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RANKING THE ENVIRONMENTAL LAW, NATURAL RESOURCES LAW, AND LAND USE PLANNING JOURNALS: A SURVEY OF EXPERT OPINION

GREGORY SCOTT CRESPI*

Scholars pursuing tenure and promotion often seek to publish their work in the most prestigious journals possible. Little information currently is available to guide authors of environmental, natural resources, and land use planning articles in placing their work for publication. This article presents the results of the author's attempt to rank the environmental, natural resources, and land use planning law and policy specialty journals according to the opinions of senior scholars in those fields.

It is an unfortunate fact of life that faculty members and deans sometimes fail to discharge their professional obligation to carefully evaluate their colleagues' articles when engaging in tenure or promotion reviews. Given the time constraints that academics face, however, and the powerful incentives to focus efforts on one's own research projects and teaching responsibilities, one would expect to see some shirking of these peer review duties. The temptation to shirk is likely to be particularly strong when the articles in question are outside of one's special fields of expertise, and thus require a substantial investment of time and effort for proper review.

Persons who fail to do thorough evaluations of their colleagues' scholarship instead often rely heavily upon the reputation of the publishing journals as a proxy for the quality of the work. Faculty members who seek tenure and/or promotion are therefore well-advised to publish their work in the most prestigious journals possible. They cannot do so effectively, however, unless they are aware of the relative professional stature of those journals that may be interested in their work.

Such "ranking" information unfortunately is not always available for law journals. While a number of efforts have been made to rank the general, student-edited flagship law reviews,¹ few comparable efforts have

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¹ See, e.g., Colleen Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT L. REV. 1445 (1995) [hereinafter 1995 Chicago-Kent Survey]; Janet Gumm, *Chicago-Kent Law Review Faculty Scholarship Survey*, 66 CHI.-

KENT L. REV. 509 (1990) [hereinafter 1990 Chicago-Kent Survey]; The Executive Board of the Chicago-Kent Law Review, *Chicago-Kent Law Review Faculty Scholarship Survey*, 65 CHI.-KENT L. REV. 195 (1989) [hereinafter 1989 Chicago-Kent Survey].

In the most recent 1995 Chicago-Kent survey the top 20 law reviews (based upon frequency of citation of articles appearing in the 1987-89 journal issues in *Shepard's Law Review Citations* through June, 1993, and the *Social Science Citation Index* through 1991) were as follows: (1) Harvard Law Review, (2) Yale Law Journal, (3) Michigan Law Review, (4) Stanford Law Review, (5) Columbia Law Review, (6) Virginia Law Review, (7) University of Pennsylvania Law Review, (8) University of Chicago Law Review, (9) California Law Review, (10) Texas Law Review, (11) Duke Law Journal, (12) Southern California Law Review, (13) Cornell Law Review, (14) Georgetown Law Journal, (15) UCLA Law Review, (16) Journal of Legal Studies, (17) New York University Law Review, (18) Harvard Civil Rights-Civil Liberties Law Review, (19) Vanderbilt Law Review, (20) Northwestern University Law Review. See 1995 Chicago-Kent Survey, *supra*, at 1447, 1454. This survey did not rank journals using this criteria beyond the top 20 journals. See *id.* It did assign two separate top-40 rankings; one based upon *Shepard's* citations alone, and one based upon SSCI citations alone. See *id.* at 1452, 1453.

In the 1990 Chicago-Kent survey the top 20 law reviews (based upon frequency of citation of articles appearing in the 1980-84 journal issues in *Shepard's Law Review Citations*) were as follows: (1) Harvard Law Review, (2) Stanford Law Review, (3) Yale Law Journal, (4) Columbia Law Review, (5) California Law Review, (6) University of Chicago Law Review, (7) University of Pennsylvania Law Review, (8) Texas Law Review, (9) Virginia Law Review, (10) New York University Law Review, (11) Cornell Law Review, (12) Vanderbilt Law Review, (13) Northwestern University Law Review, (14) UCLA Law Review, (15) Michigan Law Review, (16) Southern California Law Review, (17) Iowa Law Review, (18) William and Mary Law Review, (19) Wisconsin Law Review, (20) Minnesota Law Review. See 1990 Chicago-Kent Survey, *supra*, at 515, 517. This survey also ranked journals 21 through 50. See *id.*

In the original 1989 Chicago-Kent survey the top 20 law reviews (based solely upon frequency of citation of articles appearing in the 1980-83 journal issues in *Shepard's Law Review Citations* through 1986) were as follows: (1) Harvard Law Review, (2) Yale Law Journal, (3) Stanford Law Review, (4) Columbia Law Review, (5) California Law Review, (6) University of Chicago Law Review, (7) Virginia Law Review, (8) Cornell Law Review, (9) New York University Law Review, (10) Vanderbilt Law Review, (11) Texas Law Review, (12) Ohio State Law Review, (13) University of Pennsylvania Law Review, (14) Michigan Law Review, (15) UCLA Law Review, (16) Northwestern University Law Review, (17) Boston University Law Review, (18) Southern California Law Review, (19) Georgetown Law Journal, (20) Minnesota Law Review. See 1989 Chicago-Kent Survey, *supra*, at 202, 204. That 1989 survey also ranked journals 21 through 50. See *id.*

Two studies carried out prior to the three Chicago-Kent surveys also attempted to rank the law journals. In 1986, Richard Mann ranked 161 law reviews by the total number of citations by both courts and other legal periodicals for the 1978-79 journal issues that were listed in the 1984 volume of *Shepard's*. See Richard Mann, *Use of Periodicals by Courts and Journals*, 26 JURIMETRICS J. 400, 401 (1986). He then ranked the journals in order of frequency of journal citation per 1000 pages of output. See *id.* at

been undertaken to rank the more specialized legal journals. In particular, little information is available concerning the relative stature of the almost forty student- or peer-edited scholarly journals specializing in environmental law, natural resources law, or land use planning topics now published in those fields in the United States.²

The author recently conducted an opinion survey of senior scholars who research and teach in these areas of law as to the relative academic reputations of these specialty journals. The survey was designed to obtain sufficient information to assign rankings to these journals that could provide guidance to scholars seeking to obtain the most prestigious possible placement for their work.³ The target survey population chosen

406. His ranking of the top 20 journals was as follows: (1) Arbitration Journal, (2) Columbia Law Review, (3) Judicature, (4) Harvard Law Review, (5) University of Chicago Law Review, (6) Business Lawyer, (7) Yale Law Journal, (8) University of Pennsylvania Law Review, (9) Hofstra Law Review, (10) New York University Law Review, (11) Cornell Law Review/Georgetown Law Journal (tie), (13) Law and Contemporary Problems, (14) Industrial and Labor Relations Review, (15) Stanford Law Review, (16) Duke Law Journal, (17) Hastings Law Journal, (18) Texas Law Review, (19) Virginia Law Review, (20) Buffalo Law Review. *See id.* at 407.

