what skills the applicant actually took away from the experience.

We asked participants how important the following factors are in their hiring decisions: membership in a general-interest law review (e.g., *Stanford Law Review*); membership in a specialized journal (e.g., *Stanford Journal of International Law*); senior editorial staff position; and publication of a note or comment. The answers were scaled from zero to five, where zero meant that the factor was meaningless in hiring and five meant that the factor was very important. For purposes of this question, participants were instructed to assume that law review membership was based on traditional criteria, such as grades and writing competitions. The answers to this question, then, incorporate *both* the certification and education functions of law reviews.[74]

As Table 7 shows, all three participant groups considered law review

72. The significant difference was among judges ($\chi^2(5)=13.3$, $p<.05$), and resulted from a unique pattern of use among judges who did not serve on law review. More than half of this group reported that they had used law reviews between one and five times in the last six months, whereas only 20% of the former law review members now on the bench had done so. This "clumping" resulted in a significant χ^2, since the judges who had served on law review displayed a more uniform pattern of results. For both groups, approximately 70% consulted law reviews fewer than 11 times; thus the χ^2 probably reflects a statistical anomaly rather than a difference in usage. There were no significant differences among either the attorneys or the professors ($\chi^2(4)=7.0$, $p>.1$, and $\chi^2(4)=2.9$, $p>.5$, respectively).

73. That is, there were no effects for either attorneys or judges ($\chi^2(4)=7.2$, $p>.1$, and $\chi^2(5)=4.6$, $p>.4$, respectively). No meaningful measurement is possible for the professors because almost all of them had published.

74. As discussed below, *see* text accompanying notes 79-82 *infra*, our next question eliminated certification value by postulating an open-membership journal. The difference in responses to these two questions, therefore, serves as a proxy for the importance of the certification function.

membership an important factor in hiring.[75] Professors, the primary suppliers of articles for law reviews, considered law review credentials especially important. Professors rated law review membership as being more important than did attorneys and judges, while we discerned no significant differences between judges and attorneys ($F(2,279)=6.2$, $p<.005$). Perhaps current law professors value law review membership in aspiring professors because law review members tend to be more familiar with published legal scholarship. Surprisingly, among attorneys, responses did not vary according to size of law firm ($F's<2.6$, $p's>.05$), even though large firms are frequently thought to be more credential-oriented than are small ones. Federal judges, however, considered every form of law review credential more important for a potential law clerk than did state judges.[76] Indeed, federal judges gave membership on a general-interest law review a 3.87 ranking, the highest of any subgroup.

TABLE 7: IMPORTANCE OF APPLICANTS' LAW REVIEW EXPERIENCE IN HIRING DECISIONS

(mean scaled responses, where 0=meaningless, 5=very important)
(sample sizes in parentheses)

	Attorneys	Professors	All Judges	State Judges	Federal Judges
Membership in a General Interest Journal	2.92 (n=103)	3.77 (n=75)	3.17 (n=104)	2.78 (n=67)	3.87 (n=37)
Membership in a Specialty Journal	2.27 (n=98)	2.71 (n=75)	2.33 (n=97)	2.08 (n=61)	2.75 (n=36)
Senior Editorial Staff Position	2.89 (n=99)	3.50 (n=72)	3.11 (n=99)	2.75 (n=63)	3.75 (n=36)
Publication of a Note or Comment	2.74 (n=98)	3.34 (n=72)	3.00 (n=100)	2.69 (n=66)	3.59 (n=34)
Membership on a Journal Open to All Interested and Hard-Working Students	2.19 (n=103)	2.44 (n=76)	2.75 (n=106)	2.78 (n=69)	2.69 (n=37)

Although service on a specialized journal was considered a somewhat positive factor for an applicant, it was not nearly so important as general-interest law review membership.[77] Surprisingly, not one of the three profession groups rated senior editorial positions as significantly different from or-

75. "Important" in the sense that the mean rating given by all three profession groups was statistically higher than the midpoint of the scale used in the rating ($t(102)=2.62$, $p<.05$, $t(74)=7.77$, $p<.01$, and $t(103)=3.99$, $p<.01$, for attorneys, professors, and judges, respectively).

76. Membership on a general-interest journal ($t(102)=3.22$, $p<.005$); membership on a special-interest journal ($t(95)=2.02$, $p<.05$); senior editor or staff position ($t(91)=2.96$, $p<.005$); publication of a note or comment ($t(48)=2.69$, $p<.01$).

77. All three profession groups rated general-interest journal membership as being more important than specialty-journal membership ($t(97)=6.94$, $p<.001$, $t(97)=8.13$, $p<.001$, and $t(96)=6.45$, $p<.001$, for attorneys, professors, and judges, respectively).

dinary membership (t's<1.5, p's$>.1$).[78] Moreover, attorneys rated publication of a note or comment as significantly less important than basic membership on a general-interest law review ($t(97)=2.04$, $p<.05$).

Table 8 breaks the responses down into those respondents who served on law reviews and those who did not. It shows that, across all profession groups, those who served on law reviews themselves considered law review membership more important than those who did not ($F(1,272)=27.6$, $p<.001$). We also found that former law review members considered a senior editorial position and the publication of a note or comment significantly more important than did their cohorts who did not serve on law reviews ($F(1,260)=21.6$, $p<.001$, and $F(1,260)=14.4$, $p<.001$, respectively).

TABLE 8: IMPORTANCE OF APPLICANTS' LAW REVIEW EXPERIENCE IN HIRING DECISIONS: EFFECT OF HIRERS' LAW REVIEW BACKGROUND

(mean scaled responses, where 0=meaningless, 5=very important)
(sample sizes in parentheses)

	Attorneys		Professors		Judges	
	Former Members	Non-Members	Former Members	Non-Members	Former Members	Non-Members
Membership in a General Interest Journal	3.27 (n=49)	2.57 (n=51)	4.02 (n=49)	3.31 (n=26)	4.10 (n=39)	2.60 (n=64)
Membership in a Specialty Journal	2.49 (n=47)	2.06 (n=49)	2.80 (n=49)	2.54 (n=26)	2.84 (n=38)	1.98 (n=58)
Senior Editorial Staff Position	3.24 (n=49)	2.45 (n=47)	3.54 (n=48)	3.42 (n=24)	4.11 (n=38)	2.48 (n=60)
Publication of a Note or Comment	3.07 (n=47)	2.40 (n=48)	3.42 (n=48)	3.19 (n=24)	3.68 (n=37)	2.59 (n=62)
Membership on a Journal Open to All Interested and Hard-Working Students	2.39 (n=48)	1.95 (n=52)	2.49 (n=50)	2.35 (n=26)	2.76 (n=40)	2.73 (n=65)

We next asked participants how important they would consider law review membership were it open to all students willing and able to do the work. This question was designed to measure how much employers value law reviews for their educational function as a training tool, as opposed to a certification of supposedly superior academic ability.[79] We particularly wanted to separate out the "eliteness" certification aspect because many law

78. The evaluations of the value of a senior staff position correlated significantly with the participants' year of graduation ($r=-.12$ (298), $p<.05$). Older participants across all profession groups tended to rate a senior staff position more favorably than did younger participants, although the effect was weak.

79. Employers may also consider law review membership as certifying a willingness to work hard. Thus, although the difference between responses regarding open as opposed to selective law reviews is a good measure of the certification of "eliteness," the data do not permit a distinction

reviews are now under fire to become larger, less elitist, and more open to those of nontraditional backgrounds.[80] These results are also reported in Tables 7 and 8.

