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## Ranking International and Comparative Law Journals: A Survey of Expert Opinion

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# Ranking International and Comparative Law Journals: A Survey of Expert Opinion

## I. Introduction

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

Persons who fail to do thorough evaluations of their colleagues' scholarship often rely heavily upon the reputation of the publishing journal as a proxy for the quality of the work. Faculty members who seek tenure and promotion are therefore well-advised to strive for publication of their research 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 is unfortunately not always available for law journals. While a number of efforts have been made to rank the general, student-edited flagship law reviews,<sup>1</sup> no comparable efforts have been undertaken to rank

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1. See, e.g., Colleen M. Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT L. REV. 1445 (1995); Janet M. Gumm, *Chicago-Kent Law Review Faculty Scholarship Survey*, 66 CHI.-KENT L. REV. 509 (1990); The Executive Board of the Chicago-Kent Law Review, *Chicago-Kent Law Review Faculty Scholarship Survey*, 65 CHI.-KENT L. REV. 195 (1989).

the more specialized legal journals. In particular, those many scholars whose work is best suited for publication in journals specializing in international or comparative law will find very little information concerning the relative status

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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 (SSCI)* through 1991) were as follows:

- |                      |                                       |
|----------------------|---------------------------------------|
| (1) Harv. L. Rev.,   | (11) Duke L.J.,                       |
| (2) Yale L.J.,       | (12) So. Cal. L. Rev.,                |
| (3) Mich. L. Rev.,   | (13) Cornell L. Rev.,                 |
| (4) Stan. L. Rev.,   | (14) Georgetown L.J.,                 |
| (5) Colum. L. Rev.,  | (15) UCLA L. Rev.,                    |
| (6) Va. L. Rev.,     | (16) J. Legal Stud.,                  |
| (7) U. Pa. L. Rev.,  | (17) N.Y. U. L. Rev.,                 |
| (8) U. Chi. L. Rev., | (18) Harv. C. Rights—C. Lib. L. Rev., |
| (9) Cal. L. Rev.,    | (19) Vand. L. Rev.,                   |
| (10) Tex. L. Rev.,   | (20) Nw. U. L. Rev.                   |

Cullen & Kalberg, *supra*, at 1454. The 1995 survey did not rank journals using these criteria beyond the top 20 journals. *Id.* The survey did assign two separate top-40 rankings: one based upon *Shepard's* citations alone and one based upon *SSCI* citations alone. *Id.* at 1452-53.

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:

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|-----------------------|--------------------------|
| (1) Harv. L. Rev.,    | (11) Cornell L. Rev.,    |
| (2) Stan. L. Rev.,    | (12) Vand. L. Rev.,      |
| (3) Yale L.J.,        | (13) Nw. U. L. Rev.,     |
| (4) Colum. L. Rev.,   | (14) UCLA L. Rev.,       |
| (5) Cal. L. Rev.,     | (15) Mich. L. Rev.,      |
| (6) U. Chi. L. Rev.,  | (16) S. Cal. L. Rev.,    |
| (7) U. Pa. L. Rev.,   | (17) Iowa L. Rev.,       |
| (8) Tex. L. Rev.,     | (18) Wm. & Mary L. Rev., |
| (9) Va. L. Rev.,      | (19) Wis. L. Rev.,       |
| (10) N.Y. U. L. Rev., | (20) Minn. L. Rev.       |

Gumm, *supra*, at 515, 517. The 1990 survey also ranked journals 21 through 50. *Id.*

In the original 1989 Chicago-Kent Survey, the top 20 law reviews (based upon frequency of citation of articles appearing in the 1980-83 journal issues in *Shepard's Law Review Citations* through 1986 alone) were as follows:

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|----------------------|------------------------|
| (1) Harv. L. Rev.,   | (11) Tex. L. Rev.,     |
| (2) Yale L.J.,       | (12) Ohio St. L. Rev., |
| (3) Stan. L. Rev.,   | (13) U. Pa. L. Rev.,   |
| (4) Colum. L. Rev.,  | (14) Mich. L. Rev.,    |
| (5) Cal. L. Rev.,    | (15) UCLA L. Rev.,     |
| (6) U. Chi. L. Rev., | (16) Nw. U. L. Rev.,   |
| (7) Va. L. Rev.,     | (17) B.U. L. Rev.,     |
| (8) Cornell L. Rev., | (18) S. Cal. L. Rev.,  |
| (9) N.Y. U. L. Rev., | (19) Georgetown L.J.,  |
| (10) Vand. L. Rev.,  | (20) Minn. L. Rev.     |

The Executive Board of the Chicago-Kent Law Review, *supra* at 204. The 1989 survey also ranked journals 21 through 50. *Id.*

Prior to the three Chicago-Kent surveys there were two studies that attempted to rank the law journals. In 1986 Richard Mann ranked 161 law reviews by the total number of *Shepard's Law Review Citations* to the 1978-79 journal issues by both courts and other legal periodicals listed in the 1984 volume of *Shepard's*. Richard Mann, *The Use of Legal Periodicals by Courts and Journals*, 26 *JURIMETRICS J.* 400, 407 (1986). He then ranked the journals in order of their frequency of journal citation per 1,000 pages of output. *Id.* at 406. His ranking of the top 20 journals was as follows:

of the almost 90 student or peer-edited journals now published in those two fields in the United States.<sup>2</sup>