In 1976 Olavi Maru calculated an "impact factor" for the 1972 journal issues of 285 legal publications based on footnote citation frequencies per number of pages. He then used the impact factors to rank those publications. *See Olavi Maru, Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227, 241-43 (1976). The rankings he obtained for the 20 most cited reviews were: (1) Harvard Law Review, (2) Yale Law Journal, (3) Columbia Law Review, (4) University of Chicago Law Review, (5) University of Pennsylvania Law Review, (6) Supreme Court Review, (7) Northwestern University Law Review, (8) Law and Contemporary Problems, (9) California Law Review, (10) Michigan Law Review, (11) American Bar Association Journal, (12) Journal of Law and Economics, (13) Journal of Criminal Law, Criminology and Police Science, (14) Stanford Law Review, (15) Cornell Law Review, (16) Harvard Civil Rights-Civil Liberties Law Review, (17) New York University Law Review, (18) Virginia Law Review, (19) Texas Law Review, (20) American Journal of International Law. *See id.*

² *See* ANDERSON'S 1997 DIRECTORY OF LAW REVIEWS AND SCHOLARLY LEGAL PERIODICALS 15-17, 33-34 (Michael Hoffheimer, compiler, 1997) [hereinafter ANDERSON'S DIRECTORY].

³ By conducting such a ranking survey the author certainly does *not* intend to suggest approval of or a wish to encourage the practice of judging articles on the basis of the general reputation of their publishing journal rather than on the basis of their individual qualities. Most faculty members read a candidate's relevant articles quite closely when engaging in tenure or promotion reviews, and make their own independent judgments as to the value of that work. Virtually all law faculties would be highly critical of one of their members who admitted to placing much weight upon a publishing journal's

was the approximately 200 persons listed in the 1997-1998 edition of *The AALS Directory of Law Teachers*⁴ as having taught either environmental law, natural resources law, or land use planning courses for "over ten years."⁵ Each of those persons received a survey form and explanatory cover letter by mail.⁶ That survey form listed the twenty-eight student-edited and the nine peer-edited "Environmental, Natural Resources, and Land Use Law" specialty journals published in the United States as identified in the comprehensive and widely consulted *Anderson's 1997 Directory of Law Reviews and Scholarly Legal Periodicals*,⁷ and asked the respondents to identify the 10 journals from among that list that they regarded as having the "strongest academic reputations."⁸ The survey form did not ask the respondents to attempt to rank these specialty journals

reputation in such a review.

However, no matter how deplorable this practice may be, the author's admittedly anecdotal impression is that it is indulged in covertly on more than an occasional basis when faculty are asked to review work outside of their special areas of expertise. Authors who are concerned for their career prospects therefore might be well advised to take this practice into account to some extent in their article placement decisions, and to do so effectively they need to have some knowledge of the reputational criteria that their less conscientious colleagues are applying. This study is intended only to provide information helpful for these persons who must deal with an unfortunate situation, and not to endorse or worsen that situation.

⁴ ASSOCIATION OF AMERICAN LAW SCHOOLS, *THE AALS DIRECTORY OF LAW TEACHERS* (1997-98) [hereinafter *AALS DIRECTORY*].

⁵ See *id.* at 1156-57, 1212, 1249.

⁶ A copy of that survey form is included as Appendix A to this article, although an additional blank page that was supplied for comments has been omitted. A copy of the cover letter that was sent with that survey form is included as Appendix B. The package sent to respondents included a stamped, self-addressed return envelope, and the respondents were told that they were free to respond anonymously if they chose to do so.

⁷ See *ANDERSON'S DIRECTORY*, *supra* note 2, at 15-17, 33-34.

⁸ The survey form contained the following explanatory discussion:

By use of this term [i.e., strongest academic reputations] I mean to identify those journals from among this list whose publication of an author's work is most likely to prove advantageous for him or her when that work is reviewed by other faculty members and deans for tenure and/or promotion purposes.

In making this assessment, please consider all relevant factors, including the relative size and scope of distribution of the journal circulations, their reputations among specialists in the field, the willingness (or reluctance) of faculty in other fields of law to draw upon specialist knowledge of journal characteristics (as opposed to relying solely upon the publishing school's general academic reputation), and any other factors you deem appropriate.

See *infra* Appendix A, for the complete text of the survey form.

in competition with the law schools' flagship, student-edited law reviews.

Before discussing the results of this survey, two potential methodological concerns should be addressed. First of all, one could perhaps criticize the choice of the *Anderson's Directory* list of journals for ranking on the basis that it groups together journals focusing on several somewhat different areas of law, and also groups together primarily practitioner-oriented journals with journals of a more theoretical orientation.⁹ One may feel that the respondents were consequently being asked to compare apples with oranges, so to speak, and that the diverse set of journals included in that group cannot meaningfully be ranked in ordinal fashion.

However, these journals are direct competitors because many articles deal with topics that would allow them to be considered for publication by either environmental, natural resources, or land use planning law journals. Therefore, they form an appropriate group for single rank ordering. A ranking compiled from this large and rather diverse group of specialty journals could be quite useful to the numerous authors whose work might be of interest to many if not most of the journals in that group. Additionally, since this set of journals is grouped together under a single topical heading by the widely consulted *Anderson's Directory*, they already are associated with one another to some extent in the common perceptions of academics.