The average responses to this question across all profession groups were significantly lower than those for the responses to the previous question,[81] indicating that law reviews do serve a substantial certification of "eliteness" role for almost all categories of employers. Membership on an "open" journal may still be a positive factor on a résumé, but it is not nearly as important as membership on a journal whose members are selected by the traditional criteria of grades and writing competitions. The difference was most marked for law professors: Membership on a general-interest law review with traditional criteria scored 3.77 out of a possible 5.00, while membership on an open journal scored only 2.44. For federal judges, the drop-off was nearly as severe, from 3.87 to 2.69. For attorneys, the drop-off was from 2.92 to 2.19, which suggests that membership on an "open" law review may be a relatively unimportant factor for attorney hiring purposes.[82] State judges, in contrast, considered membership on an open law review no less important than membership on an "elite" law review: Their ranking stayed at 2.78.

The notable but not surprising conclusion is that for jobs that have traditionally been considered "elite" (such as federal judicial clerkships and law professorships), law review membership matters a lot, in good part because it serves an "eliteness" certification function. It will be quite interesting to see whether employers will begin to discount membership on journals such as the *Yale Law Journal* or *Stanford Law Review* once employers learn that such membership no longer serves as a proxy for academic ability. Another question is whether law reviews will continue to liberalize their membership policies, or whether the *Stanford* and *Yale* journals will reverse field in order to reestablish their "eliteness" in the eyes of employers.

B. *Evaluation of Law Reviews and Suggestions for Improvement*

In addition to wanting to know how often, in what ways, and for what purposes lawyers use law reviews, we were also curious about how well they thought the reviews were doing their job. In particular, we wanted to know how well participants thought law reviews served their members, both internally, in terms of training and educating them, and externally, by broadening their employment opportunities. We were also interested in how successful participants thought law reviews were at serving their readership's

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between the respective premiums that respondents place on law reviews as certifiers of diligence as opposed to valuable training grounds.

80. *See* text accompanying notes 35-37 *supra*.

81. $t(98)=4.67$, $p<.001$, $t(99)=6.07$, $p<.001$, and $t(98)=3.28$, $p<.001$, for attorneys, professors, and judges, respectively.

82. This result should be viewed cautiously. The practicing attorneys surveyed were all Stanford Law School alumni, and the results may be a reaction to the *Stanford Law Review*'s comparatively open membership policy. *See* note 33 *supra*.

needs, and which types of law review contributions (articles, essays, student-written notes, etc.) participants found most helpful. Finally, we wanted to know the ways in which the participants would reform law reviews, in terms of format, subject matter, and degree of student involvement.

1. *How well law reviews serve their members.*

Although the employers' responses indicate that law review membership is unquestionably an important indicator of "eliteness," they also suggest that employers value the educational function that law reviews are supposed to serve. The responses regarding the importance of membership on an open-membership journal were lower than those for the question regarding law reviews with traditional membership criteria. But employers still attached some value to membership on an open journal, which suggests that employers believe that all types of law reviews are successful at educating their members.[83]

To obtain further evidence on whether law reviews succeed in their educational mission, we asked former law review members how helpful they felt their law review experience was in several categories: enhancing the precision of their writing and editing, improving their ability to work with others, and teaching them substantive law. Because law students often seek law review membership to enhance their résumés, we also asked the former review members whether their law review background broadened their employment opportunities. Each question used a zero to five scale, with zero meaning that the law review experience was of no help and five meaning that the experience was very helpful.

Former law review members enthusiastically endorsed law reviews for their improvement of writing and editing skills.[84] As indicated in Table 9, the mean response for judges was 4.02, for professors 3.73, and for attorneys 3.66,[85] although these cross-professional differences were not statistically significant ($F(2,152)=8$, $p>.4$). We noted no differences between state and federal judges ($t(42)=.29$, $p>.5$).[86] Among attorneys, there were no significant differences between appellate litigators and non-appellate litigators, nor between transactional and non-transactional lawyers ($t(53)=1.4$, $p>.1$, and $t(53)=1.6$, $p>.1$, respectively). Trial litigators did report that the law review experience was more useful to writing and editing (4.14) than did non-trial litigators (3.22) ($t(53)=2.59$, $p<.01$). We found no significant differ-

83. Employers may also value law review membership as a certification of industriousness, *see* note 79 *supra*, so the responses do not conclusively show that employers value the training function of the law review experience itself.

84. Mean ratings for all three professions were statistically higher than the scale's midpoint ($t(57)=5.84$, $p<.001$, $t(54)=6.03$, $p<.001$, and $t(46)=6.47$, $p<.001$, for attorneys, professors, and judges, respectively).

85. The number for attorneys may be less reliable than the numbers for the other participant groups because the attorneys were all graduates of Stanford Law School, and experiences on law reviews at Stanford may be atypical.

86. State and federal judges did not differ on any of their ratings of the law review experience (t's<1.5, $p>.1$).

ences based on the size of the firms in which the attorneys practice ($F(2,55)=.56$, $p>.5$).

TABLE 9: FORMER LAW REVIEW MEMBERS' EVALUATIONS OF THE HELPFULNESS OF THEIR EXPERIENCES

(mean scaled responses, where 0=no help, 5=very helpful)
(sample sizes in parentheses)

	Attorneys	Professors	Judges
Enhancing Precision of Writing and Editing	3.66 (n=56)	3.73 (n=55)	4.02 (n=44)
Improving Ability to Work with Others	2.23 (n=56)	3.58 (n=52)	2.25 (n=44)
Teaching Substantive Law	1.93 (n=56)	2.29 (n=52)	2.25 (n=44)
Broadening Employment Opportunities	3.11 (n=53)	3.79 (n=52)	2.98 (n=44)

The participants also thought that law review membership improved their employment prospects, confirming our earlier conclusions from the hiring side.[87] Professors in particular felt that law review membership helped them gain employment (3.79), but attorneys and judges also gave favorable ratings.[88] The participants were more dubious about law reviews' success at improving their ability to work with others and increasing their knowledge of substantive law. The only significant deviation from this trend was the appellate litigators' rating of substantive law teaching a full point higher than other attorneys (2.69 compared to 1.71) ($t(53)=2.3$, $p<.05$). These results suggest that the educational value of law reviews has been primarily in teaching *skills* rather than in teaching substantive law. In sum, law reviews have done a good job of improving their members' researching, writing, and editing skills, but not as good a job of educating them on matters of substantive law. Overall, most participants had positive attitudes about their law review experiences.

2. *How well law reviews serve their readers.*

We asked participants how successful they considered law reviews to be at meeting a number of goals commonly associated with the law review enterprise. In particular, we wanted to know how successful law reviews were at achieving the following aims: stimulating academic interest; suggesting theoretical frameworks for analysis; evaluating the effectiveness of existing law or alternatives; providing a general overview of existing law; tracking

87. *See* notes 74-82 *supra* and accompanying text.

