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The open access movement presents a publishing model that strives to make scholarly works freely available on the Internet. While the movement has found wide-ranging support in a variety of professional disciplines, the legal industry, as a whole, remains reluctant to embrace its general structure and guidelines. This paper examines the history behind the industry's resistance, in addition to the evolution of scholarly communication and open access generally. It also explores the law review format, which serves as the primary mode of publishing scholarly articles in the legal field. Finally, it presents the results of a study that assesses the current practices of established law journals and notes the emergence of a trend toward open access among the industry's more prestigious publications.

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AN EVALUATION OF THE OPEN ACCESS MOVEMENT'S IMPACT  
ON THE EXISTING BODY OF LEGAL SCHOLARSHIP

by  
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## Introduction

Scholarly communication disseminates an expanding body of intellectual output (Danner, 2002, p. 349), while influencing current thought and advancing a research-focused conversation. However, in recent years, the publishing model for this communication has changed in a way that interferes with the goals of dissemination and education, placing them second to the potential for financial gain. Specifically, the publishing industry experienced significant consolidation, leaving production in the hands of a few remaining commercial giants who were free to charge excessive prices for basic access (Carroll, 2006, p. 748). Ultimately, these changes contributed to the introduction of the open access movement, a free alternative to the traditional commercial model.

However, not all disciplines were quick to embrace this new form of digital distribution. Despite the proven benefits of greater exposure, reduced costs, and higher impact (Carroll, 2006, p. 755), journals and scholars alike frequently opted to maintain the status quo. One field that has been particularly reluctant to transition to an open access format is the legal publishing industry. Yet, given its subsidized costs and student-based leadership, it is the one field that remains best-suited for such change (Carroll, 2006, 751).

Following in the footsteps of several scholars before, this paper examines the history behind the legal industry's reluctance to embrace the open access movement, in

addition to its slow progress in recent years. It also presents the results of a study that examines the current practices of established law journals and notes the emergence of a trend toward open access among the industry's more prestigious publications, one that has the potential to fuel broader changes in the field of legal scholarship moving forward.

### Background

To fully appreciate the reasons why the open access movement is slow to embrace the existing body of legal scholarship, we must first explore the evolution of scholarly communication, the origins of the open access movement, and the unique history of the law review model, which serves as the primary mode for publishing scholarly articles in the legal field. Each of these topics will be addressed in turn below.

#### *Exploring the Significance of Scholarly Communication*

Scholarly communication serves as the basis through which scholars express their “ideas, arguments, research findings, and [related] analysis,” in an attempt to advance the current state of knowledge (Carroll, 2006, p. 747). It dates as far back as 1665, when scholarly periodicals, including *Philosophical Transactions of the Royal Society of London* and the *Journal des savans*, first emerged in Europe (Carroll, 2006, p. 747). According to Carroll (2006), “by the eighteenth century, the scholarly journal had become well established” (p. 747). Yet, the periodical of that time differed significantly from the widespread, commercially-dominated state of scholarly communication that we know today. Instead, it formed in the hands of small, “non-profit scholarly societies,” who took primary responsibility for all review and production duties (Carroll, 2006, p. 747-748). This system worked to disseminate knowledge in a controlled, peer-reviewed and peer-produced fashion for hundreds of years.

However, the expanding body of literature eventually outgrew its publishing model. Along with the post-World War II influx of funding into the sciences, came an explosion of scholarly articles, and the learned societies could not keep pace with the researchers' demands for increased "space in the scholarly literature" (Carroll, 2006, p.748). As a result, commercial publishers stepped in to fill the void, and the world of scholarly publishing changed dramatically.

Carroll (2006) describes the resulting changes in his article, *The Movement for Open Access Law*:

[T]he scholarly publishing industry, increasingly populated by for-profit publishers rather than non-profit scholarly societies, became increasingly consolidated. Using their collective power over price, these publishers steadily increased the price of journal subscriptions, forcing academic libraries and other subscribers to scramble to serve their patrons' hunger for the latest research. (p. 748)

The issues of price and an expanding body of scholarship compounded further with the introduction of the Internet. As publishers transitioned to online platforms, they introduced new pricing models for online access (Carroll, 2006, p. 748). Suddenly, two formats existed for one product, and subscribers struggled to accommodate both. As publishers charged fees that greatly exceeded cost, "concerns about maintaining affordable access to the scholarly literature [continued] to grow" (Carroll, 2006, 748).

According to Keele (2010), such exorbitant fees, combined with "the growing practice of the digital dissemination of scholarship," spurred the introduction of the open access movement as an alternative to the existing publishing model (p. 270). However, these factors are not solely responsible for the state of open access publishing, as it currently exists. Another reason for the movement's success stems from the underlying structure of scholarly communication generally.

Unlike most other published works, scholarly journals are prepared, edited, and supported by the scholars and their institutions (Hunter, 2005, p. 613-614). As Hunter (2005) explains:

[T]he suppliers of the basic product, the authors and editors, provide their content and services for free to commercial publishers, who are then able to extract monopoly rents from the same group of individuals who provided the content in the first place. (p. 615)

In this scenario, the suppliers are not financially motivated. Instead, they “seek the widest possible distribution and impact of scholarly work, while the publishers seek the greatest possible return on their investment” (Hunter, 2005, p. 614). As a result of the power dynamics and divergent goals, the suppliers stand to benefit from an open access model that supports the free flow of scholarly information, whereas the publishers are left with little leverage to stop its growth (Carroll, 2006, p. 751). In light of these factors and the resulting demand for change, open access emerged as a movement with enough support to serve as a viable option for scholarly publishing.

### *Defining the Open Access Movement*

Existing scholarship defines open access in a variety of ways; however, “the first formal statement of principles may have been the Budapest Open Access Initiative, which arose from a 2001 meeting of the Open Society Institute funded by billionaire George Soros” (Denicola, 2006, p. 354). Within its statement, the Open Society Institute (2002) defines open access as:

Free availability on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. The only constraint on reproduction and distribution, and the only role for copyright in this domain, should be to give

authors control over the integrity of their work and the right to be properly acknowledged and cited. (para. 3)

While other definitions exist, frequently providing a narrower focus with respect to users' rights or seeking to impose time restrictions on access (Carroll, 2006, p. 750), the movement generally embraces the ideas present in this Budapest Open Access Initiative definition, as it stands for the proposition that all scholarly works should be made freely available to the public, thereby promoting the flow of information and eliminating the limitations inherent in the commercial publishing industry (Miller, 2006, p. 734).

