

TOTAL SCHOLARLY IMPACT: LAW PROFESSOR CITATIONS IN NON-LAW JOURNALS

AALS Hot Topic Program
Ranking Legal Scholarship: U.S. News & World Report's New
Metric and Its Effect on the Legal Academy

This paper can be downloaded without charge from SSRN at <http://ssrn.com/abstract=3499708>

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The Problem

- Disciplinary boundaries can stifle academic innovation and rigor. Influence on other fields is a measure of success.
- Much of the most innovative legal scholarship of the last several decades has drawn on and affected other fields: Law and Economics, Law and Society, Law and Neuroscience, etc.
- Many law students will draw on or work with other disciplines during their careers, and schools differ substantially in the interdisciplinary focus of their faculty scholarship.
- A citation in *Science*, the most read scholarly journal with roughly 130,000 subscriptions, does not affect a legal scholar's or law school's ranking.
- A citation in the least-read law review does. Even the *Harvard Law Review* has under 1,400 paid subscriptions.
- The exclusion of non-law citations discourages interdisciplinary work, and the movement and the testing of ideas between fields. It also distorts individual and school rankings.

Scholarly Impact Assessment Options

- Surveys
- SSRN Downloads
- *Legal Impact*: Citations in Law Journals and Law Books to Law Professor-Generated Law Journal Articles and Law Books
- *Interdisciplinary Impact*: Citations in Non-Law Journals and Books to Law Professor-Generated Articles and Books
- *Total Scholarly Impact*: Citations in Law and Non-Law Journals to Law Professor-Generated Articles and Books

Benefits of Accounting for Non-Law Citations

- Scope of Audience
- Influence of Audience
- Publication Expertise
- Gap-Filling
- Paradigm-Shifting
- Idea Transfer

Benefits of Accounting for Non-Law Citations

The National Academies of Science and Engineering and the Institute of Medicine (2005):

“Interdisciplinary research (IDR) can be one of the most productive and inspiring of human pursuits – one that provides a format for conversations and connections that lead to new knowledge. As a mode of discovery and education, it has delivered much already and promises more—a sustainable environment, healthier and more prosperous lives, new discoveries and technologies to inspire young minds, and a deeper understanding of our place in space and time.”

Methodology

- **Staffing Requirement: 3 → 9**
 - Test suite of three similarly ranked schools with one librarian and two research assistants.
 - Final study of twenty nine schools expanded staffing to four librarians and five research assistants.
- **Tenured Law Faculty at 29 schools:**
 - Top 25 law schools, according to the *US News* 2019 Rankings, with four random picks.
- **Web of Science Author Search:**
 - Vandenberg Mich* OR Vandenberg MP
 - Last name (full last name)
 - First four characters of the author's first name or initials
- **Post Search Filters**
 - Excluded “Law” Category
 - Refined Publication Years (date(aft2012) and date(bef2018))
 - Additional post-filter options where appropriate if results for an author with a similar name are included in the search results. Any and all custom post-filter options were recorded.

Methodology

- **Create a citation report and record our three measures:**
 - Total Publications
 - Sum of Times Cited without self-citations
 - Citing Articles without self-citations
- **Calculated interrater reliability:** calculating the intraclass correlation coefficient (ICC) which resulted in 95% confidence intervals for each of our three measures.
- **Average of Three:** Every faculty member's name was run three times and the final product was the average of those three times for each of our three measures.
- **Ranking:**
 - Narrowed to law faculty members of the Top 25 *US News* Law Schools (2019 rankings) who published at least one sole or co-authored article in a non-law journal during our time frame.
 - Leiter-Sisk ranking by weighted score: $2 \times \text{mean} + \text{median}$

Challenges, Disclaimers & Caveats

- **Web of Science shortcomings:**
 - Five-year/five-year
 - Forced to develop a sub-faculty for each faculty that consisted of only those tenured faculty who published an article that showed up in our five-year period.
 - Peer review/publication time lines of some disciplines are very long (e.g., economics) versus others are shorter
 - The five-year limitation favored those disciplines and journals with a faster timeline (e.g., PLOS ONE, PNAS, etc.)
 - First four characters or initials of the first name and the resulting same name problem
 - Unable to count citations to law journals in non-law journals (filtering out “law”)
 - *Note:* Since our study, WOS has expanded the date range options as well as the ability to search a full first name, as opposed to just the first four characters or initials of the first name, thereby correcting many of the same-name problems.
- **Impact Factor and Prestige of Publications or Citation Venues:**
Our study, like all others, does not account for impact factor/prestige of either the publication venue or the citation venue.