88. The three profession groups differed significantly in their evaluations of the importance of law review to employment ($F(2,146)=3.8$, $p<.05$). Post-hoc analysis revealed that this difference resulted primarily from the high ratings given by professors compared to judges. Other comparisons were not significant.

current developments in general practice areas; identifying new approaches toward legal topics; finding cases or support for specific positions in legal

TABLE 10: SUCCESS OF LAW REVIEWS AT MEETING THEIR READERSHIP'S NEEDS

(mean scaled responses, where 0=failure, 5=success)
(sample sizes in parentheses)

Purpose	Attorneys	Professors	Judges
Stimulating Academic Interest	2.92 (n=76)	3.20 (n=76)	3.37 (n=96)
Suggesting Theoretical Frameworks for Analysis	3.12 (n=85)	3.34 (n=77)	3.44 (n=108)
Evaluating the Effectiveness of Existing Law and Alternatives	2.92 (n=85)	3.07 (n=76)	3.27 (n=108)
Providing a General Overview of Existing Law	3.13 (n=94)	3.18 (n=77)	3.59 (n=112)
Tracking Current Developments and Trends in a General Area of Interest or Practice	3.21 (n=95)	3.32 (n=77)	3.74 (n=108)
Identifying New Approaches or Developments in Specific Legal Topics	3.21 (n=91)	3.41 (n=76)	3.47 (n=106)
Finding Cases or Other Citations To Support Specific Positions in Briefs, Memoranda, or Decisions	3.13 (n=94)	3.19 (n=74)	3.36 (n=109)
Training Students as Writers, Editors, and Researchers	3.64 (n=90)	3.76 (n=74)	3.87 (n=100)

documents; and training students as writers, editors, and researchers. For each category, participants were asked to provide a response on a zero to five scale, with zero meaning that law reviews, as a whole, failed to achieve the particular goal, and five meaning that law reviews were successful toward that end.

The responses summarized in Table 10 illustrate that participants from all profession groups gave positive marks to law reviews' success at meeting each listed goal.[89] This finding stands in marked contrast to the standard criticisms of law reviews, most of which perceive them to be quite unsuccess-

89. All profession groups gave mean ratings statistically higher than the midpoint of the rating scale for each category (t's>2.4, p's$<.05$). The profession groups differed as to their ranking of law reviews' success at identifying and tracking new legal trends and developments ($F(2,280)=4.35$, $p<.05$, and $F(2,277)=5.48$, $p<.005$, respectively). Judges rated law reviews as more successful at accomplishing these goals than did attorneys. State and federal judges did not differ in rating the reviews' success at achieving any of the listed goals (t's<1.74, p's$>.05$). Among attorneys, no differences existed among practice types with respect to any of the ratings (t's<1.9, p's$>.05$), nor did the attorneys from firms of different sizes vary in their responses (F's<3.1, p's$>.05$). Dividing the sample into those participants who had published and those who had not resulted in no significant differences as to any goal, nor did past publication interact with profession (F's<3.5, p's$>.05$); in other words, those who publish in law reviews are no more inclined to consider reviews successful at achieving any of their goals than are those who do not publish. We found no significant differences

TABLE 11: SUCCESS OF LAW REVIEWS AT MEETING THEIR READERSHIP'S NEEDS: SAMPLE DIVIDED ACCORDING TO USE PREFERENCES (see TABLE 6)

(Mean scaled responses, where 0=failure, 5=success)

	Ranking			
Purpose	1	2-4	5-8	Not Ranked
For Academic Interest				
Attorneys	3.75	3.38	3.16	2.57
Professors	3.50	3.02	3.56	2.11
Judges	3.73	3.50	3.35	3.19
To Provide a Theoretical Framework for Analysis				
Attorneys	3.40	3.74	3.25	2.92
Professors	3.07	3.70	3.92	2.25
Judges	3.91	3.79	3.17	3.27
To Evaluate the Effectiveness of Existing Law or Alternatives				
Attorneys	3.33	4.00	2.95	2.85
Professors	3.00	3.45	3.17	2.64
Judges	4.00	3.65	3.00	3.14
For a General Overview of Existing Law				
Attorneys	3.33	3.49	2.50	3.19
Professors	3.67	3.63	3.06	2.56
Judges	3.60	3.84	3.36	3.13
To Track Current Developments or Trends in a General Area or Practice				
Attorneys	3.38	3.56	2.83	2.79
Professors	3.94	3.10	3.25	2.62
Judges	4.28	3.87	3.50	3.26
To Identify New Approaches Towards or Developments in Specific Legal Topics				
Attorneys	3.56	3.53	3.40	3.07
Professors	3.72	3.55	3.29	2.88
Judges	3.78	3.85	3.35	2.80
To Find Cases or Other Citations to Support Specific Positions in Briefs, Memoranda, or Decisions				
Attorneys	3.57	3.46	3.62	2.47
Professors	4.25	3.36	3.64	2.42
Judges	3.94	3.71	2.94	2.57

ful at accomplishing anything of much importance.[90] The responses certainly do not establish that law reviews are wildly successful at achieving any of the listed goals. But neither do they support a finding that law reviews fail to meet any of those same goals. Rather, law review consumers consider the publications to be at least somewhat successful in pursuit of their various missions.

The list of goals on this question closely matched the list that participants were provided to describe their purposes for consulting law reviews.[91] This similarity allowed an evaluation of law reviews' success at the various functions for which the profession groups consulted the reviews. Table 11 provides the mean success ratings according to participant use rankings (with rankings broken down into primary use, top four uses, bottom four uses, and not ranked). For example, attorneys who ranked academic interest as their primary reason for consulting law reviews rated the reviews' success at stimulating academic interest at 3.75.

In each of the eight categories, we found a significant linkage between participants' purpose for use and their evaluation of law reviews' success at accomplishing the corresponding goal (t's > 1.92, p's $< .05$). There are at least two possible explanations for this trend. First, participants might have consulted reviews almost exclusively for one reason (or a small number of reasons) and thought reviews successful at meeting precisely that goal (or those goals); if this was the case, then the participants' lack of enthusiasm for certain law review accomplishments may have been due to a lack of exposure. Alternatively, participants may have consulted the reviews for many of the listed reasons, found the journals helpful for only a limited number of purposes, and ceased looking to them for goals they had failed, in the participants' opinions, to achieve.

We next asked participants to evaluate the usefulness of the different types of law review contributions. We presented them with a list of the various types of publication formats: full-length articles, correspondence responding to articles, book reviews, essays, student-written case commentaries, other student-written notes, article summaries/abstracts, tables of contents for individual articles, and symposia. We asked participants to rate the usefulness of each format on a scale of zero to five, with zero meaning that a format was of no help, and five meaning that a format was very helpful.

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between those who had served on law reviews and those who had not, nor were there significant differences across profession groups (F's < 2.6, p's $> .05$).

Year of graduation correlated significantly with evaluations of the effectiveness of law reviews at training students ($r = -.14$ (257), $p < .005$). Older participants rated law reviews as more successful at training than did younger participants.

90. *See* text accompanying notes 10-18 *supra*.

91. *See* text following note 68 *supra*.

As summarized in Table 12, full-length articles uniformly scored highest as the most useful generic type of law review product, and these evaluations did not differ among the professions ($F(2,293)=2.6$, $p>.05$).[92] Given the greater attention paid to full-length articles by both authors and law review staff, this result reassuringly conforms to expectations.

