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Scholarly Impact of Law School Faculties in 2018: Updating the Leiter Score Ranking for the Top Third

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REPORT ON SCHOLARLY IMPACT

SCHOLARLY IMPACT OF LAW SCHOOL FACULTIES IN 2018: UPDATING THE LEITER SCORE RANKING FOR THE TOP THIRD

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SUMMARY:

This updated 2018 study explores the scholarly impact of law faculties, ranking the top third of ABA-accredited law schools. Refined by Brian Leiter, the “Scholarly Impact Score” for a law faculty is calculated from the mean and the median of total law journal citations over the past five years to the work of tenured faculty members. In addition to a school-by-school ranking, we report the mean, median, and weighted score, along with a listing of the tenured law faculty members at each school with the ten highest individual citation counts.

The law faculties at Yale, Harvard, Chicago, New York University, and Columbia rank in the top five for Scholarly Impact. The other schools rounding out the top ten are Stanford, the University of California-Berkeley, Duke, Pennsylvania, and Vanderbilt.

The most dramatic rises in the 2018 Scholarly Impact Ranking were by four schools that climbed sixteen ordinal positions: Kansas (to #48), USC (to #23), the University of St. Thomas (Minnesota) (to #23), and William & Mary (to #28). In addition, two schools rose by 10 spots: Florida State (to #29) and San Francisco (to #54).

Several law faculties achieve a Scholarly Impact Ranking in 2018 that is well above the law school rankings reported by *U.S. News* for 2019:

Vanderbilt (at #10) repeats its appearance within the top ten for Scholarly Impact but is ranked lower by *U.S. News* (at #17). Among the top ranked schools, the University of California-Irvine experiences the greatest incongruity, ranking just outside the top 10 (#12) for Scholarly Impact, but holding a *U.S. News* ranking nine ordinal places lower (at #21).

In the Scholarly Impact top 25, George Mason rises slightly (to #19), but remains under-valued in *U.S. News* (at #41). George Washington stands at #16 in the Scholarly Impact Ranking, while falling just inside the top 25 (at #24) in *U.S. News*. The most dramatically under-valued law faculty remains the University of St. Thomas (Minnesota), which now ranks inside the top 25 (at #23) for Scholarly Impact, while being relegated by *U.S. News* below the top 100 (at #113)—a difference of ninety ordinal levels.

TABLE 1:
SUMMARY OF SCHOLARLY IMPACT RANKING OF LAW
FACULTIES, 2018

Rank	Law School	Weighted Score
1	Yale	1474
2	Harvard	1252
3	Chicago	1119
4	NYU	979
5	Columbia	892
6	Stanford	862
7	Cal-Berkeley	803
8	Duke	763
9	Pennsylvania	722
10	Vanderbilt	671
11	UCLA	644
12	Cal-Irvine	638
13	Cornell	620
14	Michigan	560
14	Northwestern	556
16	George Washington	537
16	Virginia	529
16	Georgetown	527
19	Texas	492
19	George Mason	485
21	Minnesota	467
21	Washington University	465
23	Cal-Davis	445
23	U. St. Thomas (MN)	438
23	USC	437
26	Notre Dame	421
27	Boston University	420
28	William & Mary	382
29	Colorado	374
29	Florida State	372
29	Fordham	369
32	Cardozo	353
32	Emory	348
32	Case Western	347

Rank	Law School	Weighted Score
32	Arizona	346
36	Indiana-Bloomington	344
36	Illinois	343
36	North Carolina	333
36	U. San Diego	333
36	Arizona State	332
41	Maryland	326
41	Utah	323
41	Ohio State	318
44	Wake Forest	312
44	Hastings	311
44	Chicago-Kent	306
44	Brooklyn	304
48	Kansas	293
49	Alabama	286
49	BYU	278
49	Hofstra	275
52	Temple	267
52	UNLV	264
54	San Francisco	255
54	Pittsburgh	254
54	Richmond	249
54	Missouri	245
58	Florida	240
58	Iowa	239
58	Santa Clara	238
58	Boston College	234
58	Georgia	229
58	Houston	228
64	Denver	227
64	Hawaii	225
64	American	224
64	Loyola-LA	224
64	Washington & Lee	217

SCHOLARLY IMPACT OF LAW SCHOOL FACULTIES IN 2018: UPDATING THE LEITER SCORE RANKING FOR THE TOP THIRD

GREGORY SISK, NICOLE CATLIN, KATHERINE VEENIS
& NICOLE ZEMAN*

I. THE WHY OF LAW FACULTY SCHOLARSHIP AND THE HOW OF SCHOLARLY IMPACT

Why should a law professor engage in scholarly writing?¹ Especially in an era of financial challenges for legal education, why should a law school devote precious resources to support its faculty in scholarly engagement? And how should a law faculty evaluate whether it is succeeding as a scholarly community?

A. *Why Should a Law Professor Engage in Scholarship?*

For most academics, the answer to the “why” of scholarship comes from within. Productive, engaged, intellectually vibrant scholars have a curious mind. They eagerly seek to better understand the world and to solve the mysteries of the universe (or, at least, some part of that universe). Successful legal scholars find tremendous satisfaction in grappling with a legal question, carefully thinking it through, and reaching a well-grounded and reasoned resolution. At a recent conference on legal scholarship, Stanley

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1. For discussion of these perennial questions in our prior updates of the Scholarly Impact Ranking, see Gregory C. Sisk, Valerie Aggerbeck, Debby Hackerson & Mary Wells, *Scholarly Impact of Law School Faculties in 2015: Updating the Leiter Score Ranking for the Top Third*, 12 U. ST. THOMAS L.J. 100 (2015) [hereinafter *Scholarly Impact in 2015*]; Gregory C. Sisk, Valerie Aggerbeck, Nick Farris, Megan McNevin & Maria Pitner, *Scholarly Impact of Law School Faculties in 2012: Applying Leiter Scores to Rank the Top Third*, 9 U. ST. THOMAS L.J. 838 (2012) [hereinafter *Scholarly Impact in 2012*].

Fish related that he writes about a legal problem because he's "trying to get it right."² After being drawn to a "puzzle" because prior answers appear wrong or something is missing and then "figur[ing] it out," Fish describes the satisfaction of reaching an answer and sharing it with others as "almost a satisfaction of engaging in athletic performance."³ In this way, legal scholarship is robust, adept, and creative problem-solving, whether the problem being addressed is theoretical, doctrinal, empirical, or practice-oriented.

As Tamara Piety observes, "[w]e engage in the production of legal scholarship for all sorts of reasons—the search for the truth, professional distinction, sheer pleasure, or compulsion [that is, to achieve tenure]."⁴ Many write to provoke or continue a theoretical debate with other scholars, an intellectual disputation that seeks a firmer foundation for legal doctrines or a re-examination of legal premises. An increasing number of legal scholars study the legal system and the legal profession, setting the stage for law reform and strengthening professional formation. Some write to propose a new archetype for understanding a field of law.⁵ Others write to make a practical, utilitarian contribution to the legal profession and judges by addressing a discrete legal issue. Still others write to advance social justice, however that may be defined. And some even write for what may be called artistic reasons, seeing a "significant aesthetic value" in legal scholarship that resonates with the reader.⁶

These individual motivations for solving problems through scholarly reasoning dovetail with the reasons for appropriate institutional support for law professors to engage in scholarly activities. Law schools teach students to be problem-solvers by capably applying the tools of jurisprudential theories, legal doctrines, the legal method, and legal sources, and, crucially, by emphasizing critical analysis. Why then would a law school want to see a law professor retire to the role of an academic spectator who does not personally engage in the challenge of solving a legal "puzzle" and who no longer experiences the satisfaction of "figuring it out?" Methodical analysis typically means working through the problem in a complete, tightly-reasoned, and, yes, *written* form that will be submitted for scrutiny by a reading audience, whether that audience be other scholars, judges, law partners, opposing parties in negotiations, or inquiring clients. Why would students want to learn from the law professor who arrives at the classroom podium

2. Symposium, *Conference on the Ethics of Legal Scholarship*, 101 MARQ. L. REV. 1083, 1099 (2018) (remarks of Stanley Fish).

3. *Id.*

4. Tamara R. Piety, *In Praise of Legal Scholarship*, 25 WM. & MARY BILL RTS. J. 801, 806 (2017).

5. See Martha Minow, *Archetypal Legal Scholarship: A Field Guide*, 63 J. LEGAL EDUC. 65 (2013).

6. Omri Ben-Zvi & Eden Sarid, *Legal Scholarship as Spectacular Failure*, 30 YALE J. L. & HUMAN. 1, 1–3 (2018).

only after abandoning rigorous written engagement with legal problems? How can we expect students to be inspired to engage in professional leadership, provide masterful and dedicated client representation, and lead principled law reform if their professors do not exemplify the intellectual curiosity, breadth of thought, and conscientious inquiry of a legal scholar?

