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My Year of Citation Studies, Part 3*

Mary Whisner**

In this third installment examining citation studies, Ms. Whisner looks at five articles from each of a sample of twenty-three journals published in 1982, and discovers some surprising results.

¶1 This year I have been dabbling in citation studies, trying to discover some things about how law journal articles are used. In the first two installments,¹ I looked at samples from 2012. This time, I'm reaching back to 1982, a year I remember well but some readers might not have experienced.

¶2 Let's set the scene for our trip back to 1982. Lexis and Westlaw existed but were not as ubiquitous as they are now, and they weren't the first place researchers would go for journal articles.² There was no HeinOnline.³ No SSRN.⁴ No Google Scholar.⁵ Researchers found articles by using print indexes or by leafing through issues that were routed to them or displayed on library shelves.⁶

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** Research Services Librarian, Marian Gould Gallagher Law Library, University of Washington School of Law, Seattle, Washington.

1. Mary Whisner, *My Year of Citation Studies, Part 1*, 110 LAW LIBR. J. 167, 2018 LAW LIBR. J. 7, and Mary Whisner, *My Year of Citation Studies, Part 2*, 110 LAW LIBR. J. 283, 2018 LAW LIBR. J. 12.

2. Westlaw began with "selected" articles from the journals it covered and later moved to full coverage. See *Database Additions*, WESTLAW UPDATE, June 1984, at 2 ("Selected articles from university law reviews and bar association journals are available in this expansive new database [Texts and Periodicals]. Selected full text articles from over 100 publications are available.") Ten years later, Westlaw listed fifty journals with full coverage ("all articles, comments and case notes for which authors provide copyright releases") with coverage beginning between 1981 and 1990. WESTLAW DATABASE LIST, Summer/Fall 1994, at 169-70. In the list of all journals, coverage was selective unless marked with a star. *Id.* at 172-91. Some journals had selective coverage for a period of time, followed by full coverage.

In 1986, Lexis's LAWREV library included thirty-one individual journals and the ALLREV file combining them. 2 LEXIS LIBRARIES GUIDE 269 (1986).

3. HeinOnline was launched in May 2000. WILLIAM S. HEIN & CO., <https://www.wshein.com/> [<https://perma.cc/8S8P-NDWV>].

4. SSRN was founded in 1994. Gregg Gordon, *SSRN: A New Chapter*, SSRN (May 17, 2016), <https://ssrn.com/solutions/2016/05/17/ssrn-a-new-chapter/> [<https://perma.cc/AP4Y-EKRF>].

5. Google Scholar went live on Nov. 18, 2004. Steven Levy, *The Gentleman Who Made Scholar*, WIRED (Oct. 17, 2014, 12:00 AM), <https://www.wired.com/2014/10/the-gentleman-who-made-scholar/> [<https://perma.cc/EAP8-K8DS>].

6. Let me tip my hat to all the people who undertook citations studies without the databases I use all the time now. See, e.g., 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).

¶3 How did articles published in 1982 fare in the citations game? Did people find them and cite them? Did they get most of their citations in the early years? Does anyone still use these vintage articles? Those are the questions I'm exploring here. I set out to compare across the decades. I thought I could look at patterns for articles published in the same set of journals in 1982, 1992, and 2002. Alas, that was too ambitious for the time I had. You will see that comparison in the next installment.

Methodology

¶4 I started with the list of journals indexed in the *Current Index to Legal Periodicals*.⁷ I was overwhelmed by the hundreds of specialty journals, and I saw that a random sample would likely be dominated by them. I decided to focus on “flagship reviews,” the main law journal from a law school. That gave me a list of 192.

¶5 I used an old-school technique for producing a random sample: I rolled dice. If a journal got a ten, eleven, or twelve, it was in my sample. Thirty journals got that score.⁸ The dice gave me a diverse sample, including private and state schools, with varied reputations. If the sample had not had this diversity—for example, if none of the journals was a prestigious journal—I think I would have looked at another set of numbers. This sample's elite journals were the *Harvard Law Review* and the *Michigan Law Review*.⁹

¶6 Seven of the journals in the sample had not begun publication in 1982.¹⁰ That is, the 1982 sample is over a fifth smaller than today's. This reflects the growth in the number of law schools over that period.¹¹ So the sample for this study was twenty-three.