TABLE 12: RATING OF COMPONENTS OF LAW REVIEWS

(mean scaled responses, where 0=no help, 5=very helpful)
(sample sizes in parentheses)

Component	Attorneys	Professors	All Judges	State Judges	Federal Judges
Full-Length Articles	3.54 (n=99)	3.92 (n=83)	3.83 (n=114)	3.93 (n=80)	3.59 (n=34)
Correspondence Responding to Articles	1.10 (n=90)	1.68 (n=76)	1.35 (n=106)	1.47 (n=73)	1.09 (n=33)
Book Reviews	1.03 (n=92)	2.16 (n=80)	1.43 (n=109)	1.42 (n=76)	1.46 (n=33)
Essays	1.47 (n=89)	2.80 (n=77)	1.94 (n=107)	1.89 (n=75)	2.03 (n=32)
Student-Written Case Commentaries	2.38 (n=94)	2.37 (n=81)	2.96 (n=114)	3.11 (n=80)	2.59 (n=34)
Other Student-Written Notes	2.47 (n=92)	2.50 (n=81)	2.75 (n=106)	2.87 (n=74)	2.47 (n=32)
Article Summaries/ Abstracts	2.08 (n=89)	2.20 (n=74)	2.64 (n=101)	2.67 (n=70)	2.58 (n=31)
Tables of Contents For Individual Articles	2.45 (n=89)	2.72 (n=76)	3.00 (n=107)	3.01 (n=75)	2.97 (n=32)
Symposia	2.35 (n=89)	3.53 (n=77)	2.55 (n=92)	2.42 (n=62)	2.83 (n=30)

Although full-length articles received high ratings in general, the ratings dropped when participants evaluated the usefulness of articles organized in the symposium format.[93] The three profession groups rated the usefulness of symposia differently: Professors considered them to be more valuable than did attorneys or judges ($F(2,255)=16.1$, $p<.001$).[94]

One possible explanation for the overall lower ratings is that the typical symposium submission may be written less because an author has an interest in a particular symposium topic than because the symposium provides a fo-

92. Attorneys, professors, and judges gave full-length articles mean ratings that exceeded significantly the scale's midpoint ($t(98)=7.76$, $p<.001$, $t(82)=11.51$, $p<.001$, and $t(113)=12.02$, $p<.001$, respectively).

93. This was true for attorneys, professors, and judges ($t(87)=7.18$, $p<.001$, $t(76)=3.09$, $p<.005$, and $t(89)=6.90$, $p<.001$, respectively). This analysis includes only participants who rated the usefulness of both full-length articles and symposia.

94. Year of graduation correlated significantly with the participants' evaluations of symposia ($r=.14$ (253), $p<.05$). Younger participants rated symposia more favorably than did older participants. This effect occurred independently of the different evaluations across profession groups.

rum for publication; in turn, this might lead to works of lower quality than individual articles. Alternatively, the time tables demanded by symposia might lead to hurried works, which readers find less satisfying than articles prepared according to the author's own schedule. Participants were not specifically asked to evaluate topic selection for symposia, although we asked them to suggest future symposia topics. Many participants chose not to respond to this open-ended question. Among the responses given, no readily discernible subject matter pattern existed. Topic choices were diverse and frequently broad in scope. For example, participants suggested topics such as "Real Estate," "Rule 11 Sanctions," "Social Science and the Law," "Sentencing Reform," and "Case Management in Federal Courts."

The usefulness ratings for other types of law review contributions dropped substantially after full-length articles. Original student contributions to law reviews, such as notes and case commentaries, received middling ratings from all three profession groups.[95] Judges, attorneys, and professors rated student notes similarly ($F(2,276)=1.6$, $p>.2$), but judges gave student case commentaries higher ratings than did attorneys and professors ($F(2,86)=7.6$, $p<.001$). Within the judge group, state judges valued student case commentaries more than did federal judges ($t(112)=2.49$, $p<.05$).[96]

Other substantive portions of law reviews did not fare any better in their evaluations. Book reviews and correspondence received the lowest usefulness ratings of all the formats of law review work,[97] although professors evaluated book reviews significantly higher than did judges or attorneys ($F(2,278)=17.0$, $p<.001$). Essays also received low ratings, with professors again rating them higher than did the other two groups ($F(2,270)=18.5$, $p<.001$). The low ratings received by essays has some relevance for the debate over whether law review articles have become too long.[98] Although the survey data suggest that law review consumers would prefer shorter articles,[99] the essay format apparently does not satisfy this preference.

Two features designed to make law review material more accessible do not appear to have had great success. Article summaries received low to middling ratings from all profession groups, and tables of contents for individual articles were rated only slightly higher. Judges valued article summaries more than did attorneys ($F(2,261)=4.2$, $p<.05$), but the groups did not differ in their ratings of tables of contents ($F(2,269)$, $p>.05$). Among attorneys, those who dealt primarily with transactional work rated both article summaries and tables of contents less highly than did other attorneys

95. Attorneys, law professors, and judges all gave significantly lower ratings to both student case commentaries ($t(92)=7.99$, $p<.001$, $t(80)=10.68$, $p<.001$, and $t(112)=6.91$, $p<.001$, respectively), and student notes ($t(90)=7.01$, $p<.001$, $t(80)=11.10$, $p<.001$, and $t(105)=8.28$, $p<.001$, respectively).

96. This was the only significant difference between federal and state judges concerning their evaluation of the usefulness of different types of law review contributions (t's<1.8, p's$>.05$).

97. All three profession groups rated correspondence and book reviews significantly below the scale's midpoint (t's>2.2, p's$<.05$).

98. *See* text accompanying notes 27-28 *supra*.

99. *See* text accompanying notes 100-103 *infra*.

($t(86)=2.00$, $p<.05$, and $t(86)=1.99$, $p<.05$, respectively). Attorneys who had recently done trial work found student case commentaries and student notes more useful than did other attorneys ($t(91)=2.0$, $p<.05$, and $t(89)=1.99$, $p<.05$, respectively).

3. *Suggestions for improving articles.*

We also asked participants to address some common complaints found in the anecdotal literature: charges that law review articles are "too long," "too theoretical," or "have too many footnotes."[100] For each of these issues, and for the issue of whether law review articles should be more or less empirical, we presented a five-point scale, with paired opposites at one and five. Thus on the issue of article length, a response of one meant that, compared to current law review practice, respondents felt that articles should be shorter, whereas a response of five meant they felt articles should be longer. We interpreted a response of three to indicate satisfaction with current law review practice.

As illustrated in Table 13, the survey data support all of the typically-voiced complaints. All three profession groups expressed a clear preference for articles that are shorter ($t's>6.3$, $p's<.001$), are less theoretical ($t's>2.1$, $p's<.05$), and have fewer footnotes ($t's>4.3$, $p's<.001$).[101] There were, however, differences in the level of concern voiced by different profession groups. For example, professors thought articles should be shorter than did attorneys ($F(2,279)=4.37$, $p<.05$); but professors did not find law review articles overly theoretical, as did the attorneys and judges ($F(2,277)=5.82$, $p<.01$).

TABLE 13: EVALUATION OF REFORM MEASURES
(mean scaled responses)
(sample sizes in parentheses)

	Attorneys	Professors	All Judges	State Judges	Federal Judges
Articles Should Be:					
Shorter (1) or Longer (5)	2.43 (n=90)	2.05 (n=79)	2.34 (n=113)	2.49 (n=81)	1.94 (n=32)
More (1) or Less (5) Theoretical	3.86 (n=93)	3.28 (n=74)	3.66 (n=113)	3.52 (n=81)	4.03 (n=32)
More (1) or Less (5) Empirical	2.84 (n=91)	2.71 (n=76)	2.88 (n=111)	2.85 (n=79)	2.97 (n=32)
More (1) or Less (5) Heavily Footnoted	3.41 (n=92)	3.62 (n=79)	3.60 (n=113)	3.37 (n=81)	4.19 (n=32)

Within the profession groups, some subgroups had stronger views than others. For example, federal judges, true to the lead taken by Chief Judges

100. *See* text accompanying notes 10-24 *supra*.
101. Participants had no clear preference for whether articles should be more or less empirical.