A second criticism that might be made of the use of the *Anderson's Directory* list of journals as a basis for a survey of opinion in this area is that the *Anderson's Directory* may not include all appropriate journals in the field. However, the author recently conducted a very similar survey of international law and comparative law scholars in order to establish rankings for the top 25 specialty journals in those fields.¹⁰ The seventy-one student-edited and seventeen peer-edited international or comparative law specialty journals listed in the *Anderson's Directory* formed the basis for that survey.¹¹ None of the eighty respondents to that survey indicated they felt that the list of eighty-eight journals presented to them for ranking was under-inclusive. On that basis, the *Anderson's Directory* appeared to be an adequately comprehensive listing of specialty journals indexed by

⁹ See ANDERSON'S DIRECTORY, *supra* note 2, at 15-17, 33-34.

¹⁰ The results of that study were recently published in *The International Lawyer*. See Gregory Scott Crespi, *Ranking the International and Comparative Law Journals: A Survey of Expert Opinion*, 31 INT'L LAW. 869 (1997).

¹¹ See *id.* at 872. See also ANDERSON'S DIRECTORY, *supra* note 2, at 18-23, 35-36.

subject area and is used for this survey as well.

Several of the respondents in this survey of environmental, natural resources, and land use planning scholars noted and criticized the omission from the survey instrument of the generally well-regarded journal *The Environmental Lawyer*. Additionally, the omission of several other less well-known but arguably scholarly publications, and of the publications of several well-known environmental or natural resources foundations and institutes, were noted by one or more of the respondents.¹²

The omission of *The Environmental Lawyer* from the *Anderson's Directory* appears to be a regrettable oversight by its compilers, since that journal seems clearly to meet the publication's stated criteria for inclusion.¹³ Taken as a whole, the survey responses strongly suggest that had this journal been included in the survey of opinion it would have been ranked among the top 20 journals, and perhaps would have been placed near the top of the list. The survey responses also suggest, however, that except for the omission of *The Environmental Lawyer*, all of the plausible candidates for top-twenty ranking were included in the survey instrument.

¹² Noted by one or more respondents as absent from the survey listing of journals and arguably suitable for inclusion were any publications of the Oil and Gas Institute, the Rocky Mountain Mineral Foundation, or the Southwestern Legal Foundation, in addition to the *Great Plains Natural Resources Journal* (published by the University of South Dakota School of Law), the *Washington University Journal of Urban and Contemporary Law* (published by the Washington University School of Law), the *Land Use and Environmental Law Review* (edited by two law professors at Chicago-Kent College of Law and published by West Group), the *Ocean and Coastal Law Journal* (published by the University of Maine School of Law), *The Urban Lawyer* (published by the University of Missouri-Kansas City in cooperation with the ABA Section of Local Government Law), and the *Vermont Law Review* (the relatively environmental law-oriented flagship law review published by the Vermont Law School).

¹³ *The Environmental Lawyer* is a faculty-edited, peer-review journal that is published through the joint efforts of the George Washington University School of Law and the American Bar Association Section of Natural Resources, Energy and Environmental Law, and which presents original scholarship in the environmental law area. Telephone Interview by Katie Mulville with Arnold Reitze, Faculty Advisor, *The Environmental Lawyer*, in Washington, D.C. (Oct. 13, 1998). According to the stated *Anderson's Directory* criteria, that publication excludes from its listings:

[L]egal journals that are directed chiefly at practitioners, association members, and alumni and that are not intended primarily as fora for original scholarly research. This resulted in excluding many journals such as the *ABA Journal*, state and local bar publications, ABA and local bar section publications, and trade journals. (Those bar publications that are intended as vehicles of legal scholarship are included.) [sic]

ANDERSON'S DIRECTORY, *supra* note 2, at viii.

The results of this survey are set forth and discussed in Section II of this article. Some of the implications of the results for article submission strategies are also discussed in that section. In Section III, the methodology that was utilized in designing and distributing the survey instrument and in quantifying the survey results is presented in some detail. Section IV will present a few brief conclusions and suggestions for further research.

II. SURVEY RESULTS

A. Calculation of Rankings

The 200 survey requests were mailed out on February 6, 1998, and a total of sixty responses were received as of May 15, 1998.¹⁴ Scores ranging from "10" (for the top-ranked journal) down to "1" (for the 10th ranked journal) were assigned to each ranked journal by each respondent. Each journal's average ranking score over all of the responses was calculated, and the journals ranked in descending order of those average ranking scores. Table I presents the rankings so calculated for the twenty journals ranked highest by the respondents.¹⁵ A more complete discussion

¹⁴ This constitutes a 30% response rate. This figure does not include the responses the author received from eleven additional persons who, for various personal reasons, declined to rank the journals. The reasons for declining to participate in the survey ranged from the lack of current familiarity with the literature in the field (seven responses), to an unwillingness to contribute to a study that it was believed would further encourage faculty to default upon their professional peer review responsibilities (three responses), to the conclusion that all of the specialty journals are of roughly equal stature (one response).

¹⁵ There were nine journals that were ranked among the top 10 journals by one or more respondents, but that did not obtain a high enough average ranking score to be listed in the top-20 ranking list. These journals include, in *alphabetical* order: the *Eastern Mineral Law Foundation*, the *Energy Law Journal*, the *Fordham Environmental Law Journal*, the *Hastings West-Northwest Journal of Environmental Law and Policy*, the *Journal of Natural Resources and Environmental Law*, the *Real Estate Law Journal*, the *South Carolina Environmental Law Journal*, *The Environmental Forum*, and the *Villanova Environmental Law Journal*.

There were eight journals among the thirty-seven journals listed on the survey form, that were not ranked among the top ten journals by any of the survey respondents. These journals include, in *alphabetical* order: the *Buffalo Environmental Law Journal*, the *Dickinson Journal of Environmental Law & Policy*, the *Environmental Claims Journal*, the *Journal of Products and Toxics Liability*, the *Oil and Gas Tax Quarterly*, the *Temple Environmental Law & Technology Journal*, the *Touro Environmental Law*

of the survey methodology and the ranking calculations is presented in Part III of this article.