Lessons Learned

- **Life-time study rather than five-year limitation:**
 - Account for different co-authoring norms
 - Peer review/publication time lines of some disciplines are very long (e.g., economics) versus others are shorter
 - The five-year limitation favored those disciplines and journals with a faster timeline (e.g., PLOS ONE, PNAS, etc.)
 - Treat age equally
- **Star Effect:**
 - Minnesota ranks first in our study but twentieth in the *US News* rankings for 2019. One scholar, Professor Susan Wolf, is the most cited scholar in our study with 1,595 citations. Removing her from Minnesota's cohort would drop the school's weighted score to 49, placing it nineteenth. However, Professor Susan Wolf is on Minnesota's faculty, so her citations count.
 - E.g., Professor Pilar N. Ossorio of the University of Wisconsin would rank at the top of our list of Top 50 Cited Faculty with Fields and Citation Counts with 8,133 citations.

**Summary of Law, Interdisciplinary (IDR), and Total Scholarly
Impact Weighted Scores and Rankings of Law Faculties**

Total Impact Rank	Law School	Law Weighted Score	IDR Weighted Score	Total Impact Score
1	Yale	1474	121	1595
2	Harvard	1252	59	1311
3	Chicago	1119	40	1159
5	NYU	979	55	1034
4	Stanford	862	141	1003
6	Columbia	892	67	959
7	Duke	763	117	880
8	Cal - Berkeley	803	54	857
9	Pennsylvania	722	50	822
10	Vanderbilt	671	89	760
11	Cal - Irvine	638	110	748
12	UCLA	644	72	736
13	Minnesota	467	164	657
14	Michigan	560	79	639
15	Cornell	620	5	625
16	Georgetown	527	97	624
17	George Washington	537	81	618
18	Virginia	529	78	607
19	Northwestern	556	38	594
20	USC	437	92	529
21	Boston University	420	96	516
22	Texas	492	22	514
23	Washington University	465	12	477
24	Notre Dame	421	14	435
25	Emory	348	3	350

Table 1. Interdisciplinary (IDR) Impact Rankings, Weighted Scores, and Scaled Scores

IDR Impact Rank	Law School	IDR Weighted Score	IDR Scaled Score
1	Minnesota	190	100
2	Stanford	141	74
3	Yale	121	64
4	Duke	117	62
5	Cal-Irvine	110	58
6	Georgetown	97	51
7	Boston University	96	51
8	USC	92	48
9	Vanderbilt	89	47
10	George Washington	81	43
11	Michigan	79	42
12	Virginia	78	41
13	UCLA	72	38
14	Columbia	67	35
15	Harvard	59	31
16	NYU	55	29
17	Cal-Berkeley	54	28
18	Pennsylvania	50	26
19	Chicago	40	21
20	Northwestern	38	20
21	Texas	22	12
22	Notre Dame	14	7
23	Washington University	12	6
24	Cornell	5	3
25	Emory	3	2

Table 2. Total Impact Rankings and Law, Interdisciplinary (IDR), and Total Weighted Scores

Total Impact Rank	Law School	Law Weighted Score	IDR Weighted Score	Total Impact Score
1	Yale	1474	121	1595
2	Harvard	1252	59	1311
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Table 3. Comparison of U.S. News, Total Impact, Law Impact, and Interdisciplinary (IDR) Impact Rankings