While the sciences were especially quick to adopt the open access principles, due in part to “skyrocketing subscription rates” (Miller, 2006, p. 734), other areas of scholarship are recognizing the benefits associated with the movement as well. Miller (2006) highlights some of the more significant advantages in his article, *Why Open Access to Scholarship Matters*. Specifically, because open access scholarship is freely available for anyone to view, it provides wider access to the literature and the potential for increased citation (Miller, 2006, p. 735). Additionally, the model provides a quicker time to publication, as it eliminates much of the delay associated with “editing, printing, [and] transporting a print volume” (Miller, 2006, p. 736). Open access also provides “impact measures,” thereby allowing authors to see how frequently their works are accessed (Miller, 2006, p. 737). Finally, looking forward, Miller goes so far as to say that if the model enables tagging, it has the potential to create “a new social layer of metadata that connect and comment on [the] scholarship,” which will effectively provide “new foundations for networked social capital” (Miller, 2006, p. 737).

The Open Society Institute (2002) reiterates these benefits and puts them in a broader context when claiming that:



Removing access barriers to this literature will accelerate research, enrich education, share the learning of the rich with the poor and the poor with the rich, make this literature as useful as it can be, and lay the foundation for uniting humanity in a common intellectual conversation and quest for knowledge. (para. 1)

Given the significance of these advantages, it is necessary to examine the ways in which the open access movement is currently being implemented. In practice, “open access can be achieved either by the journals, as a matter of policy, making their content freely available online, or by authors archiving their own works in institutional, disciplinary, or personal digital repositories” (Keele, 2010, p. 270). These two distinct paths are frequently referred to as the “gold road” and the “green road,” respectively (Parker, 2007, p. 439). The Open Society Institute (2002) openly endorses both approaches to open access, as explained in its statement:

Open access to peer-reviewed journal literature is the goal. **Self-archiving (I.)** and a new generation of **open-access journals (II.)** are the ways to attain this goal. They are not only direct and effective means to this end, they are within the reach of scholars themselves, immediately, and need not wait on changes brought about by markets or legislation. (para. 6)

With respect to the gold road, participating journals post their content online, free of charge (Hunter, 2005, p. 621-622). To do so, they receive some type of compensation from the author, the author’s grants, or the author’s home institution (Hunter, 2005, p. 622). This type of arrangement provides an alternative form of publishing that ensures the literature is freely available (Hunter, 2005, p. 622), while allowing the journal to maintain control over the final posted product.

In contrast, the green road does not present a “challenge to the business models of existing commercial publishers” (Hunter, 2005, p. 619). Instead, it provides authors with the ability to self-archive their works at various stages in the publication process (Hunter, 2005, p. 619), while continuing the practice of publishing in established scholarly

journals (Danner, 2007, p. 379). As mentioned above, these open archives can take the form of institutionally-sponsored, discipline-specific, or self-created repositories (Keele, 2010, p. 270). According to Parker (2007), “[i]nstitutional repositories are essentially servers that store and make freely available on the Web digital collections that capture and preserve a university’s ... intellectual output” (p. 446). Harvard University’s Digital Access to Scholarship at Harvard (“DASH”) provides an important example of this type of repository (Digital Access to Scholarship at Harvard: About DASH, n.d.). DASH offers a central location for the collection of “scholarly output of faculty and the broader research community at Harvard” (Digital Access to Scholarship at Harvard: About DASH, n.d.). Institutions that provide this type of repository are capable of ensuring the long-term preservation and storage of their scholarly materials, while creating a strong association between the works and the institutions (Parker, 2007, p. 447).

Alternatively, discipline-based repositories are controlled by commercial or nonprofit entities (Milles, 2006, p. 627). A common example of this type of repository includes the Social Science Research Network (also known as SSRN), which is subdivided into eighteen smaller networks that individually address each of the social sciences in turn (SSRN: Social Science Research Network, n.d.). These discipline-specific repositories have the advantage of collecting works from authors at multiple institutions, while maintaining a singular, subject-specific focus. Authors tend to post articles in these repositories at multiple stages, in order to receive feedback from other scholars in the pre-print phases, and to increase circulation upon completion (Hunter, 2005, p. 609).

For similar reasons, authors sometimes rely on their own repositories pre- and post-production. These types of repositories allow scholars to showcase their individual publications and are equally important for their contribution to the open access mission. Authors frequently take advantage of this approach in combination with the other repository options; however, the self-repository frequently requires greater technical abilities than the institutional or discipline-based repositories. Use of these methods can also be restricted by the copyright permissions of the publishing journal, a consideration that must be addressed prior to archiving one's work.<sup>1</sup>

Regardless of the repository format, the green road works to increase access to our overall intellectual output. It also provides an alternate outlet for authors who publish in journals that are slow to embrace the principles of the overall movement. In combination with the gold road of open access journals, it is working to change the face of publishing, while staying true to the ultimate goal of free and unrestricted access.

However, while most disciplines embrace these methods as welcomed alternatives to the restrictive model of commercial publishing, legal scholarship continues to lag behind. To fully understand the reasons for this departure in an important area of scholarly communication, we must first examine the characteristics of the law review model<sup>2</sup> that make it distinct from all other disciplines.

### *Examining the Unique Characteristics of the Law Review Model*

In the early nineteenth century, when all legal decisions were not formally reported, legal periodicals emerged as a form of focused journalism, reporting cases of note and other matters of interest to the bar. These publications were commercial ventures, and most failed for an inability to attract a subscription base that made legal periodical publishing profitable. (Carroll, 2006, p. 752)

Despite such widespread failure, two of the thirty journals attempted by the mid-1800s “qualitatively advanced legal journalism in this country” (Swygert & Bruce, 1985, p. 754-755). Specifically, the *American Law Register* and the *American Law Review*, established in 1852 and 1866, respectively, paved the way for the modern-day law review (Swygert & Bruce, 1985, p. 755). The *American Law Register* was commercially-produced as a monthly journal and known for providing more scholarly-based articles than other publications of its time (Swygert & Bruce, 1985, p. 755). In addition, it adapted to the industry-driven changes impacting legal periodicals by incorporating scholars into its editorial positions and eventually transitioning to a full-fledged, student-run publication by 1896 (Swygert & Bruce, 1985, p. 755). Today, the *American Law Register* operates as the *University of Pennsylvania Law Review* and holds the title for the “oldest continuously-published legal periodical” (Carroll, 2006, p. 752).

In contrast, the *American Law Review* is known more for its structure than its longevity. This periodical is particularly influential for introducing the “lead article” into this field of scholarly literature (Swygert & Bruce, 1985, p. 757). Originally produced in Boston, by Little, Brown & Co., the *American Law Review* featured articles that dealt with “conceptual and institutional issues of national interest” (Swygert & Bruce, 1985, p. 757). Its move away from editorials, case summaries, and digests played a major “role as a model for the later student-edited law reviews” and created an “important link in the evolutionary chain of American legal periodicals” (Swygert & Bruce, 1985, p. 758-759).