To be sure, there are methods other than scholarly writing by which to exercise the critical analysis muscles, exemplified most notably by faculty supervising legal clinics who thereby remain immersed in creative legal problem-solving.⁷ For the full-time classroom teacher, however, alternatives to scholarly research and writing are not as readily available to keep the intellectual juices flowing. There is a reason, after all, that non-productive tenured professors have traditionally been described by their own colleagues as “deadwood.” Fruitful scholarly cultivation rejuvenates the individual law professor and nourishes a lively academic community.⁸

In our 2015 update of the Scholarly Impact Ranking, we quoted the following passage from Dean Arcila that bears repeating today:

To maximize the benefits of a legal education, research and scholarship must have a prominent role because they are central to the role of institutions of higher education as creators of knowledge and fonts of ideas about law’s role in society, government, and business. Research and scholarship are also central because they inform and therefore help fulfill the teaching mission by deepening law professors’ knowledge and thinking about the subject at hand. Often, this deepening becomes even more useful and profitable because it extends into related fields. All of this results in a private benefit to law students as well as a public benefit to society at large.⁹

As with anything important and worthwhile, there are costs. And where there are costs, there often must be trade-offs. That, in turn, requires finding the right balance. Some law schools may decide—by necessity, strategic-planning, or both—that faculty legal scholarship cannot hold the

7. For this and other reasons, especially demands on time by clinical teaching and practice, our study of scholarly impact generally does not include faculty with a primary assignment in the clinic, unless a particular law school informs us that faculty in their clinic have identical scholarly expectations with other faculty. See *infra* Section II.B; *Scholarly Impact in 2012*, *supra* note 1, at 848–49.

8. For discussion of the supposed trade-off between faculty scholarly activity and teaching quality, including evidence that productive and prominent scholars are also outstanding teachers, see *Scholarly Impact in 2015*, *supra* note 1, at 106–07.

9. Fabio Arcila, Jr., *The Future of Scholarship in Law Schools*, 31 *TOURO L. REV.* 15, 18 (2014).

same priority given to it in the past.¹⁰ A change in balance, however, should not mean an abdication from scholarship.¹¹

Nonetheless, some go so far as to argue that many law professors, at least at lower-ranked law schools, may be expected to focus exclusively on classroom teaching, skills training, and administrative service.¹² Others fear that transformation of lower-tier law schools into legal trade schools taught by faculty disengaged from legal scholarship would be a slippery slope toward an even more stratified legal academy.¹³ The leading law schools populated by scholarly faculty will continue to educate the whole person—intellect, leadership qualities, and professional skills. But under the stripped-down legal education envisioned by some, lower-ranked schools taught by non-scholars would turn out lawyers competent to handle routine legal matters but deprived of the intellectual capacities and professional competencies for representing clients in complex legal matters and for spearheading meaningful legal reform.

To begin with, we should not discount the legal problems of the poor and middle class as “small and mundane” or assume they may be adequately addressed by law graduates from “abbreviated programs” of law schools divested of scholarly faculty.¹⁴ As Jay Sterling Silver reminds us, “[w]hat often appears to be a simple will, divorce, or an open-and-shut criminal prosecution is not when counsel with a well-trained mind and a broad legal education looks more deeply.”¹⁵ Emphasizing that “[c]learly there are aspects of individual practice that require facility with complex concepts,” Lucille Jewel observes “that trial work for individual clients

10. See Jeffrey L. Harrison & Amy R. Mashburn, *Citations, Justifications, and the Troubled State of Legal Scholarship: An Empirical Study*, 3 TEX. A&M L. REV. 45, 49 (2015) (inviting “critical evaluation of the resources invested in legal scholarship and consideration of whether at least some of those resources should be redirected and managed differently”); Olufunmilayo B. Arewa, Andrew P. Morriss & William D. Henderson, *Enduring Hierarchies in American Legal Education*, 89 IND. L.J. 941, 1013–14 (2014) (predicting “a world in which law schools choose different strategies generally and different approaches to production of scholarship in particular”).

11. For some evidence of a marginal shift in the balance at the schools included in our ranking, as reflected in a decline in overall citations to scholarly works from 2015 to 2018, see *infra* Section II.E.

12. See BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* 61 (2012) (arguing that at “lower-ranked” schools, the “students should not be made to bear a costly burden for faculty research”); Philip L. Merkel, *Scholar or Practitioner? Rethinking Qualifications for Entry-Level Tenure-Track Professors at Fourth-Tier Law Schools*, 44 CAP. U. L. REV. 507, 522 (2016) (arguing that because “[t]he mission of fourth-tier law schools is to prepare students for legal practice,” such schools should not hire faculty “whose main qualification is the ability to produce academic scholarship”); Dan Subotnik & Laura Ross, *Scholarly Incentives, Scholarship, Article Selection Bias, and Investment Strategies for Today’s Law Schools*, 30 TOURO L. REV. 615, 618, 628–29 (2014) (asking whether “lavishing all these resources on scholarship make[s] sense for law schools” and suggesting that a heavy investment in faculty scholarship is not a wise strategy for third and fourth tier law schools).

13. See Jay Sterling Silver, *Responsible Solutions: Reply to Tamanaha and Campos*, 2 TEX. A&M L. REV. 215, 216 (2014).

14. *Id.* at 219.

15. *Id.*

often requires facility with sophisticated scientific theories (forensic and medical) and the cognitively challenging mine fields presented by evidentiary and civil procedure rules.¹⁶ Moreover, graduates of regional and local law schools regularly become leaders in both state and local government and legal systems, meaning that an impoverished legal education could have unhealthy societal consequences.

Even under challenging economic circumstances, most law schools appear to have concluded that scholarly activity remains a core faculty responsibility—even as the balance adopted by many law schools outside the very top tier has shifted toward higher teaching loads and greater administrative responsibilities for full-time tenured and tenure-track faculty. In this period of adjustment, law schools are building a culture that even more deliberately connects a strong scholarly mission to the student experience and educational quality.¹⁷

The one-third of American law schools ranked in this 2018 study have maintained a commitment to legal scholarship by faculty, thus upholding academic responsibilities both to the larger community (the university, profession, and society) in understanding and reforming the law and to students by ensuring an active intellectual life as part of professional education.

B. How Should the Scholarly Impact of Law Faculties Be Measured?

Because the practice of scholarly research and writing should be understood as an open engagement with others, it is anything but a solitary activity. The hermit sage who writes solely for personal gratification contributes little or nothing to the intellectual environment of the legal academy. But the impactful legal scholar writes for an audience. It is right and just, then, to ask whether anyone is reading what we have written.¹⁸ And any law school that claims to be a leader in the legal academy should, as a matter of integrity, have an objective basis for asserting that its faculty is capturing the attention and critical response of other scholars.

A healthy debate continues about how best to evaluate the scholarly strengths of law faculties. Among the measures that have been proposed

16. Lucille A. Jewel, *Tales of a Fourth Tier Nothing. A Response to Brian Tamanaha's Failing Law Schools*, 38 J. OF THE LEG. PROF. 125, 132 (2013).

17. See Robert K. Vischer, *How Should a Law School's Religious Affiliation Matter in a Difficult Market?*, U. TOLEDO L. REV. 307, 312–14 (2017) (addressing value of faculty scholarship “to advance knowledge and thereby contribute to human flourishing” and emphasizing “the formative potential of inviting students to be active participants in a law school’s scholarly culture”); Jewel, *supra* note 16 at 129 (rejecting the “dichotomous view of legal scholarship and law teaching, arguing that scholarship and legal theory carry a unique practical value for students, particularly in the context of a non-elite legal education”).

18. See Theodore Eisenberg & Martin T. Wells, *Ranking and Explaining the Scholarly Impact of Law Schools*, 27 J. LEGAL STUD. 373, 374 (1998) (observing that a scholarly impact ranking based on citations “assesses not what scholars say about schools’ academic reputations but what they in fact do with schools’ output”).

and regularly tested, the Scholarly Impact Scores pioneered by Brian Leiter at the University of Chicago and now updated every three years by our team at the University of St. Thomas (Minnesota) continue to be most prominent.¹⁹ According to Vikram Amar, these Scholarly Impact Scores have become “second among law school rankings in prominence, beneath only the U.S. News ratings.”²⁰ Gary Lucas likewise describes the Leiter-Sisk ranking as “the industry standard for comparing law faculties based on scholarly impact.”²¹ This present study updates the Scholarly Impact Ranking for 2018.

Evaluation of Scholarly Prominence: As we have emphasized with each prior update of our Scholarly Impact Rankings and carefully reiterate here, there are many ways to evaluate scholarly achievement (especially for the individual faculty member): productivity by numbers of books and articles published; book awards, prizes and awards for scholarly articles; publication in well-recognized peer-reviewed journals; prestige of placement of books with leading publishers and articles in leading journals; membership in the American Academy of Arts and Sciences; invitations to serve as a reporter for an American Law Institute project; and downloads from electronic databases (such as the Social Science Research Network).