2019 US News Rank	Law School	Total Impact Rank	Law Impact Rank	IDR Impact Rank
1	Yale	1	1	3
2	Stanford	4	6	2
3	Harvard	2	2	15
4	Chicago	3	3	19
5	Columbia	6	5	14
6	NYU	5	4	16
7	Pennsylvania	9	8	18
8	Michigan	14	14	11
9	Cal-Berkeley	8	7	17
9	Virginia	18	16	12
11	Duke	7	8	4
11	Northwestern	19	14	20
13	Cornell	15	13	24
14	Georgetown	16	16	6
15	Texas	22	19	21
16	UCLA	12	11	13
17	Vanderbilt	10	10	9
18	Washington University	23	21	23
19	USC	20	23	8
20	Minnesota	13	21	1
21	Cal-Irvine	11	12	5
22	Boston University	21	27	7
22	Emory	25	25	25
24	George Washington	17	16	10
24	Notre Dame	24	26	22

Table 4. Differences between Law Impact Scores and Interdisciplinary (IDR) Impact Scores.

2019 US News Rank	Law School	Law Impact Rank	IDR Impact Rank	Difference Law-IDR
1	Yale	1	3	-2
3	Harvard	2	15	-13
4	Chicago	3	19	-16
6	NYU	4	16	-12
5	Columbia	5	14	-9
2	Stanford	6	2	+4
9	Cal-Berkeley	7	17	-10
7	Pennsylvania	8	18	-10
11	Duke	8	4	+4
17	Vanderbilt	10	9	+1
16	UCLA	11	13	-2
21	Cal-Irvine	12	5	+7
13	Cornell	13	24	-11
8	Michigan	14	11	+3
11	Northwestern	14	20	-6
9	Virginia	16	12	+4
14	Georgetown	16	6	+10
24	George Washington	16	10	+6
15	Texas	19	21	-2
18	Washington University	21	23	-2
20	Minnesota	21	1	+20
19	USC	23	8	+15
22	Emory	25	25	same
24	Notre Dame	26	22	+4
22	Boston University	27	7	+20

Table 5. Top 50 Cited Faculty with Fields and Citation Counts

Name	School Affiliation	Primary Field(s)	Citations
Wolf, Susan M.	Minnesota	Law, Medicine & Public Policy	1392
Gostin, Lawrence O.	Georgetown	Health Law & Public Health	1347
Kahan, Dan M.	Yale	Law & Psychology	1034
Greely, Henry T.	Stanford	Law & Biosciences	636
Tyler, Tom R.	Yale	Law & Psychology	568
Braman, Donald	George Washington	Law & Anthropology	554
Annas, George J.	Boston University	Law & Public Health	437
Ellsworth, Phoebe C.	Michigan	Law & Psychology	421
Crenshaw, Kimberlé W.	Columbia & UCLA	Law & Race Theory	419
Sunstein, Cass R.	Harvard	Law & Public Policy	398
Cohen, I. Glenn	Harvard	Law & Bioethics	387
Mello, Michelle M.	Stanford	Health Law & Public Health	374
Otterson, Kevin	Boston University	Law, Medicine & Ethics	362
Auerbach, Alan J.	Cal - Berkeley	Law & Economics	351
Loftus, Elizabeth F.	Cal - Irvine	Law & Cognitive Science	335
Mitchell, Gregory	Virginia	Law & Psychology	312
Ruhl, J.B.	Vanderbilt	Law & Environmental Policy	302
Studdert, David M.	Stanford	Law & Medicine	296
Capron, Alexander M.	USC	Law & Public Health	285
Bonnie, Richard J.	Virginia	Law, Psychiatry & Public Policy	277
Fagan, Jeffrey A.	Columbia	Law & Public Health	261
Black, Bernard	Northwestern	Law & Management	252
McGeeveran, William	Minnesota	Law & Media Studies	250
Vandenbergh, Michael P.	Vanderbilt	Law & Environmental Policy	245
Stewart, Richard B.	NYU	Law & Environmental Policy	240
Malloy, Timothy F.	UCLA	Law, Technology, & Environmental Policy	217