Over the years, the success of these publications prompted widespread growth in the industry, while establishing a market for this particular niche of scholarly writing (Swygert & Bruce, 1985, p. 763). In fact, by the end of the nineteenth century, these

journals were so widely read that law students began trying to mimic them (Swygert & Bruce, 1985, p. 763). The students at Albany Law School were first to attempt this type of publication with their production of the *Albany Law School Journal* in 1875 (Carroll, 2006, p. 752). Despite the fact that it lasted only one academic year, its introduction signaled the beginning of a new era for law reviews (Swygert & Bruce, 1985, p. 764).

Students at Columbia Law School were next to try their hand at this revised version of the law journal. The *Columbia Jurist* began in 1885 and continued through volume three, issue 18 before collapsing (Swygert & Bruce, 1985, p. 766). However, its failure resulted from the demands of its weekly production schedule, not its popularity at the school (Swygert & Bruce, 1985, p. 766). In fact, the *Jurist* even grabbed the attention of students at Harvard Law School, encouraging them to begin their own review in the Spring of 1887 (Swygert & Bruce, 1985, p. 768).

The Harvard publication would eventually become the “first successful student-edited law review” (Swygert & Bruce, 1985, p. 779). Most notably, it received the support and contribution of faculty, while encouraging the growth of student-run journals at similar institutions (Swygert & Bruce, 1985, p. 779).<sup>3</sup> Swygert and Bruce (1985) go so far as to say that “[o]nce law reviews emerged at the leading law schools, it was a foregone conclusion that the remaining institutions would join the movement” (p. 786-787).

Over the years, the student-based model continued to flourish as a result of the numerous benefits it bestowed upon the legal profession. In particular, these journals provided scholarly commentary and analysis on relevant issues of the moment; thereby providing value to scholars and practitioners in a rapidly changing field of study (Danner,

2007, p. 366). Additionally, they included an educational component that benefited the law students serving on the editorial boards (Milles, 2006, p. 629). “Almost from the beginning, election to an editorial position proved to be a ticket to attractive placement opportunities,” beginning one’s professional career (Swygert & Bruce, 1985, p. 787). Furthermore, the presence of these publications enhanced the reputations of the law schools (Carroll, 2006, p. 753), as they came to be seen as the “mark of a mature educational institution” (Swygert & Bruce, 1985, p. 779). In his article, *The Idea of the Law Review: Scholarship, Prestige and Open Access*, Madison (2006) draws a parallel between the quality of the law school and its law review, saying that the prestige of one influences that of the other, in addition to the “student perceptions of law school quality and decisions on which school to attend... The better the law review, the better the law school, and vice versa” (p. 908).

Finally, the law reviews provided significant contributions to legal thought, as reflected in the acceptance of courts and legislatures (Swygert & Bruce, 1985, p. 788-789). Specifically, the United States Supreme Court first cited to a law review article in 1897 (Swygert & Bruce, 1985, p. 788). From there, courts began the now-common practice of relying on these publications “as a source of authority for new developments in the law” (Carroll, 2006, p. 753). By this point, the student-edited reviews had completely eclipsed the commercial-based model, creating a unique environment for the future of scholarly communication.

Plotin (2009) summarizes these developments and distinguishes the profession by stating: “Because most law reviews are published by law schools, few commercial publishers are involved. The majority of law reviews are student-run and edited; there is

no ‘peer review,’ in the same sense as in most other fields” (p. 34). Instead, the publications rely heavily on their home institutions for support. In turn, these institutions provide students with course credits in exchange for participation and incentivize faculty with the possibility of professional tenure in return for contributions (Madison, 2006, p. 921). In addition, the journals generate funds by selling subscriptions to other schools and providing digital copies of their final product to “commercial databases in exchange for royalties” (Madison, 2006, p. 904).

Due in part to this funding structure, law reviews are able to keep subscription rates low, distinguishing the field from those (especially the sciences) that rely upon financially-driven commercial publishers (Milles, 2006, p. 630). Overall, this unique model provides significant benefits to those with access to law school subscriptions or commercial databases; however, it also reduces the incentive to embrace the move toward open access, and without such access:

[L]egal scholarship is locked up inside the ‘walled garden’ of commercial databases. Only those who are able to pay for access to the databases can access the scholarship, and a huge number of potential readers – the public-at-large, scholars in other fields without access to commercial legal databases, independent scholars, and scholars at institutions that cannot afford the commercial databases – are walled off from important developments in legal literature. (Hunter, 2005, p. 611)

#### Literature Review

In full recognition of the importance of open access, as detailed above, this literature review assesses the extent of the movement’s impact on the existing body of legal scholarship, and its role in the field going forward.

### *Implementing the Open Access Approach*

“The one discipline where conditions are ripe for more rapid evolution to open access is law in the United States” (Carroll, 2006, p. 751). This statement is particularly true given the current economic climate. As it stands, law libraries account for the largest percentage of law review subscriptions. However, these institutions are largely dependent on funding from their “parent institutions” or the states that support them (Milles, 2006, p. 623). Therefore, in times of significant budget cuts and financial sacrifice, they cannot continue to devote unlimited funding to this growing body of literature (Milles, 2006, p. 620).

Despite the relatively stable cost of subscriptions, the “sheer number of journals produced at US law schools makes them costly for law libraries to purchase, process, and preserve” (Danner, 2010, p. 4). Additional complications include the premium on space, as print subscriptions compete against other costly resources for shelf space (Danner, 2010, p. 4), and the presence of multiple format options, as journals appear digitally through commercial publishers, including HeinOnline, Westlaw, and LexisNexis.

Given the benefits of open access publishing, with its free and open access to scholarly works online, and the unique structure of the law review model, with its subsidized costs and student-driven production, it seems surprising that law reviews lag far behind other areas of scholarship in accepting this movement (Hunter, 2005, p. 613). Yet, Litman (2006) notes that many journals are content in relying on their subscriptions for print distribution and commercial databases for electronic access (p. 784). Through this approach, law scholars and students at major institutions receive school-sponsored access to the literature (Keele, 2010, p. 270), while legal practitioners subscribe to the



databases that supply much of the resources needed for practice, including legal periodicals (Keele, 2010, p. 270). Ultimately, the availability of subscription-based access leaves students, scholars, and practitioners complacent in the established publishing model. However, the approach ignores the fact that:

Access to legal information is essential not only for lawyers and other legal professionals, but also for citizens whose lives are affected by legislation, precedential court decisions, and administrative rulings and regulations. To be applied, the law needs to be explained and interpreted. (Danner, 2010, p. 3)

Furthermore, authors are missing a significant opportunity to increase their exposure and exert their influence on a broader scholarly conversation (Milles, 2006, p. 628). Overall, there simply is no benefit to restricted access in this setting (Litman, 2006, p. 790). As soon as the scholarship is created, “its investors get the most bang for their buck if it is disseminated, read, and cited as widely as possible” (Litman, 2006, p. 790).