I recently conducted an opinion survey of senior scholars in the international and comparative law areas as to the relative academic reputations of the specialty journals in those fields. The survey was designed to obtain sufficient information to assign rankings to these journals, thereby providing guidance to scholars seeking the most prestigious placement for their work.<sup>3</sup> I chose as the target survey population the approximately 250 persons listed in *The AALS Directory of Law*

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- |                       |   |
|-----------------------|---|
| (1) Arb. J.,          | (11) Cornell L. Rev./Georgetown L.J. (tie), |
| (2) Colum. L. Rev.,   | (13) Law & Contemp. Probs.,                 |
| (3) Judicature,       | (14) Indus. & Lab. Rel. Rev.,               |
| (4) Harv. L. Rev.,    | (15) Stan. L. Rev.,                         |
| (5) U. Chi. L. Rev.,  | (16) Duke L.J.,                             |
| (6) Bus. Law.,        | (17) Hastings L.J.,                         |
| (7) Yale L.J.,        | (18) Tex. L. Rev.,                          |
| (8) U. Pa. L. Rev.,   | (19) Va. L. Rev.,                           |
| (9) Hofstra L. Rev.,  | (20) Buff. L. Rev.                          |
| (10) N.Y. U. L. Rev., |   |
- Id.* at 407.

In 1976 Olavi Maru calculated a "footnote citation frequency figure" for the 1972 journal issues of 285 legal publications that he first page-adjusted and then used to rank those publications. Olavi Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227, 241-42 (1976). The rankings he obtained for the 20 most cited reviews were:

- |                            |  |
|----------------------------|--|
| (1) Harv. L. Rev.,         | (11) ABA J.,                                 |
| (2) Yale L.J.,             | (12) J. L. & Econ.,                          |
| (3) Colum. L. Rev.,        | (13) J. Crim. L., Criminology & Police Sci., |
| (4) U. Chi. L. Rev.,       | (14) Stan. L. Rev.,                          |
| (5) U. Pa. L. Rev.,        | (15) Cornell L. Rev.,                        |
| (6) Sup. Ct. Rev.,         | (16) Harv. C. Rights—C. Lib. L. Rev.,        |
| (7) Nw. U. L. Rev.,        | (17) N.Y. U. L. Rev.,                        |
| (8) Law & Contemp. Probs., | (18) Va. L. Rev.,                            |
| (9) Cal. L. Rev.,          | (19) Tex. L. Rev.,                           |
| (10) Mich. L. Rev.,        | (20) Am. J. Int'l L.                         |
- Id.* at 243.

2. See ANDERSON'S 1997 DIRECTORY OF LAW REVIEWS AND SCHOLARLY LEGAL PERIODICALS 18-23, 35-36 (Michael H. Hoffheimer compiler, 3d ed. 1997) [hereinafter ANDERSON'S DIRECTORY].

3. By conducting such a ranking survey I certainly do *not* intend to suggest that I 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. I know that 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. I also recognize that all law faculties would be critical of one of their members who admitted to placing much weight upon a publishing journal's reputation in such a review.

No matter how deplorable this practice may be, however, my impression (admittedly anecdotal) is this practice is indulged in covertly on more than an occasional basis when faculty are asked to review a colleague's work that lies outside of their special areas of expertise. Authors concerned with 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 their less conscientious colleagues are applying. I intend by this study only to provide information helpful for these authors who must deal with an unfortunate situation, and not to endorse or worsen that situation.

*Teachers*<sup>4</sup> as having taught either comparative or international law, or both, for “over ten years.”<sup>5</sup> I mailed a survey form and explanatory cover letter to each of those persons.<sup>6</sup> The survey form listed the 71 student-edited and the 17 peer-edited “International and Comparative Law” specialty journals published in the United States that are listed in the comprehensive and widely consulted *Anderson’s 1997 Directory of Law Reviews and Scholarly Legal Periodicals (Anderson’s Directory)*,<sup>7</sup> and asked the respondents to identify the 10 journals from among that list they regarded as having the “strongest academic reputations.”<sup>8</sup> The survey form did *not* ask respondents to attempt to rank these specialty journals in competition with the law schools’ flagship, student-edited law reviews.

Before discussing the results of the survey, let me briefly address a threshold concern that may have already come to the mind of the reader of this article, and that was raised by several of the survey respondents. One might question my decision to rank the *Anderson’s Directory* group of journals against one another because this group includes journals focusing on several rather different fields, such as comparative law, public international law, and international business transactions, and also groups together both regionally focused and practitioner-oriented journals with journals of a more global or theoretical orientation. One may feel the respondents were consequently being asked to compare apples with oranges, in a sense, and that the very different kinds of journals included in that group cannot properly be ranked in ordinal fashion.

I believe, however, that this set of journals can be justified as an appropriate group for a single rank ordering because most high-quality, internationally oriented articles would be considered as candidates for publication by many, if not most, of these journals; they are direct competitors in that sense. A

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4. ASSOCIATION OF AMERICAN LAW SCHOOLS, THE AALS DIRECTORY OF LAW TEACHERS (1995-96).

5. *Id.* at 1040-41, 1133-34.

6. A copy of the survey form is included as Appendix A to this article. A copy of the cover letter sent with the survey form is included as Appendix B. The package sent to respondents included a stamped, self-addressed return envelope, and the respondents were told they were free to respond anonymously if they chose to do so.