Viscusi, W. Kip	Vanderbilt	Law, Economics, & Management	207
Roberts, Dorothy E.	Pennsylvania	Law & Sociology	202
MacCoun, Robert J.	Stanford	Law & Social Psychology	189
Simmons, Beth	Pennsylvania	Law, Political Science, & Business Ethics	170
Monahan, John	Virginia	Law & Psychology	165
Camacho, Alejandro	Cal - Irvine	Law & Environmental Policy	165
Benkler, Yochai	Harvard	Law, the Internet, and Information Access	155
Kessler, Daniel P.	Stanford	Law, Business, & Healthcare	152
Carbado, Devon W.	UCLA	Law & Race	149
Doremus, Holly	Cal - Berkeley	Law & Environmental Science	149
Spellman, Barbara A.	Virginia	Law & Psychology	136
Biber, Eric	Cal - Berkeley	Law & Environmental Policy	135
Horwitz, Jill R.	UCLA	Law, Economics, & Health Policy	135
Lyon, Thomas D.	USC	Law & Psychology	132
Farahany, Nita A.	Duke	Law & Biosciences	129
Garland, David W.	NYU	Law & Sociology	120
Jones, Owen D.	Vanderbilt	Law & Brain Science	116
Tonry, Michael	Minnesota	Criminal Law & Policy	115
Plaut, Victoria	Cal - Berkeley	Law & Cultural Psychology	112
Pistor, Katharina	Columbia	Comparative Law & Finance	110
Thompson, Barton H., Jr.	Stanford	Environmental Law & Policy	100
Adler, Matthew	Duke	Law & Economics	98
Lemley, Mark A.	Stanford	Law & Technology	87
Revesz, Richard L.	NYU	Environmental Law & Policy	85



Table 6. Top 5 Cited Faculty at Each School

IDR Impact Rank	Law School	Top Five Faculty
1	Minnesota	Wolf, S.M.; McGeeveran, W.; Tomry, M.; Vaaler, P.; Shen, F.
2	Stanford	Greely, H.T.; Mello, M.M.; Studdert, D.M.; MacCoun, R.J.; Kessler, D.P.
3	Yale	Kahan, D.M.; Tyler, T.R.; Kapczynski, A.; Meares, T.L.; Moyn, S.
4	Duke	Farahany, N.A.; Adler, M.; Gulati, M.; Wiener, J.B.; de Figueiredo, J.M.
5	Cal - Irvine	Loftus, E.F.; Camacho, A.; Simons, K.; DiMento, J. F.C.; Garth, B.
6	Georgetown	Gostin, L.O.; Teitelbaum, J.C.; Hyman, D.; Levitin, A.J.; Thompson, R.B.
7	Boston University	Annas, G. J.; Outterson, K.; Mariner, W.K.; Huberfeld, N.; Onwuachi-Willig, A.L.
8	USC	Capron, A.M.; Lyon, T.D.; Saks, E.R.; Simon, D.; Simkovic, M.N.
9	Vanderbilt	Ruhl, J.B.; Vandenberg, M.P.; Viscusi, W.K.; Jones, O.D.; Skiba, P.M.
10	George Washington	Braman, D.; Kovacic, W.E.; Charnovitz, S.; Cahn, N.R.; Glicksman, R.L.
11	Michigan	Ellsworth, P.C.; Khanna, V.S.; Bagley, N.; Pottow, J.A.E.; MacKinnon, C.A.
12	Virginia	Mitchell, G.; Bonnie, R.J.; Monahan, J.; Spellman, B.A.; Versteeg, M.
13	UCLA	Crenshaw, K.W.; Malloy, T.F.; Carbado, D.W.; Horwitz, J.R.; Parson, E.A.
14	Columbia	Crenshaw, K.W.; Fagan, J.A.; Pistor, K.; Sabel, C.F.; McCrary, J.
15	Harvard	Sunstein, C.R.; Cohen, I.G.; Benkler, Y.; Bebchuk, L.A.; Zittrain, J.
16	NYU	Stewart, R.B.; Garland, D.W.; Revesz, R.L.; Strandburg, K.J.; Hemphill, C.S.
17	Cal - Berkeley	Auerbach, A.J.; Doremus, H.; Biber, E.; Plaut, V.; Morrill, C.
18	Pennsylvania	Roberts, D.E.; Simmons, B.; Baker, T.; Gelbach, J.B.; Feldman, E.A.
19	Chicago	Dharmapala, D.; Ginsburg, T.; Malani, A.; Leiter, B.; Nussbaum, M.
20	Northwestern	Black, B.; Litvak, K.; Riles, A.; Lee, Y.H.A.; Schanzenbach, M.M.
21	Texas	Cohen, J.M.; Sage, W.M.; Wickelgren, A.L.; Deigh, J.G.; Wasserman, M.
22	Notre Dame	Tor, A.; Cushman, B.; Snead, O.C.; Carozza, P.G.; O'Connell, M.E.
23	Washington University	Epstein, L.; Kuehn, R.R.; Tamanaha, B.Z.; Hollander-Blumoff, R.; Richards, N.M.
24	Cornell	Marmor, A.; Farina, C.R.; Dorf, M.C.; Grimmelman, J.; Schwab, S.J.
25	Emory	Witte, J., Jr.; Shepherd, J.M.