Yet, to say that the open access movement is slow to embrace legal scholarship is not to say that it has bypassed the field altogether. In fact, the “green road” of archival publishing and the “gold road” of open access journals do exist in a variety of contexts, increasing the spread of legal thought. The extent of their presence in practice and in the literature is explored below.

### *Following the Green Road to Open Access*

In the legal field, scholars play a role in the spread of open access through the use of digital repositories (Litman, 2006, p. 791). However, the options for archival purposes are not as widespread as some of the other areas of study. Instead of relying on institutional repositories for support, most scholars turn to commercial-based discipline repositories, such as the Legal Scholarship Network (“LSN”) on the Social Science Research Network or the Berkley Electronic Press Repository (“bepress”) (Plotin, 2009,

p. 51). These resources host articles at various stages of publication, including pre- and post-print (Plotin, 2009, p. 51), and attract a broader public audience than the fee-based models (Hunter, 2005, p. 626). Additionally, as a subset of their legal structure, LSN and bepress host institutionally-centered repositories that allow individual schools to sponsor a collection of faculty works (Parker, 2007, p. 457). In general, these services are available to individuals for personal use, without charge (Litman, 2006, p. 784).

As more articles come online, the benefits of these discipline-based repositories become undeniable. Parker (2007) notes that “[r]epositories provide opportunities for informal peer review and avoid many of the problems associated with student-editing, allowing for quicker access to new work that would otherwise be mired down by the editing and publication processes” (p. 466). Also, citation analysis shows that these repositories cast a wider net, expand readership, and enhance the “reputation of the authors and their schools” (Parker, 2007, p. 443-444).

While the “green road” is significant in its advancement of the open access goals, it contains one significant drawback, primarily its continued dependence upon the permission of publishing law reviews. For that reason, it is important to understand the role copyright plays in this field and how it has the ability to restrict the growth of open access repositories going forward.

Due to the structure of the law review model, law professors are encouraged to contribute to the body of legal scholarship as part of their work toward tenure. To accomplish this task, they rely on the reputation and prestige of the individual journals when making publication decisions. As a result, online only journals have not made significant strides into the legal publishing world (Plotin, 2009, p. 44). Instead, authors

employing the “green road” approach post their articles in online repositories, such as LSN or bepress, while simultaneously publishing in established law review publications. This method, in turn, has traditionally required the author to retain copyright permissions through individual publication agreements signed with journals or negotiate permission to publish articles outside of the journals (Carroll, 2006, p. 754). Either way, the review has control over an author’s ability to participate in the open access movement (Carroll, 2006, p. 754). So significant is this hold that authors have cited reluctance to seek copyright permissions for fear of losing the interest of the publication and missing out on an opportunity that would advance a case for tenure (Hunter, 2005, p. 609).

In light of this setting, Keele (2010) conducted a study whereby he solicited the publication agreements from the top 200 U.S. journals in an effort to determine if they are loosening their grip on copyright control, given the popularity of digital repositories (p. 273). Of those 200 journals, he received 78 agreements, or a 39% response rate (Keele, 2010, p. 274). From the agreements, he concluded that, despite a trend toward self-archiving, a significant percent of journals continue to exercise control over online article publication (Keele, 2010, p. 274). Specifically, 21.9% of the respondents requested copyright transfers prior to publication (Keele, 2010, p. 274). Another 33.3% claimed an exclusive license over the work product (Keele, 2010, p. 274). While numerous agreements specifically reference self-archiving, most continue to impose restrictions on the practice (Keele, 2010, p. 275), thereby reducing its availability to the legal industry.

*Exploring the Gold Road of Electronic Publications*

Though not completely prohibitive, copyright permissions present an unnecessary obstacle to the full-scale implementation of the “green road” to open access. As a result, the “gold road” has the potential to be more significant in the present environment.

Given this scenario, it is useful to determine whether the movement has gathered enough force in the legal field to bring law reviews on board, and whether these publications are creating archives to an extent that justifies reliance upon “gold road” access.

As Plotin (2009) notes, it would be most beneficial if the established, school-based law reviews:

[P]ublish their articles on the World Wide Web, thereby maintaining all the advantages of the law review system – manpower of student editorial staff, educational benefits to students, and brand-name recognition – while at the same time taking advantage of the new technology. (p. 40-41)

This approach is not intended to replace the traditional print format; instead, it would supplement that distribution by creating “parallel avenues for publication” (Plotin, 2009, p. 50). Given the fact that the legal institutions subsidize the publications to a degree that makes their total costs insignificant, this practice would not place an unnecessary burden on the journals’ bottom line (Plotin, 2009, p. 42). Litman (2006) goes on to suggest:

There’s [not even] a reason to expect that adopting an open access publication model would diminish [commercial vendor royalties] significantly. Westlaw and Lexis in particular have perfected the art of collecting large sums of money for access to material that is already in the public domain, by making it available subject to useful search functionality. (p. 792)

The only true “threat” to law reviews comes from their inability to adapt to the changing landscape of scholarly communication (Litman, 2006, p. 792). If the open access movement revolves around self-archiving, rather than open access journals, these publications have the potential to become disaggregated and primarily visible at the

article level, thereby eclipsing an enormous opportunity for law reviews to receive a wider audience and the recognition that stems from increased visibility (Litman, 2006, p. 792). For this reason, journals are responding to the “gold road” approach, as they archive issues online (Litman, 2006, p. 792). However, the practice is far from uniform and suffers from “conservatism caused by rapid student-leadership turnover and the lack of infrastructure due to small scale operations” (Doyle, 2007, p. 35).

To gain a precise read on the state of open access journals, several studies emerged in the past few years, including the noteworthy and frequently cited study conducted by Dan Hunter in 2004 and reported in his article *Walled Gardens*. Through his efforts, Hunter (2005) conducted a survey of law reviews produced at ABA-accredited law schools to determine the extent to which these journals embraced open access (p. 613). Of the 176 publications contacted, 76 responded (Hunter, 2005, p. 628). From this number, 28 posted articles to their website, but only 15 posted them in a way that could be considered open access compliant (Hunter, 2005, p. 628). The remaining journals posted “either abstracts alone, some subset of their articles, a redacted version of the articles, or only the current volume” (Hunter, 2005, p. 628). Additionally, most journals relied on PDF format to post their articles, with the remaining relying on HTML or text (Hunter, 2005, p. 629). In terms of length of participation, several journals reported posting for more than four years; however, most claimed to have only recently begun the practice (Hunter, 2005, p. 629).