Breyer and Mikva,[102] expressed stronger disapproval of the quantity of footnotes in law review articles than did their counterparts on the state bench ($t(111)=3.74$, $p<.001$). In addition, federal judges differed from their state court colleagues by holding a much stronger view that law review articles should be shorter and less theoretical ($t(111)=3.2$, $p<.005$, and $t(111)=2.24$, $p<.05$, respectively).

The level of dissatisfaction with the length, abstractness, and number of footnotes remains statistically the same when the participants are separated into those who had published in law reviews and those who had not ($F's<2.5$, $p's>.05$). A difference does emerge, however, when the group that had published is divided into those who had published in student-edited journals and those who had published exclusively in other journals. The participants who had published in student-edited journals were less concerned about articles being too theoretical than were those who had published in non-student-edited journals.[103] This disparity probably should not surprise anyone because critics typically direct their concern about overly-theoretical articles at the student-edited journals.

4. *Suggestions for subject matter for law review pieces.*

Another common complaint expressed in the anecdotal literature about law reviews is that they publish articles on arcane questions that appeal to a very limited audience.[104] In an effort to discern what potential and current law review consumers want to read, we asked participants to rate twelve different subject categories according to whether participants wanted to see more or less material on the legal topic. The categories included jurisprudence and legal theory, constitutional law and civil rights, corporate and commercial law, criminal law and procedure, evidence and civil procedure, taxation, tort law, labor law, legal ethics, lawyering for social change, international law, and interdisciplinary studies.[105] Participants rated each category on a scale of zero to five, with zero meaning they would like to see law reviews focus much less attention than they currently do on the subject matter, and five meaning that participants would like to see much more attention focused on the particular area.

As seen in Tables 14 and 15, responses to these questions varied widely among the three profession groups, as well as within the different subgroups of each profession.[106] Among the twelve topics provided, only three, legal

102. *See* text accompanying notes 22-24 *supra*.

103. Participants who had published in student-edited journals responded with an average rating of 3.3; participants who had not published in such reviews responded with an average rating of 3.9 ($F(1,111)=4.4$, $p<.05$). No other significant effects distinguished these two groups ($F's<.5$, $p's>.5$).

104. *See* text accompanying note 13 *supra*.

105. In addition, we provided respondents with two spaces for "other" subject matter on which they might wish to see law reviews focus attention. Results were not tabulated for these responses.

106. Year of graduation correlated significantly with several of the areas of law: corporate law, evidence, tax, labor law, lawyering for social change, and international law ($r=.22$ (223), $p<.05$,

ethics, corporate and commercial law, and tort law, garnered support for greater attention among all profession groups.[107]

TABLE 14: ATTENTION LAW REVIEWS SHOULD PAY TO PARTICULAR TOPIC AREAS

(mean scaled responses, where 0=much less attention, 5=much more attention)
(sample sizes in parentheses)

Topic	Attorneys	Professors	All Judges	State Judges	Federal Judges
Jurisprudence and Legal Theory	2.51 (n=70)	2.80 (n=59)	2.90 (n=97)	2.99 (n=68)	2.69 (n=29)
Constitutional Law and Civil Rights	2.80 (n=71)	2.93 (n=62)	3.38 (n=96)	3.44 (n=69)	3.22 (n=27)
Corporate and Commercial Law	3.71 (n=77)	2.98 (n=57)	2.93 (n=95)	2.73 (n=67)	3.39 (n=28)
Criminal Law and Criminal Procedure	2.42 (n=65)	2.71 (n=56)	3.63 (n=97)	3.76 (n=70)	3.30 (n=27)
Evidence and Civil Procedure	3.04 (n=68)	2.75 (n=57)	3.85 (n=95)	3.89 (n=69)	3.73 (n=26)
Taxation	2.63 (n=70)	2.46 (n=55)	1.90 (n=88)	1.73 (n=62)	2.31 (n=26)
Tort Law	3.03 (n=67)	2.80 (n=54)	3.42 (n=90)	3.47 (n=64)	3.31 (n=26)
Labor Law	2.56 (n=66)	2.63 (n=55)	2.31 (n=91)	2.08 (n=64)	2.85 (n=27)
Legal Ethics	3.18 (n=73)	3.62 (n=61)	3.34 (n=94)	3.39 (n=67)	3.22 (n=27)
Lawyering for Social Change	2.24 (n=71)	3.14 (n=60)	2.26 (n=93)	2.33 (n=67)	2.08 (n=26)
International Law	2.64 (n=67)	3.17 (n=58)	1.87 (n=92)	1.70 (n=64)	2.25 (n=28)
Interdisciplinary Studies	2.49 (n=63)	3.40 (n=62)	2.19 (n=85)	2.23 (n=60)	2.08 (n=25)

Beyond this conclusion, the data provide little help for law reviews wishing to publish in subject areas of interest to all three groups. Law professors wanted to see more attention given to lawyering for social change and interdisciplinary studies than did attorneys and judges ($F(2,221)=7.0$, $p<.005$, and $F(2,207)=12.9$, $p<.001$, respectively). Attorneys asked for a greater focus on corporate law than did professors and judges ($F(2,226)=12.3$, $p<.001$). Judges wanted to see more articles concerning criminal law and

$r=-.10$ (214), $p<.05$, $r=.16$ (207), $p<.05$, $r=.18$ (206), $p<.05$, $r=.20$ (218), $p<.05$, and $r=.22$ (211), $p<.05$, respectively). Older participants tended to want less corporate law, tax, labor law, lawyering for social change, and international law, and more evidence than did younger participants. The correlations for three of these categories (corporate law, evidence, and tax) did not persist when we controlled for the participants' professions. Thus, age was a significant independent determinant of subject preference for labor law, lawyering for social change, and international law.

107. t's>2.2, p's$<.05$.

TABLE 15: ATTENTION LAW REVIEWS SHOULD PAY TO PARTICULAR TOPIC AREAS: ATTORNEYS DIVIDED ACCORDING TO TYPE OF PRACTICE

(mean scaled responses, where 0=much less attention, 5=much more attention)
(sample sizes in parentheses)