TABLE I

TOP 20 ENVIRONMENTAL, NATURAL RESOURCES, AND LAND USE
PLANNING LAW JOURNALS

Average Ranking	Law Journal	Ranking Score
1.	Ecology Law Quarterly	7.18
2.	Harvard Environmental Law Review	6.06
3.	Environmental Law	4.37
4.	Columbia Journal of Environmental Law	4.03
5.	Stanford Environmental Law Journal	3.86
6.	Natural Resources Journal	3.39
7.	Boston College Environmental Affairs Law Review	3.01
8.	Environmental Law Reporter	2.76
9.	Virginia Environmental Law Journal	2.60
10.	Land and Water Law Review	2.41
11.	UCLA Journal of Environmental Law and Policy	2.35
12.	Duke Environmental Law & Policy Forum	1.75
13.	New York University Environmental Law Journal	1.69
14.	Pace Environmental Law Review	1.48
15.	Journal of Land Use and Environmental Law	1.24
16.	William & Mary Environmental Law and Policy Review	0.91
17.	Public Land and Resources Law Review	0.85
18.	Tulane Environmental Law Journal	0.66
19.	Journal of Energy, Natural Resources and Environmental Law	0.63
20.	Journal of Environmental Law and Litigation	0.53

*B. Comparison of the Survey Rankings to Other Recent Law Journal
and Law School Rankings.*

It is interesting to compare the environmental journal

Journal, and the University of Baltimore Journal of Environmental Law.

rankings obtained through this survey of expert opinion with the 1995 *Chicago-Kent Law Review* ranking of the student-edited, flagship law reviews,¹⁶ and with the 1998 *U.S. News & World Report*¹⁷ and 1997 *Gourman Report*¹⁸ efforts to provide overall rankings of law schools. These comparisons are presented in Table II.

TABLE II

COMPARISON OF THE SURVEY RANKINGS OF THE TOP 20 ENVIRONMENTAL LAW, NATURAL RESOURCES LAW, AND LAND USE PLANNING JOURNALS WITH THE 1995 *CHICAGO-KENT LAW REVIEW* RANKINGS OF FLAGSHIP LAW JOURNALS, AND WITH THE 1998 *U.S. NEWS & WORLD REPORT* AND 1997 *THE GOURMAN REPORT* LAW SCHOOL RANKINGS

Journal	1998 Env'tl, Nat. Res., Land Use Planning Journal Survey	1995 Chi.-Kent Law Review Ranking ¹⁹	1998 U.S.N.& W.R. Law School Ranking	1997 Gourman Report Law School Ranking
Ecology Law Quarterly	1	9	7	5
Harv. Env'tl. L. Rev.	2	1	2	1
Env'tl. Law	3		52-90 ²⁰	108

¹⁶ See 1995 Chicago-Kent Survey, *supra* note 1, at 1454.

¹⁷ *Exclusive Rankings, Schools of Law*, U.S. NEWS & WORLD REP. Mar. 2, 1998, at 78-83.

¹⁸ JACK GOURMAN, *THE GOURMAN REPORT, A RATING OF GRADUATE AND PROFESSIONAL PROGRAMS IN AMERICAN AND INTERNATIONAL UNIVERSITIES* 90-105 (8th ed. 1997).

¹⁹ Where the school that publishes a particular specialty journal ranked in this survey study did not have its main, flagship law review ranked by the 1995 *Chicago-Kent Law Review* rankings, or where one of the journals ranked in this survey study was published by a non-law school publisher, the relevant entry or entries in Table II are left blank.

²⁰ The *U.S. News & World Report* rankings listed only the top 51 law schools by ordinal rank, then grouped the law schools ranked 52 through 90 into an alphabetically-ordered "second tier" listing that did not include ordinal rankings. It similarly presented the law schools ranked 91 through 136 in an alphabetical "third tier" listing. The article also

Journal	1998 Env'tl, Nat. Res., Land Use Planning Journal Survey	1995 Chi.-Kent Law Review Ranking ¹⁹	1998 U.S.N.& W.R. Law School Ranking	1997 Gourman Report Law School Ranking
Colum. J. Env'tl. Law	4	5	4	7
Stan. Env'tl. L. J.	5	4	2	6
Nat. Resources J.	6		52-90 ²¹	128
Bos. Col. Env'tl. Aff. L. Rev.	7		22	31
Env'tl. L. Rep.	8			
Va. Env'tl. L. J.	9	6	8	16
Land & Water L. Rev.	10		91-136 ²²	137
UCLA J. Env'tl. L. & Pol.	11	15	17	13
Duke Env'tl. L. & Pol. F.	12	11	8	8
N.Y.U. Env'tl. L. J.	13	17	6	11
Pace Env'tl. L. Rev.	14		91-136 ²³	157
J. Land Use & Env'tl. L.	15		52-90 ²⁴	83
Wm. & Mary Env'tl. L. & Pol. Rev.	16		34	80

listed the schools ranked 137 through 174 alphabetically in a "fourth tier." The Northwestern School of Law at Lewis and Clark College, publisher of *Environmental Law*, was listed in the second tier. See *Exclusive Rankings*, *supra* note 17, at 82-83.

²¹ The University of New Mexico School of Law, publisher of the *Natural Resources Journal*, was listed in the second tier. See *id* at 82.

²² The University of Wyoming College of Law, publisher of the *Land & Water Law Review*, was listed in the third tier. See *id*. at 83.

²³ The Pace University School of Law, publisher of the *Pace Environmental Law Review*, was listed in the third tier. See *id*. at 83.

²⁴ Florida State University College of Law, publisher of the *Journal of Land Use and Environmental Law* was listed in the second tier. See *id*. at 82.

Journal	1998 Env'tl, Nat. Res., Land Use Planning Journal Survey	1995 Chi.-Kent Law Review Ranking ¹⁹	1998 U.S.N.& W.R. Law School Ranking	1997 Gourman Report Law School Ranking
Pub. Land & Resources L. Rev.	17		52-90 ²⁵	129
Tul. Env'tl. L.J.	18		45	29
J. Energy Nat. Resources & Env'tl. L.	19		39	42
J. Env'tl. L. & Litig.	20		52-90 ²⁶	67

C. Discussion of Results

This section first discusses the most significant features of the results presented in Tables I and II. Next, this section discusses the implications of these results for the strategies that authors of environmental law, natural resources law, or land use planning-oriented articles might pursue in order to obtain the most advantageous journal placements for their work for tenure and/or promotion purposes.