While Hunter’s study is significantly dated at this point, he was able to pinpoint the beginning stages of the movement in legal scholarship, and he inspired several other studies in his wake. For example, in 2007, Richard Danner conducted a similar study,

reported in his article *Applying the Access Principle in Law: The Responsibilities of the Legal Scholar*. Danner (2007) wanted to see if he could find articles from law journals online (p. 374). Specifically, he looked at 10 journals in each of three different countries (the U.S., U.K., and South Africa) (Danner, 2007, p. 374). From this study, he determined that “[m]ost, if not nearly all, print law journals are widely available in commercial databases” (Danner, 2007, p. 374); however, such works are only accessible through a subscription to a commercial vendor or a pay-per-view arrangement with a commercial publisher (Danner, 2007, p. 375). In terms of free access, eight out of the 10 U.S. journals provided PDF versions of their most recent issue on their sites, and sometimes provided archives of back issues as well (Danner, 2007, p. 378). The publications based in the U.K. and South Africa were far less accommodating, as they primarily relied on commercial publishers, and thereby suffered from the same issues as the publications in other disciplines (Danner, 2007, p. 378). Overall, 10 of the 30 journals provided lead articles from their current issues on their websites without charge (Danner, 2007, p. 378). Six more were available to individuals for a fee (Danner, 2007, p. 378).

The next, and most recent, study to follow Hunter’s lead is Stephanie Plotin’s work reported in her 2009 article *Legal Scholarship, Electronic Publishing, and Open Access: Transformation or Steadfast Stagnation?*. In this study, Plotin (2009) examined the practices of the 20 law journals that ranked the highest on the ISI Journal Citation Reports over a seven year period (p. 47). Of the 20, all were traditional in format, 18 were student-edited, one was the product of a scholarly society, and one was published by a law school but professor-edited, rather than student-run (Plotin, 2009, p. 45). From her

research, Plotin (2009) concluded that 14 of the 20 journals provided links to full-text articles from current issues on their sites (p. 47). Fifteen included at least one archived volume from a prior year (Plotin, 2009, p. 47). Four “explicitly articulated some kind of open-access policy,” and one, the *Northwestern Law Review*, committed to becoming a full-functioning open access journal (Plotin, 2009, p. 48-49).

### *Understanding the Influence behind the Movement*

Based on the findings of these studies, the “gold road” is making progress in this field of scholarship. To understand the reasons behind such progress, it is necessary to examine the relevant organizations and movements that support the push for open access in the legal academy.

Specifically, two institutions, Duke and Harvard Law, have emerged in support of this cause. As early as 1998, Duke Law School began uploading articles from its journals to its website under the assumption that the “benefits of providing greater exposure for the Duke journals to scholars in other disciplines and to international readers would outweigh any potential reductions in income from print subscriptions or in royalties from the versions available through legal databases” (Danner, 2007, p. 385). This step has increased the exposure of its lesser-known, subject-specific journals, while maintaining consistent subscription levels and royalty-based income (Danner, 2007, p. 393). Overall, Duke Law School publications share a strong commitment to the goals of open access and provide a successful test-case for the movement in the legal arena.

In a similar vein, Harvard Law Library has taken up the cause for open access. In February 2010, it went so far as to issue a collection development policy that is heavily

dependent upon the online availability of legal periodicals (Danner, 2010, p. 4). The policy states:

The library will acquire in print and maintain print archives only for Harvard Law School publications, publications only available in print, and publications where the library has library of record responsibilities for Harvard University. Other print law journals subject to moving walls on Hein Online or JSTOR will be acquired in print but retained only for five years and will not be bound. (Danner, 2010, p. 4-5)

While these schools provide two concrete examples of change in response to the technological abilities and economic restraints of the times, they do not stand alone. In November 2008, the directors of 12 premier law libraries came together to draft what is now known as the Durham Statement on Open Access to Legal Scholarship (the “Statement”) (Berkman Center for Internet & Society, 2009). The final version of the Statement, completed on February 11, 2009, currently contains more than 70 signatories (Berkman Center for Internet & Society, 2009). With respect to its mission, the Statement stands for two separate principles: law school publications should 1) embrace open access, and 2) discontinue print-based production (Danner, 2010, p. 1). While the call to end print publication sounds a bit extreme, the Statement justifies its stance by noting that it is “increasingly uneconomical to keep two systems afloat simultaneously” (Berkman Center for Internet & Society, 2009). It also says:

In a time of extreme pressures on law school budgets, moving to all electronic publication of law journals will also eliminate the substantial costs borne by law schools for printing and mailing print editions of their school’s journals, and the costs borne by their libraries to purchase, process and preserve print versions. (Berkman Center for Internet & Society, 2009)

While not all efforts to comply with the demand for open access have been this radical, the Statement’s popularity signifies the level of support behind the “gold road” movement. In fact, the movement has reached the point where certain directories and



search engines exist to try to keep track of open access participants. For example, the Directory of Open Access Journals (“DOAJ”) contains free, full-text access to “scientific and scholarly journals” (Lund University, 2011). It is noteworthy for its access to more than 6,100 journals, of which 2,605 can be searched at the article level, and 107 maintain a law-specific focus (Lund University, 2011). However, it is not considered comprehensive in coverage (Plotin, 2009, p. 46). Specifically, journals that meet the open access criteria may not have requested to participate in the DOAJ (Plotin, 2009, p. 46). Alternatively, journals that fall short of the criteria may still post full-text versions of their current issue online (Plotin, 2009, p. 47). Therefore, while it is useful in searching a wide range of legally-focused journals, it tends to “understate” the progress in this field (Danner, 2007, p. 378).

Alternatively, an example of a search engine designed to enhance the usability of open access journals includes the American Bar Association’s *Free Full-text Online Law Review/Law Journal Search Engine* (the “ABA Search Engine”) (ABA, n.d.). This resource claims to search the texts of over 350 law journals, which are conveniently listed on the site; however, it notes that “coverage may vary,” as not all publications provide a complete archive of their volumes (ABA, n.d.). Despite this shortcoming, the resource is extremely useful in providing an entry point to open access scholarship. As directories and search engines of this nature continue to evolve, the open access movement will find broader support in the legal community of scholarly communication.

### Methodology

This study is designed to enhance the existing body of research related to the “gold road” of open access. Specifically, it expands upon the results of prior studies,

including Hunter (2005), Danner (2007), and Plotin (2009), while providing deeper context to the sources included in the DOAJ and the ABA Search Engine. To accomplish these goals, it relies on a detailed examination of current law review practices.