7. *Bluebook Abbreviations of Law Reviews & Legal Periodicals Indexed in CILP*, GALLAGHER LAW LIBR. UNIV. OF WASH. SCH. OF LAW, <https://lib.law.uw.edu/cilp/abbrev.html> [<https://perma.cc/C9EX-4ZK8>].

8. *Appalachian Journal of Law, Buffalo Law Review, California Western Law Review, Cardozo Law Review, Catholic University Law Review, Charleston Law Review, CUNY Law Review, Drexel Law Review, Florida State University Law Review, Harvard Law Review, Howard Law Journal, Idaho Law Review, Liberty University Law Review, Michigan Law Review, North Carolina Law Review, North Dakota Law Review, Penn State Law Review, Saint Louis University Law Review, South Carolina Law Review, South Dakota Law Review, Southwestern Law Review, Stetson Law Review, Tulsa Law Review, UC Irvine Law Review, University of Arkansas at Little Rock Law Review, University of Illinois Law Review, University of Louisville Law Review, University of Pittsburgh Law Review, University of the District of Columbia Law Review, West Virginia Law Review.*

There's a one in six chance of rolling a ten, eleven, or twelve. Here, 30 out of 192 shows practice matching up nicely with theory. A sample of 32 would have been exactly one sixth, but that's not the way randomness works.

9. Different samples also would have given me what I needed. If I had chosen to look at journals with a two, three, or four, then the sample's high-ranked journals would have been the *California Law Review*, the *Duke Law Journal*, and the *Stanford Law Review*. If I had chosen journals that got a seven, then the elite journals would have been *Northwestern University Law Review* and the *Texas Law Review*. Each of these samples would have had many less prestigious journals as well. As in the first sample, there's a one in six chance of rolling a two, three, or four; likewise, there's a one in six chance of rolling a seven.

10. *Appalachian Journal of Law, Charleston Law Review, CUNY Law Review, Drexel Law Review, Liberty University Law Review, UC Irvine Law Review, University of the District of Columbia Law Review.*

11. In 1980, there were 169 ABA-accredited law schools, up from 135 in 1966. ASS'N OF AM. LAW SCHS. & LAW SCH. ADMISSION COUNCIL, 1980–82 PRELAW HANDBOOK 25 ([1980]). Today there are 204.

¶7 Five journals had different names in 1982:

- *Dickinson Law Review* became *Penn State Law Review* in 2003 (volume 108);
- *Journal of Family Law* changed its title three times before becoming *University of Louisville Law Review* in 2007 (volume 46);
- *Southwestern University Law Review* became *Southwestern Law Review* in 2008 (volume 38);
- *Tulsa Law Journal* became *Tulsa Law Review* in 2002 (volume 38);
- *University of Arkansas at Little Rock Law Journal* became *University of Arkansas at Little Rock Law Review* in 1998 (volume 21).¹²

Within each journal, I looked at the first five articles published in 1982.¹³ I omitted introductions, memorials, book reviews, and commentary. (One article in the *University of Pittsburgh Law Review* was written by a third-year student at Pitt. I decided to skip that one too.) Two journals had fewer than five articles in 1982,¹⁴ so I looked at what they had.

¶8 For each article, I used HeinOnline's ScholarCheck¹⁵ to find citations to it, year by year. When a citing reference's date had hyphenated years (e.g., 1985–1986), I clicked through to see whether a header would tell me the exact year of that issue. I learned that some journals's headers do specify a year and others' just give the two-year range. (For example, *Northwestern University Law Review* gives a year; *Gonzaga Law Review* gives a range.) If I couldn't get a precise date, I chose the later of the two.

¶9 In a few instances, a 1981 journal cited one of the 1982 articles in the sample. The citing journals must have been far enough behind in their publication schedule that authors could read and cite a 1982 article before the 1981 journal issue was in press. I put those 1981 citations in the column for citations in 1982. I didn't count citations in 2018 because we're in the middle of the year.