Table 7. Comparison of *US News*, Interdisciplinary (IDR) Impact, and Electronic Downloads (SSRN) Rankings

2019 US News Rank	Law School	IDR Impact Rank	SSRN Rank⁶⁹
1	Yale	3	4
2	Stanford	2	2
3	Harvard	15	1
4	Chicago	19	7
5	Columbia	14	6
6	NYU	16	3
7	Pennsylvania	18	11
8	Michigan	11	10
9	Cal-Berkeley	17	5
9	Virginia	12	16
11	Duke	4	17
11	Northwestern	20	14
13	Cornell	24	26
14	Georgetown	6	9
15	Texas	21	21
16	UCLA	13	12
17	Vanderbilt	9	15
18	Washington University	23	28
19	USC	8	45
20	Minnesota	1	19
21	Cal-Irvine	5	24
22	Boston University	7	20
22	Emory	25	37
24	George Washington	10	8
24	Notre Dame	22	39

FAQ: Why Web of Science and not Scopus (or Google Scholar)?

- At the time of the study, Vanderbilt did not subscribe to Scopus.
- Web of Science & Scopus are similar:
 - Abstract and citation databases, containing information about journal articles and other publications.
 - Scopus is interdisciplinary with strengths in Science and Technology.
 - Web of Science's Core Collection covers Science, Social Sciences, and Humanities.
- Scopus has a larger dataset (more articles, journals, and conference papers) but quantity is not always better than quality.
 - Scopus includes more non-US publications/international publications than Web of Science
 - Web of Science tends to have more consistent coverage of journals and more robust author searching.
- Underlying problem that the data is closed and proprietary.
 - "Initiative for Open Citations" that argues for the production of an open-source database of scholarly citations in a standardized form that would be suitable for bibliometric analysis, that incorporate DOIs (digital object identifiers) and ORCID IDs.

FAQ: How many law journals are in the citation pool and does this skew the results?

- Because Web of Science assigns multiple categories to journals, there was a small bleed-through of “Law” journals into our citation pool, even though we excluded the “Law” category.
- However, only 29 US law journals (out of 464 law journals) were included as citation sources in our study time period, most of which were highly specialized journals in which US legal scholars would not be frequently cited.
 - Note: there are some exceptions (e.g., HARV. ENVTL. L. REV.)

FAQ: Are we picking up citations to publications by law faculty that have nothing to do with law, such as a chemist PhD who later becomes a law professor?

- This would be practically a zero in effect.
 - Five-year/five-year problem Web of Science presented us – i.e., the article must be published and cited in the same five-year period.
 - *Tenured* faculty only.
- Possibly a few junior law faculty will have made the transition from a non-law PhD to getting a JD then joining a law faculty then publishing their PhD chapters then getting cited within five years, however, this is probably a zero in effect.

FAQ: Did our publications pool for authors include more than articles (e.g., book chapters and conference proceedings) and did the citation pool as well?

- Yes
 - The Web of Science Core Collection does include these sources.
 - Our publications pool for authors did include more than articles (e.g. book chapters, conference proceedings, etc.)
 - The citation pool did include more than articles.

FAQ: Why filter out the Web of Science “Law” journals if you are looking for total impact?

Because the Web of Science law journal collection is partial at best and spotty in terms of time coverage. It is far from a replicate of Westlaw or HeinOnline.

FAQ: Why not count citations to law journal articles in non-law journals?

We would have if we could have. But filtering out “Law” prevented this (another shortcoming of Web of Science).