Effective pedagogical works and writings aimed at students are less likely to draw citations from other scholars and may be recognized by class adoptions as teaching materials, testimonies from instructors using the materials, or the number of downloads on the Social Science Research Network. Interdisciplinary work may attract a large following in the journals of another discipline, although many influential interdisciplinary law scholars also have significant followings inside the legal academy and are among the most highly-cited scholars in our study. Scholars on courts, procedure, litigation, or in fields subject to litigation may be recognized by citations in judicial opinions, as we explored in a separate study of “judicial impact” at the time of our last update.²²

19. See Brian Leiter, *Measuring the Academic Distinction of Law Faculties*, 29 J. LEGAL STUD. 451, 469 (2000) [hereinafter *Measuring the Academic Distinction of Law Faculties*]; Brian Leiter, *Top 25 Law Faculties in Scholarly Impact, 2005–2009*, BRIAN LEITER’S LAW SCHOOL RANKINGS, www.leiterrankings.com/faculty/2010_scholarlyimpact.shtml [hereinafter *2010 Top 25*].

20. Vikram David Amar, *What a Recently Released Study Ranking Law School Faculties by Scholarly Impact Reveals, and Why Both Would-Be Students and Current/Prospective Professors Should Care*, JUSTIA: VERDICT (Aug. 3, 2012), <https://verdict.justia.com/2012/08/03/what-a-recently-released-study-ranking-law-school-faculties-by-scholarly-impact-reveals-and-why-both-would-be-students-and-currentprospective-professors-should-care>.

21. Gary M. Lucas, Jr., *Measuring Scholarly Impact: A Guide for Law School Administrators and Legal Scholars*, 165 U. PA. L. REV. ONLINE 165, 170 (2017).

22. Nick Farris, Valerie Aggerbeck, Megan McNevin & Greg Sisk, *Judicial Impact of Law School Faculties* at 1, 2, 5, (U. St. Thomas Law Research Paper) (Sept. 2016) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2826048 (Sept. 2016) (finding that “a certain subset of [legal] scholars are both noticed and cited by the judiciary as well as their peers,” with a “moderate correlation” between scholarly and judicial impact for these professors). A study of “judicial im-

Scholars may also adduce individually tailored examples of how scholarly work has influenced legal decision-makers, gained attention for a new vision of legal theory, advanced pedagogical innovation, and otherwise made an impact.

In sum, while the citation in a published work of legal scholarship is the data point of this present ranking, “a citation study is only one measure of a scholar’s contribution to a field.”²³

Benefits of Objective Citation Measure: As applied to a law faculty collectively, a citation-based measure has the distinct advantage of capturing a significant part of such individual faculty achievements in a manner that places all legal scholarship in the same measurement space. In our view, a citation-based measure is superior for such comparisons, as it provides a reasonably accurate measure of how a law faculty as a whole impacts legal scholarship.

At the individual law professor level, as Eli Wald notes, citation counts remain “relevant and important because they tend to reflect the level of engagement that one’s scholarship generates.”²⁴

Citation counts objectively measure impact,²⁵ as contrasted with impressionistic guesses and unexamined anecdotes of scholarly influence on others in the legal academy. As Brian Leiter acknowledged from the beginning, “one would expect scholarly impact to be an imperfect measure of academic reputation and/or quality,” but “an imperfect measure may still be an adequate measure.”²⁶ Albert Yoon observes that, while imperfect, a cita-

part” based on court citations to law professor scholarship must be conducted separately from a ranking of scholarly impact, because a court citation study requires careful development of tailored search terms, has a much higher rate of false hits, and involves multiple databases of different types of courts (federal/state, appellate/trial). Moreover, submerging the “very low” rate of citations by courts into the larger pool of scholarly article citations would drown the distinct signal of judicial impact. *See id.* at 1.

23. Andrew Perlman, *Top Cited Professional Responsibility/Legal Profession Scholars*, LEGAL ETHICS F. (Jan. 5, 2015), <http://www.legalethicsforum.com/blog/2015/01/top-cited-pr-legal-profession-scholars.html> (listing other contributions to professional responsibility field, including law reform activities, drafting ethics opinions for bar associations, continuing legal education programs, and others); *see also* Mary Whisner, *My Year of Citation Studies, Part 1*, 110 LAW LIBR. J. 167, 168 n.8 (2018) (citing our prior Scholarly Impact Ranking and explaining that we “don’t claim that citation count is a perfect measure of scholarly quality, just that it is an objective measure that can be used”).

24. Symposium, *Conference on the Ethics of Legal Scholarship*, *supra* note 2, at 1100 (remarks of Eli Wald).

25. *See* David L. Schwartz & Lee Petherbridge, *The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study*, 96 CORNELL L. REV. 1345, 1354 (2011) (saying in a study of citations of legal scholarship in court decisions, “measuring the use of legal scholarship by measuring citations in opinions has the benefit of being a fairly objective measure”); Arewa, Morriss & Henderson, *supra* note 10, at 1011 (referring to “objective criteria such as citation counts and the Social Science Research Network (SSRN) downloads” for peer review of faculty scholarship, although acknowledging these “are not perfect measures either”).

26. Leiter, *Measuring the Academic Distinction of Law Faculties*, *supra* note 19, at 470; *see also* James C. Phillips, *Why Are There So Few Conservatives and Libertarians in Legal Academia? An Empirical Exploration of Three Hypotheses*, 39 HARV. J.L. & PUB. POL’Y 153, 169

tion count “is a well-established—and the most objective—measure of quality, both in legal scholarship and other disciplines, including economics.”²⁷ Gary Lucas asserts that “[c]itations are perhaps the single best tool available for measuring scholarly impact,” explaining that “scholars who have higher citation counts tend to have better reputations.”²⁸

Moreover, our primary objective is comparison across law schools collectively. Ted Eisenberg and Martin Wells observed that “[f]or the purpose of ranking schools, it is only necessary that citation frequency correlates with objective quality, not that it perfectly reflects quality.”²⁹

In addition, citation-based measures, such as the Scholarly Impact Scores updated in this study, are more egalitarian and democratic and less subject to the “enduring hierarchies” of law schools that “reflect deeply embedded perceptions of prestige that are reinforced throughout the legal academy and legal profession more generally.”³⁰

- A citation to an article authored by a faculty member at a law school ranked in a lower tier and that is published in a secondary journal at another law school of a similar lower rank carries the same weight as a citation to an article by a Yale law professor that was published in the *Harvard Law Review*. This is not to deny that an appearance in a leading law journal enhances the likelihood that an article will be cited. Nonetheless, when an article draws a citation, it registers the same, regardless of either the journal of the cited source or the journal of the citing article. Moreover, in an era when computer search tools and databases for relevant legal scholarship are ever more available, inexpensive, and user-friendly, an article that is of value to other scholars is more likely today to be discovered regardless of publication venue.³¹
- A citation to an article on wills and trusts contributes to this objective measurement of scholarly impact to the same degree as a citation to an article on constitutional law. To be sure, scholars laboring in certain fields, such as constitutional law,

(2016) (“Citation counts are similar to money: Money is not the only indicator of the quality or value of something, but it is an easily understandable, easily comparable, and relatively strong indicator of value.”).

27. Albert H. Yoon, *Editorial Bias in Legal Academia*, 5 J. LEGAL ANALYSIS 309, 314–15 (2013) (citations omitted).

28. Lucas, *supra* note 21, at 166, 167.

29. Eisenberg & Wells, *supra* note 18, at 377.

30. See Arewa, Morriss & Henderson, *supra* note 10, at 1071.

31. See Alfred L. Brophy, *Law [Review]’s Empire: The Assessment of Law Reviews and Trends in Legal Scholarship*, 39 CONN. L. REV. 101, 106 (2006) (describing “the democratization of legal knowledge through dissemination” on the various electronic databases, resulting in wider and easier distribution of legal scholarship and easy access to pertinent text by computer search terms).

are more likely to be cited than those in other fields.³² However, when a citation study is focused on collective comparisons across law faculties, “field bias becomes less important.”³³

- A citation appearing in the lowest ranked law review in the country is recorded with the same numerical value as one made in the highest ranked law review. Thus, scholars working in particular fields who find it more difficult to place articles in what are conventionally regarded as the leading law reviews—but who successfully provoke a vigorous exchange in specialized, secondary, or lower-ranked law reviews—receive full credit for those citations to their work.

The Scholarly Impact Ranking reported in this study forthrightly measures citations by tenured members of law faculties in American law journals. In preparing rosters of each ranked law school, we limited our study to tenured faculty.³⁴ Because we used the Westlaw database for law reviews and journals,³⁵ our universe of sources was settled as English-language journals in the legal discipline.

As Gary Lucas explains in his thorough and helpful examination of various legal citation measures, “[n]o citation count is perfect,” and “various databases . . . differ [] in scope of coverage.”³⁶ For individual assessment of law professors by law school administrators, consideration of a multitude of databases, including Google Scholar and HeinOnline, may be worthwhile, especially to encompass publications in other languages and register interdisciplinary work cited in social science journals.³⁷ Because those other databases may be examined most efficiently and accurately when individual law professors have prepared public profiles within the database, they do not lend themselves to use in a nationwide comparison, like ours, which requires sifting through more than half a million citations by thousands of law professors at nearly one hundred law schools. Both Westlaw and these alternative databases have their own strengths and drawbacks.³⁸ The reliability and accuracy of the Westlaw database make possi-

32. See Eisenberg & Wells, *supra* note 18, at 375 (“Writing about constitutional law offers the opportunity for the greatest impact on other scholars, probably because the most people teach and write in this area and because student law reviews may be especially amenable to articles about constitutional law.”).