7. ANDERSON’S DIRECTORY, *supra* note 2, at 18-23, 35-36.

8. Immediately after asking the respondents to identify the 10 international and comparative law journals with the “strongest academic reputations,” the survey form contained the following explanatory discussion:

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.

See Appendix A *infra* at pages 883-86 for the complete text of the survey form.

ranking compiled from this large and rather diverse group of specialty journals could therefore be quite useful to many authors whose work would be of interest to most or all of that group. In addition, these journals are grouped together in this fashion by the widely consulted *Anderson's Directory*, so they are already associated with one another to some extent in the "popular" academic mind.

The results of the survey are set forth and discussed in section II of this article, along with some implications of the results for article submission strategies. In section III, I present in some detail the methodology utilized in designing and distributing the survey instrument, and in quantifying the survey results. Section IV presents a few brief conclusions and suggestions for further research.

## II. Survey Results

### A. CALCULATION OF RANKINGS

I mailed out 250 survey requests on November 5, 1996, and had received a total of 80 responses as of August 6, 1997.<sup>9</sup> I assigned a score ranging from "10" (for the top-ranked journal) down to "1" (for the 10th-ranked journal) to each ranked journal for each of the responses received by that date. I then calculated each journal's average ranking score overall and ranked the journals in descending order using those average ranking scores. Table I presents the rankings so calculated for the 25 journals ranked highest by the respondents.<sup>10</sup> A more

9. This constitutes a 32% response rate to the survey. This 32% figure does not include the responses I received from 13 additional persons who each, for various personal reasons, declined to rank the journals. The reasons given ranged from concern that publication of journal rankings might serve to encourage persons to fail to engage in close review of articles (four responses), to lack of sufficient familiarity with many of the journals to assign meaningful rankings (one response), to retirement from active scholarship (eight responses).

10. Those journals ranked among the top 10 by one or more respondents, but not obtaining a sufficient average ranking score to be listed in the top 25 ranking, include, in alphabetical order: Boston College Int'l & Comp. L. Rev., Brooklyn J. Int'l L., California W. Int'l L.J., Canada-U.S. L. J., Cardozo J. Int'l & Comp. Law, Case W. Res. J. Int'l L., China L. Reporter, Connecticut J. Int'l L., East European Constitutional Rev., Emory J. Int'l Dispute Resolution, Florida J. Int'l L., Georgetown Int'l Envtl L. Rev., Houston J. Int'l L., Int'l Legal Perspectives, Int'l Tax & Bus. Law., J. Chinese L., Maryland J. Int'l L. & Trade, Minn. J. Global Trade, New Europe L. Rev., N.Y. Int'l L. Rev., N.Y. L. School J. Int'l & Comp. L., N.C. J. Int'l L. & Com. Reg., Ocean Dev. & Int'l L., Pace Int'l L. Rev., and The Parker Sch. J. E. European L.

Those journals that were among the 88 journals that were listed on the survey form, but that were not ranked among the top 10 journals by any of the survey respondents, include, in alphabetical order: Ariz. J. Int'l & Comp. L., Boston C. Third World L.J., Boston U. Int'l L.J., Buffalo J. Int'l L., Canadian-American L.J., Colorado J. Int'l Envtl. L. & Pol'y, Dickenson J. Int'l L., Emory Int'l L. Rev., German American L.J., ILSA J. Int'l & Comp. L., Indiana Int'l & Comp. L. Rev., Indiana J. Global Legal Studies, Int'l J. Comp. & Applied Crim. Just., Int'l J. Legal Information, Int'l Tax J., J. Int'l L. & Prac., J. Int'l Legal Studies, J. Transnat'l L. & Pol'y, Loyola of Los Angeles Int'l & Comp. L.J., Pacific Rim L. & Pol'y J., St. Louis-Warsaw Transatlantic L.J., Temple Int'l & Comp. L.J., Touro Int'l L. Rev., Transnat'l L. & Contemp. Probs., and Tulsa J. Comp. & Int'l L.

**Table I**  
**Top 25 International and Comparative Law Journals**

Ranking	Law Journal	Ranking Score
1.	AM. J. INT'L L.	7.46
2.	THE AM. J. COMP. L.	6.09
3.	HARV. INT'L L.J.	4.70
4.	COLUM. J. TRANSNAT'L L.	3.93
5.	YALE J. INT'L L.	3.68
6.	VA. J. INT'L L.	3.64
7.	MICH. J. INT'L L.	2.62
8.	N.Y. U. J. INT'L L. & POL.	1.86
9.	THE INT'L LAW.	1.65
10.	VAND. J. TRANSNAT'L L.	1.51
11.	L. & POL'Y INT'L BUS.	1.43
12.	STAN. J. INT'L L.	1.29
13.	CORNELL INT'L L.J.	1.20
14.	NW. J. INT'L L. & BUS.	0.76
15.	COLUM. J. EUR. L.	0.66
16.	DUKE J. COMP. & INT'L L.	0.66
17.	FORDHAM INT'L L.J.	0.54
18.	TEX. INT'L L.J.	0.45
19.	DENV. J. INT'L L. & POL'Y	0.45
20.	ICSID REV.—FOREIGN INVESTMENT L.J	0.44
21.	TUL. J. INT'L & COMP. L.	0.38
22.	GEO. WASH. J. INT'L L. & ECON.	0.38
23.	GA. J. INT'L & COMP. L.	0.37
24.	AM. U.J. INT'L L. & POL'Y	0.37
25.	GEORGETOWN INT'L ENVTL. L. REV.	0.33

complete discussion of the survey methodology and the ranking calculations is presented in section III of this article.