1. Summary of Results

Several observations stand out when one considers the individual journal average ranking scores presented in Table I. First, the *Ecology Law Quarterly* (published by the Boalt Hall School of Law at the University of California at Berkeley) and the *Harvard Environmental Law Review* are revealed by their average ranking scores as being quite widely

²⁵ The University of Montana School of Law, publisher of the *Public Land and Resources Law Review*, was listed in the second tier. *See id.* at 82.

²⁶ The University of Oregon School of Law, publisher of the *Journal of Environmental Law & Litigation*, was listed in the second tier. *See id.* at 82.

regarded as the leading journals in this field.

There is then a fairly well-defined "second tier" of nine leading journals that each have average ranking scores well below those assigned to the top two journals. This second tier includes *Environmental Law*, published by the Northwestern School of Law at Lewis and Clark College, the *Columbia Journal of Environmental Law*, the *Stanford Environmental Law Journal*, the *Natural Resources Journal*, published by the University of New Mexico School of Law, the *Boston College Environmental Affairs Law Review*, the *Environmental Law Reporter*, published by the Environmental Law Institute, the *Virginia Environmental Law Journal*, the *Land and Water Law Review*, published by the University of Wyoming College of Law, and the *UCLA Journal of Environmental Law and Policy*.

After a fairly significant gap in the ranking scores this second group is then followed by a small "third tier" of three journals that is also rather sharply demarcated from the journals ranked below it, and which includes the *Duke Environmental Law & Policy Forum*, the *New York University Environmental Law Journal*, and the *Pace Environmental Law Review*.

From the 15th ranked *Journal of Land Use and Environmental Law*, published by the Florida State University College of Law, on down through the rest of the top-20 list, the ranking scores decline gradually with no further sharp demarcations between groups. This group consists of the *William & Mary Environmental Law and Policy Review*, the *Public Land and Resources Law Review*, published by University of Montana School of Law, the *Tulane Environmental Law Journal*, the *Journal of Energy, Natural Resources, and Environmental Law*, published by University of Utah School of Law, and the *Journal of Environmental Law and Litigation*, published by the University of Oregon School of Law.

Two additional observations stand out when the Table I rankings derived from this survey are compared in Table II with the 1995 *Chicago Kent Law Review* flagship law review rankings, the 1998 *U.S. News & World Report* law school rankings, and the 1997 *The Gourman Report* law school rankings.

First of all, a general, overall correlation exists between the specialty journal rankings and the flagship law review and law school rankings for most of the law schools that publish environmental, natural resources, or land use planning specialty journals. However, this correlation is not as close as might have been expected. There are several striking examples of specialty journals in this area being ranked much higher than their parent law schools or those schools' flagship law reviews, where such law reviews exist.

The *Environmental Law* journal, for example, ranked a lofty third in this survey, while the Northwestern School of Law at Lewis and Clark College was ranked only 108th by *The Gourman Report*, and was placed only in the "second tier" of schools inclusively ranked 52 to 90 by the *U.S. News & World Report* rankings.²⁷ As another dramatic example, the *Natural Resources Journal* was ranked sixth in this survey, while the University of New Mexico School of Law was ranked only 128th by *The Gourman Report*, was also placed in the "second tier" by *U.S. News & World Report*, and did not have its flagship law review ranked among the top 20 by the *Chicago-Kent Law Review* study.²⁸ The *Land and Water Law Review* was ranked tenth in this study, while the University of Wyoming School of Law was ranked only 137th by *The Gourman Report*, and was classified as "third tier" (schools ranked 91 to 136 inclusive) by *U.S. News & World Report*.²⁹ Several other journals, including the *Pace Environmental Law Review*, the *Journal of Land Use and Environmental Law*, published by the Florida State University College of Law, the *Public Land and Resources Law Review*, published by the University of Montana School of Law, and the *Journal of Environmental Law and Litigation*, published by the University of Oregon School of Law, also received rankings that were significantly better than those accorded their parent law schools and those schools' flagship law reviews.³⁰

While Table II compares the rankings calculated from this survey with those rankings obtained from three other studies that attempted to rank either flagship law reviews or law schools, it should be emphasized again that this study did *not* attempt to rank the specialty journals in direct competition with the flagship law reviews.

2. *Implications for Article Submission Strategies*

Let us now turn to consideration of the strategies that authors of environmental law, natural resources law, or land use planning legal

²⁷ See GOURMAN, *supra* note 18, at 97; *Exclusive Rankings*, *supra* note 17, at 82. The Northwestern School of Law at Lewis and Clark College does not publish a general, student-edited flagship law review.

²⁸ See GOURMAN, *supra* note 18, at 98; 1995 Chicago-Kent Survey, *supra* note 1, at 1454; *Exclusive Rankings*, *supra* note 17, at 82.

²⁹ See GOURMAN, *supra* note 18, at 105; *Exclusive Rankings*, *supra* note 17, at 82. The Wyoming College of Law does not publish a general, student-edited flagship law review.

³⁰ See GOURMAN, *supra* note 18, at 90-105; 1995 Chicago-Kent Survey, *supra* note 1, at 1454; *Exclusive Rankings*, *supra* note 17, at 82-83.

articles might usefully pursue in seeking to obtain the most advantageous possible placements of their articles for tenure or promotion purposes in light of the findings of this study.

None of the top-twenty specialty journals in this field impose policies upon prospective authors requiring that they submit their articles exclusively to the journal rather than to numerous journals at once.³¹ There does not appear to be any compelling reason, apart from the effort and cost associated with mass copying and mailing, for authors to not submit copies of their work to both a large number of flagship law reviews and all of the topically-relevant specialty journals. Given the inability to accurately predict the response of any particular group of student editors, an author's chances are maximized by simply making as many submissions as is feasible under the circumstances.