In determining the parameters of the study, I relied on the data set collected for a UNC Law Library project conducted in the Fall of 2010. During that project, I worked with three other members of the library's staff to survey the online holdings of all journals associated with ABA accredited, and provisionally accredited, law schools. In using such an extensive data set, I encompassed the entire population surveyed in the Hunter (2005) study, while ensuring that the results were sufficiently large to draw conclusions about the acts and practices of U.S. law reviews generally.

At the time of the study, the ABA recognized 200 law schools as meeting the requirements for accreditation, either fully or provisionally<sup>5</sup> (ABA, 2011).<sup>6</sup> Of these schools, most, if not all, hosted at least one student-edited law journal, with some hosting as many as 15 to 17 journal titles.<sup>7</sup> In terms of web presence, the journals typically maintained their own website or a page on the law school's site. The data collection process relied on a search of the school's website for a link to, or mention of, the individual journals. This information was typically housed under a "Publications" link from the school's main page. If a school listed a journal but failed to provide a link to its page, a Google search was conducted for purposes of consistency and reliability.

In an attempt to locate additional journals that may have been omitted in the initial search process, we then compared the list to those included on the ABA Search Engine (ABA, n.d.), the New York Law School's *Law Reviews with Online Content* (New York Law School, n.d.), and Washington and Lee University's *Law Journals*:

*Submissions and Ranking* database (Washington and Lee University School of Law, n.d.). In the process of comparing these lists, we excluded journals that were commercially-produced or internationally-based. Once the list of journals was finalized, we began collecting information.

In terms of the specifics, we examined the individual journal sites for links to, or text containing, the full-text versions of current and past issues. If the journal provided abstracts only, it was not considered “open access” for purposes of this study; however, if it provided some coverage, even if such coverage was limited to text files of the current issue, the title was labeled as “open access.” We also distinguished between full coverage versus partial access for purposes of the study.

A full list of categories includes: law school name, location (by state), title of the law journal, URL for journals providing full-text access, range of online holdings, accreditation status for the associated law school, and the year of the school’s founding. In combination, these categories informed the presence and availability of free, online access to journal content, in addition to the extent and format of existing coverage.

## Results and Discussion

In completing the study, we reviewed the individual websites for each of the 200 ABA accredited, or provisionally-accredited, law schools and located 719 student-edited law journal titles. Of these titles, 421, or 58.6%, qualify as “open access,” meaning they provide free, online access to at least some of their current and/or past volumes. From those listed as “open access,” 158, or 37.5%, provide text or PDF versions of their complete runs. While these findings represent a meaningful level of acceptance on the part of legal scholarly communication, generally, they also show that 298, or 41.4%, of

all qualifying journals continue to operate outside the “open access” model, leaving scholars to rely on their own archival efforts for compliance.

*Revisiting Danner (2007) and Plotin (2009)*

Because the results of this study come from a larger sample than those relied upon in prior studies, they do not allow for an accurate comparison with previous findings. It would be far more meaningful to examine those journals that Danner (2007) and Plotin (2009) surveyed in earlier efforts to see if the results differ with the passage of time.<sup>8</sup> While it would be useful to compare the results to those of Hunter (2005) as well, Hunter presented anonymous findings for his research, precluding any future comparison (p. 628).

The study reported in Danner’s 2007 article, *Applying the Access Principle in Law: The Responsibilities of the Legal Scholar*, relied on a survey of “ten highly ranked law journals in three countries: the United States, the United Kingdom, and the Republic of South Africa” (p. 374). While the international titles and the one title produced by the American Society of International Law exceed the scope of this study, the remaining nine journals include: *California Law Review*, *Columbia Law Review*, *Harvard Law Review*, *Michigan Law Review*, *New York University Law Review*, *Stanford Law Review*, *Texas Law Review*, *Virginia Law Review*, and *Yale Law Journal* (Danner, 2007, p. 374). These journals were selected for consideration as a result of their top impact factor rankings in 2006, based on Thomas Scientific’s calculations for Journal Citation Reports (Danner, 2007, p. 374).

Of the nine journals in the Danner study, all but one had PDF copies of their current issue posted on their individual websites, with many including archives of prior

issues as well (Danner, 2007, p. 378). In comparison, all nine now have free PDF copies of their current issues posted on their sites, as well as a substantial collection of open access archives spanning multiple years. (See Appendix A). As seen in Appendix A, the *Yale Law Journal* archives provide PDF versions of articles dating as far back as the 110<sup>th</sup> volume, published in 2000.<sup>9</sup> The other journals began their archives somewhere between 2004 and 2008 and continue the practice through their most recent editions (Appendix A). While the process of updating these archives requires a substantial commitment to the “gold road” of open access, it appears to have been deemed worthy by the journals at such highly rated law programs.

This statement is further confirmed by the updated results of Plotin’s 2009 study, reported in her article *Legal Scholarship, Electronic Publishing, and Open Access*. Like Danner (2007), Plotin relied on Journal Citation Reports to survey online posting practices of those journals that scored highest in terms of impact factors (Plotin, 2009, p. 45). Instead of using one year, she selected the top 20 journals over a period of seven years (2001-2007), 18 of which are student-edited and meet the restrictions of this study (Plotin, 2009, p. 45).<sup>10</sup> According to Plotin’s results, 14 of these journals provided full text access to their most recent issues (p. 47). Additionally, 15 of the 20 included at least one archived volume on their sites; however, it is important to note that archival coverage varied significantly by journal (Plotin, 2009, p. 47).

Appendix B presents an excerpt of the results of the study conducted for the UNC Law Library, as updated in February 2011 for purposes of currency. The 18 journals included therein match the student-edited publications examined by Plotin (2009). At present, all 18 journals include PDF versions of their current issues on their websites

(Appendix B). They also provide archival copies of various lengths, with the *Cornell Law Review* archives dating as far back as 1993 and the majority beginning between 2004 and 2006 (Appendix B).<sup>11</sup> Given these conclusions, in comparison with Plotin's recent results, it becomes evident that journals are continuing to embrace the open access movement and moving toward increased access and visibility.

In comparison with the results for all ABA approved law schools, where 58.6% of the journals offered some level of open access, the updated studies detailed in Appendix A and B show 100% acceptance of the movement in those journals scoring highest in impact scores on the Journal Citation Reports. These journals have recognized the value of the "gold road" and reap the benefits of increased access and citation as a result. Clearly, legal publications generally have much to gain in following the example of these few, highly-regarded journals.