#### B. COMPARISON OF THE SURVEY RANKINGS TO OTHER LAW JOURNAL AND LAW SCHOOL RANKINGS

The journal rankings presented in Table I that were obtained through this survey of expert opinion provide an interesting comparison with the most recent 1995 Chicago-Kent rankings of the student-edited, flagship law reviews,<sup>11</sup> and with two recent (1996) efforts to provide overall rankings of law schools undertaken by *U.S. News & World Report* magazine<sup>12</sup> and by *The Gourman Report*,<sup>13</sup> respectively. This comparison is presented below in Table II.

11. See *supra* note 1.

12. Ted Gest, *America's Best Graduate Schools*, U.S. NEWS & WORLD REP., Mar. 18, 1996, at 82-84.

13. JACK GOURMAN, *THE GOURMAN REPORT*, 98-100 (7th ed. 1996).

**Table II**  
**Comparison of the Survey Rankings of the International and Comparative Law Journals with the 1995 Chicago-Kent Law Review Rankings of Flagship Law Journals, and with the 1996 U.S. News & World Report and 1996 Gourman Report Law School Rankings**

Law Journal	Rankings			
	Int'l & Comp. L.J. Survey	Chicago-Kent Law Review	U.S. News & World Report Law School	Gourman Report Law School
AM. J. INT'L L.	1			
THE AM. J. COMP. L.	2			
HARV. INT'L L.J.	3	1	2	1
COLUM. J. TRANSNAT'L L.	4	5	5	7
YALE J. INT'L L.	5	2	1	3
VA. J. INT'L L.	6	6	9	16
MICH. J. INT'L L.	7	3	7	2
N.Y. U. J. INT'L L. & POL'Y	8	17	6	11
THE INT'L LAW.	9		52-90 <sup>14</sup>	35
VAND. J. TRANS. L.	10	19	16	15
L. & POL'Y INT'L. BUS.	11	14	12	17
STAN. J. INT'L. L.	12	4	3	6
CORNELL INT'L L.J.	13	13	11	10
NW. J. INT'L L. & BUS.	14	20	14	14
COLUM. J. EUR. L.	15	5	5	7
DUKE J. COMP. & INT'L L.	16	11	10	8
FORD. INT'L L.J.	17		28	24
TEX. INT'L L.J.	18	10	18	12
DENV. J. INT'L L. & POL'Y	19		52-90 <sup>15</sup>	53
ICSID REVIEW—FOREIGN INVESTMENT L.J.	20			
TULANE J. INT'L & COMP. L.	21		49	29
GEO. WASH. J. INT'L. L. & ECON.	22		22	32
GA. J. INT'L & COMP. L.	23		27	47
AM. U. J. INT'L L. & POL'Y	24		52-90 <sup>16</sup>	54
GEORGETOWN INT'L ENVTL. L. Rev.	25		12	17

(NOTE: When 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 rankings, or when one of the journals ranked in this survey was published by a non-law school publisher, the relevant entry or entries are left blank.)

14. The U.S. NEWS & WORLD REP. rankings only listed the top 51 law schools by rank, and then grouped the law schools ranked 52 through 90 into an alphabetical "Third Tier" listing that did not include individual ranking information. Gest, *supra* note 12, at 82-84. Southern Methodist University, the publisher of *The International Lawyer*, was listed in that third-tier group. *Id.*

15. The University of Denver was listed in that third-tier group. *Id.*

16. American University was listed in that third-tier group. *Id.*

### C. DISCUSSION OF RESULTS

I will first discuss what I regard as the most significant features of the results presented in Tables I and II. I will then offer my thoughts concerning the implications of these results for the strategies that authors of international law- or comparative law-oriented pieces might pursue in order to obtain the most advantageous journal placements for their work.

#### 1. *Summary of Results*

The individual journal ranking scores do not decline gradually and evenly, as might have been expected. Virtually all the scores fall into one of several close and distinct groupings. First, the *American Journal of International Law* and *The American Journal of Comparative Law* are shown to have by far the strongest academic reputations among the international and comparative law specialty journals, and are widely regarded as the leading specialty journals in their respective fields. There is then a rather clearly demarcated "second-tier" group of four or five highly ranked journals that includes the *Harvard International Law Journal*, the *Columbia Journal of Transnational Law*, the *Virginia Journal of International Law*, the *Yale Journal of International Law*, and perhaps the *Michigan Journal of International Law*.

This second tier is followed by a fairly well-defined "third-tier" group of six leading journals identified by the rankings: the *New York University Journal of International Law and Politics*, *The International Lawyer*, *The Vanderbilt Journal of Transnational Law*, *Law and Policy in International Business*, *The Stanford Journal of International Law*, and *The Cornell International Law Journal*. Below this third-tier group there is a fairly significant gap in the ranking scores, with the remaining scores then gradually declining. No significant groupings appear among the journals ranked 14 through 25.

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 1996 *U.S. News & World Report* law school rankings, and *The Gourman Report* law school rankings, two observations stand out. First, a general, overall correlation between the specialty journal rankings and the flagship law review and law school rankings exists for most of the law schools that publish international or comparative law specialty journals. This correlation is not as close as one might have expected, however; a number of specialty journals' rankings are well above or below the ranking of their publishing law schools or of the schools' flagship law reviews.