¶10 I plugged it all into a spreadsheet. I checked to make sure that my spreadsheet tallies (adding up the citations for each of the thirty-five years since 1992) balanced with HeinOnline's ScholarCheck figures.¹⁶ Checking and cross-checking was tedious, but I value accuracy, and I decided it was important. As this was going to press, I discovered that I had omitted data for one of the journals in the sample, so I had to recalculate everything.¹⁷

ABA Approved Law Schools, Am. Bar Ass'n, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools.html [<https://perma.cc/7FEZ-FDGN>].

12. It's an interesting coincidence that the editors at Tulsa and UALR both decided that "Law Review" sounded better than "Law Journal." The editors of the *Yale Law Journal* appear to be sticking with "Law Journal!"

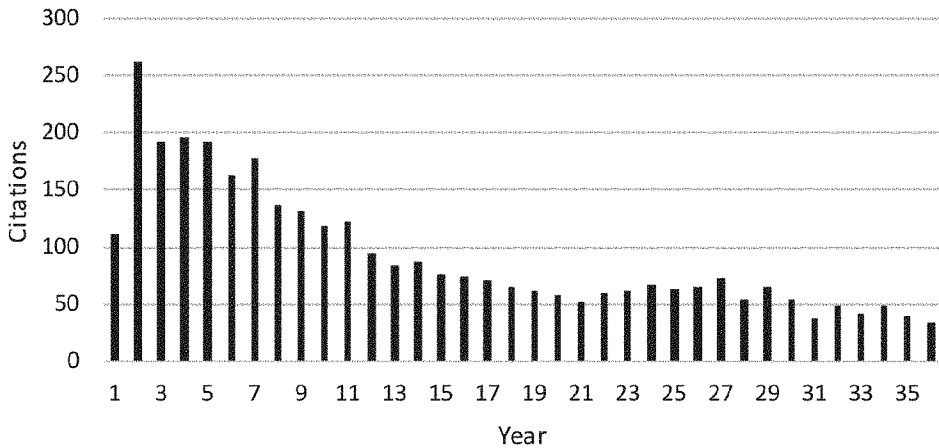
13. The *Journal of Family Law* provided only "1981–1982" as the date for each issue. I assumed that the first issue was fall 1981 and that the second and third issues were 1982.

14. *Cardozo Law Review* had three; *Southwestern University Law Review* had four.

15. See HEINONLINE, HEIN'S SCHOLARCHECK: QUICK REFERENCE GUIDE, <https://heinonline.org/HeinDocs/ScholarCheck.pdf> [<https://perma.cc/7NFZ-27LV>].

16. A few articles were cited by cases reported in the *Supreme Court Bulletin*. I omitted those citations from my count: I'm looking at citations by journals. I also eliminated one duplicate citing reference from HeinOnline.

17. Did I kick myself? You bet I did.

Figure 1**Total Citations Per Year**

Publication Year, 1982, is Year 1; 2017 is Year 36.

Findings**Citations over Time**

¶11 I expected that there would be more citations in the first five or ten years after an article was published than in later years. I think most researchers generally look for recent coverage of a topic. Newer articles should discuss recent statutes and cases, as well as whatever is still important from decades ago. And some of the hot topics from 1982 must be resolved by now, so there would be less interest in the articles trying to sort out resolutions.

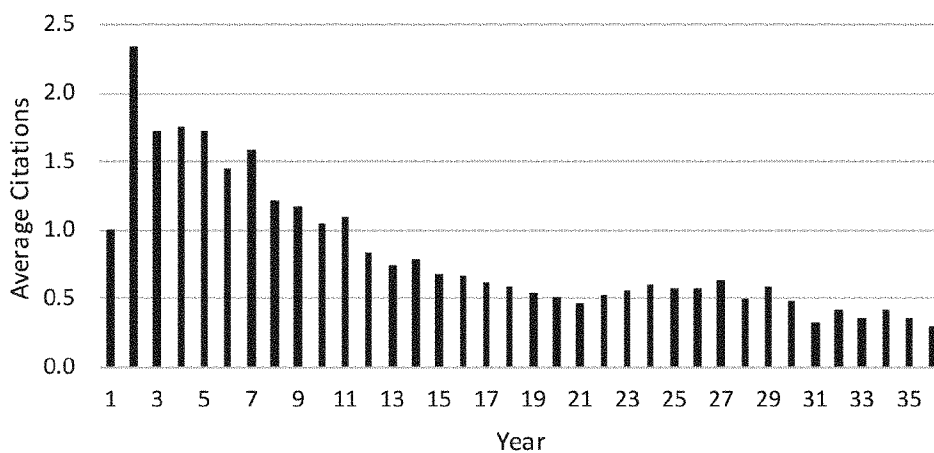
¶12 And indeed, a large share of citations do come early on. (There are fewer citations in the year of publication because of the slow publication cycles of print journals.) Figures 1 and 2 show you the citations to all the articles in the sample, by total numbers and by averages.