Topic	Trial Litigators	Non-Trial Litigators	Appellate Litigators	Non-Appellate Litigators	Transactional Attorneys	Non-Transactional Attorneys
Jurisprudence and Legal Theory	2.76 (n=50)	1.88 (n=20)	2.91 (n=22)	2.32 (n=48)	2.27 (n=43)	2.89 (n=27)
Constitutional Law and Civil Rights	3.04 (n=51)	2.20 (n=20)	3.00 (n=23)	2.71 (n=48)	2.50 (n=44)	3.30 (n=27)
Corporate and Commercial Law	3.60 (n=52)	3.96 (n=25)	3.52 (n=23)	3.80 (n=54)	3.90 (n=52)	3.32 (n=25)
Criminal Law and Criminal Procedure	2.42 (n=47)	2.44 (n=18)	2.20 (n=20)	2.52 (n=45)	2.26 (n=40)	2.68 (n=25)
Evidence and Civil Procedure	3.30 (n=50)	2.33 (n=18)	3.29 (n=21)	2.94 (n=47)	2.62 (n=42)	3.73 (n=26)
Taxation	2.11 (n=45)	3.56 (n=25)	2.00 (n=19)	2.86 (n=51)	2.85 (n=47)	2.17 (n=23)
Tort Law	3.20 (n=49)	2.56 (n=18)	3.32 (n=22)	2.89 (n=45)	2.77 (n=43)	3.50 (n=24)
Labor Law	2.58 (n=48)	2.50 (n=18)	2.64 (n=22)	2.52 (n=44)	2.66 (n=41)	2.40 (n=25)
Legal Ethics	3.24 (n=51)	3.05 (n=22)	3.29 (n=24)	3.12 (n=49)	2.96 (n=46)	3.56 (n=27)
Lawyering for Social Change	2.24 (n=51)	2.25 (n=20)	1.86 (n=22)	2.41 (n=49)	1.86 (n=44)	2.85 (n=27)
International Law	2.45 (n=47)	3.10 (n=20)	2.10 (n=20)	2.87 (n=47)	2.98 (n=43)	2.04 (n=24)
Interdisciplinary Studies	2.34 (n=47)	2.94 (n=16)	2.24 (n=21)	2.62 (n=42)	2.63 (n=40)	2.26 (n=23)

evidence, but were less interested in pieces on tax and international law than were attorneys and professors ($F(2,215)=25.3$, $p<.001$, $F(2,217)=20.1$, $p<.001$, $F(2,210)=7.7$, $p<.001$, and $F(2,214)=19.4$, $p<.001$, respectively). In addition, judges wanted more constitutional law than did attorneys ($F(2,226)=4.6$, $p<.01$), and more tort law than did professors ($F(2,208)=6.8$, $p<.005$).

A comparison of federal and state judge ratings explains some judicial preferences. The antipathy shown by judges to tax and international law is largely accounted for by the strong sentiments expressed by the state judges against these legal topics ($t(86)=2.4$, $p<.05$, and $t(90)=1.99$, $p<.05$, respectively). With respect to articles concerning tax, state judges responded

at an average rate of 1.73, with federal judges responding at an average rate of 2.31; on the international law side, state judges were at 1.70, while federal judges were at 2.25. State judges were also stronger proponents of an increased focus on criminal law and procedure than were federal judges ($t(95)=2.04$, $p<.05$). On the other hand, federal judges wanted to see more pieces concerning corporate and labor law than did state judges ($t(93)=3.21$, $p<.005$, and $t(89)=3.3$, $p<.001$, respectively).

Table 15 provides the breakdown of attorney responses by practice area. As might be expected, attorneys who practiced transactional work were stronger advocates of corporate law than were other attorneys ($t(75)=2.19$, $p<.05$). Transactional attorneys also showed a greater preference for more tax and international law than did their non-transactional colleagues ($t(68)=1.96$, $p<.05$, and $t(65)=2.54$, $p<.05$, respectively), but they showed less interest in constitutional law, evidence, tort law, and lawyering for social change than did other attorneys ($t(2.57)$, $p<.01$, $t(66)=3.6$, $p<.001$, $t(65)=2.63$, $p<.001$, and $t(69)=2.54$, $p<.05$, respectively).[108] The only subjects unaffected by attorney type were legal ethics, labor law, and criminal law and procedure (t's<1.8, p's$>.05$).

5. *The student role in the selection and editing of articles.*

We asked participants to give their opinion on one final set of reform issues—whether students should continue to decide which articles should be printed in law reviews and whether students should continue to edit those submissions.[109] The results are summarized in Table 16. Unlike the lukewarm sentiments expressed in most of the other survey questions, participants resoundingly endorsed the current system of students selecting and editing law review articles. Support for student editing was higher across all profession groups than it was for student selection of articles. Among attorneys, 89.2% endorsed student editing, while 71.7% favored student selection of pieces. Among judges who answered the questions, 85.0% favored student editing, whereas 63.7% favored student selection. The corresponding results for responding professors were 87.5% and 75.0%.[110]

We presented participants with an open-ended opportunity to explain their responses to the two questions concerning the student role in article selection and preparation. Among the participants who answered this question, those who supported both student selection and editing overwhelmingly responded that these tasks provide an important training opportunity

108. Trial attorneys wanted to see more jurisprudence, constitutional law, evidence, and tort law, and less tax law than did their nontrial colleagues ($t(68)=2.69$, $p<.01$, $t(69)=2.51$, $p<.05$, $t(66)=2.74$, $p<.01$, $t(65)=2.12$, $p<.05$, and $t(68)=4.82$, $p<.001$, respectively). Appellate litigators wanted less tax and international law than did their colleagues ($t(68)=2.4$, $p<.05$, and $t(65)=2.01$, $p<.05$, respectively).

109. These issues have been debated in the literature on law reviews. *See* note 29 *supra*.

110. The approval rates for students selecting and editing articles did not vary significantly across profession groups ($\chi^2(2)=2.9$, $p>.2$, and $\chi^2(2)=.79$, $p>.5$, respectively). State and federal judges did not differ significantly on either question ($\chi^2(1)=1.63$, $p>.2$, and $\chi^2(1)=.02$, $p>.5$, respectively).

TABLE 16: PREFERENCE FOR STUDENT SELECTION AND EDITING OF LAW REVIEW ARTICLES

(figures in percent approving)
(sample sizes in parentheses)

	Attorneys	Professors	All Judges	State Judges	Federal Judges
Selection	71.7 (n=92)	75.0 (n=80)	63.7 (n=102)	67.1 (n=73)	55.2 (n=29)
Editing	89.2 (n=93)	87.5 (n=80)	85.0 (n=100)	84.7 (n=72)	85.7 (n=28)

for students. Several other reasons were occasionally cited for supporting the current system. Typical comments included that students were "less vested in conventional paradigms" and that they took a "fresh approach" to evaluating legal scholarship. In addition, participants mentioned that students had "no axes to grind," that they already "do a decent job," and that the journals belonged to the students. Many of those who expressed support for the current system nevertheless said they would prefer some level of faculty supervision or participation.

Respondents who supported student editing but not student selection focused heavily on students' lack of knowledge of the substantive law to explain their position. As one participant put it, "[s]tudents would not usually have the experience to know what articles are needed or will *advance* the state of knowledge, as opposed to just being a piece of work." Participants who thought students should neither select nor edit articles also had similar misgivings about student knowledge, and thought that this perceived deficiency incapacitated students from doing good editing work.

It is difficult to gauge the level at which those who favor and those who oppose the current level of student involvement disagree. The group that favors the status quo may be satisfied with the current quality of work, or feel that alternative selection and editing arrangements are unlikely to bring improvements. Those participants who expressed support for the existing system because of its student training function may very well share the misgivings, held by those who would like to change the system, about students' substantive legal knowledge. The difference between these positions might be understood simply as a difference of opinion as to the proper mission of student law reviews. Those who expressed approval of student selection and editing may believe that a student journal's primary function is to train students, and that publishing the best legal literature is of secondary importance. But the fact that participants found law reviews successful at a number of goals in addition to training students suggests that the explanation may not be so clear.[111]

Participants' responses to the questions of whether students should select

111. *See* note 89 *supra* and accompanying text.

and edit law review articles did not vary significantly according to amount of law review use ($\chi^2(5)=2.59$, $p>.2$, and $\chi^2(5)=7.64$, $p>.1$, respectively). However, we found a significant difference on the selection issue between professors who were law review members and those who were not ($\chi^2(1)=3.7$, $p<.05$). Among professors who served on law reviews while they were law students, 81.5% answered that students should continue to select articles. In contrast, this number dropped to 61.5% among professors who had not served on law review. With respect to the selection issue, a second significant difference existed between participants who had published in student-edited journals and those who had published in other types of journals. Participants who had published in student-edited journals were more likely to support student selection of articles than were those who had published in other journals ($\chi^2(1)=6.9$, $p<.01$). Apparently, authors who have dealt with the student selection and editing process are more content with the status quo than those who have only read the finished product.

