

**DEPARTMENT OF LAW**  
**ZICKLIN SCHOOL OF BUSINESS, BARUCH COLLEGE/CUNY**  
**CHAIR: PROFESSOR ELLIOT AXELROD**  
**POLICY ON RESEARCH AND PUBLICATION**  
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**I. GENERAL RESEARCH AND PUBLICATION EXPECTATIONS**

The Department of Law expects its faculty to engage in legal scholarship on significant topics that are related to the mission of the Department and the Zicklin School of Business. Faculty members are encouraged, but not required, to produce scholarship related to courses that they currently teach or may teach in the future. A consistent record of high quality legal scholarship is required for reappointment, promotion and tenure.

The primary mode of academic discourse in business law is the publication of articles in law reviews and scholarly journals in allied disciplines because such venues afford the greatest opportunity to address legal issues in a sophisticated and comprehensive manner. Nevertheless, the Department recognizes that other forms of legal writing may make a scholarly contribution, and may count to some extent for promotion and tenure. Interdisciplinary work published in the scholarly journals of other disciplines should receive full consideration for tenure and promotion. Other work such as books, amicus curiae briefs, articles in legal periodicals, conference presentations, and government and bar association reports may count as scholarship and thus, to some extent, for promotion and tenure if they make “a significant, original contribution to knowledge about the law” or offer “original insights and ideas about the law.”<sup>1</sup>

**II. SPECIAL PUBLICATION CHALLENGES FACING BUSINESS LAW SCHOLARS**

Law professors at business schools face several special publication challenges, which need to be taken into consideration when evaluating article placements and scholarly achievements.

- 1) ***Fewer Articles Per Issue/Longer Articles:*** Law reviews publish far fewer articles per issue than do journals in other disciplines. Law review articles commonly range from 30-70 printed pages, so most law reviews only publish about nine unsolicited articles per year.
- 2) ***Preference Against Business Law Topics:*** General law reviews favor topics that are of broad interest, such as Constitutional and Criminal Law. Only about 15% of general law review articles are on business law topics, which translates into approximately one article per general law review per year being devoted to a business law topic.
- 3) ***Low Acceptance Rates:*** There are numerous scholars competing for the limited publishing opportunities at general law reviews, including about 3,000 business law

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<sup>1</sup> Erwin Chemerinsky and Catherine Fisk, *In Defense of the Big Tent: The Importance of Recognizing the Many Audiences for Legal Scholarship*, 34 TULSA L.J. 667, 674-75 (1999).

professors at U.S. business schools, business law experts among the 8,000 law professors at U.S. law schools, academics in related fields such as political science and philosophy, foreign professors, practicing lawyers, legislators and judges. **Thus, some prestigious law reviews have acceptance rates as low as .2% (2/10 of one percent).**<sup>2</sup>

- 4) ***Lack of Blind Review & Reserved Slots:*** Law reviews typically do not review articles blindly and a strong preference is given to authors from highly ranked law schools, especially for invitation-only symposia issues. Moreover, a number of article slots at top law reviews are reserved for in-house law school professors. Therefore, while we have included the top 15 general law reviews in the “A” category, these journals are not a realistic publication option for most business school law faculty.

Because of the challenges discussed above, law professors in business schools publish in additional outlets. The data in a recent working paper shows that a sample of law professors in business schools published only approximately 25% of their articles in general law reviews, while 44% of articles were published in specialized law reviews and 25% of articles were placed in the publications of related business school disciplines.<sup>3</sup> In recent years, despite the difficulties outlined above, many members of the Department have had their articles published in “A” and “A-” law reviews. The Department’s publication record compares favorably with the publication records of business law faculty at top 25 business schools.

### III. LAW REVIEW RANKINGS

A ranking of law reviews based on the quality and stature of each review follows below. Separate rankings are provided for “General Law Reviews,” which publish articles on any legal topic, and “Specialty Law Reviews,” which publish only articles within a given legal specialty. In both sets of rankings, “A” law reviews represent the top-tier in prestige with rankings of “A-” through “C” representing decreasing levels of prestige. We have used objective criteria for ranking publications: a combination of U.S. News & World Report Law School rank and citation impact based on the Washington & Lee Law School Library Most-Cited Legal Periodicals Index. This approach is consistent with how law reviews are ranked by top 25 business schools such as the Kelley School of Business at Indiana University-Bloomington and the Ross School of Business at the University of Michigan.<sup>4</sup>

Department of Law faculty members are discouraged from making their publication decisions solely based upon the rankings generated by the procedures described below. We recognize that there are times when the numerical ranking generated by this (or any) process simply does not comport with accepted understandings of the relative importance or prestige of a journal. Faculty members thus are encouraged to consult with colleagues here at Baruch and law

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<sup>2</sup> Kevin M. Yamamoto, *What’s In a Name? The Letterhead Impact Project*, 22 JOURNAL OF LEGAL STUDIES EDUCATION 65, 69 (2004).

<sup>3</sup> Robert S. Rubin, et al., *The Quandary of Serving Multiple Masters: An Institutional Exploratory Analysis of Publishing in Business Law*, working paper (8/16/05 draft), available online at <http://ssrn.com/abstract=779206> forthcoming MIDWEST LAW REVIEW.

<sup>4</sup> The information in this memorandum is partly derived from a memo on law review scholarship by George Siedel, Ross School of Business, University of Michigan and Thomas Dunfee, The Wharton School, University of Pennsylvania that was distributed at the ALSB Annual Conference in August 2005.

professors around the nation to determine where to place an article. Finally, it must be acknowledged that the ranking of a journal in which an article is placed is an imperfect proxy for article quality. In addition to journal rank, scholarship may demonstrate excellence or importance in other ways. For example, scholarly work might demonstrate quality through its influence on legal discourse and policy-making. Citation by other scholars is an important way of measuring such influence, as is the frequency with which a scholars' work is downloaded. In addition, citation of one's work by legal decision-makers, especially by judges in their published opinions, is considered to be particularly prestigious for certain forms of legal scholarship.

### GENERAL LAW REVIEW RANKINGS

Journal Level	School Ranking <sup>5</sup>
<b>A</b>	Law reviews at the top 50 law schools.
<b>A-</b>	Law reviews at law schools ranked 51 to 75.
<b>B+</b>	Law reviews at law schools ranked 76 to 100.
<b>B</b>	Law reviews at law schools ranked 101 to 125.
<b>B-</b>	Law reviews at law schools ranked 126 to 150.
<b>C</b>	Law reviews at law schools ranked 151 or lower.

### SPECIALTY LAW REVIEW RANKINGS

Journal Level	US News Law School Ranking	<i>or</i>	Journal Ranking in Specialty
<b>A</b>	Top 10	<i>or</i>	Top 10%
<b>A-</b>	11 to 20	<i>or</i>	11% to 20%
<b>B+</b>	21 to 30	<i>or</i>	21% to 30%
<b>B</b>	31 to 40	<i>or</i>	31% to 40%
<b>B-</b>	41 to 50	<i>or</i>	41% to 50%
<b>C</b>	51 to 60	<i>or</i>	51% to 60%

<sup>5</sup> A law school ranking in this chart is average of the law school's ranking in U.S. News and World Report and the citation impact ranking of the general law review on the Washington & Lee Law School Law Journal Submission and Ranking page: <http://lawlib.wlu.edu/LJ/index.aspx>.