¶13 What surprised me was that the drop-off wasn't greater. Some articles from 1982 are still being cited. This is true for heavily cited articles that might be considered part of the canon by now, but it's also true of the less famous. For instance, the most-cited article in the sample,¹⁸ which has been cited 724 times, was cited 10 times in 2017. Maybe it's not surprising that it's still popular—but an article that has been cited only three times in its life¹⁹ was also cited in 2017.

¶14 To look at the pattern more broadly, I calculated the consolidated citations to all the articles in three twelve-year chunks: 1982–1993, 1994–2005, and 2006–2017. The first twelve years saw over half the citations. But the citations in the last

18. Peter Westen, *The Empty Idea of Equality*, 95 HARV. L. REV. 537 (1982).

19. Richard L. Levine, *An Enhanced Conception of the Bankruptcy Judge: From Case Administrator to Unbiased Adjudicator*, 84 W. VA. L. REV. 637 (1982).

Figure 2**Average Citations Per Year**

Publication Year, 1982, is Year 1; 2017 is Year 36.

dozen years were nontrivial: they were almost a fifth of the total (nineteen percent).²⁰

Differences Among Articles

¶15 In the sample, the average was 31.1 citations over the 16 years covered. But that average (the mean) tells only part of the story. The high was 724; the low was one. The median article (number 57) had 7 citations. The most common number of citations per article (the mode) was 2; 13 articles (tied for 91st place) had 2 citations each. Figure 3 shows this graphically. It's an even more extreme long tail than the examples in my last column.²¹ Table 1 lists the 20 most-cited articles. (It's actually 21, because of a tie.)

¶16 Not all articles naturally have a broad national and international²² appeal. An article about welfare in South Dakota²³ or the South Carolina Business Corporation Act²⁴ might be intensely interesting to practitioners in its state, but less so to the rest of the world. And indeed, each of those has been cited only twice. Twenty-three articles had a state's name in the title.²⁵ Nineteen of those were below the

20. The numbers:

1982–1993: 1900 citations, 57% of the total (3324).

1994–2005: 820 citations, 25% of the total.

2006–2017: 624 citations, 19% of the total.

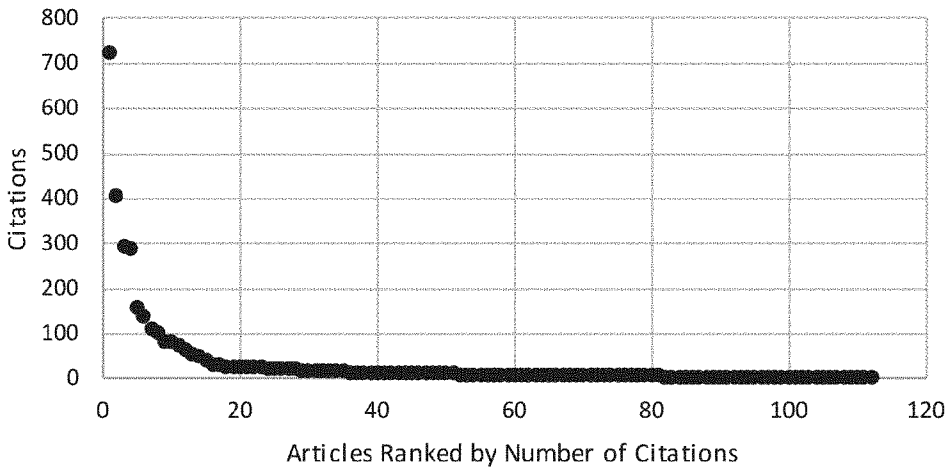
21. See Whisner, *Part 2*, *supra* note 1 at 285, ¶ 7.