Once an author receives an offer of publication, he should then first negotiate with that journal to obtain a reasonably long period of time in which to decide on that offer; ideally at least two or three weeks. The author then can commence the tiresome but necessary "trading-up" process, whereby the author calls each of the journals to which he has submitted the manuscript that are higher-ranked than the journal that has made the initial offer and requests an "expedited review" of the article. This study is intended to provide information useful for limiting and focusing the trading-up effort among the specialty journals when the original offer was from such a specialty journal. The *Chicago-Kent Law Review* rankings provide comparably useful guidance for conducting the trading-up campaign among the flagship law reviews in response to an original offer from one of those flagship reviews.³²

This study did not address the difficult questions of to which specialty journals one should attempt to trade up, if any, from a flagship law review offer, and to which flagship law review journals one should attempt to trade up, if any, from a specialty journal offer. These questions

³¹ This contrasts sharply with the situation in the international and comparative law area, where the two leading journals, the *American Journal of International Law* and *The American Journal of Comparative Law*, are peer-review publications that have traditionally followed the submission practices utilized generally in academia outside of legal education and imposed single-submission requirements upon prospective authors. However, the *American Journal of International Law* has recently abandoned its restriction on multiple submissions. Telephone Interview by Katie Mulville with Jonathan I. Charney, *American Journal of International Law*, in Nashville, Tenn., (Oct. 13, 1998); Telephone Interview by Katie Mulville with Nancy R. Kato, Managing Editor, *The American Journal of Comparative Law*, in Berkeley, Cal. (Oct. 14, 1998).

³² See 1995 Chicago-Kent Survey, *supra* note 1, at 1454.

perhaps merit a future study.

There appears to exist, whether justified or not, a fairly widespread perception among legal academics that the specialty journals are second-rate operations that are staffed by students who could not qualify for flagship law review staff membership, and that they publish primarily articles that are not of high enough quality to appear in flagship law reviews. Most faculty of this opinion are unlikely to regard publication in even a leading specialty journal as comparable in prestige to publication in a leading flagship law review, even though most recognize to some extent the stature of the specialty journal that publishes a particular article; that some excellent articles are by their nature too specialized and technical to appeal to the editors of a flagship law review; and that in some instances specialty journals such as *Environmental Law* or the *Land and Water Review* are the publishing schools' flagship journals. Therefore, authors must be cautioned to think carefully before rejecting an offer from a reasonably well-regarded flagship law review in order to accept an offer from a specialty law journal. There well may be significant advantages to specialty journal publication in terms of reaching one's target readership, and perhaps also with regard to special editorial staff qualifications or timeliness of publication, but these advantages well may come at a cost in terms of optimal presentation of one's work for tenure or promotion reviews.

III. DISCUSSION OF SURVEY METHODOLOGY

The *AALS Directory* listing of senior environmental law, natural resources law, or land use planning teachers as the target survey population was used because: 1) it appeared to be the best single group of persons to survey, in terms of expertise, and 2) this group of 200 persons was large enough to likely provide a sample of meaningful size for analysis, yet small enough to be a workable number to survey.³³ The *Anderson's Directory* listing of law journals was chosen because the author regards it as quite comprehensive, at least with regard to journals published in the United States.³⁴

Each of the 200 selected potential respondents were mailed a

³³ See generally AALS DIRECTORY OF LAW TEACHERS, *supra* note 4.

³⁴ See generally ANDERSON'S DIRECTORY, *supra* note 2, at 15-17, 33-34. But see *supra* notes 11-12 and the associated text.

survey form,³⁵ an explanatory cover letter,³⁶ and a stamped, self-addressed return envelope to encourage their response. In order to encourage candid evaluations, the potential respondents were told in the cover letter that they were free to respond anonymously if they chose. Although allowing for anonymous responses created the possibility that a person might attempt to submit multiple responses, and therefore bias the results, the author believed this was a rather unlikely possibility. A much greater concern was that requiring signatures would discourage candor. In fact, most of the sixty respondents chose to respond anonymously.

Each respondent assigned the journals a score ranging from "10" (for the response's top-ranked journal) down to "1" (for the response's 10th ranked journal). Where a respondent listed two or more journals within a single ranking category, each of those journals were assigned the "average" score for that category. For example, if a respondent had listed five separate journals as tied for the top ranking, each journal was assigned a score of "8," since $(10+9+8+7+6)/5=8$.

When a respondent listed more than ten journals, as was done in a few instances, all but the top ten rankings were ignored, unless there was a tie among some top-ten and some lower-tier journals. In that case, the average score of the entire tied group was calculated and that score was assigned to each journal in that group. For example, where a respondent had ranked the top six journals first through sixth, and then had listed eight more journals as tied in the final tier, each of these lower eight journals were assigned a score of 1.67, since $(4+3+2+1+0+0+0+0)/6=1.67$. Where a respondent ranked fewer than ten journals, as was done in a few instances, scores were assigned to those journals ranging from a "10" for the top-ranked journal down as far as the respondent had ranked the journals. For example, for a respondent that ranked only the top six journals, 10, 9, 8, 7, 6, and 5 points were assigned respectively to those journals, and no points were given to any of the unranked journals.

The ranking methodology used here differs significantly from the citation-counting methodology used in the three *Chicago-Kent Law Review* studies and in the earlier Mann and Maru studies.³⁷ This departure from the usual approach is justified because while those earlier studies were attempting to measure journal quality and professional impact in some relatively objective sense, the author's study was oriented more

³⁵ See Appendix A.

³⁶ See Appendix B.

³⁷ See 1995 Chicago-Kent Survey, *supra* note 1, at 1446-48; 1990 Chicago-Kent Survey, *supra* note 1, at 514-19; 1989 Chicago-Kent Survey, *supra* note 1, at 201-06; Mann, *supra* note 1, at 401, 406, 410-19; Maru, *supra* note 1, at 241-43.

towards determining relative academic reputations, without regard for whether those reputations were grounded upon any objective underlying indicia of quality.³⁸ The attempt was thus to measure such academic reputations directly through use of a question addressed to that end, rather than indirectly through measurement of objective factors not necessarily equivalent to academic reputation.

The sample of sixty responses is more than large enough to be a statistically significant measure of the attitudes characterizing the entire 200 person target population.³⁹ One could perhaps argue that the attitudes of senior scholars in the environmental law, natural resources law, or land use planning fields as to the relative quality of the specialty journals might not be representative of the attitudes of the larger group of faculty and deans who must make the promotion and tenure assessments. It is possible, perhaps even likely, that those faculty not familiar with these areas of law might have a tendency to judge a specialty journal's quality more on the basis of an assumed consistency with that publishing school's general reputation, or with the reputation of its flagship law review, rather than on the basis of the specialty journal's reputation among specialists in the field.

