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Faculty Productivity Study (2007)

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A Study of Scholarly Productivity of Law Faculties in New England
and the 3rd and 4th Tiers of US News

[Methodology](#)

[Dataset](#)

[Journal List](#)

Per Capita Productivity of Articles in Top Journals, 1993-2007

New England Law Schools

| | |
|--|--|
| 1. Yale University (17.52) | 7. University of Maine (2.85) |
| 2. Harvard University (13.59) | 8. Northeastern University (2.75) |
| 3. Boston University (8.79) | 8. Quinnipiac University (2.70) |
| 4. Boston College (5.09) | 10. New England School of Law (2.47) |
| 5. Roger Williams University (4.84) | 11. Western New England College (1.72) |
| 6. University of Connecticut (4.60) | 12. Suffolk University (1.46) |
| | 13. Vermont Law School (0.86) |

Per Capita Productivity of Articles in Top Journals, 1993-2007

U.S. News 3rd & 4th Tier Law Schools

| | <i>#s 21-40</i> | <i>#s 41-63</i> |
|--|---------------------------------------|-------------------------------|
| 1. Hofstra University (7.16) | California Western School of Law | Creighton University |
| 2. Roger Williams University (4.84) | Cleveland State University | Duquesne University |
| 3. Michigan State University (4.30) | Drake University | Golden Gate University |
| 4. New York Law School (4.17) | Loyola University - New Orleans | Gonzaga University |
| 4. Wayne State University (4.14) | Samford University | Hamline University |
| 6. Capital University (3.71) | Southern Illinois University | John Marshall Law School (IL) |
| 7. University of Mississippi (3.52) | Southwestern Law School | Mississippi College |
| 8. Chapman University (3.34) | St. Thomas University (FL) | Northern Kentucky University |
| 8. Widener University (3.35) | Syracuse University | Nova Southeastern University |
| 10. Willamette University (3.20) | University of Akron | Ohio Northern University |
| 11. University of Wyoming (3.00) | University of Arkansas – Fayetteville | Pace University |
| 12. Northern Illinois University (2.94) | University of Arkansas – Little Rock | South Texas College of Law |
| 13. University of Maine (2.85) | University of Baltimore | St. Mary's University |
| 13. University of Memphis (2.85) | University of Missouri-Kansas City | Suffolk University |
| 15. William Mitchell College of Law (2.77) | University of South Dakota | Texas Tech University |
| 16. Quinnipiac University (2.70) | University of Tulsa | Touro College |
| 17. Albany Law School (2.54) | Valparaiso University | University of Dayton |
| 17. Oklahoma City University (2.57) | Washburn University | University of Detroit Mercy |
| 19. Howard University (2.46) | Western New England College | University of Idaho |
| 19. New England School of Law (2.47) | Whittier Law School | University of Montana |
| | | University of North Dakota |
| | | Vermont Law School |
| | | West Virginia University |

Methodology

This study was conducted during the summer of 2007. The objective was to create a unique dataset – an inventory of the scholarly output in top law journals of the faculties at “non-elite” law schools. That [dataset](#), which is available on this website, provides objective information to assess the relative strength of the “non-elite” schools in scholarly research. It is the basis for the ranking of “Per Capita Productivity of Articles in Top Journals, 1993-2007: U.S. News 3rd and 4th Tier Law Schools.” In that ranking we compare the scholarly output of all law schools that are ABA-accredited, members of the Association of American Law Schools, and appeared in either the 3rd or 4th tier of the U.S. NEWS & WORLD REPORT 2008 Rankings.

In addition, we included in the dataset an identical inventory of the output of several faculties at law schools generally considered more “elite.” That additional information permits us to assess the relative strength of “elite” and “non-elite” schools in this form of scholarly research. That information is the basis for the ranking of “Per Capita Productivity in Top Journals, 1993-2007: New England Law Schools.” In that ranking we compare the scholarly output of all law schools in New England that are ABA-accredited and members of the Association of American Law Schools.