22. HeinOnline's ScholarCheck includes citations in some foreign journals.

23. John D. Wagner, *General Assistance in South Dakota: A Need for Written, Objective and Ascertainable Standards*, 27 S.D. L. REV. 201 (1982).

24. Gregory B. Adams, *The 1981 Revision of the South Carolina Business Corporation Act*, 33 S.C. L. REV. 405 (1982).

25. This count excludes Erwin O. Switzer, *Applying Criticisms of the Warren Court to the Burger Court: A Case Study of Richmond Newspapers, Inc. v. Virginia*, 5 U. ARK. LITTLE ROCK L.J. 203 (1982), which is clearly an article with national scope, despite the state in the title.

Figure 3**Citations Per Article**

median in citation count; nine were cited only once or twice. So being focused on one state correlated with low citations.

Author Names

¶17 As I was looking through the articles, I noticed authors' names. A couple of uncommon names appeared more than once: two people named Rex, two named Erwin. Two authors were named Frank, and one of them (Frank Easterbrook) had two articles in the sample. For the heck of it, I tallied the names. The most common was Robert (11 out of 136 authors). Other popular names in the sample were William (6), James (5), John (5), Michael (4), and Richard (4).

¶18 You might have noticed that these are common men's names. In 1982, women were underrepresented on law school faculties and did not publish as often as men.²⁶ So the prevalence of men's names was to be expected. But note that names aren't a perfect test: one of the authors in the sample was a woman named Stewart.²⁷

Number of Authors

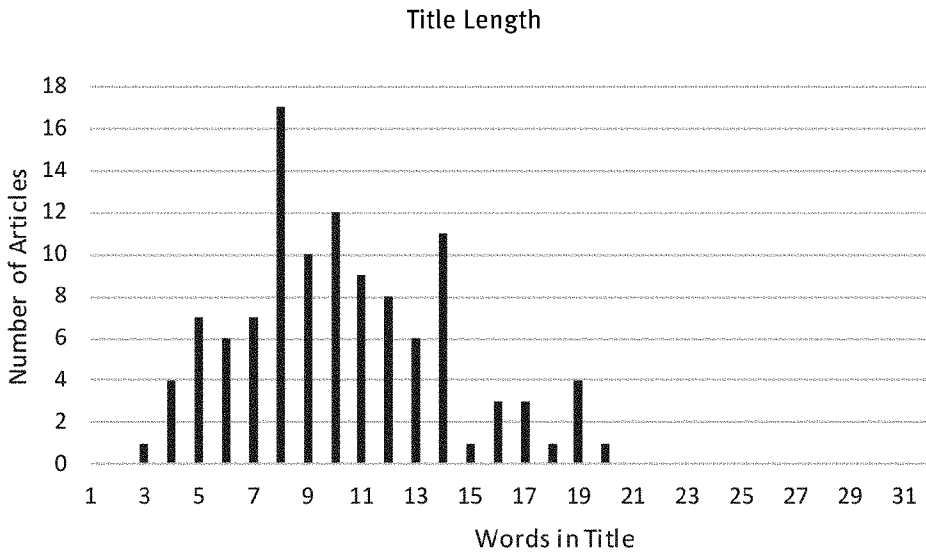
¶19 Twenty-two articles were coauthored. Twenty had two authors, and two had three. I didn't notice any patterns worth commenting on. When I sample

26. In fall 1982, women were 14.7% of full-time law teachers. Elyce H. Zenoff & Kathryn V. Lorio, *What We Know, What We Think We Know and What We Don't Know about Women Law Professors*, 25 ARIZ. L. REV. 869, 870 (1984) (citing ABA, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES, Fall 1982, at 40). In a sample of male and female tenure-track faculty who began at the same time in the mid-1970s, the women published less than the men. Zenoff & Lorio, *supra*, at 882-83.

27. See Stewart B. Oneglia & Susan French Cornelius, *Sexual Harassment in the Workplace: The Equal Employment Opportunity Commission's New Guidelines*, 26 ST. LOUIS U. L.J. 39, 39 n.* (1982).