For example, *The International Lawyer*, published by Southern Methodist University,<sup>17</sup> is ranked ninth in this survey, while the school's flagship law review did not even make the *Chicago-Kent Law Review* top-20 listing. Further, the

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17. Southern Methodist University publishes *The International Lawyer* in cooperation with the American Bar Association Section of International Law and Practice. The journal has both a board of professional editors and a student editorial board. The articles published are reviewed and selected by the professional editors, several of whom are members of the SMU law faculty.

school was only ranked 35th in the *Gourman Report* and placed only in the "third tier" (schools ranked between 52 and 90, inclusive) in the 1996 *U.S. News & World Report* rankings. Other specialty journals whose rankings were strikingly better than the rankings accorded their publishing law schools and those schools' flagship law reviews include the *Denver Journal of International Law and Policy* and the *American University Journal of International Law and Policy*. The *Vanderbilt Journal of Transnational Law*, the *Fordham International Law Journal*, and the *Georgia Journal of International and Comparative Law* also had rankings significantly stronger than those of their parent schools or associated flagship law reviews.

Conversely, a number of specialty journals' rankings fell well below those accorded their publishing law schools and the flagship law reviews of those schools. First, the *Stanford Journal of International Law* and the *Columbia Journal of European Law* were ranked 12 and 15, respectively, in this survey. These rankings were well below the lofty rankings assigned to their flagship law reviews and to their law schools generally in the three comparison studies presented in Table II. Second, a number of the more specialized or regionally focused international and comparative law journals published at highly ranked schools with leading flagship law reviews did not make the top-25 rankings in this survey, including: the *University of Pennsylvania Journal of International Economic Law*, the *Journal of Chinese Law* (Columbia Law School), *The Parker School Journal of East European Law* (Columbia Law School), the *East European Constitutional Review* (University of Chicago), *The International Tax and Business Lawyer* (Boalt Hall Law School/University of California), and the *UCLA Pacific Basin Law Journal*.

While Table II compares the rankings calculated from this survey with those rankings obtained from three other studies attempting to rank flagship law reviews or law schools, I again emphasize that my study did *not* attempt to rank the specialty journals in direct competition with the flagship law reviews.

## 2. Implications for Article Submission Strategies

I now turn to consideration of the strategies that authors of international law- or comparative law-oriented legal articles might usefully pursue in seeking the most advantageous possible placements of their articles for tenure or promotion purposes, in light of the findings of this study. The *American Journal of International Law* and *The American Journal of Comparative Law* are clearly the leading specialty journals in their respective fields, and publication of one's work in either of these journals is probably regarded by most faculty members as roughly comparable in prestige to publication in one of the leading flagship law reviews. Both of those journals, however, are published by professional societies<sup>18</sup> that

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18. The *American Journal of International Law* is published by the American Society of International Law, and *The American Journal of Comparative Law* is published by The American Society of Comparative Law.

do not permit multiple submissions. An author submitting a piece to either of those journals is therefore taking a high-stakes gamble that may lead to a delay of several months or more in the date of publication if the article is rejected and must then be resubmitted elsewhere. Such a substantial risk of delay, particularly for those pieces whose nature calls for timely publication, is probably justified only for truly excellent articles having a strong chance of acceptance.

If an author decides not to submit his or her work to one of these two leading specialty journals, or if the work is submitted but rejected, the next logical step is to undertake large-scale, multiple submission of the work to both flagship law reviews and specialty journals. Given the inability to accurately predict any particular group of student editors' response to an article, one's chances of favorable acceptance are maximized by making as many submissions as are feasible under the circumstances.

Once one receives an offer of publication, one should 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. One may then commence the tiresome but necessary "trading-up" process, whereby one calls each of the journals to which one has submitted the manuscript that are higher ranked than the journal making the offer to request an "expedited review" of the submitted work within the offer consideration period. 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.

Which specialty journals one should attempt to trade up to, if any, from a flagship law review offer and which flagship law review journals one should attempt to trade up to, if any, from a specialty journal offer are difficult questions that this survey study did not address. However, let me briefly offer my opinions in this regard.

Whether justified or not, a fairly widespread perception exists among legal academics that the specialty journals are second-rate operations staffed by students who could not qualify for flagship law review staff membership, and that they primarily publish articles that are not of high enough quality to appear in flagship law reviews. While most faculty of this opinion are willing to consider to some extent the stature of the specialty journal that publishes a particular article, and recognize that some excellent international or comparative law writing is too specialized to appeal to the editors of a flagship law review, such faculty are still unlikely to regard publication in even a leading specialty journal (other than one of the two leading peer-reviewed journals discussed above) as comparable in prestige to publication in a leading flagship law review. I would therefore caution authors to think carefully before rejecting an offer from a reasonably well-regarded flagship law review in order to accept an offer from a specialty

international or comparative law journal. Significant advantages of specialty journal publication may exist in terms of reaching one's target readership—and perhaps also with regard to timeliness of publication—but these advantages may come at a high cost in terms of optimal presentation of one's work for tenure or promotion reviews.