33. Lucas, *supra* note 21, at 169.

34. See *infra* note 41 and accompanying text.

35. See *infra* note 43 and accompanying text.

36. Lucas, *supra* note 21, at 166, 167.

37. *Id.* at 171–173.

38. See *id.*; Brian Leiter, *Westlaw JLR v. Google Scholar*, BRIAN LEITER L. SCH. REP. (Aug. 22, 2018), <http://leiterlawschool.typepad.com/leiter/2018/08/westlaw-jlr-vs-google-scholar.html>; Brian Leiter, *Westlaw searches: misspellings, multi-author articles and other problems*, BRIAN LEITER L. SCH. REP. (Aug. 23, 2018), <http://leiterlawschool.typepad.com/leiter/2018/08/westlaw-searches-misspellings-multi-author-articles-and-other-problems.html>. And awareness of these alternatives holds the potential for methodological improvements. On the perennial problem of ab-

ble the large-scale comparisons reported in this 2018 Scholarly Impact Ranking. And the nature of the “law journals and reviews” database focuses the study on law and legal scholarship and attention within the legal academy.³⁹

II. THE NATURE AND METHODOLOGY OF THIS SCHOLARLY IMPACT STUDY

Pioneered by Brian Leiter at the University of Chicago⁴⁰ and carried forward by our team at the University of St. Thomas (Minnesota) every three years since 2012, these Scholarly Impact Scores measure the collective attention given in American legal journals to the published work of the tenured members of a law faculty.

A. *Selecting Law Schools for Study*

To rank law faculties by scholarly impact in 2018, we examined the tenured faculties of ninety-nine law schools. Based on the results of our prior studies of scholarly impact in 2012 and 2015, we included all law schools that previously scored in or near the top seventy for Scholarly Impact Ranking.

Through the law school associate deans’ listserv, we distributed the list of the law faculties that we planned to study, while inviting other law schools to prepare their own Scholarly Impact study and share that data with us. One other law school did share information with us this year, which resulted in our addition of that school to the 2018 study.

B. *Developing Faculty Rosters for Each Law School*

For the Scholarly Impact Score, the key initial step is to develop a roster for each law school of the tenured faculty who have traditional scholarly expectations. Because the Scholarly Impact Score is derived from citations in legal journals, the proper subject of study is the tenured law school faculty member who is expected to contribute to that genre of legal literature. Accordingly, two categories of law faculty generally may not be fairly

abbreviated citations that substitute “et al.” beyond the first name in a multi-author article, Ted Sichelman has proposed what could be a promising solution that uses HeinOnLine to identify multi-author articles drawing significant citations, which then could be used to supplement Westlaw citation counts for identifiable individuals. Brian Leiter, *Correcting for the problem of multi-author articles cited as “John Smith et al.” in citation studies*, BRIAN LEITER L. SCH. REP. (Aug. 29, 2018), <http://leiterlawschool.typepad.com/leiter/2018/08/correcting-for-the-problem-of-multi-author-articles-cited-as-john-smith-et-al-in-citation-studies.html>. Brian Leiter is incorporating that proposal into his lists of the most highly-cited law professors in certain fields, and we will explore whether Sichelman’s approach could be integrated consistently and fairly efficiently in our general ranking on the next update.

39. Leiter, *Westlaw JLR v. Google Scholar*, *supra* note 38 (“Westlaw is probably a better snapshot of impact on other legal academics.”).

40. Leiter, *Measuring the Academic Distinction of Law Faculties*, *supra* note 19.

included: faculty with a primary appointment in clinical teaching and faculty with a primary appointment in teaching legal research and writing.⁴¹ However, several schools have an “integrated” tenure process, in which identical scholarly expectations are applied to all faculties whatever their teaching assignment. For those schools, all tenured faculty were included. In addition, it would be premature to include untenured faculty, who typically produce fewer articles during the pre-tenure stage and have not yet had an opportunity to build a portfolio of work that in turn draws significant numbers of citations.

A faculty member was credited to the school where he or she has been or will be teaching. Because the study attempts to measure the scholarly impact of a law school’s current congregation of scholars, the faculty on which a law professor now sits receives the full benefit of all citations, past and present. By inquiring of each law school in the study, learning from individual faculty members making a move, and searching the leading on-line list of law faculty moves,⁴² faculty moving from one school to another with tenure were credited to their new school home.

After preparing preliminary faculty rosters for the law schools in our study, we shared those rosters with the deans’ offices at each school, asking for confirmation that the list contained all tenured faculty with standard scholarly obligations. We received many helpful responses, allowing us to correct errors and confirm proper rosters, with an unusually high response rate of 97 percent (96 of 99 law schools).

C. *Conducting the Citation Counts for Scholarly Impact*

Search Term in Westlaw Law Review Database: Defining “Scholarly Impact” as the citation of a law professor’s scholarship in a subsequent work of published legal scholarship, the study measures that “Scholarly Impact” through counts of total citations in law reviews over the past five years. For each tenured faculty member on each law faculty, we searched the “Law Reviews and Journals” database under “Secondary Sources” in Westlaw. For the first time in 2018, we employed the new Westlaw field restriction term “TE” which omits the initial asterisk footnote, thus excluding mere acknowledgments of a professor without any accompanying citation to his or her scholarly work.⁴³ To focus on the preceding five years and exclude mere acknowledgments, we used the search “TE(firstname /2

41. Further discussion of faculty categories included in the roster and the reasons for not including certain categories may be found in *Scholarly Impact in 2012*, *supra* note 1, at 847–53.

42. See Brian Leiter, *Lateral Hires With Tenure or on Tenure-Track, 2017–18*, BRIAN LEITER L. SCH. REP. (June 19, 2018), <http://leiterlawschool.typepad.com/leiter/2018/07/lateral-hires-with-tenure-or-on-tenure-track-2017-18.html>.

43. For further discussion of the new exclusion of the initial asterisk footnote and the pattern of decline in citation counts overall, see *infra* Section II.E.

lastname) and date(aft 2012) and date(bef 2018)).⁴⁴ When a law school alerted us that a faculty member had used more than one name in professional life, we expanded the search term to account for those alternatives.

The Citation Count Process: Citation counts for each tenured faculty member at each law school were conducted independently by two law student research assistants pursuant to a set of instructions and after a training session that included work on a practice faculty roster. Those independent citation count results were then reconciled, double-checked, and re-run if the initial counts did not agree. Overall, we counted 525,578 citations to the scholarly work of 3,378 tenured law professors. After applying the new field restriction term to exclude acknowledgments in the asterisk footnote, as discussed above, and verifying the correct identity of the cited scholar including appropriate use of sampling, as discussed below, we recorded the objective citation counts without further adjustment.⁴⁵

Even though our search in the Westlaw law journal database was restricted to publications dated before 2018, Westlaw continues to add publications with a formal publication date prior to a particular calendar date for some period of time afterward. Thus, even with a date restriction set to articles published in 2017 and earlier, a citation count of a law professor that is conducted in, say, August of 2018 may be slightly higher than the citation count for that same person in May of 2018.⁴⁶ Accordingly, we conducted all citation counts within a two-week period in late May to maintain consistency in counts among all law faculties.

Sampling to Adjust for False Hits: When a faculty member's name included a name or word that may be common in contemporary usage or draw prominent historical references, or when the first set of twenty results in the Westlaw search uncovered false "hits," we did not rely solely on the raw search result count. Instead, we examined the first fifty results (or all results if there were fewer than fifty), compared them to a list of publications by that faculty member (typically through an online curriculum vitae), identified which of the first fifty results were attributed to the person under study, and then applied the percentage of correct hits in that first fifty to the full search results.

44. For professors with multiple middle names or initials, the search term for names was increased to "/3" or "/4".

45. Not only would it be impossible to inspect and review the content and nature of every single one of the more than half a million citations counted in this study, but caution is suggested before too readily intervening in the objective count to evaluate a citation for its purported value, lest the study introduce a dubious subjective dimension. *Scholarly Impact in 2015*, *supra* note 1, at 113. Although some noise will persist, the source of the citation as by a scholar in a scholarly work that was published in a scholarly journal stands as a general validation of authenticity and quality.

46. Indeed, this accretion of pre-2018 citations with addition of new articles to the Westlaw database is continuing as of the date of this report, so that those seeking to replicate these same results by late-summer or fall citation counts may see them increase as much as 3 to 6 percent, perhaps more for highly-cited scholars.

A scholarly critic argues that this method of accounting for false hits is improper because it does not generate random samples and thus should be abandoned in favor of accepting the generated results without adjustment.⁴⁷ For two reasons, failing to adjust by sampling for false hits is not an option.