Table 1
Most-Cited Articles from 1982

Rank	Article	Citations
1	Peter Westen, <i>The Empty Idea of Equality</i> , 95 HARV. L. REV. 537 (1982)	724
2	Frank H. Easterbrook, <i>Ways of Criticizing the Court</i> , 95 HARV. L. REV. 802 (1982)	402
3	Melvin Aron Eisenberg, <i>The Bargain Principle and Its Limits</i> , 95 HARV. L. REV. 293 (1982)	293
4	Victor Brudney, <i>The Independent Director—Heavenly City or Potemkin Village?</i> , 95 HARV. L. REV. 597 (1982)	286
5	Elizabeth Bartholet, <i>Application of Title VII to Jobs in High Places</i> , 95 HARV. L. REV. 945 (1982)	155
6	Frank H. Easterbrook & Daniel R. Fischel, <i>Antitrust Suits by Targets of Tender Offers</i> , 80 MICH. L. REV. 1155 (1982)	138
7	Thomas Kallay, <i>A Study in Rule-Making by Decision: California Courts Adopt Federal Rule of Civil Procedure 54(b)</i> , 13 SW. U. L. REV. 87 (1982)	107
8	Robert J. Haft, <i>The Effect of Insider Trading Rules on the Internal Efficiency of the Large Corporation</i> , 80 MICH. L. REV. 1051 (1982)	101
9	Wayne R. LaFave, <i>The Fourth Amendment in an Imperfect World: On Drawing Bright Lines and Good Faith</i> , 43 U. PITT. L. REV. 307 (1982)	83
10	John J. Costonis, <i>Law and Aesthetics: A Critique and a Reformulation of the Dilemmas</i> , 80 MICH. L. REV. 355 (1982)	80
11	Michael Gruson, <i>Forum-Selection Clauses in International and Interstate Commercial Agreements</i> , 1982 U. ILL. L. REV. 133	70
12	Katie Marie Brophy, <i>A Surrogate Mother Contract to Bear a Child</i> , 20 J. FAM. L. 263 (1981–1982)	60
13	Paul R. Dimond, <i>Strict Construction and Judicial Review of Racial Discrimination under the Equal Protection Clause: Meeting Raoul Berger on Interpretivist Grounds</i> , 80 MICH. L. REV. 462 (1982)	54
14	Robert E. McGraw, Gloria J. Sterin & Joseph M. Davis, <i>A Case Study in Divorce Law Reform and Its Aftermath</i> , 20 J. FAM. L. 443 (1981–1982)	50
15	Ira Mark Ellman, <i>Another Theory of Nonprofit Corporations</i> , 80 MICH. L. REV. 999 (1982)	37
16	Erwin Chemerinsky, <i>Rationalizing the Abortion Debate: Legal Rhetoric and the Abortion Controversy</i> , 31 BUFF. L. REV. 107 (1982)	30
17	Robert S. Berger, <i>Legal Aid for the Poor: A Conceptual Analysis</i> , 60 N.C. L. REV. 281 (1982)	29
18 (tie)	Donald Zillman, <i>Intramilitary Tort Law: Incidence to Service Meets Constitutional Tort</i> , 60 N.C. L. REV. 489 (1982)	27
18 (tie)	Linda Sorenson Ewald, <i>Medical Decision Making for Children: An Analysis of Competing Interests</i> , 25 ST. LOUIS U. L.J. 689 (1982)	27
20 (tie)	G.L. Francione, <i>The California Art Preservation Act and Federal Preemption by the 1976 Copyright Act—Equivalence and Actual Conflict</i> , 18 CAL. W. L. REV. 189 (1982)	25
20 (tie)	Reade H. Ryan, Jr., <i>Defaults and Remedies under International Bank Loan Agreements with Foreign Sovereign Borrowers—A New York Lawyer's Perspective</i> , 31 BUFF. L. REV. 37 (1982)	25

Figure 4

articles from, say, 2002, will I find more collaboration, less, or about the same? A data point to watch.

Words in Title

¶20 I was curious about titles' length, so I counted. Any group of characters with a space on either side counted as a word—including a date, a Roman numeral, or “v.” Following this logic, I counted hyphenated words (e.g., “post-conviction” and “forum-selection”) as one word.