IV. CONCLUSION

Law reviews *do* have consumers. What is more, those consumers have concrete opinions on what law reviews are doing right and what they can do better. We hope that our survey will spur both more discussion in the literature concerning the purposes and accomplishments of law reviews as well as introspection within the reviews themselves.[112]

Henceforth, the critical literature ought to be informed by empirical data instead of personal anecdotes. While this survey constitutes but a first step toward a more meaningful debate, it does support several conclusions. Our results suggest that radical change is neither necessary nor desired: Student selection and editing of law review articles are quite popular among all segments of the legal community, and the members of that community find the selected articles themselves to be useful.

Nevertheless, law reviews may wish to fortify those aspects of their publishing process that meet with widespread approval and revamp those areas in which the marks aren't so high. For example, there is popular support for shorter articles with fewer footnotes; but at the same time, a cross-section of the audience likes the current article format. It is possible to maintain the preferred format while cutting down on the perceived excesses. This task falls, in the first instance, on those who submit pieces for publication, a group which we would suspect is also concerned about readers' opinions.

112. A good deal of this is already taking place. For example, George Mason University School of Law is currently implementing a major change in its student-run law review, the *George Mason University Law Review.* The transformed student journal will publish only pieces written by George Mason law students. The initial proposal for reform, put forth by the school's administration, would have required faculty approval for all published selections. After student protest, the administration put forth a new proposal, one that promises to maintain student control over the selection and editing processes. A new journal, to be called the *Supreme Court Economic Review,* will be published by faculty members. Harold Demsetz and Ernest Gellhorn will be the lead editors of the new publication. Telephone Interview with Henry Manne, Dean, George Mason University School of Law (May 12, 1992).

The ultimate responsibility, however, rests with the reviews themselves. They know what their audience wants; it is up to them to tailor the product accordingly.

Our data also provide helpful information for law reviews considering whether to adopt open-membership policies. While the survey results suggest that a move toward such a policy will likely entail some costs in terms of the employment-enhancing potential of law review membership, they also reveal widespread acknowledgement of the educational and training benefits that accrue to law review members. Of course other factors should play an important part in making the decision whether to liberalize membership policies. The benefits of increased training that might be thought to accompany an open-membership review could very well be diluted by a decreasing amount of participation for each member and greater administrative difficulties. Here again, the data only provide relevant information; they do not dictate clear answers.

Our database is available to anyone who may be interested in further analyzing our results. We do not expect that we have resolved the debate over the utility and value of law reviews. Rather, we hope that we have provided information for a better discussion.

APPENDIX

FIRST WAVE

LAW REVIEW USAGE QUESTIONNAIRE

Part I: Biographical Data

1. Profession *(check one)*

   __ Practicing Attorney __ Law Professor
   __ Judge/Arbitrator __ Other: _____

2. In what year did you receive your law degree? _____

3. Were you a member of one of your law school's law reviews? __ Yes __ No
   If so, did you publish a student note or comment? __ Yes __ No

4. If you are a practicing attorney or judge, have your last five matters involved: *(check as many as apply)*

   __ Potential or Actual Trial Litigation __ Transactional Work
   __ Appellate Litigation __ Other: _____

5. If you are a practicing attorney, how many lawyers are in your entire firm or organization? _____

6. If you are a full-time law professor, are you tenured? __ Yes __ No

7. If your work has included research intended for publication:
   What percentage of your time is normally spent on scholarly research and writing? _____%
   Have you published in a law review (other than a student note/comment)? __ Yes __ No
   If yes, where? *(check as many as apply)*

   __ Student-Edited Journals __ General Interest Journals
   __ Professionally-Edited Journals __ Specialty Journals

Part II: Current Law Review Usage

8. Which, if any, law reviews (of any type) have you consulted most frequently in the last six months?

   _____
   _____
   _____

9. If you read or use the *Stanford Law Review*, how frequently do you read or use it?
   Use a scale of 0 to 5, where 0 = never, 5 = every issue. _____

10. Approximately how many times in the last six months have you consulted law reviews? _____

If you do consult law reviews, what percentage of your uses are *primarily*
(entries should add to 100%)

For Academic Interest	____%
To Read Articles by Acquaintances	____%
To Provide a Theoretical Framework for Analysis	____%
To Evaluate the Effectiveness of Existing Law or Alternatives	____%
For a General Overview of Existing Law	____%
To Track Current Developments and Trends in a General Area of Interest or Practice (e.g., Criminal Law, Bankruptcy)	____%
To Identify New Approaches Toward or Developments in Specific Legal Topics (e.g., Rule 11, Piercing the Corporate Veil)	____%
To Find Cases or Other Citations to Support Specific Positions in Briefs, Memoranda, or Decisions	____%
Other: _____	____%

11. How significant a factor is an applicant's law review background in your hiring decisions, assuming that law review membership was based on traditional criteria such as grades and writing competitions?
Use a scale of 0 to 5 for each question, where 0 = meaningless, 5 = very important.

Membership in a General-Interest Journal (e.g., *Stanford Law Review*)	_____
Membership in a Specialized Journal (e.g., *Stanford Journal of International Law*)	_____
Senior Editorial Staff Position	_____
Publication of a Note or Comment	_____

12. How significant would law review membership be in your hiring if membership were *not* based on grades or writing competitions, but were instead open to *all* interested and hard-working students?
Use a scale of 0 to 5, where 0 = meaningless, 5 = very important.

_____

13. If you served on a law review, how helpful was that experience in:
(use a scale of 0 to 5 for each goal, where 0 = no help, 5 = very helpful)

Enhancing the Precision of Your Writing and Editing	_____
Improving Your Ability to Work With Others	_____
Teaching You Substantive Law	_____
Broadening Your Employment Opportunities	_____

Part III: Evaluation of Law Reviews and Suggestions for Improvement

14. As a whole, how successful are law reviews at:
(use a scale of 0 to 5 for each goal, where 0 = failure, 5 = success)

Stimulating Academic Interest	____
Suggesting Theoretical Frameworks for Analysis	____
Evaluating the Effectiveness of Existing Law or Alternatives	____
Providing a General Overview of Existing Law	____
Tracking Current Developments and Trends in a General Area of Interest or Practice (e.g., Antitrust, Products Liability)	____
Identifying New Approaches Toward or Developments in Specific Legal Topics (e.g., Class Certification, Passive Loss Restrictions)	____
Finding Cases or Other Citations to Support Specific Positions in Briefs, Memoranda, or Decisions	____
Training Students as Writers, Editors, and Researchers	____
Other: _____	____