### III. Discussion of Survey Methodology

I elected to utilize the *AALS Directory* listing of senior international and comparative law teachers as the target survey population because: (1) it appeared to be the best single group of persons to survey, in terms of their expertise; and (2) this group of 250 persons was large enough to likely provide a sample of meaningful size for analysis, and yet small enough to be a workable number to survey. The *Anderson's Directory* listing of law journals was chosen because it is relatively comprehensive, at least with regard to the U.S.-published journals.<sup>19</sup> Since this list alone included almost 90 journals, which seemed close to the maximum number I could expect respondents to seriously consider in an uncompensated ranking exercise, I decided not to further lengthen that list by including any English-language international or comparative law journals published outside the United States.

I mailed each of the 250 selected potential respondents a survey form (see Appendix A), an explanatory cover letter (see Appendix B), and to encourage their response, a stamped, self-addressed return envelope. In order to encourage candid evaluations I told the potential respondents in the cover letter they were free to respond anonymously, if they chose. I recognized that allowing anonymous responses created the possibility a person might attempt to "stuff the ballot box" with the submission of multiple responses, therefore biasing the results, but I deemed this to be a rather unlikely possibility and was much more concerned that requiring signatures might discourage candor. In fact, most of the 80 respondents chose to respond anonymously.

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

19. Some very recently founded U.S.-published international and comparative law journals are doubtlessly not yet listed in the most recent (1997 cover date; 1996 release) version of *Anderson's Directory*. For example, Southern Methodist University recently founded a *NAFTA: Law and Business Review of the Americas* journal which has not yet been listed in that *Directory*. It is most unlikely, however, that any of these very young journals have yet attained a sufficiently favorable and widespread reputation to achieve top-25 status.

When a respondent listed more than 10 journals, as was done in a few instances, I ignored all but the top 10 rankings, unless there was a tie among some top 10 and some lower-tier journals, in which case I calculated the average score of the entire tied group and assigned that score to each journal in that group. For example, when a respondent ranked the top six journals first through sixth, and then listed eight more journals as tied in the final tier, I assigned each of these lower eight journals a score of 1.67, since  $(4+3+2+1+0+0+0+0)/6 = 1.67$ . When a respondent ranked fewer than 10 journals, as was done in a few instances, I assigned scores to those rankings 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, I assigned 10, nine, eight, seven, six, and five points, respectively, to those journals, and no points to any of the unranked journals.

My ranking methodology differs significantly from the citation-counting methodology used in the three *Chicago-Kent Law Review* studies and in the earlier Mann and Maru studies.<sup>20</sup> I regard this departure from the usual approach as justified because while those earlier studies were attempting to measure journal "quality" and professional impact in some relatively objective sense, my study was oriented more toward determining relative academic reputation, without regard to whether those reputations were grounded upon any objective underlying indicia of "quality." I therefore attempted 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 80 responses is more than large enough to be a statistically significant measure of the attitudes characterizing the entire 250-person target population.<sup>21</sup> One could perhaps argue that the attitudes of senior scholars in the international and comparative law 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 making promotion and tenure assessments. 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.

The survey results can probably be regarded as accurately reflecting the general attitudes of law faculty, and not merely the views of international law and compar-

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20. See *supra* note 1.

21. This claim of course rests upon the assumption the respondent group in fact comprises a random sample drawn from that population. One must always consider the possibility of a nonresponse bias that would limit the ability to draw inferences from sampling data. I have no reason to think those persons who did choose to respond to the survey share any common and relevant characteristics differentiating them from those who did not, however, so I do not believe there is any nonresponse bias present distorting the results obtained.

ative law specialists, however, for two reasons. First, faculty not familiar with these areas of law will likely seek out and rely heavily upon the advice given by their colleagues 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, I anticipated this possibility of divergence between specialist and generalist opinion, and the survey question asked as to relative "academic reputations" was therefore followed by an explanation that the respondent's opinion as to the journals' *general* academic reputations among the larger cross section of faculty making tenure and promotion decisions was being sought, and not merely their reputations among specialists in the field.<sup>22</sup> Therefore, any tendency of nonspecialist faculty to rely upon more general proxies for specialty journal quality has likely been taken into account to a significant extent by the survey respondents in formulating their "strongest academic reputations" rankings.<sup>23</sup>

#### IV. Conclusion

The reality that scholars who seek to obtain tenure or promotion may improve their prospects somewhat by publishing their work in the most prestigious journals possible is an unfortunate fact of academic life. Much of the information needed to effectively pursue this article placement goal, however, is not widely available. This study was intended to provide ranking information useful to scholars who may wish to consider publishing their articles in specialized international or comparative law journals.

The results of this study reveal several interesting facts. First, the *American Journal of International Law* and *The American Journal of Comparative Law* are clearly recognized by senior scholars as the leading specialty journals in their respective fields. Second, the remaining specialty journals fall into one of several rather well-defined classifications as to their academic reputations: second-tier, third-tier, or "rest of the pack." Third, a number of specialty journals have reputations that differ significantly from the general reputations of their publishing

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22. See *supra* note 8.

23. I concede that I have posed a rather subtle survey question that could have been misunderstood by some respondents in asking international or comparative law 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. I felt it necessary to pose the question in this second-order way because what is most crucial to authors is to have some understanding as to 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 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, only if such misunderstanding was widespread *and* if there is in fact still a significant divergence between specialist and generalist opinions of relative journal quality that are applied after the extensive discussions occurring during tenure or promotion reviews would a significant bias be introduced into the rankings by such misunderstanding.

law schools or their law schools' flagship law reviews. All of this information may be valuable to authors seeking to place their work in the most prestigious journal possible.