¶21 Titles ranged in length from three words²⁸ to thirty-two words.²⁹ The median length was ten words. Figure 4 shows the articles ranked by their length.³⁰ It's obvious that that thirty-two-word title was an outlier. Most articles had titles of between six and twelve words. I think that it will be interesting to compare this factor when I look at articles published in 2002.

Hot Journals

¶22 As in my last small study, some journals in this sample were cited more often than others. It probably won't surprise you—it didn't surprise me—that the *Harvard Law Review* and the *Michigan Law Review* had articles in the top 20. But less highly ranked law reviews also had some stand-out articles. The top 20 most-cited articles in this sample of 107 appeared in *Harvard Law Review* (5, in fact, the

28. Harlan S. Abrahams & Bobbee Joan Musgrave, *The DES Labyrinth*, 33 S.C. L. REV. 663 (1982).

29. William M. Eichbaum & Hope M. Babcock, *A Question of Delegation: The Surface Mining Control and Reclamation Act of 1977 and State-Federal Relations. An Inquiry into the Success with Which Congress May Provide Detailed Guidance for Executive Agency Action*, 86 DICK. L. REV. 615 (1982).

30. It's not a perfect bell curve, but it's suggestive. I bet that a larger sample would show a smoother curve.

Table 2

Journals with the Most and Least-Cited Articles

Journal	Number of Articles in Top 20* Most-Cited	Rank of Articles in Top 20*	Number of Articles in 20* Least-Cited Articles	Rank of Articles in Bottom 20*
<i>Buffalo Law Review</i>	1	16	1	91
<i>California Western Law Review</i>	1	20	2	91, 91
<i>Cardozo Law Review</i>	0		2	91, 91
<i>Florida State University Law Review</i>	0		1	91
<i>Harvard Law Review</i>	5	1, 2, 3, 4, 5	0	
<i>Idaho Law Review</i>	0		3	91, 91, 104
<i>Journal of Family Law</i>	2	12, 14	1	104
<i>Michigan Law Review</i>	5	6, 8, 10, 13, 15	0	
<i>North Carolina Law Review</i>	2	17, 18	0	
<i>Saint Louis University Law Journal</i>	1	18	0	
<i>South Carolina Law Review</i>	0		1	104
<i>South Dakota Law Review</i>	0		2	91, 104
<i>Southwestern University Law Review</i>	1	7	0	
<i>Stetson Law Review</i>	0		1	91
<i>Tulsa Law Journal</i>	0		2	91, 104
<i>University of Arkansas at Little Rock Law Journal</i>	0		3	104, 104, 104
<i>University of Illinois Law Review</i>	2	11, 20	0	
<i>University of Pittsburgh Law Review</i>	1	9	2	91, 104
<i>West Virginia Law Review</i>	0		1	91

*Because of ties, there are 21 in the top 20 and 22 in the bottom 20.

top 5), *Michigan Law Review* (5), *Journal of Family Law* (2), *North Carolina Law Review* (2), *University of Illinois Law Review* (2), *Buffalo Law Review* (1), *California Western Law Review* (1), *Saint Louis University Law Journal* (1), *Southwestern University Law Review* (1), and *University of Pittsburgh Law Review* (1). Alert readers might have noticed that this adds up to 21: there was a tie for twentieth place.

¶23 *Harvard* and *Michigan* were consistent: all 5 of the articles sampled from each journal was in the top 20. But 4 journals had articles in *both* the top 20 and the bottom 20. (The bottom 20 is actually the bottom 22 because of a tie.) See Table 2. Six journals stayed in the middle somewhere: their articles ranked between 21st and 87th. One lesson to draw from that is that placement in a lower-ranked journal does not doom an article to oblivion. Articles published anywhere can attract readers and be used in future scholarship.

Conclusion

¶24 In this column, I explored five articles from each of a sample of twenty-three journals published in 1982. Some articles have been cited much more than others, but each article has been cited at least once. Articles from some journals consistently are cited often. But other journals also publish articles that are widely cited.

¶25 I plan to continue this project in the next issue of *Law Library Journal*. Watch this space.