Though our progress since the time Hunter (2005) described legal scholarship as "locked up inside the 'walled gardens' of commercial databases" has been significant, a great deal of work remains (p.611). As Swygert and Bruce (1985) once stated about law reviews generally, "[o]nce law reviews emerged at the leading law schools, it was a foregone conclusion that the remaining institutions would join the movement" (p. 786-787). So too must the body of existing law reviews look to the practices of "leading law schools" and embrace the movement for open access.

#### Future Research

While the current study identifies a growing trend toward open access in the legal industry going forward, research in this field is far from complete. Law journals are constantly changing their policies and updating their archives. For this reason, it is

important to continue surveying general practices and existing holdings in the future. As additional directories and search engines emerge, increasing the usefulness of this online scholarship, we should see a broader effort towards compliance.

Another area for future research involves the issues surrounding preservation. Specifically, problems with “version control” and “persistence of access” become far more common than they were with traditional print formats (Danner, 2002, p. 350). For example, when improperly loaded, articles stored in archives become susceptible to “linkrot,” which “results from using URLs to identify digital information” (Parker, 2007, p. 475). Existing law journal archives should be surveyed for their durability. Are they using persistent identifiers to reduce the potential for issues like linkrot (Parker, 2007, p. 475)? Additionally, are they stored in formats that will not fall victim to hardware or software obsolescence (Parker, 2007, p. 476)? How can we ensure their digital safety in the absence of a print counterpart? These issues must be resolved before we can place complete reliance in the hands of the open access movement.

### Conclusion

The law review publication model is unique in many aspects, including its heavily subsidized cost structure, its student-led editorial boards, and its decentralized production process (Parker, 2007, p. 443). These factors, in combination, have made it a prime candidate for the open access model. Yet, contrary to this assessment, it has been slow to adopt the movement in any meaningful way. Only in recent years has the industry witnessed a significant change in this direction, and such change seems to be concentrated in the policies and actions of the more prestigious law journals.

While the public may begin to appreciate emerging archives as a limited form of open access, they are far from comprehensive, require constant maintenance, and have yet to reach a level that challenges the need for print in any realistic sense. As a result, increased participation in the open access model remains a priority. Until the movement is widely embraced, the industry as a whole remains closed off from its benefits, including, most importantly, greater visibility and increased citation (Miller, 2006, p. 735). Despite the fact that substantial gains have been made since Hunter (2005) began his study for *Walled Gardens*, the “gold road” to open access faces a long and challenging journey forward.



## Notes

<sup>1</sup>As a side note, it is important to understand that the “green road” is not always available to an author. When an author agrees to publish his or her article in a scholarly journal, he or she frequently signs a publication agreement that dictates the terms of copyright and future use. An author must retain the copyright in the work or receive permission to publish in a digital repository. Failure to do so constitutes a violation of copyright law, thereby restricting the author’s ability to distribute his or her work through the open access model.

<sup>2</sup>The law review currently serves as the primary method for scholarly publication in the legal field.

<sup>3</sup>Specifically, Yale began its first review in 1891, followed by Pennsylvania in 1896, Columbia in 1901, Michigan in 1902, and Northwestern in 1906 (Swygert & Bruce, 1985, p. 779). From there, the “Harvard model” of the law review grew to become commonplace in law schools across the country (Madison, 2006, p. 907-908).

<sup>4</sup>Participating institutions included: University of Chicago, Columbia University, Cornell University, Duke University, Georgetown University, Harvard University, New York University, Northwestern University, the University of Pennsylvania, Stanford University, the University of Texas, and Yale University (Berkman Center for Internet & Society, 2009).

<sup>5</sup>Of the 200 law schools, five maintain a provisional status. These schools include: Charleston School of Law, Charlotte School of Law, Earle Mack College of Law at Drexel University, Elon University School of Law, and University of La Verne College of Law (ABA, 2011).

<sup>6</sup> The process of accreditation involves a lengthy review whereby the ABA assesses the ability of a program to provide “sound legal education principles,” as defined by a series of pre-established standards (ABA, 2010-2011).

<sup>7</sup> For example, of the programs surveyed, Harvard Law School hosts 17 journals, Columbia hosts 16, and American University hosts up to 15 journals. Many other schools hold similar numbers in terms of titles.

<sup>8</sup> Given the rate at which change occurs in the acts and practices of existing law journals, the results of open access studies can change dramatically year to year, making it important to revisit this issue with some frequency.

<sup>9</sup> Appendix A presents an excerpt of the results of the study conducted for UNC Law Library, as updated for purposes of this paper in February, 2011. I updated the volume information in an effort to show the frequency with which journals modify their sites.

<sup>10</sup> These journals include the main law reviews at: Harvard, Columbia, UCLA, Texas, Yale, University of Pennsylvania, California, Cornell, Stanford, Virginia, Georgetown, Michigan, Minnesota, Northwestern, Vanderbilt, New York University, and the University of Chicago (Plotin, 2009, p. 45). Additionally, the *Harvard Environmental Law Review* made the ranks as a student-edited law review with a significant impact factor (Plotin, 2009, p. 45). Plotin (2009) also studied the practices of the *Journal of Legal Studies*, edited by professors at the University of Chicago Law School, and *Law & Human Behavior*, which is produced by a scholarly society (p. 45). These journals are not included in the results of this study.

<sup>11</sup> While this range represents the typical start date for these archives at present, journals are continuously updating their holdings to provide greater access to their collection.

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## Appendix A

## Updated Results for Danner (2007) Study

TITLE	LAW SCHOOL	STATE	URL (full-text only)	ELECTRONIC HOLDINGS	FORMAT
<b>California Law Review</b>	University of California, Berkeley School of Law (Boalt Hall)	California	<a href="http://www.californialawreview.org/information/archive/issues">http://www.californialawreview.org/information/archive/issues</a>	Vol. 96(6) (2008) - Vol. 98(6) (2010)	PDF
<b>Columbia Law Review</b>	Columbia University Law School	New York	<a href="http://www.columbialawreview.org/information/archive/issues">http://www.columbialawreview.org/information/archive/issues</a>	Vol. 106(7) (2006) - Vol. 111(1) (2011)	PDF
<b>Harvard Law Review</b>	Harvard Law School	Massachusetts	<a href="http://www.harvardlawreview.org/issues/">http://www.harvardlawreview.org/issues/</a>	Vol. 120(1) (2006) - Vol. 124(3) (2011)	PDF
<b>Michigan Law Review</b>	University of Michigan Law School	Michigan	<a href="http://www.michiganlawreview.org/information/archive/issues">http://www.michiganlawreview.org/information/archive/issues</a>	Vol. 104(1) (2005) - Vol. 109(4) (2010)	PDF
<b>New York University Law Review</b>	New York University School of Law	New York	<a href="http://www.law.nyu.edu/journals/lawreview/issues/index.htm">http://www.law.nyu.edu/journals/lawreview/issues/index.htm</a>	Vol. 82(1) (2007) - Vol. 85(6) (2010)	PDF
<b>Stanford Law Review</b>	Stanford Law School	California	<a href="http://www.stanfordlawreview.org/content/previous-volumes">http://www.stanfordlawreview.org/content/previous-volumes</a>	Vol. 58(1) (2005) - Vol. 63(2) (2011)	PDF
<b>Texas Law Review</b>	University of Texas School of Law	Texas	<a href="http://www.texaslrev.com/print/archive">http://www.texaslrev.com/print/archive</a>	Vol. 86(1) (2007) - Vol. 89(1) (2010)	PDF
<b>Virginia Law Review</b>	University of Virginia School of Law	Virginia	<a href="http://www.virginialawreview.org/page.php?s=content&amp;p=archives">http://www.virginialawreview.org/page.php?s=content&amp;p=archives</a>	Vol. 90(1) (2004) - Vol. 96(8) (2010)	PDF
<b>Yale Law Journal</b>	Yale Law School	Connecticut	<a href="http://www.yalelawjournal.org/the-yale-law-journal/issue-pages/archive/">http://www.yalelawjournal.org/the-yale-law-journal/issue-pages/archive/</a>	Vol. 110(1) (2000) - Vol. 120(4) (2011)	PDF