15. In general, how useful do you find:
(use a scale of 0 to 5 for each, where 0 = no help, 5 = very helpful)

Full-Length Articles	____
Correspondence Responding to Articles	____
Book Reviews	____
Essays	____
Student-Written Case Commentaries	____
Other Student-Written Notes	____
Article Summaries/Abstracts	____
Tables of Contents for Individual Articles	____
Symposia	____

16. What topics would you suggest for a symposium?

_____

_____

_____

17. Do you think articles should be:

Shorter	___ 1	___ 2	___ 3	___ 4	___ 5	Longer
More Theoretical	___ 1	___ 2	___ 3	___ 4	___ 5	More Practical
More Empirical	___ 1	___ 2	___ 3	___ 4	___ 5	Less Data-Oriented
More Heavily Footnoted	___ 1	___ 2	___ 3	___ 4	___ 5	Less Heavily Footnoted

18. Would you like law reviews to focus more or less attention on:
(use a scale of 0 to 5, where 0 = much less attention, 5 = much more attention)

Jurisprudence and Legal Theory	____	Labor Law	____
Constitutional Law and Civil Rights	____	Legal Ethics	____
Corporate and Commercial Law	____	Lawyering for Social Change	____
Criminal Law and Criminal Procedure	____	International Law	____
Evidence and Civil Procedure	____	Interdisciplinary Studies	____
Taxation	____	Other: _____	____
Tort Law	____	Other: _____	____

19. Should students select the articles to be published in law reviews? __ Yes __ No

Should students edit the articles published in law reviews? __ Yes __ No

Why?

20. Please add any comments you have, whether about law reviews in general, the *Stanford Law Review* in particular, or this survey.

We thank you for your help; your participation will help us serve you better.

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SECOND WAVE
LAW REVIEW USAGE QUESTIONNAIRE

Part I: Biographical Data

1. Profession *(check one)*

   __ Practicing Attorney __ Law Professor
   __ Judge/Arbitrator __ Other: _____

2. In what year did you receive your law degree? _____

3. Were you a member of one of your law school's law reviews? __ Yes __ No
   If so, did you publish a student note or comment? __ Yes __ No

4. If you are a practicing attorney or judge, have your last five matters involved: *(check as many as apply)*

   __ Potential or Actual Trial Litigation __ Transactional Work
   __ Appellate Litigation __ Other: _____

5. If you are a practicing attorney, how many lawyers are in your entire firm or organization? _____

6. If you are a full-time law professor, are you tenured? __ Yes __ No

7. If your work has included research intended for publication:
   What percentage of your time is normally spent on scholarly research and writing? _____%
   Have you published in a law review (other than a student note/comment)? __ Yes __ No
   If yes, where? *(check as many as apply)*

   __ Student-Edited Journals __ General Interest Journals
   __ Professionally-Edited Journals __ Specialty Journals

Part II: Current Law Review Usage

8. What types of law reviews, if any, do you most frequently consult?

   _____
   _____
   _____

9. If you read or use the *Stanford Law Review*, how frequently do you read or use it?
   Use a scale of 0 to 5, where 0 = never, 5 = every issue. _____

10. Approximately how many times in the last six months have you consulted law reviews? _____

Please rank order the purposes for which you use law reviews, when you do consult them. *Place a "1" next to your most frequent purpose, a "2" next to your next most frequent purpose, etc.*

For Academic Interest _____

To Read Articles by Acquaintances _____

To Provide a Theoretical Framework for Analysis _____

To Evaluate the Effectiveness of Existing Law or Alternatives _____

For a General Overview of Existing Law _____

To Track Current Developments and Trends in a General Area of Interest or Practice (e.g., Criminal Law, Bankruptcy) _____

To Identify New Approaches Toward or Developments in Specific Legal Topics (e.g., Rule 11, Piercing the Corporate Veil) _____

To Find Cases or Other Citations to Support Specific Positions in Briefs, Memoranda, or Decisions _____

Other: _____ _____

11. How significant a factor is an applicant's law review background in your hiring decisions, if his or her law review membership was based on traditional criteria such as grades and writing competitions?
Use a scale of 0 to 5 for each question, where 0 = meaningless, 5 = very important.

Membership in a General-Interest Journal (e.g., *Stanford Law Review*) _____

Membership in a Specialized Journal (e.g., *Stanford Journal of International Law*) _____

Senior Editorial Staff Position _____

Publication of a Note or Comment _____

12. How significant would law review membership be in your hiring if membership were *not* based on grades or writing competitions, but were instead open to *all* interested and hard-working students?
Use a scale of 0 to 5, where 0 = meaningless, 5 = very important.

_____

13. If you served on a law review, how helpful was that experience in:
(use a scale of 0 to 5 for each goal, where 0 = no help, 5 = very helpful)

Enhancing the Precision of Your Writing and Editing _____

Improving Your Ability to Work With Others _____

Teaching You Substantive Law _____

Broadening Your Employment Opportunities _____

Part III: Evaluation of Law Reviews and Suggestions for Improvement

14. As a whole, how successful are law reviews at:
(use an absolute scale of 0 to 5 for each goal, where 0 = failure, 5 = success)

Stimulating Academic Interest	____
Suggesting Theoretical Frameworks for Analysis	____
Evaluating the Effectiveness of Existing Law or Alternatives	____
Providing a General Overview of Existing Law	____
Tracking Current Developments and Trends in a General Area of Interest or Practice (e.g., Antitrust, Products Liability)	____
Identifying New Approaches Toward or Developments in Specific Legal Topics (e.g., Class Certification, Passive Loss Restrictions)	____
Finding Cases or Other Citations to Support Specific Positions in Briefs, Memoranda, or Decisions	____
Training Students as Writers, Editors, and Researchers	____
Other: _____	____

15. In general, how useful do you find:
(use an absolute scale of 0 to 5 for each, where 0 = no help, 5 = very helpful)

Full-Length Articles	____
Correspondence Responding to Articles	____
Book Reviews	____
Essays	____
Student-Written Case Commentaries	____
Other Student-Written Notes	____
Article Summaries/Abstracts	____
Tables of Contents for Individual Articles	____
Symposia	____

16. What topics would you suggest for a symposium?

_____

_____

_____

17. Compared to current law review practice, do you think articles should be:

Shorter	___ 1	___ 2	___ 3	___ 4	___ 5	Longer
More Theoretical	___ 1	___ 2	___ 3	___ 4	___ 5	More Practical
More Empirical	___ 1	___ 2	___ 3	___ 4	___ 5	Less Data-Oriented
More Heavily Footnoted	___ 1	___ 2	___ 3	___ 4	___ 5	Less Heavily Footnoted

18. Compared to current law review practice, would you like law reviews to focus more or less attention on:
(use a scale of 0 to 5, where 0 = much less attention, 5 = much more attention)

Jurisprudence and Legal Theory	_____	Labor Law	_____
Constitutional Law and Civil Rights	_____	Legal Ethics	_____
Corporate and Commercial Law	_____	Lawyering for Social Change	_____
Criminal Law and Criminal Procedure	_____	International Law	_____
Evidence and Civil Procedure	_____	Interdisciplinary Studies	_____
Taxation	_____	Other: _____	_____
Tort Law	_____	Other: _____	_____

19. Should students select the articles to be published in law reviews? __ Yes __ No

Should students edit the articles published in law reviews? __ Yes __ No

Why?

20. Please add any comments you have, whether about law reviews in general, the *Stanford Law Review* in particular, or this survey.

Thank you for your participation.

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