To build the dataset we employed the methodology used by Professor Brian Leiter in his study of per capita faculty productivity based on articles in top journals. Leiter focused exclusively on schools he determined might likely rank in the top 50 nationally, see Brian Leiter, *Measuring the Academic Distinction of Law Faculties*, 29 J. LEGAL STUD. 451, 461-68 (2000)(describing the methodology and results); http://www.leiterrankings.com/faculty/2000faculty_product_journals.shtml#tations (same), which created the void we hoped our study would fill.

For each school we studied, we considered faculty listed in the 2006-2007 AALS DIRECTORY OF LAW TEACHERS, eliminating all emeritus faculty and all faculty members with library, clinical, or legal writing titles. (We included Roger Williams professors who teach clinical courses because they are all tenured and expected to produce scholarship). The resulting faculty lists, like Professor Leiter’s, were intended to include all tenured and tenure-track academic faculty in 2006-2007 who were expected to produce scholarship as a major part of their duties. (The exceptions are the faculty lists for Yale, Harvard, Boston University, and Boston College, which came from Professor Leiter’s most recent citation study. See http://leiterlawschool.typepad.com/leiter/files/law_faculty_lists_0708.rtf. The lists for those schools include, by contrast, all faculty for the current academic year: 2007-2008).

The names on each list were then searched in the Westlaw JLR database as AU (“Law Professor Name”). We modified Professor Leiter’s methodology in one respect. In his study, qualifying articles were those that appeared in what he determined were the 20 leading law journals. For our study, in light of the reality of where faculty who are not at “elite” law schools publish their work, we included law journals generally accepted as a “top 50” placement. We included the general law reviews published by the 54 schools receiving the highest peer assessment scores in the 2008 U.S. NEWS RANKINGS (47 schools had a peer assessment score of 2.9 or higher; 7 had a score of 2.8) and an additional 13 journals

that appear in the top 50 of the *Washington & Lee Law Journal Combined Rankings*. An alphabetical [listing of those journals](#) can be found on this website, as can the U.S. NEWS & WORLD REPORT RANKINGS and *Washington & Lee Law Journal Combined Rankings* on which that list of 67 journals is based.

Qualifying articles were those published since 1993 (the year Roger Williams admitted its first class) in one of those journals. (Of course, forthcoming articles could not be included – if an article did not appear in Westlaw by August 17, 2007, it was not included in the study). For each qualifying article, we used Professor Leiter’s system: 0 points for articles under 6 pages; 1 point for articles 6-20 pages in length; 2 points for articles 21-50 pages in length; and 3 points for articles exceeding 50 pages. For articles appearing in a journal published by the faculty member’s home institution, the points assigned were reduced by one-half. The total number of points for all members of a faculty was divided by the number of faculty, yielding the institution’s per capita score.

On Friday, August 31, 2007, we sent e-mails to all associate deans and deans of faculty development or research at the schools covered by the study, informing them of the study and inviting them to review the preliminary, draft results of the study, which we made available to them on September 5th. We provided those associate deans and research deans access to a file containing a spreadsheet for each school studied with results for each faculty member and total points and a per capita score for each school. For ease of review, the spreadsheet entries were arranged in alphabetical order by school name. Schools were informed to notify us of any errors in the preliminary data within two weeks – by September 19th.

Our efforts to solicit assistance in identifying any errors in the preliminary data were aided by the coverage of the announcement of the study in several blogs related to legal education and legal scholarship. See

<http://leiterlawschool.typepad.com/leiter/2007/09/most-productive.html>
http://lawprofessors.typepad.com/law_librarian_blog/2007/09/size-still-matt.html
<http://prawfsblawg.blogs.com/prawfsblawg/2007/09/scholarship-in-.html>
http://taxprof.typepad.com/taxprof_blog/2007/09/publication-stu.html

And, indeed, we received dozens of e-mails by September 19th in response to our requests, and adjusted our preliminary findings accordingly. The final rankings were derived from the corrected dataset, which is the [dataset](#) available on this website.

- Michael J. Yelnosky
September 26, 2007
Bristol, Rhode Island



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