There is further useful research that could be done along similar lines. In the international and comparative law areas, for example, a survey of faculty attitudes concerning the relative stature of the leading specialty international and comparative law journals as compared to leading and mid-level flagship law reviews might be quite helpful to authors. Moreover, the number of specialized journals has also proliferated in other fields of law in recent years; comparable reputational surveys ranking such journals might also provide useful information for prospective authors.

For example, the *Anderson's Directory* lists 28 student-edited and nine peer-edited specialty journals in the "Environmental, Natural Resources, and Land Use" area.<sup>24</sup> In addition, 12 student-edited and two peer-edited specialty journals are listed in the "Entertainment, Arts, and Sports Law" area, and 17 student-edited journals are listed in the "Women, Gender, Sexuality, Sexual Preference, and Law" area.<sup>25</sup> Scholars in each of these fields might welcome some informed guidance as to the relative reputations of these publications and concluding how these publications are regarded in comparison with the flagship law reviews.

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

25. *Id.* at 27-28.

**Appendix A: Survey Form (Mailed: 11/5/96)****Journal Ranking Survey Form****International and Comparative Law Journals**

Listed below in alphabetical order are the 71 student-edited and 17 peer-edited international and comparative law 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**

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|--|---|
| _____ Am. J. Comp. L. (University of California School of Law)                   | _____ Brook. J. Int'l L. (Brooklyn Law School)                        |
| _____ Am. J. Int'l L. (New York University School of Law)                        | _____ Buff. J. Int'l L. (State University of New York at Buffalo)     |
| _____ Am. U. J. Int'l L. & Pol'y (Washington College of Law/American University) | _____ Cal. W. Int'l L.J. (California Western School of Law)           |
| _____ Ariz. J. Int'l & Comp. L. (University of Arizona College of Law)           | _____ Canada-U.S. L.J. (Case Western Reserve School of Law)           |
| _____ B.C. Int'l & Comp. L. Rev. (Boston College Law School)                     | _____ Canadian-Am. L.J. (Gonzaga University School of Law)            |
| _____ B.C. Third World L.J. (Boston College Law School)                          | _____ Cardozo J. Int'l & Comp. L. (Benjamin N. Cardozo School of Law) |
| _____ B.U. Int'l L.J. (Boston University School of Law)                          | _____ Case W. Res. J. Int'l L. (Case Western Reserve School of Law)   |

- \_\_\_\_\_ China L. Rep. (Georgetown University Law Center)
- \_\_\_\_\_ Colo. J. Int'l Envtl. L. & Pol'y (University of Colorado School of Law)
- \_\_\_\_\_ Colum. J. Eur. L. (Columbia University School of Law)
- \_\_\_\_\_ Colum. J. Transnat'l L. (Columbia University School of Law)
- \_\_\_\_\_ Conn. J. Int'l L. (University of Connecticut School of Law)
- \_\_\_\_\_ Cornell Int'l L.J. (Cornell Law School)
- \_\_\_\_\_ Denv. J. Int'l L. & Pol'y (University of Denver College of Law)
- \_\_\_\_\_ Dick. J. Int'l L. (The Dickenson School of Law)
- \_\_\_\_\_ Duke J. Comp. & Int'l L. (Duke University School of Law)
- \_\_\_\_\_ East Eur. Const. Rev. (University of Chicago Law School)
- \_\_\_\_\_ Emory J. Int'l Disp. Resol. (Emory University School of Law)
- \_\_\_\_\_ Emory Int'l L. Rev. (Emory University School of Law)
- \_\_\_\_\_ Fla. J. Int'l L. (University of Florida College of Law)
- \_\_\_\_\_ Fordham Int'l L.J. (Fordham University School of Law)
- \_\_\_\_\_ Geo. Wash. J. Int'l L. & Econ. (The George Washington University National Law Center)
- \_\_\_\_\_ Georgetown Int'l Envtl. L. Rev. (Georgetown University Law Center)
- \_\_\_\_\_ Ga. J. Int'l & Comp. L. (University of Georgia School of Law)
- \_\_\_\_\_ German Am. L.J. (non-law school publisher)
- \_\_\_\_\_ Harv. Int'l L.J. (Harvard University Law School)
- \_\_\_\_\_ Hastings Int'l & Comp. L. Rev. (Hastings College of Law)
- \_\_\_\_\_ Hous. J. Int'l L. (University of Houston Law Center)
- \_\_\_\_\_ ICSID Rev.—Foreign Investment L.J. (non-law school publisher)
- \_\_\_\_\_ ILSA J. Int'l & Comp. L. (Shepard Broad Law Center/ Nova Southeastern University)
- \_\_\_\_\_ Ind. Int'l & Comp. L. Rev. (Indiana University School of Law—Indianapolis)
- \_\_\_\_\_ Ind. J. Global Legal Stud. (Indiana University School of Law—Bloomington)
- \_\_\_\_\_ Int'l J. Comp. & Applied Crim. Just. (non-law school publisher)
- \_\_\_\_\_ Int'l J. Legal Information (non-law school publisher)
- \_\_\_\_\_ The Int'l Law. (Southern Methodist University School of Law)
- \_\_\_\_\_ Int'l Legal Persp. (Northwestern School of L. of Lewis & Clark College)
- \_\_\_\_\_ Int'l Tax & Bus. Law. (Boalt Hall School of Law/ University of California)
- \_\_\_\_\_ The Int'l Tax J. (non-law school publisher)
- \_\_\_\_\_ J. Chinese L. (Columbia Law School)
- \_\_\_\_\_ J. Int'l L. & Prac. (Detroit College of Law at Michigan State University)
- \_\_\_\_\_ J. Int'l Legal Stud. (George Mason University School of Law)
- \_\_\_\_\_ J. Transnat'l L. & Pol'y (Florida State University College of Law)
- \_\_\_\_\_ Law & Pol'y Int'l Bus. (Georgetown University Law Center)
- \_\_\_\_\_ Loy. L.A. Int'l & Comp. L.J. (Loyola Law School)
- \_\_\_\_\_ Md. J. Int'l L. & Trade (University of Maryland School of Law)
- \_\_\_\_\_ Mich. J. Int'l L. (University of Michigan Law School)
- \_\_\_\_\_ Minn. J. Global Trade (University of Minnesota Law Center)
- \_\_\_\_\_ New Europe L. Rev. (Benjamin N. Cardozo School of Law)
- \_\_\_\_\_ N.Y. Int'l L. Rev. (non-law school publisher)
- \_\_\_\_\_ N.Y. L. Sch. J. Int'l & Comp. L. (New York Law School)