First, when our sampling method is fully explained and evaluated across the years, we are confident that, although imperfect, it is reasonably reliable. It is true that we do not generate a series of random numbers by which we select the sample of hits, an ideal approach that could not practically be implemented for a study of thousands of professors and more than half a million citations across the Westlaw journals database. By expanding the sampling to fifty results and by applying it based on the most recent hits for a search,⁴⁸ thereby tying the sampling to the general forward-looking purpose of our study, we have achieved a solid and workable compromise. And the proof is in the pudding. We have now used this sampling method on several occasions, and many professors at various law schools who have had incentive to check and re-calculate our results have found no significant error in the sampling method. In addition, across multiple updates, the sampling factors for most professors have been encouragingly consistent from one update to the next.

Second, a failure to use a sampling method would introduce catastrophic error. Our critic argues that adhering to the overall number of hits without any sampling adjustment “bias[es] the score higher than the ‘truth.’”⁴⁹ To say this is an understatement would itself be an understatement. While for most professors, sampling was either unnecessary or the sampling adjustment was marginal, for some individual professors, the effect was dramatic. For multiple professors in our study, whose names correspond to very common words (hypothetically, such names as Susan Anderson or James Page), the false hits exceeded the correct hits by two, three, or four times or more. In several cases, citations adjusted by sampling for a professor produced the solid but modest result of about one hundred, while the unadjusted result was five hundred or more. In one case, the adjusted citations for a professor were in single digits, while the unadjusted figure of several hundred would have made him one of the most highly-cited scholars at his school. In a few instances where an unadjusted count exceeded the adjusted count by a factor of three or more, a failure to adjust for false hits would have changed the ranking of the school itself. The level of false hits for these individual professors was so astoundingly high that simply accepting the unadjusted results would have distorted the overall

47. Phillips, *supra* note 26, at 169–70.

48. The default now for a Westlaw search is to list results in order of “Relevance.” Because that ordering biases the sampling in an odd way, we returned to the old default of listing results by “Date” or reverse chronological order, which also has the merit of focusing attention on the most recent results.

49. Phillips, *supra* note 26, at 170.

mean and median of that school's faculty as a whole and thereby erroneously elevated the school in the ranking.

In sum, our time-tested, but admittedly imperfect, sampling method may introduce some marginal error, which is unlikely to significantly affect faculty-wide means and medians. But a failure to apply the sampling method would introduce exponential error that would severely compromise the accuracy of the rankings.

D. Calculating the Scholarly Impact Scores and Ranking

Following the same approach as Brian Leiter, “[s]chools are rank-ordered by their weighted score, which is the mean X^2 plus the median (since mean is more probative of overall impact than median, it gets more weight in the final score).”⁵⁰

In the detailed ranking table below, the ordinal ranking of law schools is accompanied by a reporting of the mean and the median, as well as the weighted score.

Because law schools with only slightly different weighted scores may not be meaningfully different in scholarly impact, we scaled scores from the top of the overall ranking. As did Leiter, we assigned a scaled score of 100 percent to the law faculty with the first-place position in the ranking, which for 2018 is Yale Law School with a weighted score of 1474. Every other law school faculty's score was then calculated as a percentage of the 1474 score. Law school faculties that shared the same percentage—with standard rounding rules—were listed together as tied for a particular ordinal rank.

Because the scores of law schools below the top third bunch together, even more than the considerable clustering that appears at several points in the ranking, we did not attempt to rank further.⁵¹ Based on our experiences in 2012 and 2015 and again this year, to extend the ranking further would impose ranking level differences on law schools despite greatly diminishing variation in citation counts and would result in ties at ordinal rank levels that would include dozens of law schools. Accordingly, we again choose to rank approximately the top one-third of law school faculties by scholarly impact.

Even among those schools included in this Scholarly Impact top third ranking and even with scaling, the differences between cohorts of schools ranked close together may be small. As Eisenberg and Wells warned, “the move from continuous measures to ordinal ranks based on the continuous measures can both exaggerate and understate differences in the underlying

50. Leiter, *2010 Top 25*, *supra* note 19.

51. The clustering together of schools with scores only slightly apart increased beyond where we ended the ranking at #64 (with a total of 68 law faculties). For example, the law faculties at eleven schools fell just short of the ranking: Drexel, Florida International, Marquette, Northeastern, Pepperdine, Rutgers, Seton Hall, Tennessee, Toledo, Villanova, and Wisconsin.

information content of the continuous measures.”⁵² Accordingly, in table 2, we have not only provided for each law faculty (1) a ranking, but also (2) the Scholarly Impact Score, (3) the mean number of citations, and (4) the median number of citations.

In addition to the ranking of law faculties collectively by Scholarly Impact Scores, the study identifies the ten individual tenured law faculty members at each ranked law school with the highest citation counts (although the list is longer than ten in several instances, by reason of rounding ties). Note that the most cited scholars at each school are listed in alphabetical order by last name, not by ordinal rank within that faculty. In some cases, older tenured professors account for a larger share of a faculty’s high citation count, which may foreshadow changes in scholarly impact for that school in future years. We have followed Leiter’s lead in marking with an asterisk those who turn seventy or older in 2018.

As with any study of this size, involving as it did the painstaking examination of hundreds of thousands of individual citations for thousands of tenured faculty members at nearly one hundred law schools, we undoubtedly have acted on bad information or made errors despite best efforts and multiple cross-checks. Any errors brought to our attention after the August 2018 announcement of the final ranking will be noted by us for adjustment in future updates.

E. Pattern of Declining Citations in 2018 Study

The faithful follower of Scholarly Impact Rankings who compares the results reported here for 2018 with those previously reported in 2015 will notice a distinct pattern of decline in citations over the past three years, for most (but not all) individual scholars and for law school faculties collectively.

Comparing the overall numbers for the tenured faculty at the sixty-nine law schools ranked in 2015 and the sixty-eight schools ranked in 2018, total citations declined by 14 percent over the past three years. Likewise, the mean and median citation numbers and the weighted score for law schools has fallen across the board. For example, the top ranked faculty, the faculty at Yale, scored at 1766 in 2015 and at 1474 in 2018. Looking again at all of the tenured faculty members in the ranked law schools, the mean of 212 in 2015 fell to 184 in 2018, and the median of 138 in 2015 descended to 115 in 2018.

We address here two possible explanations for this decline:⁵³

52. Theodore Eisenberg & Martin T. Wells, *Ranking Law Journals and the Limits of Journal Citation Reports*, INST. FOR EDUC. LEADERSHIP, PAPER IN COMP. ANALYSIS OF INSTS., ECON. AND L. NO. 12, Jan. 2013, at 17.

53. Readers of an earlier draft of this ranking update suggested additional causes of a decline in overall scholarly citations, including replacement of retiring faculty with younger unpublished professors or with clinical faculty, shifts in concentrations of faculty away from certain fields that

First, after our prior updates of the rankings, we have heard persistent and fair criticism about our inclusion of acknowledgments to a professor in a law review article's initial asterisk footnote. In the past, we could not do otherwise without examining every one of the hundreds of thousands of citations, which is simply not practical. Because Westlaw has now created a field restriction on searches that excludes the asterisk footnote, we can confine our search results to citations in the substantive content of an article. This change in methodology has affected the counts for nearly every scholar, typically even more for reputable scholars who may be more likely to be acknowledged by another author.

While we did not conduct a rigorous examination of what we might call the "asterisk footnote effect," our comparison of several individual faculty citation counts with and without the field restriction indicates that this may account for a drop-off in citations of between 2 and 4 percent out of the overall 14 percent decline in citations.

Second, while there has been a delayed effect, a fall-off in scholarly writing by law professors at all but the top schools may be showing up in a measurable way. Since the legal recession, most law schools addressed shrinking law school budgets by reducing the number of full-time faculty and demanding greater time to be spent by the remaining faculty on teaching and administrative responsibilities. If fewer scholarly articles are being written and published overall, then the occasions for citation to the work of scholars will also have constricted.

In our 2015 update to the Scholarly Impact Ranking—after recording an *increase* in overall citations and scores since 2012—we suggested that, for the law schools that ranked in the top third for scholarly impact, they "appear to have met the educational challenge without sacrificing faculty scholarly activity."⁵⁴ That conclusion may have been premature—or at least incomplete.

In retrospect, our 2015 results may have captured only the first stage of the adjustment made by many law schools, that is, the attrition of tenured faculty. We found evidence in 2015 that most of the law schools in our study generally reduced the number of tenured faculty through departure of lower-cited professors, while higher impact scholars remained.⁵⁵ In 2015, at nearly two-thirds of the law schools in our study, retiring faculty had a lower citation mean than those faculty who remained.⁵⁶ Thus, at the faculty resizing stage, the continuing tenured faculty at most law schools had a stronger citation mean and median, which in turn raised that school's Scholarly Impact Score at that point in time.

historically have generated higher citations, or the elimination by some schools of secondary law journals as venues for publication.