However, there are two reasons why the survey results here obtained probably can be regarded as accurately reflecting the general attitudes of law faculty, and not merely the views of specialists in these fields. First, faculty not familiar with these areas of law will likely seek out and rely heavily upon the advice given by their colleagues that are more familiar with these fields as to the stature of a candidate's publication outlets, thus reducing or even eliminating any divergence between specialist and generalist opinion as to journal quality. Second, this possibility of a divergence between specialist and generalist opinion was anticipated. The survey question that was asked as to relative "academic

³⁸ See 1995 Chicago-Kent Survey, *supra* note 1, at 1446-48; 1990 Chicago-Kent Survey, *supra* note 1, at 514-19; 1989 Chicago-Kent Survey, *supra* note 1, at 201-06; Mann, *supra* note 1, at 401, 406, 410-19; Maru, *supra* note 1, at 241-43; *supra* notes 3-8 and accompanying text.

³⁹ This claim rests upon the assumption that the respondent group in fact comprises a random sample drawn from that population. One must always consider the possibility of a non-response bias that might limit the ability to draw inferences from sampling data. However, there is no reason to think that those persons who did choose to respond to the survey share any common and relevant characteristics that differentiate them from those who did not, so there is no reason to believe that there is any non-response bias present that would distort the results obtained.

reputations" was followed by an explanation that what was sought was the respondent's opinion as to the journals' general academic reputations among the larger cross-section of faculty making tenure and promotion decisions, and not merely their reputations among specialists in the field.⁴⁰

Therefore any tendency of non-specialist faculty to rely upon more general proxies for specialty journal quality likely has already been largely taken into account by the survey respondents in formulating their "strongest academic reputations" rankings.⁴¹

IV. CONCLUSION

It is a fact of life that scholars who seek to obtain tenure and promotion may improve their prospects somewhat by publishing their work in the most prestigious journals possible. Much of the information needed to effectively pursue this goal, however, is not widely available. This study has attempted to provide ranking information useful to such persons who may consider publishing articles in specialized environmental law, natural resources law, or land use planning law journals.

The results of this study reveal several interesting facts. First of all, the *Ecology Law Quarterly* and the *Harvard Environmental Law Review* are widely regarded as the leading specialty journals in the field.⁴² Following well behind these two leading journals, there exists a fairly well-demarked second tier of nine journals, and then a small third tier of three more journals, that are regarded much more highly than are the

⁴⁰ See *infra* Appendix A.

⁴¹ See *infra* Appendix A. The author concedes the survey question is rather subtle and may have been misunderstood by some respondents. The question asked environmental law, natural resources law, or land use planning specialists to judge the relative academic reputation of specialty journals among the larger law faculty community, rather than their reputations solely among specialists in those fields. It was necessary to pose the question in this second-order way because authors are most affected how the specialty journals are regarded by this larger faculty community that will pass judgment upon their tenure or promotion candidacies, and not merely how the journals are regarded by specialists. To the extent that this question was misunderstood, the responses given likely reflect specialist opinion as to quality rather than specialists' assessment of the opinion of the larger law faculty community. However, a significant bias can be introduced into the rankings only if such misunderstanding was widespread, and if there was in fact still a significant divergence between specialist and generalist opinions of relative journal quality applied after the extensive discussions that occur during tenure or promotion reviews.

⁴² See *supra* Table I.

remaining journals.⁴³ This information may be valuable to authors seeking to place their work in the most prestigious journal possible.

Perhaps most interestingly, there are a number of very well regarded specialty journals in this field whose lofty reputations far exceed those of their parent law schools or those of their schools' flagship law reviews, where such law reviews exist.⁴⁴ This fact is quite encouraging, in that it demonstrates that a law school that devotes significant efforts to successfully producing a high-quality specialty journal can overcome the well-known tendency of academics to make an uninformed, blanket judgment that each of a school's particular efforts are necessarily on a par with its general, overall academic reputation.

Additional beneficial research along similar lines remains to be done. In the environmental, natural resources, or land use planning areas, for example, or in the international and comparative law areas, authors would benefit from a comprehensive survey of faculty attitudes concerning the relative stature of the leading specialty law journals as compared to the flagship law reviews.

Additionally, there are other fields of law where the number of specialized journals has also proliferated in recent years, and where reputational surveys comparable to that presented here or in the earlier *The International Lawyer* article⁴⁵ might provide useful information for prospective authors. For example, the *Anderson's Directory* lists twelve student-edited and two non-student edited journals in the "Entertainment, Arts, and Sports Law" area,⁴⁶ and seventeen student-edited journals are listed in the "Women, Gender, Sexuality, Sexual Preference, and Law" area.⁴⁷ Scholars in each of these fields would welcome informed guidance as to the relative reputations of these publications, and as to how they are regarded in comparison with the flagship law reviews.

⁴³ See *supra* Table I.

⁴⁴ See *supra* Table II.

⁴⁵ See generally Crespi, *supra* note 10.

⁴⁶ See ANDERSON'S DIRECTORY, *supra* note 2, at 14-15, 33.

⁴⁷ See *id.* at 27-28.

APPENDIX A

February 6, 1998

JOURNAL RANKING SURVEY FORM

Listed below in alphabetical order are the 28 student-edited and nine peer-edited environmental, natural resources, and land use specialty law journals listed in Anderson's 1997 Directory of Law Reviews and Scholarly Publications, each followed with a parenthetical noting the law school at which it is published. Please indicate in the blanks provided which 10 of these journals you would regard as having the "strongest academic reputations." By use of this term I mean to identify those journals from among this list whose publication of an author's work is most likely to prove advantageous for him or her when that work is reviewed by other faculty members and deans for tenure and/or promotion purposes.

In making this assessment, please consider all relevant factors, including the relative size and scope of distribution of the journal circulations, their reputations among specialists in the field, the willingness (or reluctance) of faculty in other fields of law to draw upon specialist knowledge of journal characteristics (as opposed to relying solely upon the publishing school's general academic reputation), and any other factors you deem appropriate.