- \_\_\_\_\_ N.Y. U. J. Int'l L. & Pol. (New York University School of Law)
- \_\_\_\_\_ N.C. J. Int'l L. & Comm. Reg. (University of North Carolina School of Law)
- \_\_\_\_\_ Nw. J. Int'l L. & Bus. (Northwestern University School of Law)
- \_\_\_\_\_ Ocean Dev. & Int'l L. (University of Oregon School of Law)
- \_\_\_\_\_ Pace Int'l L. Rev. (Pace University School of Law)
- \_\_\_\_\_ Pac. Rim L. & Pol'y J. (University of Washington School of Law)
- \_\_\_\_\_ The Parker Sch. J. East Eur. L. (Columbia University School of Law)
- \_\_\_\_\_ The St. Louis-Warsaw Transatlantic L.J. (St. Louis University School of Law)
- \_\_\_\_\_ Sw. J. L. & Trade in the Americas (Southwestern University School of Law)
- \_\_\_\_\_ Stan. J. Int'l L. (Stanford University School of Law)
- \_\_\_\_\_ Suffolk Transnat'l L. Rev. (Suffolk University Law School)
- \_\_\_\_\_ Syracuse J. Int'l L. & Com. (Syracuse University College of Law)
- \_\_\_\_\_ Tem. Int'l & Comp. L.J. (Temple University School of Law)
- \_\_\_\_\_ Texas Int'l L.J. (University of Texas School of Law)
- \_\_\_\_\_ Third World Legal Stud. (non-law school publisher)
- \_\_\_\_\_ Touro Int'l L. Rev. (Jacob D. Fuchsberg Law Center/ Touro University)
- \_\_\_\_\_ Transnat'l L. & Contemp. Probs. (The University of Iowa College of Law)
- \_\_\_\_\_ The Transnat'l Law. (McGeorge School of Law)
- \_\_\_\_\_ Tulane Eur. & Civ. L.F. (Tulane University School of Law)
- \_\_\_\_\_ Tulane J. Int'l & Comp. L. (Tulane University School of Law)
- \_\_\_\_\_ Tulsa J. Comp. & Int'l L. (The University of Tulsa College of Law)
- \_\_\_\_\_ UCLA Pac. Basin L.J. (UCLA School of Law)
- \_\_\_\_\_ U.S.-Mex. L. J. (University of New Mexico College of Law)
- \_\_\_\_\_ U. Miami Inter-Am. L. Rev. (University of Miami School of Law)
- \_\_\_\_\_ U. Miami Y.B of Int'l L. (University of Miami School of Law)
- \_\_\_\_\_ U. Pa. J. Int'l Econ. L. (University of Pennsylvania Law School)
- \_\_\_\_\_ Vand. J. Transnat'l L. (Vanderbilt University School of Law)
- \_\_\_\_\_ Va. J. Int'l L. (University of Virginia School of Law)
- \_\_\_\_\_ Willamette Bull. Int'l L. & Pol'y (Willamette University College of Law)
- \_\_\_\_\_ Wis. Int'l L.J. (University of Wisconsin Law School)
- \_\_\_\_\_ The Yale J. Int'l L. (Yale Law School)

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.

Dr. Gregory Crespi, SMU School of Law  
Dallas, Texas 75275-0116

Additional Comments:

**Appendix B: Survey Form Cover Letter**

November 4, 1996

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 international and comparative law fields as to the reputations of the different U.S.-published journals 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 journal 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 status 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 few if any comparable efforts 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 international or comparative law will find that there is very little information generally available concerning the relative status of the almost 90 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 250 persons listed in *The AALS Directory of Law Teachers* (1995-96) as having taught either comparative law or international law, or both, for "over ten years." That survey form lists the 71 student-edited and the 17 peer-edited "International and Comparative Law" specialty 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.

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

Sincerely yours,  
Dr. Gregory Crespi, SMU School of Law  
Dallas, Texas 75275-0116

Encl.: Survey Form & Return Envelope