54. *Scholarly Impact in 2015*, *supra* note 1, at 103.

55. *Id.* at 108–09.

56. *Id.* at 109.

Three years later, in 2018, the second-stage effect could be emerging. In addition, and as a consequence of becoming smaller, law school faculties at most law schools have had to devote more time to teaching and less to scholarly writing. The process of publishing a scholarly work may take a couple of years (or more), from the research and writing through the law review editing process. Still further time will elapse before the published article is cited, as citing scholars go through the same writing, editing, and publication process. Thus, the effect on overall citations of an increase or decrease in published scholarship may not be noticed for several years. We may now be at the point where this delayed effect is registering.

If the majority of tenured faculty at most law schools have faced increased time constraints, with higher demands for teaching and other tasks, as faculty size has declined, then the resulting downturn in scholarly productivity probably began no earlier than 2010 or 2011. While not yet noticeable in the 2015 study (which included citations only up through 2014), lower citation counts are manifesting now. And remember, even if the tenured faculty at the highest ranked schools have not interrupted legal scholarly productivity, abbreviation of scholarly productivity at most other law schools will result in a decline in the number of citations of works across the board.

Importantly, while the pattern is distinct and applies to most law schools and law professors in our study, the size of the effect is relatively small and, as noted, is undoubtedly caused, in part, by the change in our methodology to exclude asterisk footnote acknowledgments. Moreover, until this trend is confirmed in subsequent updates, we cannot exclude the possibility that the citation decline is due, at least in part, on random variation over time. With those qualifications in mind, then based on our observations, we roughly estimate that about 10 out of the 14 percent reduction in overall citations is attributable to factors other than our change in methodology. Assuming this citation count data is roughly parallel to overall scholarly productivity, then tenured faculty at the top third of law schools ranked by scholarly impact thus far have maintained scholarly output at about 90 percent of the prior level. Accordingly, we may be witnessing a marginal ebb in faculty scholarly activity. If so, we are observing a small-scale shift in balance, but not a retreat from faculty scholarship as a central part of the law school mission.