If you are able to rank those 10 top journals from the most prestigious (a "1" ranking) to the least prestigious (a "10" ranking), please mark those numbers in the blanks provided. If, however, you are not able to assign such precise rankings, please indicate in the blanks provided what relative judgments you are able to make. For example, you could mark all 10 top journals with a "1," or mark the top 5 journals with a "1" and the second-tier 5 journals with a "2", or order the top 10 journals into three tiers, etc. If you wish to make any additional comments relevant to this ranking exercise, please do so on the last page of this survey form.

LIST OF JOURNALS
(alphabetical order by title)

- _____ Boston College Environmental Affairs Law Review
(Boston College Law School)
- _____ Buffalo Environmental Law Journal
(SUNY at Buffalo School of Law)
- _____ Columbia Journal of Environmental Law
(Columbia University School of Law)
- _____ Dickinson Journal of Environmental Law and Policy
(The Dickinson School of Law)
- _____ Duke Environmental Law & Policy Forum
(Duke University School of Law)
- _____ Eastern Mineral Law Foundation
(non-law school publisher)
- _____ Ecology Law Quarterly
(Boalt Hall School of Law)
- _____ Energy Law Journal
(non-law school publisher)
- _____ Environmental Claims Journal
(non-law school publisher)
- _____ Environmental Law
(Northwestern School of Law at Lewis and Clark College)
- _____ Environmental Law Reporter
(non-law school publisher)
- _____ Fordham Environmental Law Journal
(Fordham University School of Law)
- _____ Harvard Environmental Law Review
(Harvard Law School)
- _____ Hastings West-Northwest Journal of Environmental Law and
Policy
(Univ. of California at Hastings College of Law)
- _____ Journal of Energy, Natural Resources, & Environmental Law
(University of Utah School of Law)
- _____ Journal of Environmental Law and Litigation
(University of Oregon School of Law)
- _____ Journal of Land Use and Environmental Law
(Florida State University College of Law)
- _____ Journal of Natural Resources and Environmental Law

(University of Kentucky College of Law)

Journal of Products and Toxics Liability

(non-law school publisher)

Land and Water Law Review

(University of Wyoming College of Law)

Natural Resources Journal

(University of New Mexico School of Law)

New York University Environmental Law Journal

(New York University School of Law)

Oil and Gas Tax Quarterly

(non-law school publisher)

Pace Environmental Law Review

(Pace University School of Law)

Public Land and Resources Law Review

(University of Montana School of Law)

Real Estate Law Journal

(non-law school publisher)

South Carolina Environmental Law Journal

(University of South Carolina Law Center)

Stanford Environmental Law Journal

(Stanford Law School)

Temple Environmental Law & Technology Journal

(Temple University School of Law)

The Environmental Forum

(non-law school publisher)

Touro Environmental Law Journal

(Jacob D. Fuchsberg Law Center at Touro University)

Tulane Environmental Law Journal

(Tulane University School of Law)

UCLA Journal of Environmental Law and Policy

(UCLA School of Law)

University of Baltimore Journal of Environmental Law

(University of Baltimore School of Law)

Villanova Environmental Law Journal

(Villanova University School of Law)

Virginia Environmental Law Journal

(University of Virginia School of Law)

William and Mary Environmental Law and Policy Review

(Marshall-Wythe School of Law at William and Mary)

Do you have any further comments relevant to ranking the above journals? If so, please feel free to set them forth on the bottom of this page. Thank you for your cooperation in completing this survey. Please return this survey form to me in the addressed envelope included with this form.

Sincerely yours,

Dr. Gregory Crespi
Southern Methodist University
School of Law
Dallas, Texas
75275-0116

APPENDIX B

February 6, 1998

Dear Professor ____:

I am a member of the faculty at the Southern Methodist University School of Law. I am conducting a survey of opinion of senior scholars in the environmental law, natural resources law, and land use planning areas as to the reputations of the academic journals published in those areas. I would welcome your participation in that survey.

It is an unfortunate fact of life that many law school faculty members do not carefully read and assess their colleagues' articles when engaging in tenure or promotion reviews, but instead rely heavily upon the reputation of the publishing journals as a proxy for the quality of the work.

Given this fact, persons who seek tenure and promotion must strive to have their research published in the most prestigious journals possible. To do so effectively they need to be aware of the relative professional stature of those journals that may be interested in their work. However, while there have been a number of efforts made to "rank" the general, student-edited flagship law reviews, there have been very few comparable efforts made to rank the specialty journals within any given field. In particular, those many scholars whose work is best suited for publication in journals specializing in environmental, natural resources, or land use law will find that there is very little information generally available concerning the relative status of the almost 40 student- or peer-edited journals now published in those two fields in the United States.

I have mailed the enclosed survey form to each of the approximately 200 persons listed in The AALS Directory of Law Teachers (1997-98 ed.) as having taught either environmental law, natural resources law, or land use planning for "over ten years." That survey form lists the 28 student-edited and the nine peer-edited "environmental, natural resources, or land use law" journals listed in the comprehensive and widely consulted Anderson's 1997 Directory of Law Reviews and Scholarly Legal Periodicals (1997) (Michael Hoffheimer, compiler), and asks the respondents to identify the 10 journals from among that list that they regard as having the strongest academic reputations.

You are one of the professors on the AALS Directory list. It would be very helpful to me and to many of the younger scholars who write for these journals if you would take a brief moment of your time and

respond (anonymously, if you wish) to this survey, and thereby provide your informed opinion as to the relative stature of the leading specialty journals in your field. I have enclosed a stamped, addressed return envelope for your convenience. If I obtain a sufficient response rate to this survey request I plan to publish the results so that they are generally available to all interested persons.

I have previously conducted a similar survey of international and comparative law scholars in order to establish rankings of the specialty journals in those fields. The results of that prior survey were recently published in The International Lawyer at 31 Int'l Law. 869 (1997).

If you choose to respond to this request, I thank you for your attention and participation.

Sincerely yours,

Dr. Gregory Crespi
Southern Methodist University
School of Law
Dallas, TX 75275-0116

Enclosures: Survey Form
Return Envelope