## Appendix B

## Updated Results for Plotin (2009) Study

TITLE	LAW SCHOOL	STATE	URL (full-text only)	ELECTRONIC HOLDINGS	Current Issue
Harvard Law Review	Harvard Law School	Massachusetts	<a href="http://www.harvardlawreview.org/issues/">http://www.harvardlawreview.org/issues/</a>	Vol. 120(1) (2006) - Vol. 124(3) (2011)	Yes
Columbia Law Review	Columbia University Law School	New York	<a href="http://www.columbialawreview.org/information/archive/issues">http://www.columbialawreview.org/information/archive/issues</a>	Vol. 106(7) (2006) - Vol. 111(1) (2011)	Yes
UCLA Law Review	University of California, Los Angeles School of Law	California	<a href="http://www.uclalawreview.org/?page_id=38">http://www.uclalawreview.org/?page_id=38</a>	Vol. 55(1) (2007) - Vol. 58(2) 2010	Yes
Texas Law Review	University of Texas School of Law	Texas	<a href="http://www.texaslawreview.com/print/archive">http://www.texaslawreview.com/print/archive</a>	Vol. 86(1) (2007) - Vol. 89(1) (2010)	Yes
Yale Law Journal	Yale Law School	Connecticut	<a href="http://www.yalelawjournal.org/the-yale-law-journal/issue-pages/archive/">http://www.yalelawjournal.org/the-yale-law-journal/issue-pages/archive/</a>	Vol. 110(1) (2000) - Vol. 120(4) (2011)	Yes
University of Pennsylvania Law Review	University of Pennsylvania Law School	Pennsylvania	<a href="http://www.law.upenn.edu/journals/lawreview/issues.html">http://www.law.upenn.edu/journals/lawreview/issues.html</a>	Vol. 152(6) (2004) - Vol. 158(7) (2010)	Yes
California Law Review	University of California, Berkeley School of Law (Boalt Hall)	California	<a href="http://www.californialawreview.org/information/archive/issues">http://www.californialawreview.org/information/archive/issues</a>	Vol. 96(6) (2008) - Vol. 98(6) (2010)	Yes
Cornell Law Review	Cornell Law School	New York	<a href="http://www.lawschool.cornell.edu/research/cornell-law-review/Issue-Archives.cfm">http://www.lawschool.cornell.edu/research/cornell-law-review/Issue-Archives.cfm</a>	Vol. 79(1) (1993) - Vol. 96(2) (2011)	Yes
Stanford Law Review	Stanford Law School	California	<a href="http://www.stanfordlawreview.org/content/previous-volumes">http://www.stanfordlawreview.org/content/previous-volumes</a>	Vol. 58(1) (2005) - Vol. 63(2) (2011)	Yes
Virginia Law Review	University of Virginia School of Law	Virginia	<a href="http://www.virginialawreview.org/page.php?s=content&amp;p=archives">http://www.virginialawreview.org/page.php?s=content&amp;p=archives</a>	Vol. 90(1) (2004) - Vol. 96(8) (2010)	Yes
Georgetown Law Journal	Georgetown University Law Center	District of Columbia	<a href="http://www.georgetownlawjournal.com/issues/archives/">http://www.georgetownlawjournal.com/issues/archives/</a>	Vol. 95(1) (2006) - Vol. 99(2) (2011)	Yes
Michigan Law Review	University of Michigan Law School	Michigan	<a href="http://www.michiganlawreview.org/information/archive/issues">http://www.michiganlawreview.org/information/archive/issues</a>	Vol. 104(1) (2005) - Vol. 109(4) (2010)	Yes
Minnesota Law Review	University of Minnesota Law School	Minnesota	<a href="http://www.minnesotalawreview.org/epublish/1">http://www.minnesotalawreview.org/epublish/1</a>	Vol. 90(1) (2005) - Vol. 95(3) (2011)	Yes
Northwestern University Law Review	Northwestern University School of Law	Illinois	<a href="http://www.law.northwestern.edu/lawreview/issues.html">http://www.law.northwestern.edu/lawreview/issues.html</a>	Vol. 99(4) (2005) - Vol. 104(3) (2010)	Yes
Vanderbilt Law Review	Vanderbilt University Law School	Tennessee	<a href="http://law.vanderbilt.edu/publications/vanderbilt-law-review/archive/index.aspx">http://law.vanderbilt.edu/publications/vanderbilt-law-review/archive/index.aspx</a>	Vol. 54(1) (2001) - Vol. 64(1) (2011)	Yes
New York University Law Review	New York University School of Law	New York	<a href="http://www.law.nyu.edu/journals/lawreview/issues/index.htm">http://www.law.nyu.edu/journals/lawreview/issues/index.htm</a>	Vol. 82(1) (2007) - Vol. 85(6) (2010)	Yes
University of Chicago Law Review	University of Chicago Law School	Illinois	<a href="http://lawreview.uchicago.edu/issues/backissues/v77/77_1/77_1_archive.html">http://lawreview.uchicago.edu/issues/backissues/v77/77_1/77_1_archive.html</a>	Vol. 77(1) (2010) - Vol. 77(4) (2011)	Yes
Harvard Environmental Law Review	Harvard Law School	Massachusetts	<a href="http://www.law.harvard.edu/students/orgs/elr/older.php">http://www.law.harvard.edu/students/orgs/elr/older.php</a>	Vol. 27(2) (2003) - Vol. 34(2) (2010)	Yes