III. SCHOLARLY IMPACT RANKINGS FOR TOP THIRD
OF LAW FACULTIES, 2018

TABLE 2:
DETAILED SCHOLARLY IMPACT RANKING
OF LAW FACULTIES, 2018

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
1	Yale	1474	540	394	*Ackerman, B.; Amar, A.; Ayres, I.; Balkin, J.; Eskridge, W.; Kahan, D.; Koh, H.; Macey, J.; *Post, R.; Siegel, R.
2	Harvard	1252	467	318	Bebchuk, L.; Fallon, R.; Goldsmith, J.; Kaplow, L.; Lessig, L.; *Shavell, S.; Sunstein, C.; *Tribe, L.; *Tushnet, M.; Vermeule, A.
3	Chicago	1119	394	331	Baird, D.; Ben-Shahar, O.; Ginsburg, T.; Huq, A.; Leiter, B.; *Nussbaum, M.; Posner, E.; *Stone, G.; Strahilevitz, L.; Strauss, D.
4	NYU	979	349	281	Barkow, R.; *Epstein, R.; Friedman, B.; Issacharoff, S.; *Miller, A.; Miller, G.; Pildes, R.; Revesz, R.; *Stewart, R.; Waldron, J.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
5	Columbia	892	325	242	*Coffee, J.; Crenshaw, K.; *Gilson, R.; *Greenawalt, K.; Merrill, T.; Metzger, G.; *Monaghan, H.; *Raz, J.; *Scott, R.; Wu, T.
6	Stanford	862	316	230	*Friedman, L.; *Gordon, R.; Karlan, P.; Lemley, M.; McConnell, M.; O'Connell, A.; Persily, N.; *Polinsky, A.; Rhode, D.; Sklansky, D.; Sykes, A.
7	California-Berkeley	803	305	193	Chemerinsky, E.; *Cooter, R.; Davidoff Solomon, S.; Farber, D.; Haney Lopez, I.; Menell, P.; Merges, R.; *Samuelson, P.; Yoo, J.; *Zimring, F.
8	Duke	763	266	231	Adler, M.; Bradley, C.; *Cox, J.; Garrett, B.; Gulati, M.; Helfer, L.; Rai, A.; Schwarcz, S.; Siegel, N.; Young, E.
9	Pennsylvania	722	267	188	Bratton, W.; *Burbank, S.; Coglianese, C.; Fisch, J.; Hoffman, D.; *Hovenkamp, H.; Parchomovsky, G.; Roberts, D.; *Robinson, P.; Skeel, D.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
10	Vanderbilt	671	251	169	Blair, M.; Bressman, L.; Guthrie, C.; King, N.; Rossi, J.; *Rubin, E.; Ruhl, J.B.; Sherry, S.; Slobogin, C.; Viscusi, W.
11	UCLA	644	231	182	Bainbridge, S.; Carbado, D.; Crenshaw, K.; Kang, J.; Korobkin, R.; Motomura, H.; Raustiala, K.; Salzman, J.; Volokh, E.; Winkler, A.
12	Cal-Irvine	638	232	174	Burk, D. ; Fleischer, V.; Garth, B.; Hasen, R.; Leslie, C.; Menkel-Meadow, C.; Natapoff, A.; Reese, A.; Richardson, L.S.; Shaffer, G.
13	Cornell	620	210	200	*Alexander, G.; Blume, J.; *Clermont, K.; Dorf, M.; Grimmelman, J.; Hans, V.; Heise, M.; Peñalver, E.; Rachlinski, J.; Schwab, S.
14	Michigan	560	194	172	Avi-Yonah, R.; Bagenstos, S.; Crane, D.; Eisenberg, R.; Litman, J.; *MacKinnon, C.; Mendelson, N.; Pritchard, A.; Schlanger, M.; *Schneider, C.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
14	Northwestern	556	207	142	*Allen, R.; Black, B.; Calabresi, S.; Dana, D.; *Diamond, S.; Koppelman, A.; McGinnis, J.; Pfander, J.; *Redish, M.; Rodriguez, D.; Schwartz, D.
16	George Washington	537	200	137	Abramowicz, M.; Cahn, N.; Cunningham, L.; Glicksman, R.; Kovacic, W.; Murphy, S.; *Pierce, R.; Rosen, J.; Selmi, M.; Solove, D.
16	Virginia	529	203	123	*Abraham, K.; Brown, D.; Duffy, J.; *Jeffries, J.; *Kitch, E.; *Laycock, D.; Nelson, C.; Prakash, S.; *Schauer, F.; *White, G.E.
16	Georgetown	527	196	135	Barnett, R.; Cohen, J.; Cole, D.; Katyal, N.; Langevoort, D.; Levitin, A.; Luban, D.; Solum, L.; Thompson, R.; West, R.
19	Texas	492	173	146	Baker, L.; Bone, R.; Golden, J.; *Levinson, S.; McGarity, T.; Mullenix, L.; *Sager, L.; Silver, C.; Vladeck, S.; Wagner, W.; *Westbrook, J.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
19	George Mason	485	176	133	Bernstein, D.; Butler, H.; *Ginsburg, D.; Greve, M.; Kobayashi, B.; Kontorovich, E.; Mossoff, A.; Muris, T.; Somin, I.; Wright, J.; Zywicki, T.
21	Minnesota	467	169	129	Carbone, J.; Cotter, T.; *Frase, R.; Hickman, K.; Hill, C.; Klass, A.; *Kritzer, H.; McDonnell, B.; Painter, R.; *Tonry, M.
21	Washington University	465	166	133	*Appleton, S.; De Geest, G.; Epstein, L.; Joy, P.; Kim, P.; Law, D.; Levin, R.; *Mandelker, D.; Richards, N.; Tamanaha, B.
23	California-Davis	445	165	115	Bhagwat, A.; Chin, G.; Dodge, W.; Elmendorf, C.; Hillman, R.; Horton, D.; Joh, E.; Johnson, K.; Joslin, C.; Lee, P.; Pruitt, L.
23	U. St. Thomas (MN)	438	158	122	Berg, T.; *Delahunty, R.; *Hamilton, N.; Johnson, L.; Kaal, W.; Nichols, J.; Organ, J.; Paulsen, M.; Sisk, G.; Vischer, R.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
23	USC	437	166	105	Barnett, J.; Brown, R.; Estrich, S.; Guzman, A.; Kerr, O.; Kleinbard, E.; Klerman, D.; McCaffery, E.; Rasmussen, R.; Simkovic, M.; Simon, D.
26	Notre Dame	421	138	145	Alford, R.; Bellia, P.; Cushman, B.; *Finnis, J.; Garnett, R.; McKenna, M.; Miller, P.; Nagle, J.; *Newton, N.; O’Connell, M.; Smith, S.; Tidmarsh, J.
27	Boston University	420	156	108	Beermann, J.; Dogan, S.; Fleming, J.; Gordon, W.; Hylton, K.; Lawson, G.; Maclin, T.; McClain, L.; Meurer, M.; Onwuachi-Willig, A.
28	William & Mary	382	126	130	Bellin, J.; Bruhl, A.; Criddle, E.; Devins, N.; Gershowitz, A.; Grove, T.; Heymann, L.; *Marcus, P.; Meese, A.; Oman, N.; Zick, T.
29	Colorado	374	129	116	Anaya, J.; Campos, P.; Gruber, A.; Hart, M.; *Mueller, C.; Norton, H.; Peppet, S.; Schlag, P.; Schwartz, A.; Weiser, P.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
29	Florida State	372	133	106	Abbott, F.; Hsu, S.; Johnson, S.; Kahn, J.; Landau, D.; Logan, W.; Markell, D.; O'Hara O'Connor, E.; Ryan, E.; Seidenfeld, M.; Wiseman, H.; Wiseman, S.; Ziegler, M.
29	Fordham	369	131	107	Brudney, J.; Davidson, N.; Denno, D.; Erichson, H.; Green, B.; Griffith, S.; Huntington, C.; Leib, E.; Reidenberg, J.; Zipursky, B.
32	Cardozo	353	126	101	Buccafusco, C.; Gilles, M.; Herz, M.; Markowitz, P.; Reinert, A.; *Rosenfeld, M.; Scheck, B.; Sebok, A.; Sterk, S.; Zelinsky, E.
32	Emory	348	128	92	Dudziak, M.; *Fineman, M.; Freer, R.; Holbrook, T.; Nash, J.; *Perry, M.; Schapiro, R.; Shepherd, J.; Volokh, A.; Witte, J.
32	Case Western	347	131	85	Adler, J.; Berg, J.; Hill, J.; Hoffman, S.; *Katz, L.; Ku, R.; McMunigal, K.; Nard, C.; Perzanowski, A.; Robertson, C.; Scharf, M.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
32	Arizona	346	119	108	Bambauer, D.; Bambauer, J.; Engel, K.; *Glennon, R.; Massaro, T.; Miller, M.; Orbach, B.; Robertson, C.; Sjostrom, W.; Tsosie, R.
36	Indiana-Bloomington	344	120	104	Dau-Schmidt, K.; Fidler, D.; Fischman, R.; Gamage, D.; Geyh, C.; Henderson, W.; Janis, M.; Johnsen, D.; Lederman, L.; Widiss, D.
36	Illinois	343	132	79	Amar, V.; *Finkin, M.; Heald, P.; Kesan, J.; Lawless, R.; Mazzone, J.; *Moore, M.; Robbennolt, J.; Tabb, C.; Thomas, S.; Wilson, R.
36	North Carolina	333	120	93	Conley, J.; Gerhardt, M.; *Hazen, T.; Hessick, A.; Hessick, C.; Jacoby, M.; Marshall, W.; *Mosteller, R.; Nichol, G.; *Orth, J.
36	U. San Diego	333	134	65	*Alexander, L.; Bell, A.; Dripps, D.; Hirsch, A.; Lobel, O.; McGowan, D.; Ramsey, M.; Rappaport, M.; Sichelman, T.; Smith, S.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
36	Arizona State	332	125	82	*Abbott, K.; Bodansky, D.; *Clinton, R.; Fellmeth, A.; Hodge, J.; Luna, E.; Marchant, G.; *Murphy, J.; *Saks, M.; Weinstein, J.
41	Maryland	326	127	72	Citron, D.; Ertman, M.; Goodmark, L.; Graber, M.; Gray, D.; Pasquale, F.; Percival, R.; Pinard, M.; Stearns, M.; Steinzor, R.
41	Utah	323	118	87	Adler, R.; Anghie, A.; Baughman, S.; Cassell, P.; Contreras, J.; Craig, R.; Davies, L.; *Francis, L.; Peterson, C.; *Reitze, A.
41	Ohio State	318	115	88	Berman, D.; Caldeira, G.; Chamallas, M.; Chow, D.; Cole, S.; Colker, R.; Merritt, D.; Shane, P.; Simmons, R.; Tokaji, D.; Walker, C.
44	Wake Forest	312	117	78	Cardi, W.; Chavis, K.; *Curtis, M.; Green, M.; Hall, M.; Knox, J.; Palmiter, A.; Parks, G.; *Shapiro, S.; Taylor, M.; Wright, R.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
44	Hastings	311	114	83	Depoorter, B.; Dodson, S.; Faigman, D.; Feldman, R.; Lefstin, J.; *Marcus, R.; Mattei, U.; Owen, D.; Roht-Arriaza, N.; Schiller, R.; Williams, J.
44	Chicago-Kent	306	103	100	Andrews, L.; Baker, K.; Dinwoodie, G.; Katz, D.; Krent, H.; Lee, E.; Malin, M.; Marder, N.; *Perritt, H.; Rosen, M.
44	Brooklyn	304	109	86	Baer, M.; Bernstein, A.; Brakman Reiser, D.; Capers, I. B.; Garrison, M.; Gold, A.; Janger, E.; *Karmel, R.; Ristroph, A.; *Schneider, E.; Solan, L.
48	Kansas	293	103	87	Bhala, R.; Drahozal, C.; Harper Ho, V.; Kronk Warner, E.; Levy, R.; Mulligan, L.; Outka, U.; Torrance, A.; Ware, S.; Yung, C.
49	Alabama	286	117	52	Andreen, W.; Andrews, C.; Brophy, A.; *Delgado, R.; Elliott, H.; Horwitz, P.; Krotoszynski, R.; Pardo, M.; *Stefancic, J.; Steinman, A.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
49	BYU	278	101	76	Daniels, B.; *Durham, W.C.; Fee, J.; *Fleming, C.; Gedicks, F.; Hurt, C.; Jensen, E.; Moore, D.; Scharffs, B.; Smith, D.G.
49	Hofstra	275	96	83	Baruch Bush, R.; Burke, A.; Colombo, R.; *Dolgin, J.; Freedman, E.; Ku, J.; Manta, I.; *Neumann, R.; Sample, J.; Stark, B.; *Yaroshefsky, E.
52	Temple	267	94	79	Burris, S.; Dunoff, J.; Hollis, D.; *Kairys, D.; Knauer, N.; Lipson, J.; Mandel, G.; Ramji-Nogales, J.; Sinden, A.; Spiro, P.
52	UNLV	264	96	72	Berger, L.; Cooper, F.; *Edwards, L.; LaFrance, M.; Main, T.; McGinley, A.; Orentlicher, D.; Rapoport, N.; Stempel, J.; Sternlight, J.
54	San Francisco	255	90	75	Davis, J.; Dibadj, R.; Freiwald, S.; Green, T.; Hing, B.; Iglesias, T.; Kaswan, A.; Leo, R.; Nice, J.; Travis, M.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
54	Pittsburgh	254	94	66	Brake, D.; Brand, R.; Carter, W.; Chew, P.; Crossley, M.; Harris, D.; Infanti, A.; Lobel, J.; Madison, M.; Wasserman, R.; Wildermuth, A.
54	Richmond	249	88	73	Cotropia, C.; Eisen, J.; Erickson, J.; Gibson, J.; Lain, C.; Lash, K.; Osenga, K.; Perdue, W.; Robinson, K.; Sachs, N.; *Tobias, C.; Walsh, K.
54	Missouri	245	91	63	Abrams, D.; Bowman, F.; Crouch, D.; Gely, R.; Jerry, R.; Lidsky, L.; Reuben, R.; Schmitz, A.; Strong, S.I.; Wells, C.
58	Florida	240	87	66	Dowd, N.; Fenster, M.; Harrison, J.; Hutchinson, D.; Noah, L.; Page, W.; Rhee, R.; Rosenbury, L.; Sokol, D.; Stinneford, J.; Wolf, M.
58	Iowa	239	84	71	Bohannon, C.; Burton, S.; Estin, A.; Pettys, T.; Rantanen, J.; Steinitz, M.; Tomkovicz, J.; Washburn, K.; Wing, A.; Yockey, J.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
58	Santa Clara	238	89	60	*Cain, P.; Chien, C.; *Glancy, D.; Goldman, E.; Gulasekaram, P.; Love, B.; Oberman, M.; Ochoa, T.; Sloss, D.; Spitko, E.; Yang, T.; Yosifon, D.
58	Boston College	234	82	70	Bilder, M.; Cassidy, R.; Greenfield, K.; Kanstrom, D.; Liu, J.; McCoy, P.; Olson, D.; *Plater, Z.; Ring, D.; Yen, A.
58	Georgia	229	83	63	Barnett, K.; Bruner, C.; Burch, E.; Coenen, D.; Cohen, H.; Leonard, E.; Miller, J.; Polsky, G.; Rodrigues, U.; Rutledge, P.
58	Houston	228	78	72	*Crump, D.; Dow, D.; Fagundes, D.; Flatt, V.; Hoffman, L.; *Joyce, C.; Kumar, S.; Olivas, M.; Roberts, J.; *Sanders, J.; Turner, R.
64	Denver	227	82	63	Arnow-Richman, R.; Brown, J.R.; Chen, A.; García- Hernández, C.; Kamin, S.; *Laitos, J.; Lasch, C.; Leong, N.; Marceau, J.; Wald, E.

Ranking	Law School	Weighted Score	Mean	Median	Most Cited Scholars (* indicates 70 or older in 2018)
64	Hawaii	225	93	39	*Barkai, J.; Beh, H.; *Brown, R.; Burkett, M.; *Callies, D.; Krieger, L.; *Lawrence, C.; Levinson, J.; Matsuda, M.; *Soifer, A.; Yamamoto, E.
64	American	224	84	56	Anderson, J.; Anderson, K.; Carle, S.; Carroll, M.; Davis, A.; Franck, S.; Frost, A.; Hunter, D.; Polikoff, N.; Robbins, I.; Roberts, J.
64	Loyola-LA	224	81	62	Aprill, E.; Hughes, J.; Levenson, L.; Levitt, J.; Miller, E.; Petherbridge, L.; Pollman, E.; Rothman, J.; Strauss, M.; Willis, L.
64	Washington & Lee	217	88	41	Bond, J.; Demleitner, N.; Drumbl, M.; Fairfield, J.; Hellwig, B.; Johnson, L.; Miller, R.; Moliterno, J.; *Rendleman, D.; Seaman, C.

IV. SCHOLARLY IMPACT FINDINGS AND COMPARATIVE RANKING

A. *Summary of Scholarly Impact Ranking and Significant Findings*

Representing about one-third of accredited law schools, sixty-eight law faculties are ranked in this 2018 update of the Scholarly Impact Scores.

The law faculties at Yale, Harvard, the University of Chicago, and New York University continue to be the top four ranked for scholarly im-

pact. Since 2015, Columbia has moved into the fifth position, with Stanford in the sixth.

The University of California-Berkeley has risen two positions since 2015 (to #7). Duke (at #8), Pennsylvania (at #9), and Vanderbilt (at #10) round out the top ten.

The most dramatic rises in the ranking involve four schools that have climbed 16 ordinal spots: Kansas (to #48), USC (to #23), the University of St. Thomas (Minnesota) (to #23), and William & Mary (to #28). In addition, two schools rose by ten positions: Florida State (to #29) and San Francisco (to #54). Three schools moved up by eight positions: Chicago-Kent (to #44), Missouri (to #54), and Wake Forest (to #44).

Three schools are appearing in the Scholarly Impact Ranking for the first time in 2018: Richmond (at #54), Santa Clara at (#58), and Denver (at #64).

B. Scholarly Impact Ranking Compared to U.S. News Rankings

Based on Scholarly Impact Ranking, several law faculties appear to be significantly under-valued in popular rankings of law schools. The faculties at these law schools achieve much higher Scholarly Impact Rankings than the overall ranking assigned by *U.S. News & World Report*:

* Within the top ten for Scholarly Impact, Vanderbilt (at #10) shows a significant gap with *U.S. News* Ranking (at #17). Given that it was also in the top ten for Scholarly Impact Ranking in both 2012 and 2015, Vanderbilt has become a stable presence in the top ten.

* Among schools in or close to the top ten for Scholarly Impact, the University of California-Irvine (at #12) shows the greatest incongruity with the 2019 *U.S. News* ranking at (#21). Since the last ranking, Erwin Chemerinsky, one of the most highly-cited legal scholars in the country (more than 2500 citations in the past five years), left the deanship at California-Irvine to assume the helm at California-Berkeley. Showing that its scholarly power is not dependent on a single person, California-Irvine has maintained its position as a leading scholarly faculty.

* UCLA (at #11) also comes close to the top ten for Scholarly Impact, compared to a *U.S. News* ranking at #16.

* Both in the top 25 of Scholarly Impact and overall, the most dramatically under-valued law school is the University of St. Thomas (Minnesota). The University of St. Thomas ranks inside the top twenty-five (at #23) for Scholarly Impact, while being relegated by *U.S. News* below the top one hundred (at #113)—a difference of ninety ordinal levels.

* Three other law schools within the top twenty-five for Scholarly Impact are dropped down multiple levels in *U.S. News*. In the Scholarly Impact top twenty-five, George Mason rise slightly (to #19), but remains under-valued in *U.S. News* (at #41). George Washington holds (at #16) in

the Scholarly Impact Ranking, while coming just inside the top twenty-five (at #24) in *U.S. News*. And California-Davis ranks at #23 for Scholarly Impact but is fourteen ordinal places lower in the *U.S. News* ranking (at #37).

* In addition to the University of St. Thomas discussed above, three schools show a fifty-position or greater disparity between Scholarly Impact Ranking and *U.S. News* ranking. Hofstra places #49 in the Scholarly Impact ranking but is remarkably under-appreciated for its scholarly contributions when *U.S. News* drops it to #110. The University of San Diego comes into the Scholarly Impact Ranking at #36 but is ranked at #95 in *U.S. News*. And Santa Clara breaks into the Scholarly Impact Ranking at #58, while receiving a *U.S. News* placement of #113.

* One school shows a forty-position or more gap between Scholarly Impact and *U.S. News* rankings. In its 2019 ranking, *U.S. News* places Chicago-Kent at #85, while it comes inside the top 50 of Scholarly Impact at #44.

* Three schools are at least thirty positions higher in Scholarly Impact than *U.S. News* ranking. Brooklyn stands at #83 in the *U.S. News* ranking, but climbs to #44 in Scholarly Impact. Hawaii ranks at #64 in the Scholarly Impact Ranking, but at #101 in *U.S. News*. And Case Western is at #32 in Scholarly Impact, compared to #65 in *U.S. News*.

* The University of San Francisco rises in the Scholarly Impact Ranking to #54 but lingers outside of the *U.S. News* ranking overall and at #122 in the academic reputation survey—a distance of sixty-eight ordinal positions.

The following table lists law faculties in order by Scholarly Impact Ranking for comparison with the schools' 2019 overall ranking in *U.S. News* and the 2019 *U.S. News* academic peer score (based on a survey of law professors) for the *U.S. News* ranking (the latter of which was arranged and ranked in order by Professor Paul Caron on the TaxProf blog).⁵⁷

57. See Paul Caron, *2019 U.S. News Peer Reputation Rankings (And Overall Rankings)*, TAXPROF BLOG (Mar. 20, 2018), http://taxprof.typepad.com/taxprof_blog/2018/03/2019-us-news-law-school-peer-reputation-rankings-and-overall-rankings.html.

TABLE 3:
COMPARISON OF FACULTY SCHOLARLY IMPACT RANKING (2018)
WITH *U.S. NEWS* RANKINGS (2019)

Law School	Scholarly Impact Ranking	<i>U.S. News</i> Ranking (Overall)	<i>U.S. News</i> Academic Reputation (Peer Assessment) Ranking
Yale	1	1	1
Harvard	2	3	1
Chicago	3	4	4
NYU	4	6	4
Columbia	5	5	4
Stanford	6	2	1
California-Berkeley	7	9	7
Duke	8	11	10
Pennsylvania	9	7	7
Vanderbilt	10	17	16
UCLA	11	16	16
California-Irvine	12	21	27
Cornell	13	13	12
Michigan	14	8	7
Northwestern	14	11	12
George Washington	16	24	27
Virginia	16	9	10
Georgetown	16	14	14
Texas	19	15	14
George Mason	19	41	51
Minnesota	21	20	18
Washington University	21	18	18
California-Davis	23	37	21
U. St. Thomas	23	113	127
USC	23	19	20
Notre Dame	26	24	21
Boston University	27	22	21
William & Mary	28	37	33
Colorado	29	46	41
Florida State	29	47	45
Fordham	29	37	33

Law School	Scholarly Impact Ranking	<i>U.S. News</i> Ranking (Overall)	<i>U.S. News</i> Academic Reputation (Peer Assessment) Ranking
Cardozo	32	56	55
Emory	32	22	21
Case Western	32	65	55
Arizona	32	41	41
Indiana-Bloomington	36	32	33
Illinois	36	37	33
North Carolina	36	45	21
U. San Diego	36	95	64
Arizona State	36	27	41
Maryland	41	49	48
Utah	41	54	48
Ohio State	41	32	27
Wake Forest	44	32	41
Hastings	44	58	45
Chicago-Kent	44	85	71
Brooklyn	44	83	71
Kansas	48	74	55
Alabama	49	27	33
BYU	49	41	48
Hofstra	49	110	101
Temple	52	47	55
UNLV	52	59	71
San Francisco	54	tier 2	122
Pittsburgh	54	74	55
Richmond	54	50	64
Missouri	54	65	64
Florida	58	41	33
Iowa	58	27	27
Santa Clara	58	113	80
Boston College	58	27	27
Georgia	58	32	33
Houston	58	56	64
Denver	64	63	55
Hawaii	64	101	80

Law School	Scholarly Impact Ranking	<i>U.S. News</i> Ranking (Overall)	<i>U.S. News</i> Academic Reputation (Peer Assessment) Ranking
American	64	80	51
Loyola-LA	64	65	64
Washington & Lee	64	26	33